PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

18 October 2001

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By authority of the Victorian Government Printer

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Thursday, 18 October 2001

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

QUESTIONS WITHOUT NOTICE

Minister for Industrial Relations: Ansett Australia

Hon. P. A. KATSAMBANIS (Monash) — Yesterday in this place in answer to my question on her involvement in Ansett Australia and its attempts to continue to fly the Minister for Industrial Relations said:

> I and other government ministers have been involved with the Australian Council of Trade Unions and the administrators to ensure that any attempt to get Ansett Mark 2 off the ground is done in a way that is affordable and long term.

Based on that answer, I now ask the minister to inform the house exactly when she met with the Australian Council of Trade Unions and the Ansett administrators on this very important matter.

Hon. M. M. GOULD (Minister for Industrial Relations) — As I indicated in the house yesterday, I with other ministers have had discussions with people involved in the Ansett Australia collapse. I have met with the unions and the Australian Council of Trade Unions discussing the issue of putting Ansett back in the air and looking after those employees who, because of the mismanagement of the federal government, unfortunately will lose their jobs following the collapse of Ansett. I have met with the unions and the ACTU and will continue to work cooperatively with them to assist those employees who might be fortunate enough to retain their jobs and those thousands of unfortunate ones — and those who live in my electorate — who will lose their jobs as a result of the mismanagement of the federal government.

Industrial relations: performance networks

Hon. D. G. HADDEN (Ballarat) — The Minister for Industrial Relations has advised the house about the creation of regional high-performance networks. Could the minister advise how these networks relate to the Bracks government's — —

Honourable members interjecting.

The PRESIDENT — Order! I want to hear. Could the members on my left and the minister desist so I can hear the question from Ms Hadden.

Hon. D. G. HADDEN — Could the minister advise how these networks relate to the Bracks government's partnership approach to industrial relations?

Hon. M. M. GOULD (Minister for Industrial Relations) — As the house will be aware, the key policy of the Bracks government is to promote a partnership approach to industrial relations and work practices. This is our policy in respect of both the private and the public sector. There are strong reasons for supporting a partnership approach. A significant amount of evidence collected over a decade shows that a positive and cooperative approach to industrial relations is beneficial to both employers and employees. Evidence shows that a company's profits increase as a result of such an approach, and employees also reap benefits as well.

The regional high performance networks I spoke about have provided effective forums for communicating information about the partnership approach to local government and public sector agencies. Part of the work of Industrial Relations Victoria with those networks has been presenting workshops and assisting facilitation of discussion groups. Some examples of the topics that have been dealt with through those networks, which organisations have indicated to the government are effective, are developing high-performance work systems — the exact opposite of what the opposition did when in government; creating a partnership approach to enterprise bargaining rather than a conflict-based approach, the premise under the Workplace Relations Act; encouraging performance management and reward systems; employee consultation and participation, becoming inclusive rather than exclusive; workplace monitoring programs; and team-based work organisations.

The work in setting up these support networks is still in the early stages but it will continue to evolve. The seminars and workshops also provide a useful basis for developing similar workshops in private organisations in the future.

The program of a partnership approach is in direct contrast to how the opposition operated when in government, which was a divisive and conflict-based approach. The Bracks government will continue to focus on positive aspects of industrial relations rather than indulging in a union-bashing exercise. This approach will continue to grow the whole of the state.

Gas: Somerton pipeline

Hon. ANDREA COOTE (Monash) — My question is to the Minister for Industrial Relations. I

was interested to read in Tuesday's *Age* that the AGL gas pipeline will proceed immediately because the unions lifted their bans after AGL donated $100 000. The article states:

> The Victorian government will fast-track the development of a new regional park along Merri Creek to protect the habitat of the endangered southern bell frog.
>
> Power-generating company AGL will donate $100 000 towards the park to safeguard rare native grasslands and a network of swamps and wetlands between Campbellfield and Craigieburn near the creek.

I ask the minister what role she played in getting those unions back to work.

Hon. M. M. GOULD (Minister for Industrial Relations) — I thank the honourable member for her question, because it was a good result for the government given its commitment to ensure a diverse range of energy generation. I was involved in discussions with the Victorian Trades Hall Council representing the unions that were involved in community concern about the environment in the area, and the outcome of this issue shows the difference between how the Bracks government and the opposition work.

The government sat down with the parties and came to a great result where AGL, as part of the environmental plan it was involved in, established a trust fund. It was established in consultation with — a word the opposition does not understand — and after discussions with trades hall. A consultative committee has been set up to have input on how this trust fund will be developed and used to continue to improve the environment. AGL is continuing its broad environmental commitment to the Victorian community. This example shows another great result for the government from working with parties on an issue, whether it be local residents or the trade union movement.

Consumer affairs: racing computer programs

Hon. R. F. SMITH (Chelsea) — Will the Minister for Consumer Affairs inform the house of what Consumer and Business Affairs Victoria is doing to protect Victorian consumers from falling victim to dubious claims about horseracing computer programs?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The Spring Racing Carnival is upon us, and with it come advertisements and you-beaut claims for horseracing computer programs.

Honourable members interjecting.

The PRESIDENT — Order! It is a serious question, and it is an appropriate time of year for it to be asked. I ask honourable members to my left to allow the response to be heard.

Hon. M. R. THOMSON — Thank you very much, Mr President. It certainly is the right time of year to be raising consumer awareness of these issues. In the past computer programs have been marketed as being able to successfully predict the outcomes of horseraces. Some of the programs have names that suggest they are investment programs, such as ABX-3 investment software or Code XL investment programs. They are therefore likely to mislead consumers as to what the programs are able to achieve.

Essentially the programs are a horse tipping service, and they vary in the way they operate. Some require the consumer to enter the name of the horse, the race and the track details, and then they analyse which horse is most likely to win the race. Some of them provide rankings or ratings of winners. Some programs even tell the consumer, 'Although you have paid for and received your computer software, you do not need a computer! All you have to do is ring a customer service number and they will enter in the details and tell you what you need to know'.

It sounds a bit of a joke, but people are spending up to $6000 on these programs. They are not cheap, and consumers need to be aware that, even if the program sounds like a sure thing, it certainly is not. Consumer and Business Affairs Victoria has received complaints from consumers who have bought these types of computer programs and has followed them up and issued warning letters. CBAV is also investigating advertisements of horseracing computer programs in an attempt to identify any misleading or deceptive advertising. Any breach of fair trading legislation by unscrupulous traders will be vigorously pursued by Consumer and Business Affairs Victoria.

Public sector: employment

Hon. W. R. BAXTER (North Eastern) — I refer to the proud boast of the Minister for Industrial Relations in question time a week or two ago that 6500 public service jobs have been converted to permanent positions. I must say that that announcement sent a shiver down my spine because it was so reminiscent of the Cain and Kirner solution to job creation — put everyone on the public payroll! In her answer the minister stated that permanency was granted to 'ensure we maintain our surplus'. Will the minister explain to the house how paying for a bloated public service is consistent with maintaining a budget surplus?

Hon. M. M. GOULD (Minister for Industrial Relations) — The honourable member obviously does not want to ensure that the public servants who serve the community well are treated with respect and in such a way that they are entitled to be appointed permanent employees if they have been on contracts introduced by the previous government, short-term contracts that ran from something in the order of six months to three years and were continuously rolled over. That situation created uncertainty and insecurity and made it difficult for public servants to apply for home or car loans.

This government is committed to ensuring, wherever possible, that we have a secure public service, a public service that serves the community well, and at the same time maintaining the surplus as indicated in the budget papers. We have done that in a fair and economically responsible way. Over the two years of this government we have converted over 6500 public sector jobs, and we will continue to monitor and identify those areas where the previous government introduced a process of intimidating public servants by having them reapply for their positions every six months to three years. We are proud of the fact that this government is ensuring that we have a safe, secure public service and will continue to look after people's work entitlements.

Electricity: demand management

Hon. KAYE DARVENIZA (Melbourne West) — I understand that the Minister for Energy and Resources recently requested that a demand-side report be prepared by Vencorp. Can the minister explain to the house the purpose of this study and what action the Bracks government is taking to implement the study's recommendations?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the honourable member for her question. This electricity demand-side management study prepared by Vencorp was commissioned by the Bracks government, and I am releasing the report today. The report indicates the level of demand management available in Victoria and how it can be achieved through the national electricity market rather than by government intervention.

While the current available and planned generation in Victoria will be sufficient to meet underlying demand in the state for a number of years, demand management is a very important tool for responding to short-term peaks in demand. This study will assist the government in achieving its objective of providing Victorians with a secure and reliable electricity supply at affordable prices.

The Bracks government is acting to put a plan in place based on this study with a view to implementing strategies to facilitate demand-side response. These strategies include improving customer awareness of demand management options, facilitating demand management aggregators, improving national market rules for demand management, encouraging stand-by generation and encouraging contract market solutions. The report has identified some 200 megawatts of current Victorian demand management response during peak times and suggests that there is greater potential for further demand management as the electricity market matures.

This study is an important step in furthering demand management initiatives in the Victorian electricity market. It complements the Bracks government's broader energy management agenda, including the overall energy efficiency and greenhouse gas reduction strategies implemented by the Sustainable Energy Authority. These actions are also important for the long-term development of the national electricity market and will continue to be actively pursued. Vencorp will lead the implementation of the study's recommendations.

This initiative is another example of the responsible measures being undertaken by the Bracks government to secure Victoria's supply of electricity, in contrast to the do-nothing approach of the previous government.

Minister for Industrial Relations: Ansett Australia

Hon. BILL FORWOOD (Templestowe) — I refer to the fact that the Minister for Industrial Relations has not met with the Ansett administrator and ask: will she now apologise to the house for her misleading statement yesterday when she boasted she had been involved with the administrator?

Hon. M. M. GOULD (Minister for Industrial Relations) — As I indicated in my previous answer and yesterday, a whole-of-government approach has been taken with Ansett, and I and other ministers have been involved in discussions on the collapse of Ansett as a result of the federal government's inaction in this matter. I have met with members of the trade union movement and employer organisations about the long-term effects of that and the fact that a number of employees would lose their jobs as a result of that, as well as hopefully enabling a number of employees to continue. So the difference between this government and what the opposition is doing — —

Hon. Bill Forwood — On a point of order, Mr President, *Daily Hansard* records the minister as saying yesterday:

> I and other government ministers have been involved with the Australian Council of Trade Unions and the administrators to ensure —

et cetera, et cetera. She said 'I' yesterday. The minister now has an opportunity to correct the record, and the opposition is inviting her to do so in her response to my question.

The PRESIDENT — Order! The minister is in the process of responding to the question. Clearly her answer is responsive.

Hon. M. A. Birrell — It is not apposite.

The PRESIDENT — Order! It was certainly a detailed and specific question. I will leave it to the minister as to the way she cares to answer it.

Hon. M. M. GOULD — In answering the question, as I indicated yesterday — I do not really want to quote specifically from *Daily Hansard* — —

Hon. C. A. Furletti — You can quote *Hansard*. It is an answer to a question. You are allowed to quote that.

Hon. M. M. GOULD — I said yesterday:

> Singapore Airlines is coming to Australia to assist the administrator and potential buyers to re-establish …

I am quoting from *Daily Hansard*. I indicated it was a whole-of-government approach.

Hon. Bill Forwood — You said 'I'.

Hon. M. M. GOULD — The whole of government. *Daily Hansard* states:

> I and other government ministers have been involved with the Australian Council of Trade Unions and administrators to ensure that the attempt to get Ansett Mark 2 off the ground is done in a way that is affordable and long term.

And I stand by that answer.

The PRESIDENT — Order! In her two answers the minister has made it clear she did not meet with the administrators. What the house does with that is a matter for the house.

Hon. M. M. GOULD — It is not the case at all.

The PRESIDENT — Order! Is the minister now saying she met with the administrator?

Hon. M. M. GOULD — I am saying that I and other government ministers have been involved with the Australian Council of Trade Unions and the administrators.

The PRESIDENT — Order! The specific question is whether you met with the administrator. That has now been asked twice. Is that a matter of fact? Have you, or is it other ministers who have met with the administrator?

Hon. M. M. GOULD — Other ministers.

Honourable members interjecting.

The PRESIDENT — Order! Other ministers.

Casey Aquatic and Recreation Centre

Hon. G. D. ROMANES (Melbourne) — In light of the Bracks government's commitment — —

Honourable members interjecting.

The PRESIDENT — Order! I ask the house to settle down. We have a member of the government trying to ask a question. We have interventions from two ministers and we have a racket on my left. I am interested in the honourable member being able to ask a question unfettered and the answer being given.

Hon. G. D. ROMANES — In light of the Bracks government's commitment to increase sporting opportunities in this state, will the Minister for Sport and Recreation advise the house as to what steps he has taken to ensure this outcome?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I inform the house that the Victorian government has contributed something of the order of $5 million to the development of the $17.4 million Casey Aquatic and Recreation Centre. Having visited the centre recently and taken an extensive tour, I can say it is one of the most impressive aquatic centres in the state. The centre provides an enormous range of sporting facilities within the community infrastructure. They include a 32-metre wave pool for water play activities, a formal 50-metre competition pool, a toddlers pool and a program pool. It offers a comprehensive range of related facilities: health and fitness activities, child-care centres, a sports medicine clinic and retail and kiosk facilities. Again, it is one of the most impressive centres I have seen.

The centre is a fantastic example of what this government is doing to build local communities, engaging with the local community and with local

authorities to undertake extensive planning, resulting in state-of-the-art centres that meet current and future needs in growth corridors and also reinforcing that we are growing the whole of the state. The government is doing dynamic things not only in rural and regional Victoria and but also in those metropolitan growth councils where such facilities are desperately needed.

I understand the YMCA has been successful in its tender to manage the centre. What is also impressive about this centre is the opportunities it gives in those local communities for employment. In recruiting for the positions the YMCA has been able to offer some 150 positions at the centre, both casual and full time, ranging across the whole gamut of roles required to support such a facility being open seven days a week. The tremendous thing about an aquatic centre like this is that it provides opportunity for all abilities at all times for all sorts of activities.

This project is just another example of the way the Bracks government is growing the whole of the state. What is very obvious is the absence of federal government facility funding across the country when it is so desperately needed in so many regional and outer metropolitan areas.

Minister for Industrial Relations: cabinet decisions

Hon. BILL FORWOOD (Templestowe) — My question is again to the Minister for Industrial Relations.

Hon. C. C. Broad — Surprise us!

Hon. BILL FORWOOD — I hope to.

In reply to a question from me on 27 September the Leader of the Government replied:

> The honourable member refers to a decision of cabinet that I am not going to discuss in this place.

Hon. C. C. Broad — Correct.

Hon. BILL FORWOOD — Thank you. That was just confirmed by the Minister for Energy and Resources.

People in this place are well aware of the convention that the deliberations of cabinet are confidential, but since when has it been that the decisions of cabinet are confidential? Does this mean that the people of Victoria have no right to know what the minister is up to?

Hon. M. M. GOULD (Minister for Industrial Relations) — Let us go down the track of who released every single decision that cabinet has made.

Honourable members interjecting.

The PRESIDENT — Order! The Leader of the Opposition asked a question and is looking for an answer. His members ought to keep quiet to enable the answer to be given, and the minister should not be assisted by the other ministers on the front bench.

Hon. M. R. Thomson interjected.

The PRESIDENT — Order! The Minister for Consumer Affairs — keep out of it!

Hon. M. M. GOULD — As a member of cabinet I will not divulge what transpires within cabinet. When the opposition was in government it was the most secretive government ever in this state. The opposition has a cheek to talk about secrecy. When in government it kept contracts secret from the community of Victoria. It used commercial confidentiality to hide things from the community of Victoria. This is an extraordinary question from the Leader of the Opposition!

I will respect the confidentiality of cabinet. I respect that our government, as have previous governments, will respect the confidentiality of previous governments and not release information. This government is more open and transparent than the former government ever was, and it will continue to be so.

Kyoto protocol: impact

Hon. JENNY MIKAKOS (Jika Jika) — There has been substantial public comment recently on the potential costs of ratifying the Kyoto protocol. Can the Minister for Energy and Resources inform the house of some of the impacts for Victoria associated with not responding to the challenge posed by the greenhouse effect and climate change?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the honourable member for her question. As I indicated to Parliament, the Bracks government is committed to implementing an effective program of action to reduce greenhouse emissions in Victoria.

The failure to reduce greenhouse gas emissions globally will have potentially severe economic and other implications for Victoria. Recent research by CSIRO, funded by this Victorian government, reaffirms that Victoria will not be immune to the effects of global warming, with projected changes in climate including

the increased frequency of hot summer days, a decrease in the frequency of frosty winter days, a significant increase in the number of spring droughts and an increase in the frequency and intensity of extreme daily rainfall events.

There is a substantial risk that impacts on Victoria's valuable national resource-based industries will be severe if action on climate change is not strong and concerted. The Intergovernmental Panel on Climate Change has identified that Australia's agricultural activities are particularly vulnerable to regional changes in climate. Victoria's agriculture — for example our $300 million stone and pome fruit industries and our almost $200 million wine industry are not immune to these risks. CSIRO studies suggest that a relatively small temperature change could lead to a substantial change in the number of annual frosts.

At the same time climate change also poses the risk of incurring the dramatic costs of having to adapt our infrastructure to cope with rises in sea level and more frequent and more severe storms. The Bracks government is acting to ensure that its greenhouse response proceeds in a manner which minimises the adjustment burden on the Victorian economy. In this context we recognise that the Latrobe Valley and its production of electricity from brown coal is and will continue to be an important source of Victoria's competitive advantage, and that is why the Bracks government will continue to support the cooperative research centre (CRC) into clean power from brown coal with funding of over $4.7 million over seven years. The technology the CRC is developing holds the potential to reduce greenhouse gas emissions from brown coal by 10 to 15 per cent compared with current plant technologies.

The brown coal tender is another example of actions by this government to secure low-cost supplies of energy for the people and businesses of Victoria in a manner which promotes the use of leading-edge technologies that will use brown coal in a more environmentally acceptable way.

The Bracks government is not resiling from commitment to an effective greenhouse action program. Unlike the federal coalition and the Victorian opposition, we are continuing to act responsibly in the interests of the Victorian environment and the Victorian economy.

Hon. Philip Davis — How are you going on jobs in the Valley, Candy?

Hon. C. C. BROAD — Well, come in, Spinner!

Honourable members interjecting.

The PRESIDENT — Order! We are within seconds of the answer being completed, and I look forward to that event. I ask the house to allow that to happen.

Hon. C. C. BROAD — As I was saying, the Bracks government does not resile from acting to mitigate climate change. It is wonderful what two years in opposition does for concern about the Latrobe Valley. This is the crowd that wiped out thousands of jobs.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Industrial Relations) — I have answers to the following questions on notice: 2155, 2162–70, 2180–6, 2197–9, 2206–8, 2285–6, 2288.

PAPERS

Laid on table by Clerk:

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns June 2001 and Summary of Variations notified between 14 June and 30 September 2001.

National Parks Act 1975 — Report on working of Act, 2000–01.

National Parks Advisory Council — Report, 2000–01.

Preston Cemetery Trust — Report, 2000.

Recreational Fishing Licence — Report on Disbursement from Trust and Appropriation Account, 2000–01 and Report on Expenditure from Appropriation Account, 1999–2000.

DEPARTMENT OF STATE AND REGIONAL DEVELOPMENT

Annual report, 1999–2000

Hon. I. J. COVER (Geelong) — I move:

That the Council take note of the report of the Department of State and Regional Development for the year 1999–2000.

In doing so, I turn immediately to the annual report, which honourable members might have seen over recent months since it was released at the completion of the financial year 1999–2000. As we know, the Department of State and Regional Development covers a number of areas of government operation, and takes into its ambit a number of ministers and their divisions within the overall department.

It is my intention in this brief contribution to concentrate on a couple of areas for which I have responsibility within the Liberal Party in respect of sport and recreation. I was keen to start at the start, as you do in looking at any publication, but I thought the best opportunity might be to go further into the document to page 56 where persons who held positions as responsible ministers within the Department of State and Regional Development are listed for the financial year 1999–2000 which saw a change of government. As such, the outgoing ministers are listed, and it is an opportunity to pay tribute to the work they did in the Kennett government during the seven years it held office in Victoria, headed by the Honourable Mark Birrell, the then Minister for Industry, Science and Technology. I know honourable members in this house have often commented on the fine work that Mr Birrell did in that role during his time as a minister.

It is also an opportunity to pay tribute to the Honourable Tom Reynolds who was Minister for Sport and Minister for Rural Development, the Honourable Louise Asher who had small business and tourism responsibilities under this area of government activity, and the Honourable Alan Stockdale who was Minister for Information Technology and Multimedia, which was a world first. That was, sadly, an appointment not continued by the Bracks Labor government when it came to office. I say 'sadly' because everyone acknowledges that information technology and multimedia are enormous industries throughout the world at the leading edge of investment and employment opportunities. The Bracks Labor government chose to turn its back on this important area of economic activity by not having a dedicated minister as had been the case under the Kennett administration.

The overview of the report indicates that, among other things:

> Sport and Recreation Victoria works with sporting organisation … to maximise the contribution of sport and recreational activities to wealth and job creation.

It also states that:

> The Office of Racing fosters growth of Victoria's racing industry and oversees development of its regulatory framework.

In turning to the output group for sport, recreation and racing, under the heading of major events, the report lists the major events that were facilitated in 1999–2000. It is worth again acknowledging that one of the most successful initiatives and programs of the Kennett government between 1992 and 1999 was the pursuit of major events for Melbourne and for Victoria to create economic activity, to foster sporting involvement and indeed to market Melbourne and Victoria to the rest of Australia and to the world.

It is to be observed that the department is still pursuing major events in Victoria, and must keep chasing them. There is no point in putting up the shutters and not pursuing what is a very good program that brought great benefit to Victoria. That is why it was disappointing in this place last week when the Minister for Sport and Recreation was asked what action he was taking to attract the World Athletics Championships to Melbourne in 2005, given that they are not likely to go ahead in London. It seemed that that question was the first indication the minister knew that those World Athletics Championships might even be available. I am sure the minister has done something, since the matter has been raised with him, to see that that can be approached and attracted to Victoria in 2005 as a major event for that year. It is also an ideal lead-in to the Commonwealth Games in 2006.

The other matter that accompanied much of the major events program of those seven years, and was still occurring during 1999–2000 which the report covers, was the establishment of facilities to present sport in Victoria. The annual report states that the $65 million Vodafone Arena, otherwise known as the multipurpose venue — it may be the other way around now, the multipurpose venue otherwise known as Vodafone Arena — was completed in June 2000. Sadly the report does not knowledge that it was an initiative of the Kennett government.

The report also reports on work being well advanced on the $27 million State Netball and Hockey Centre at Royal Park, which has now been completed, opened and is operating successfully and will be a venue for the Commonwealth Games in 2006. Again that was an initiative of the Kennett government and that administration should be applauded for the work it did in establishing these venues, such as the State Netball and Hockey Centre.

The report also mentions a review of the need for an international water sports complex that was conducted during that year. Sadly for me as an honourable member for Geelong Province, one of the outcomes of the review of a need for an international water sports complex was to scrap the proposed complex for Geelong, which would have had the opportunity of attracting international sporting events, such as rowing, canoeing and a range of water sports activities.

The previous government had committed $9.4 million to its establishment, and the Bracks Labor government

when coming into office scrapped it. Some work was done by the government to then review the range of water sports and rowing facilities in Victoria, and government members in Geelong were urged to get behind Geelong so that events such as the time-honoured Head of the River remained in Geelong and that the schoolgirls annual Head of the River event could also be maintained in Geelong. Subsequently, the APS Head of the River has moved to Nagambie and there is ongoing concern about whether the schoolgirls events will continue in Geelong.

A subsequent review of water sports needs in Victoria placed Geelong fourth in this government's priorities for water sports and rowing in the state. That was a very poor outcome for Geelong and one that clearly resulted because of the lack of advocacy for Geelong as a venue for water sports to build on its great tradition of rowing on the Barwon River. It is a very sad indictment of the performance of the Labor government members in Geelong that Geelong has been relegated to fourth position as a rowing venue. We in Geelong are seen as fourth-class citizens by the Bracks Labor government.

I will turn quickly to one other area of the operation of the Department of State and Regional Development — that is, in respect of racing. One of the key activities during 1999–2000 was the receipt by the Minister for Racing of a proposal from Racing Victoria in May 2000 recommending adoption of a new corporate governance structure for the thoroughbred racing industry. During debate on the bill setting up the new body, Racing Victoria Ltd, the house heard about some of the issues that confronted the process, not the least being the attitude of the Minister for Racing throughout that process and even right up until a couple of weeks ago when the new governance body was announced.

That behaviour led to the most stunning call by the chairman of Racing Victoria, Andrew Ramsden, at the launch of this year's Spring Racing Carnival — an occasion to celebrate an outstanding time of the year in Victoria.

Hon. W. R. Baxter — Was the minister there?

Hon. I. J. COVER — The minister was not there, Mr Baxter. I note that Tony Bourke reported in the *Age* of 3 October — the day after the function — that Andrew Ramsden said:

> … Hulls should 'stand down as racing minister' if he could not give '100 per cent support to a democratic process he had enjoyed an even hand in establishing and an industry he boasts a passion for'.
>
> Hulls, or any government representative, were noticeable absentees from the spring carnival opening at Argyle Square, Carlton, although the opposition leader, Denis Napthine, was present.
>
> Last year, the spring carnival function was opened by the Premier, Steve Bracks, with Hulls at his side.

The DEPUTY PRESIDENT — Order! I ask Mr Cover to use the correct titles of members of Parliament.

Hon. I. J. COVER — I was quoting from an article in the *Age*, Mr Deputy President.

It was very disappointing that things had reached the stage where the chairman of Racing Victoria was calling on the racing minister to resign at a function which should have been a celebration at the start of the Spring Racing Carnival season. Among the things that precipitated this action was the minister making an attack on the thoroughbred code at a harness racing function that he actually went to when he suggested the racing industry could look to the Harness Racing Board for leadership and a blueprint for the future.

It is interesting that the Harness Racing Board, in being reconstituted and looking for its new direction, actively sought from the thoroughbred racing industry in recent times its blueprint for the way thoroughbred racing has been going ahead. So things were the other way around: it was not the thoroughbred racing industry that needed to look to the harness racing industry for assistance but rather the thoroughbred racing industry had already assisted the harness racing industry as it moved forward with its operations. Clearly the minister had things back to front.

The 1999–2000 annual report of the Department of State and Regional Development includes many other aspects of operations and activities of government, and I look forward to seeing the next report which will, no doubt, cover some of these issues, including the new structure of the governance of racing. With those few brief remarks, I conclude my contribution.

Hon. G. W. JENNINGS (Melbourne) — Those earnest citizens of the state of Victoria who are avid readers of *Hansard* would be somewhat bemused by the fact that at a time when the Parliament is expecting to receive the 2000–01 annual reports for government agencies within the next fortnight it is being asked to take note of the report of the Department of State and Regional Development for the previous year.

It has taken Parliament about a year since the report was tabled to get around to discussing it, and government members understand from the contribution of opposition members that that may be the case because it affords them an opportunity to have a

testimonial run around the oval, to look at the last year of the previous administration and attempt as fallen political notorieties to take credit for some of their legacy.

I will focus in my contribution on the initiatives and achievements that were delivered by the Department of State and Regional Development in response to the arrival of the Bracks government administration, the changes that occurred within that department's focus at that time and the priorities that are detailed within the annual report for that year. In fact, the secretary, Neil Edwards, notes in his foreword to the report that the department has:

> … a new policy agenda, new priorities and new people. These changes brought a substantial workload, in addition to ongoing functions, for managers and staff, who not only handled the change process well but also delivered on or exceeded key targets.

I join the secretary in congratulating the staff of the department for achieving that restructuring and the reprioritisation following the arrival of the Bracks government.

The overview of the report outlines the responsibility of the department, which is a prime agency in terms of underpinning economic growth within the state and being a key component of the government's agenda to ensure growth in jobs across the whole of the state. There are some very good examples within the report itself about how that will be achieved, and I will refer to those in a moment.

The report outlines the significant restructuring that took place within the department's responsibilities, and I may say that the department has an onerous responsibility to ensure the smooth integration of its 11 divisions and to provide services and support to seven ministers. The restructuring is a key component of the government's intention to ensure there is a high degree of emphasis on both ministerial representation and on the ability of the department to provide for growth for the whole state and to ensure that jobs are delivered for Victorians regardless of where they live within our exciting and dynamic economy. The report states:

> A key focus is reinforcing the capability, skills and innovation strengths of the state's business community for success in the global economy.

I believe that is a very laudable focus and one which the department has demonstrated it has the capacity to deliver on. On page 9 of the report the department outlines its major achievements under each of the four pillars of the government's objectives — that is, growing the whole state, improving services, providing responsible financial management and restoring democracy — and I will draw the house's attention to a number of those. The report indicates that the department facilitated over $1.668 billion worth of new investment in the financial year 1999–2000, including nearly $457 million of investment in regional Victoria. It states:

> These projects are expected to generate over 7270 jobs and over $738 million in annual exports.

That important initiative with the new investment that came on stream in that year supports and augments the ongoing work of the department which, according to this report, has facilitated more than $860 million worth of new exports through investment facilitation, business development and export assistance programs.

The department goes on to indicate the commitment of the government to grow the whole state. It also advises that the industrial relations task force was established this financial year to make recommendations to government on how best to enhance the state's industrial relations framework.

I am very sorry to put on the public record again today a reference to the culmination of the Fair Employment Bill, which was a significant undertaking by my ministerial colleague the Minister for Industrial Relations and the government to ensure there was adequate protection for 260 000 Victorian workers who fell short of having protection for their entitlements, wages and conditions. The bill was rejected by the very chamber which is taking note of this report today. That is a sorry blight on this chamber during the past two years of the Bracks administration.

The department indicates that there is a new focus on and formulas that apply to the $18 million community facilities and better pools program, which is administered by my ministerial colleague in this place the Minister for Sport and Recreation, who has dedicated his priorities with this program to ensure there is greater opportunity for pools to be delivered to communities in regional Victoria.

We have seen the introduction of improved on-line library services, which are improving access for all Victorian citizens across the state and bridging the information technology divide by ensuring that all Victorians have the capacity to engage in the communications revolution that has taken place. The department highlights within its priorities for this year that it is providing a support role for the government by providing policy advice on the Information Privacy Act

and the Electronic Transactions Act, which were implemented in 2000.

The focus of the department on innovation and scientific development was demonstrated by the establishment of the Knowledge, Innovation, Science and Engineering Council, a whole-of-government body which provides advice to the government and which is resourced and supported by the Department of State and Regional Development. It provides the government with access to business and research institutions to make sure that, wherever possible, the state supports the key drivers of economic growth in the future.

This is the year that saw the successful implementation by the government of the Growing Victoria summit, which occurred in this very Parliament, to bring together business, community and union leaders to discuss ways for the economy to go forward in a harmonious fashion. It is a method which has been adopted by this government to create partnerships between the public and private sectors and research institutions, and the Bio 21 research facility and precinct is highlighted at page 13 of the report as a key research precinct. The government believes it will be the heart of major economic development for the state in the future.

The report shows in a comprehensive fashion that the department is well focused and well structured to support government priorities in these key areas to ensure sustainable economic growth for the whole of the state and ongoing job opportunities for all Victorian citizens. I congratulate the department on its report.

Hon. W. R. BAXTER (North Eastern) — Firstly I refer to page 112 of the report, which lists the acts for which the Minister for State and Regional Development, the Honourable John Brumby, is responsible. Listed among those acts is the Albury-Wodonga Agreement Act 1973. People would know that Albury-Wodonga is one of the most significant parts of regional Victoria. It has for over some 25 years now been subject to the provisions of that act, and the developments flowing therefrom have been of considerable benefit, particularly to the city of Wodonga.

The surprising thing to me is that, despite the minister being responsible for administering that act, there is no mention anywhere in this report of the activities under the act in relation to Albury-Wodonga. I would have thought that that is a severe shortcoming of the report, especially given the circumstance where the Albury-Wodonga Development Corporation is in the process of being wound up. Although that circumstance is not objected to locally, there is some concern that the Victorian government is very much dragging its heels when it comes to getting on with the job, and I alert the house to the situation.

As to the amendments to be made — amendments are required to the commonwealth, New South Wales and Victorian acts — I advise that the commonwealth Parliament passed a bill to amend its relevant piece of legislation, which received royal assent on 3 May 2000. As I am sure honourable members can calculate that is more than 18 months ago. The New South Wales Albury-Wodonga Development Repeal Bill 2000 received royal assent on 30 May 2000. Have we seen any such legislation in the Victorian Parliament under this do-nothing government? No. We are still awaiting the presentation of the required legislation.

Hon. R. A. Best — It probably needs to go before a departmental committee.

Hon. W. R. BAXTER — I dare say, Mr Best, because they cannot make up their minds what they want to do. The indications were that we would see it in the spring session. Maybe we will; but I point out that we are a significant way through the spring session and notice has not been given in this house or the other place for this amending legislation.

So I call on the government to take action to bring in this legislation for the consideration of the Parliament, because the total lack of the presentation of this legislation is leading to a very deleterious situation with building activity in Wodonga. While it is still proceeding with the sale of residential blocks it has developed, the corporation has been unable, because this government failed to give it the relevant instructions, to continue its role in the past of packaging up large parcels of land and making them available to developers, who can then invest in the city, make residential blocks available and provide a degree of competition in the city for land.

For example, I have received a letter from a well-known civil engineer in Wodonga who, over the past 20 years, has had a tremendous input into the growth of Wodonga. He says this:

> From the mid 1970s to the mid 1990s Wodonga processed a broad and competitive land development industry that met the needs of the growth of the city of Wodonga. It provided ample choices for new and existing residents to establish in this fine city.
>
> This same industry does not exist today.
>
> …

> The private industry has shrunk significantly now to a point where developers cannot purchase any new land to develop and have been forced to take their profits to other towns.

The letter goes on to say:

> The AWDC previously made areas of land available for purchase by persons/companies wanting to invest in the growth of Wodonga.

It is a very disappointing development that we are losing from Wodonga some of those companies which have played a great part over the past 25 years in developing large parcels of land into some of the most attractive residential sites that you would find anywhere in regional Victoria. Because they are now finding that the land bank is being so tightly held on the Victorian side of the river — as this government cannot make up its mind what it wants to do — those developers are being forced to move to other parts of the state to continue their business. Unless that is rectified before this session is out, it is likely to throttle development in the city of Wodonga.

It would be a great pity indeed because of the reputation the Albury-Wodonga Development Corporation has built up over the past 25 years. It has had its ups and downs and U-turns in policy as different governments of different complexions have come and gone, both federally and in the states, but by and large the corporation has been of tremendous benefit to the district.

The people of Wodonga have enjoyed a tremendous infusion of capital that they would not otherwise have had. It would be a great shame if in its last days the corporation was somehow to come under a cloud because its activities have been unduly restricted and development in Wodonga is stymied by the inability of the Victorian government, and in particular the Minister for State and Regional Development — who goes careering around the state, trumpeting the activities of the Bracks government, with his dead hand and the dead hand of indecision that seems to afflict the Bracks government — to take action.

Wodonga is located on the main trunk route from Melbourne to Sydney both for road and rail. It has good air services and a tremendous quality of life, being near the ski fields, with a pleasant climate and the like. Many people would agree that potentially Wodonga has the capacity to be one of the great growth generators of Victoria. It has been a bipartisan thrust of governments going right back to the times of the Whitlam government with Premier Hamer in Victoria and Premier Askin in New South Wales, who established this growth centre complex. It has been carried forward by successive governments of all persuasions ever since. It would be a dreadful circumstance if at the end of its term it was to come unstuck because of the tardiness of the Victorian government.

Motion agreed to.

STATUTE LAW FURTHER AMENDMENT (RELATIONSHIPS) BILL

Second reading

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

> That this bill be now read a second time.

Honourable members will recall the passage, with bipartisan support, of the Statute Law Amendment (Relationships) Act through this Parliament, earlier in the year. It was landmark legislation and a major step forward in reducing the unacceptable levels of discrimination faced by gay men and lesbians living in Victoria today. It is pleasing to note that a large part of that act is already in operation and gay and lesbian Victorians are today able to receive the benefits of those reforms.

When the Statute Law Amendment (Relationships) Act was introduced into Parliament in November 2000, the government gave a commitment to introduce further amendments this year to deal with a number of other statutes which discriminate against non-heterosexual couples. The Statute Law Further Amendment (Relationships) Bill includes the further amendments that the government committed to introduce, and will contribute further to reducing discrimination against non-heterosexual couples.

The Statute Law Further Amendment (Relationships) Bill amends 14 acts ranging from the Architects Act to the Water Act. The bill adopts the model definitions of ‘spouse’, ‘domestic partner’ and ‘partner’ used in the Statute Law Amendment (Relationships) Act. The definition of ‘spouse’ refers to a party to a marriage only.

A number of the acts amended by the bill mainly regulate licensing of various industries and the amendments seek to extend obligations to disclose various interests (such as pecuniary interests) to same sex domestic partners. For the purpose of these amendments, the bill adopts the broader definition of ‘domestic partner’ included in the Statute Law Amendment (Relationships) Act. The broader definition differs from the principal definition of ‘domestic partner’, in expressly recognising

relationships where the people are in a relationship as a couple but may not necessarily be living under the same roof.

The bill also amends a number of non-licensing related acts, including the Children and Young Persons Act, the Corrections Act and the Firearms Act to recognise non-heterosexual relationships in a non-discriminatory way. For the purpose of amendments to these acts, the bill adopts the principal definition of 'domestic partner'. In the principal definition a 'domestic partner' of a person is defined to mean 'a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender)'. The words 'irrespective of gender' are important as it also recognises the relationships of transgender and intersex people.

The bill makes clear that for the purposes of determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the Property Law Act as may be relevant in a particular case. The list of matters to be taken into account was inserted into the Property Law Act by the Statute Law Amendment (Relationships) Act, earlier this year.

Factors to be taken into account in determining whether persons are domestic partners of each other include the duration of the relationship; the nature and extent of common residence; whether or not a sexual relationship exists; the degree of financial dependence or interdependence, and any arrangements for financial support between the parties; the ownership, use and acquisition of property; the degree of mutual commitment to a shared life; the care and support of children and the reputation and public aspects of the relationship.

As with the Statute Law Amendment (Relationships) Act, this bill, particularly amendments to the Children and Young Persons Act recognises the reality that children can be cared for in material and emotional ways by a parent who is gay or lesbian and the parent's partner. Many children who have lesbian mothers or gay fathers spend time living with that parent and partner after the break-up of the heterosexual relationship, often marriage, in which they were conceived.

The bill also contains further amendments to the Parliamentary Salaries and Superannuation Act. This act was amended by the Statute Law Amendment (Relationships) Act to provide for the same sex partner of a member of the parliamentary superannuation scheme and the children of a member's same sex partner to receive the member's superannuation benefits. These amendments came into operation on 23 August 2001. However, these amendments only apply to those members of Parliament who became members before 2 July 1996. A person who became a member of Parliament after this date has to access the new benefits scheme. The new benefits scheme is regulated by part 2, division 3 of the Parliamentary Salaries and Superannuation Act. Division 3 applies the Commonwealth Parliamentary Contributory Superannuation Act 1948, with modifications.

While the Statute Law Amendment (Relationships) Act made amendments to provisions of the Parliamentary Salaries and Superannuation Act regulating the existing benefits scheme (part 2, division 2, of the act), no amendments were made at the time to provisions regulating the new benefits scheme (part 2, division 3, of the act), which applies to most current members of this Parliament. This bill amends part 2, division 3, of the Parliamentary Salaries and Superannuation Act, by way of modification to the Commonwealth Parliamentary Contributory Superannuation Act, to recognise domestic relationships. These amendments will take effect from 23 August 2001, the date when the other amendments to the act (made by the Statute Law Amendment (Relationships) Act 2001) came into effect.

The Bracks government made a pre-election commitment to reduce discrimination against people in same sex relationships. This commitment was made in the context of a larger commitment to the creation of a socially just and cohesive community in which each person has their place, in which diversity in all its forms, including diversity of sexual orientation, is valued. In this context, the Bracks government stated in its pre-election commitment that it considers the achievement of substantive rights for lesbians, gay men and transgender people as being vitally important.

It is very pleasing to say that in the relatively short space of two years since coming into power, the Bracks government has made large strides in implementing its pre-election commitments to gay, lesbian and transgender Victorians, starting with the Equal Opportunity (Gender Identity and Sexual Orientation) Act 2000. The reforms introduced by the Bracks government in this area have had and will have real and beneficial impact on people's lives, and help reinforce the message that human rights necessarily involve a respect for the equal dignity of all persons, without discrimination. The government hopes that this bill receives the same level of bipartisan support as for the Statute Law Amendment (Relationships) Act.

I commend the bill to the house.

Debate adjourned on motion of Hon. C. A. FURLETTI (Templestowe).

Debate adjourned until next day.

GENE TECHNOLOGY BILL

Second reading

Debate resumed from 9 October; motion of Hon. M. M. GOULD (Minister for Industrial Relations).

Hon. J. W. G. ROSS (Higinbotham) — It gives me great pleasure to rise and speak on the Gene Technology Bill and to say that the opposition will support the bill. I say the opposition will support the bill in an enthusiastic fashion because of the great deal of preliminary work put in by the previous government on issues related to gene technology and the extensive consultation process and leadership provided by the commonwealth government.

There can be no doubt that the issue of gene technology, or in more colloquial terms genetic engineering, is the source of a huge amount of enthusiasm as well as misinformation. It spans the range of human emotions and, from an economic standpoint, perceived risks and opportunities. At one end of the spectrum is the undoubted enthusiasm of many primary producers with such innovations as herbicides and insect-resistant crops; increased size and enhanced appearance of agricultural products such as cereals, fruits and vegetables — —

Hon. E. G. Stoney — Tomatoes!

Hon. J. W. G. ROSS — Yes, Mr Stoney, yesterday I noted in the press the initiatives in the genetic improvement of the flesh and colouring of tomatoes, which have implications for that product. There is enormous potential for increased agricultural yields and productivity. Other soft fruits that can be made firmer so they do not spoil while being transported are worth adding to the tomato example raised by Mr Stoney, and there is a huge consequent saving to be made through reduced wastage and irrelevant transportation costs.

Cotton is another example of a crop that has been genetically modified (GM) to secrete a natural insecticide that is targeted to leaf-chewing insects therefore rendering the crops insect resistant. From an economic and environmental standpoint it has been reported by CSIRO that farmers using transgenic cotton have been able to reduce their use of synthetic pesticides by anything up to 50 per cent. This has significant environmental implications because of the reduced amount of insecticides that could ultimately sequestrate into the environment with consequent pollution of our rivers and oceans and the effects that artificial pesticides have on aquatic and marine species living in those environments. I do not have to do anything more than remind the house that once organic pesticides enter those environments there is a capacity for those substances to increase in their concentration along food chains and produce dire consequences for the environment.

It also means that non-targeted insect species such as bees, which are beneficial to farming, are not the innocent victims of agricultural practices. It might sound a bit strange to certain individuals that plants can be equipped through the process of genetic modification with the ability to fight back against their natural predators. I wish to dispel the belief that this is the development of Frankensteinian plants that are in some way foreign to our natural environment. In doing that let me remind the house that probably one of the safest and most widely used insecticides is an exact homologue of the plant producing insecticide.

The chrysanthemum plant secretes the substance pyrethrum, which provides those plants with natural immunity to insect attack. It is a perfectly natural substance which, as I say, is widely preferred as one of the safer insecticides. I would add to that the substance rotenone, which is another homologue of some of those genetically modified plants. There is nothing particularly mysterious or foreign about developing crops with a capacity to resist insect attack.

The reduction in the use of pesticides has enormous implications in terms of run-off into streams and oceans and the impact on other species such as birds. It has been more than 40 years since the problem of pesticides thinning the eggshells of native birds was identified. The prospect of replacing a significant amount of the use of toxic insecticides and herbicides is very good news for the environment.

I and members of the opposition generally are the first to say that such work has attendant risks and is by no means always perfect. We have legitimate examples of plant crops being genetically modified to make them herbicide resistant. That process has the attendant advantages I mentioned in respect of insecticides in that it enables food crops to be dusted to prevent weed infestation while the primary crop remains relatively immune to the substance. However, part of the problem — and this warning has been issued by the CSIRO — is that such crops may crosspollinate with nearby weeds and we may see the inadvertent

development of herbicide-resistant weeds. A necessary part of the process is to balance the costs and benefits in respect of agriculture and come up with a suitable regulatory regime. That is what the Gene Technology Bill is about.

There can be no doubt that gene technology sits at the cutting edge of agriculture and we have an enormous interest in it. In terms of control the Gene Technology Bill is about as good as it could possibly be. It is the result of two years of public consultation at the commonwealth and state levels and represents the wisdom accumulated through addressing these issues for more than a decade. The legislation is all about using genetically modified organisms (GMOs) in a safer way.

Another issue often raised in this regard is that we are interfering with nature in some way. A range of ethical and moral dilemmas emerge from that. From that point of view I am happy to acknowledge the extent to which the Australian Gene Ethnics Network, based here in Victoria, has put a great deal of relevant information into the public domain. A whole segment of the community has a predilection for so-called natural foods or organic farming techniques, and it is important that we take that on board. In fact, this has gone to the extent that many segments of the community believe we should have genetic-engineering-free zones — areas set aside for organic food production. The opposition is aware that many Asian and European markets have a preference for agriproducts that are guaranteed GE-free or are of so-called organic origin. We on this side of the house respect that point of view but we would also say that we do not appreciate blind resistance to the progress of science. There is a suggestion among some parts of the community that we should never ever interfere with nature.

Nonetheless on this issue of genetic-engineering-free zones and organic farming the opposition accepts absolutely the principles of consumer sovereignty and that there is nothing wrong with having a program of scientific advancement sitting side by side with a complementary industry, which does not utilise these modern practices. To ensure that capacity for science and organic industries to live side by side we need a robust regulatory framework, and this gene technology legislation will put that in place. This legislation is very much to the advantage of the organic food industry. It will advance the progress of that industry rather than retard it because it sets limits on the use of genetically engineered products.

The Department of Natural Resources and Environment is currently consulting on the need for genetic-engineering-free zones. One might envisage that they could operate on a regional or local government basis. More information is needed on the scope and potential of GE-free projects to create and penetrate markets both domestically and internationally. We need to consider the cost implications of the development of GE-free zones and the form in which they might be implemented. I have mentioned the possibility of local government or other regional initiatives as ways these zones might be implemented, installed and managed. Finally we need to consider the ways and means by which the various levels of government can become involved in that process. There is absolutely no argument on this side of the house that there is a need for a diversity of approach to the issue of GE modification and that all options must be considered. The problem is that in the past the whole issue has been dealt with in a piecemeal fashion.

Thus far I have concentrated on agricultural issues but genetic modification has even greater potential in the field of medicine. Scientific innovation has already led to major advances in developing new drugs such as Interferon, which is used in the treatment of diseases such as diabetes, hepatitis C, HIV/AIDS and various forms of cancer. To that example I would add that these days most insulin for the treatment and control of diabetes is produced from genetically modified bacteria. Scientists have been able to locate and study genes that either cause or predispose individuals to diseases such as Alzheimer's disease, motor neurone disease and other auto-immune diseases like rheumatoid arthritis and lupus. All these discoveries have enormous potential for the improvement of the human condition and should be supported by the whole community.

Once again I make the point that we need an adequate system of controls that does not presently exist. The legislation before the house today will go a long way towards redressing that problem.

It was of great interest to me last week to listen to Rupert Murdoch speak at the inaugural Keith Murdoch Oration — which our leader mentioned in another context yesterday — which brought home that we live in uncertain times and that Australia, and from our point of view Victoria in particular, has a great need to maximise its human capital and potential in order to take its rightful place in the sun in the rest of the world.

One area where Melbourne greatly excels is in medical research and the commercial application of new technologies. We have some marvellous biotechnology companies in Victoria and they have become an indispensable part of the Victorian economy. Both the

previous and present Victorian governments have made significant investment in the Bio 21 project and others, and our world-class pharmaceutical manufacturing industries as typified by CSL are clear examples. The commitment of the government to facilitating the installation and development of a synchrotron in Clayton will be another essential part of the infrastructure of this state in advancing the cause of very high technology medical and other industries.

It is essential that these sorts of industries are able to flourish in a suitably regulated environment but at the same time are not inhibited from working at the cutting edge of innovation. My fear is that a lack of understanding of the nature of gene technology with the wrong administration could inhibit the establishment and growth of world-class industries in this state. The Gene Technology Bill will go a long way towards assuaging the fears of many individuals that there is a dark side to the genetic manipulation of living organisms.

To reinforce that point I digress for a moment to remind the house that genetic modification is a perfectly natural process that underpins the whole process of Darwinian evolution. The truth of the matter is that genetic modification is a constant and naturally occurring phenomenon that has been used by plant and animal breeders since antiquity. Individual genes are strung like beads along the strands of chromosomes comprised of deoxyribonucleic acid (DNA). The basis of the evolution of species, including the human species, has been the result of, firstly, spontaneous mutations or changes of individual genes, or the fact that these chromosomes spontaneously break and join together again. Processes like chromosomal translocation, where a piece will break off a chromosome and switch across within the cell and join up with another one, or crossing over, is the bread and butter of evolution and provides the infinite and unending variety of species that are chosen by the process of natural selection. Animal husbandry and plant breeding in particular have capitalised on these processes and facilitated the process of artificial selection by humans to develop new strains and even new species such as mules that are better suited to their needs.

The point I make is that there is no particular violation of the natural process of speciation by the implementation of genetic modification. It is really designed to reduce the randomness in what is otherwise a perfectly natural process. However, there is of course a need for approval and supervision of these processes, and that is required to replace the present ad hoc and unnecessarily complex arrangements. There is no doubt that over the past 100 years since Federation Australia has developed a very cumbersome system of regulatory control, and that is particularly of consequence to industry, agriculture and medicine.

One of the banes of our natural existence has been the need as the result of the sovereignty of individual states to develop systems of regulation that respect that sovereignty. To explain the complexity I point out that the number of regulatory authorities that have had a finger in the pie up to the present moment almost beggars belief. There are agencies such as the Australia New Zealand Food Authority controlling food standards and labelling; the Therapeutic Goods Administration that controls therapeutic goods and human gene technology; the National Registration Authority for agriculture and veterinary chemicals; the National Industrial Chemicals Notification and Assessment Scheme for industrial chemicals; the Australian Quarantine and Inspection Service, which controls the importation and exportation of genetically modified products and organisms; and on the research front the National Health and Medical Research Council has responsibility for overseeing research related to human gene therapy. If one adds to that the various bodies and pieces of state legislation and individual private sector and public institutional ethics committees, one cannot but be struck by the conclusion that there is an almost impossibly complex web of control operating at the present time. The Gene Technology Act will address that problem.

The reason for the bill enjoying bipartisan support is, as I have already indicated, that it is the product of the work of successive governments from all sides of politics in this state and nationally and a collaborative effort right around the nation. Today we are on the cusp of making a seminal contribution to a single national scheme of regulation of gene technology. It will be achieved by adopting legislation in Victoria that is complementary to the commonwealth Gene Technology Act passed by the federal Parliament in December 2000. Undoubtedly there is a complexity of relationships inherent between national, state and local governments that has traditionally impacted on the regulation of food, medicines, industrial chemicals and processes. I must say that it is of enormous consequence that the bill will be able to reduce that complexity.

At one time in my previous career I was involved in the registration of agricultural, veterinary and medical products. One of the biggest problems confronting the government, industry and the various professions was the need for a nationally consistent approach to issues such as product registration and labelling. With gene technology there is the additional complication of an

overlay of ethical and philosophical issues that needs to be taken into account. With the passage of this bill Australia and in particular Victoria will be able to demonstrate to the world at large that we have been able to take on board diversity of approach and a rational application of a system of control of genetic engineering that is second to no other country in the world.

I emphasise that this legislation does not set up a duplicate system around the country in the various jurisdictions, states and territories. It is in fact a completely seamless suite of legislation that will guarantee uniform controls in this difficult area right across the nation.

There is no mention in the bill of human cloning. This is an interesting point. Because the Victorian Infertility Treatment Act already lays a prohibition on human cloning in this state there was no need to pick that up in our state legislation. However, it is interesting to see in inspecting the bill and the drafting processes and interpreting the equivalence of the various clauses of the legislation between the commonwealth and Victoria that although the issue of human cloning was not picked up in Victoria it has been possible to keep the numbering sequences equivalent. So there is absolutely no confusion as to the way this legislation will operate right around the country, notwithstanding that individual states or territories may not choose or not need to pick up particular sections of the national bill.

The background and mechanics of the bill have been adequately summarised in a Victorian government publication entitled 'Biotechnology and gene technology federal and Victorian regulatory framework'. I commend that publication to the house as a simplified explanation of what is essentially a fairly technical bill.

In summary, the bill implements six key elements for the national control of gene technology. First, there will be a national Office of the Gene Technology Regulator, which will be established and tasked with administering the new gene technology regulatory system and monitoring and enforcing the legislation. It is important to make the point that all relevant agencies such as private companies, government, government research facilities and agencies such as universities will be covered by this legislation. The seriousness with which the process is viewed is underscored by the fact that, so that there is no doubt of the role of government in this whole process, the legislation will quite specifically bind the Crown.

All proposals for research and development in the field of genetic technology will be subject to the purview of the Gene Technology Regulator through this system of complementary state and commonwealth legislation. For the first time in this country there will be a comprehensive and technically precise register or database of methods of genetic manipulation and genetically modified organisms per se, and all of the products that are derived from gene technology. The Office of the Gene Technology Regulator will be a one-stop shop for persons seeking to become involved in this cutting-edge technology and will greatly simplify existing arrangements. In particular the Gene Technology Regulator will be concerned with controls over the release of genetically modified organisms into the environment.

This national system will need to be supported by a competent state-based bureaucracy, and I believe proposals for that system of coordination have been very carefully considered. An interdepartmental committee will be established in Victoria, and I am pleased to see that that committee will be chaired by the director of public health in the Department of Human Services. It is significant that in this field of gene technology, notwithstanding all I have said about agriculture and industry, the government has recognised that the health and human issues should be the responsibility of the lead agency. It shows that the Victorian government has learnt the lessons derived from Europe where many food-related issues that have emerged in recent years have been dictated mainly by agricultural interests and have been to the detriment of public health. I believe there is no better example of that than the way the issue of mad cow disease was initially handled by agricultural interests, and I am pleased to say that in Victoria that mistake will not be repeated. The lead agency in this critical area of gene technology will be a Human Services agency, and the director of public health in particular.

That committee will be complemented by membership of officers from the Department of Natural Resources and Environment, the Department of State and Regional Development, the Department of Justice, the Department of Premier and Cabinet, and the Environment Protection Agency. I also understand there will be a dedicated unit within the Department of Human Services to ensure that relationships with the national structures are adequately coordinated and it will also have responsibility for developing a Victorian code of ethical practice. What we have developed in this country and what we are introducing as legislation in this state today is the best imaginable system of supervision and control of genetically modified organisms.

Returning to the national office of Gene Technology Regulator, as the centrepiece of this legislation, it is important to recognise that there are at least another six elements to the whole process. The second, third and fourth elements that support the Gene Technology Regulator will be underpinned and supported by three key committees. The first is the Genetic Manipulation Advisory Committee, which is a scientific advisory committee responsible for overseeing the development and use of genetic manipulation techniques and providing advice to various regulatory bodies on safety and environmental implications of genetically modified organisms. In order to accommodate the political dimension, a ministerial council will be set up for gene technology. It will comprise commonwealth, state and territory ministers and will be responsible for overseeing the operation of the Gene Technology Regulator. That ministerial council will advise on codes of practice and other issues to ensure that the political process is accommodated. There will also be a gene technology advisory committee that provides scientific and technical advice to the Gene Technology Regulator and the ministerial council on matters of gene technology, genetically modified organisms and consequent products. So underpinning the Office of the Gene Technology Regulator there are those three key committees.

There are also another two committees, one of which is the Gene Technology Community Consultative Committee, which is a consultative committee established to advise the ministerial council and the Gene Technology Regulator on community concerns relating to gene technology. Finally, there is a Gene Technology Ethics Committee that will provide advice to the Gene Technology Regulator and the ministerial council on the ethics of gene technology and develop ethical guidelines and prohibitive structures in relation to GMOs and GM products where there are strong ethical concerns. So the issue of genetic modification of living organisms incites passions both positive and negative within such groups as primary producers, medical practitioners and ethicists.

On the one hand Parliament has a real role to play in preventing overexuberance on the part of exponents of genetic modification riding roughshod over our agreed social values, our legitimate fears for public health and our reputation as an international supplier of wholesome food. On the other hand we as parliamentarians have to balance this against our solemn responsibility to guard against excessive conservatism that could inhibit scientific progress and deprive the community of the undoubted benefits to be delivered by the careful application of gene technology. The bill is the expression of the extraordinary progress the commonwealth and state governments have achieved in this complex field. Given the extremes of political philosophy represented by governments across Australia, the fact that we have been able to create complementary state and commonwealth legislation is very much to be commended. It is a great tribute to all those who have been involved this process. I take this opportunity to wish the bill a speedy passage and give it the unqualified support of the Liberal opposition.

Hon. R. A. BEST (North Western) — I rise on behalf of the National Party to indicate its support for this important piece of legislation. The Gene Technology Bill 2001 is the Victorian component of a national system to regulate all activities involving genetically modified organisms. Without this Victorian legislation the national regulatory framework would not operate as comprehensively as it will.

Genetically modified organisms (GMOs) have been the topic of an enormous amount of debate not only in Victoria but also Australia-wide. It is interesting currently to see the different positions in which countries throughout the world find themselves. There are differing opinions in the United States of America, Canada, South America, Japan, and more recently the European Union, which only in the last month or so started to distribute a white paper, which reflects much of the work done in Australia some two years ago. So it is interesting to see how the positions of various countries are changing. It is also interesting to note the various stages of development of policy initiatives and legislative frameworks on this issue.

The National Party supports gene technology. We believe that with careful rigorous supervision and good legislation biotechnology has much to offer not only to consumers but also to communities and particularly to the environment, and I will address that later in my contribution. However, that is not to say we do not support our organic farmers. They provide the market place with chemical-free food, a real alternative in consumer choice that many consumers are accepting. So although we strongly support the introduction of this legislation and the regulatory framework within which it is provided, we will certainly continue to support our organic farmers and the chemical-free food they provide to the marketplace. There is a role for both industries, and I will continue to encourage our organic farmers to develop their side of the industry.

The bill provides for an independent gene technology regulator. I read somewhere that she has been appointed. Her position is established under the commonwealth act, which grants her the powers to act

in Victoria to control all research, development and manufacture of GMOs and products by individuals, state agencies and institutions not working through corporations.

The point should be made that some time ago Victoria passed legislation to prohibit human cloning and the experimental mixing of human cells and animal sex cells, so the Victorian legislation does not need to pick up on the commonwealth provisions for those issues. As I said, the Commonwealth Gene Technology Act 2000 and its mirror legislation in all states and territories establishes a national regulatory framework. It provides Australia with the most comprehensive risk assessment and risk management systems possible.

The bill covers dealings with GMOs and commercially modified products not covered by existing regulations in the areas of food, therapeutic goods, agriculture, veterinary and industrial chemicals. It establishes a statutory officer known as the Gene Technology Regulator, who will be responsible for the implementation and overseeing of this legislation.

As the Honourable John Ross has indicated the bill also establishes three committees: the Gene Technology Advisory Committee, the Gene Technology Ethics Committee and the Gene Technology Community Consultative Committee. The process of community consultation is particularly important because as members of Parliament most of us have received a range of correspondence from people who do not understand the full extent and ramifications not only of the legislation but also the framework within which biotechnology will proceed in the future. These committees provide advice on scientific and ethical issues to the regulator and to the ministerial council.

As we heard, the Minister for Health is a member of that council. The Honourable John Ross quite rightly asked why the regulatory framework comes under the responsibility of the Minister for Health. My colleague Barry Steggall in another place has been a very strong advocate of ensuring that this is a public health issue and that it falls under the responsibility of the Minister for Health so that issues of the promotion and production practices associated with the agricultural and food industries are not compromised by having a minister of agriculture overseeing the regulatory framework. Dr Ross rightly pointed out the problems experienced in the United Kingdom. When asked how the outbreak of mad cow disease had been able to occur people had difficulty identifying the difference in portfolio responsibilities between public health and the production of food products.

The bill prohibits persons from dealing with GMOs unless that dealing is exempt or is a notifiable low-risk dealing on the registers of GMOs or licences administered by the regulator. It establishes a scheme for the assessment of risk to human health and to the environment with extensive inputs from the public. The community consultation process is particularly important because in many cases we need to demystify many of the issues associated with GMOs and the production of GMO products. The consultation process also provides for the certification of facilities and the accreditation of organisations, and it creates a centralised database for all GMOs and GMO products approved in Australia. It also provides for comprehensive auditing, inspection and monitoring. Both state and federal legislation will provide extensive enforcement powers to the regulator so the state will confer powers on the commonwealth and the commonwealth will interact with powers here in Victoria. That is a welcome development because it will certainly lead to better outcomes and will assist in demystifying for the community many of the issues associated with GMOs.

I do not think many people realise it, but biotechnology has been around for a long time. It was 1978 when bioengineered bacteria was used to produce human insulin to replace insulin from cattle and pigs — with genetically modified growth factors such as factors VIII and IX — and bone marrow transplants, which are much safer than they were when they came from human blood. We have also produced genetically modified interferon and manufactured hepatitis B vaccine, all genetically modified medical products.

Biotechnology is also being advanced into the food processing area. Rennin is an enzyme used to clot milk and produce cheese. In the past rennin made from rennet was scraped from the fourth stomach of a milk-fed calf. Now it is purified from a bacterium that has been genetically modified to produce it. While it is structurally identical it does not now have to be taken from those slaughtered calves.

A number of other crops have been developed across a number of products that have been part of everyday agriculture. I know that Bt cotton is one that was also referred to in an earlier speech where a product has been developed which actually attacks caterpillars that attack the cotton plant, and instead of enormous amount of sprays being used on the cotton crop, a cotton product has been developed so that whenever caterpillars eat the toxins within the cotton crop the caterpillars are killed. That has enormous benefits for our environment. It has been suggested there has been a reduction of 1.5 million litres of spray every year. The

product has led not only to a better type of cotton but also to the eradication of a pest. It has helped the environment by reducing the amount of spray previously used on the crop.

A number of concerns have been raised, and the three most common concerns about genetically modified organisms. The first is: is GMO food safe to eat? I put on the record that so far as food safety is concerned, we must remember that no food in the history of our existence has ever been subjected to such scrutiny and analysis as genetically modified foods. That comes from a number of points. Companies that produce these food products have a responsibility to prove to consumers that they are safe. While government has established the regulatory framework, and we are the gatekeepers so far as the products that companies produce are concerned, it is imperative that companies ensure that consumers are confident in the products they purchase because at the end of the day if consumers are not confident they will not buy those products.

The second is: what effects will GMOs have on the environment? I have alluded to one particular issue with the reduction in sprays that were used on some cotton crops, but the environmental risk and benefits associated with GMO products must be considered. We are all aware of that, particularly the issue of land degradation, and the way we can genetically modify crops may assist in us being able to farm over a longer period.

There are some acknowledged benefits with the production of food, such as less chemical use, the opportunity to develop more minimum tillage systems, increased yields that can be provided from the crops and lower costs to farmers. However, we have to ensure that those increased yields translate into higher returns for producers. That is one area that many of our farming communities are currently looking at — reducing the cost of the inputs in developing a product while trying to maximise the amount of return. That is where GMOs provide wonderful opportunities for better land use.

We have read quotes from the CSIRO, but it has been suggested by scientists globally that agriculture is in trouble, and nearly 40 per cent of the world's farmland is seriously degraded. In Australia the CSIRO is suggesting that we have only 10 to 15 years in which to change our farming systems and practices or we will lose much of our farming land. We may have no alternative but to turn towards bioengineered crops.

For those of us whose electorates take in much of the Murray-Darling Basin we are very conscious of the issues associated with land use, the types of farming practices, and future irrigation practices that are required to redress many of the problems we face within those communities, particularly the issue of salinity in the areas from Kerang through to Mildura. So far as the environment and GMO products are concerned, there is certainly an opportunity for us to extend the life of our farming land. It is important that we give consideration to those practices.

The third issue is: will consumers be able to choose not to eat GMOs if they decide they are unsafe? This specific issue refers to the responsibility of labelling on products. I believe consumers must always have a choice. However, labelling must be sensible and not push price increases to the consumer. Companies have a responsibility to ensure that more than basic information is contained on a label. It would be a good idea for web sites to be created by companies in which consumers could look at the product they are purchasing. Through the use of the barcode on the product consumers could then go to a web site and identify the total make-up of that product so that they can choose whether they wish to purchase the product or wish to purchase an organically provided alternative.

That is one suggestion that should be considered by companies and even by the ministerial council as part of the security to consumers. There should not be too much information on the labels because many of us do not understand the chemical terms associated with particular product groups. However, discerning consumers who wish to pursue the issue of the contents of a product may by access through the barcode to the web site of the particular company be able to find out more about the products of that company.

Finally, I support the process of creating the legislation not only here in Victoria but also nationally. It is acknowledged that the process began under the previous government and I compliment in particular my colleague in another place the honourable member for Swan Hill, Barry Steggall, for the job he has done on behalf of the National Party in particular to keep us informed as members of the Parliament and also to ensure that many of the directions and suggestions regarding how this legislation could come to fruition have been acknowledged.

I also congratulate the current health minister, the Honourable John Thwaites, on the role he has taken in responsibly advocating the introduction of this legislation and also for the information he has circulated through the community. In August all

honourable members would have received a document entitled 'Biotechnology and gene technology — federal and Victorian regulatory framework', which sets out very clearly the regulatory framework. It also demystifies a lot of the issues that have been raised many times throughout the community and answers many of the questions asked by members of Parliament when considering this legislation.

One of the documents I received was entitled 'Genetic engineering — freeze it for five years', put out by the Australian Conservation Foundation. It sets out its case for freezing the introduction of genetic engineering, identifies a range of products that Australians should and should not buy, and identifies a number of supermarkets and manufacturers which it says consumers should contact about their concerns.

People on each side of the argument are entitled to put their case, but I believe my colleague Mr Steggall summed it up best when he drew a comparison between the introduction of GMOs and the introduction in the last century of the internal combustion engine. He said that in the same way that the internal combustion engine was a natural progression from steam power, genetic engineering is the inevitable progression from conventional plant breeding.

When the first automobile was introduced in Britain in the late 19th century there was fear and loathing; many horses bolted, children cried and women hid their faces. At first automobiles were allowed to travel at only a couple of miles an hour — the speed at which someone was able to walk in front waving a flag — but the rest is history. The internal combustion engine has taken us into the air, on and under the sea and into production in factories and on farms. It has generated power and it has led to space travel. On the downside it has also polluted our air, clogged our cities with cars, killed and maimed hundreds of thousands of people every year in accidents and made mass destruction in war a simple matter. However, we have managed the risk of the motor car and on balance are we not better off? With those few words I support the legislation and wish it a speedy passage.

Hon. A. P. OLEXANDER (Silvan) — As my colleague the Honourable John Ross said, the opposition supports this bill. It is important, however, to point out that this bill is not about raising the question of whether or not we support the marketing of genetically modified foods but rather it is about facilitating research to learn about biotechnology issues, and it is incredibly important that at this stage of our development as a society we do that.

In Silvan Province many people who have interests in and concerns about primary production are keen to know more about the application of this technology to their particular circumstances. I refer specifically to producers in the cut flower industry, as Silvan Province is one of the top regions for cut flower production in Victoria and in Australia and the potential applications for genetic technology in that industry are huge. My electorate also has a significant stone fruit sector, which produces a very large proportion of Victoria's and Australia's stone fruit product, and it has some very significant berry interests as well.

Learning about and doing research into this type of technology is incredibly important, not only from an economic perspective but also from a consumer perspective. The bill is part of a national framework to ensure a consistent, collaborative and tri-governmental tier approach to facilitating gene technology and research.

The stated aim of the bill is to protect the environment and the health and safety of Australians by identifying and managing risks posed by or resulting from gene technology. It is significant that this has been included as one of the aims of the bill because previous speakers have alluded to the fact that great disquiet, many rumours and much misinformation have arisen as a result of the coming to prominence of this technology.

By way of background, prior to the commonwealth Gene Technology Act 2000, which was promulgated in December 2000, a voluntary and self-regulatory system was in operation in Australia. Premier Bracks signed the gene technology agreement in early July 2001. The Australian Capital Territory has also become a signatory to that agreement, Tasmania has passed the legislation but has not signed the agreement and the remaining states are continuing their discussions with the commonwealth.

The bill sets up some key elements in the context of the Victorian jurisdiction. The national framework established by this bill is consistent with the commonwealth act and centres on the establishment of the Canberra-based Office of the Gene Technology Regulator (GTR), which has been fully operational since 21 June this year. The bill provides that it will not be possible to use genetically modified organisms — or GMOs — without obtaining a licence from the GTR. Licences will be issued for two years.

The establishment of three committees within the national framework has already been alluded to by my colleague Dr Ross, and they are: the Gene Technology Advisory Committee, the Gene Technology

Community Consultative Committee and the Gene Technology Ethics Committee. Logically the three bodies that will be busiest with the work required in this area will be precisely those bodies, because ethics and community consultation in particular will be an incredibly important aspect of the development of this technology into the future if it is to have public support.

Each state and territory represented at ministerial council has agreed to pass complementary legislation which can be varied as long as variations are consistent with those developed by the gene technology agreement. The Office of the Gene Technology Regulator will be a federal statutory office-holder reporting to federal Parliament. The GTR will grant exemptions for low-risk activities and conduct risk assessments for all other activities in this field, and exemptions and licences are listed on its web site — www.ogtr.gov.au — for public inspection.

Gene technology dealings will be licensed, and the term 'dealings' is defined in the bill as including the conduct of experiments with a GMO; the making, developing or production or manufacture of a GMO; the breeding of a genetically modified organism; the propagation of a GMO; and the use of a GMO in the course of manufacture of something that is not a GMO.

So ancillary uses are also covered by the bill. The definition includes growing, raising or culturing a genetically modified organism and importing a GMO product. It also includes the possession, supply, use, transport or disposal of a GMO for the purposes of or in the course of dealings mentioned in any of the above.

The current federal regulators involved in this area include bodies like the Australia New Zealand Food Authority (ANZFA), the Therapeutic Goods Administration, the National Registration Authority, the National Industrial Chemicals Notification and Assessment Scheme, the Australian Quarantine and Inspection Service and the National Health and Medical Research Council. These bodies will continue to regulate their own areas of responsibility. The agencies must now consult with the Gene Technology Regulator but are not obliged to accept the advice of the regulator.

For example, the Australia New Zealand Food Authority has approved something like 13 GMOs to date. Applicants in the future will provide details to the regulator to gain a licence for a dealing. The applicant will provide all the details, including risk assessments, containment procedures and information to both bodies. The decision to allow a release — such as a crop of, say, genetically modified wheat — would rest with ANZFA.

Importantly, as I have alluded to, the bill allows for public consultation. For the proposed general release of a GMO the regulator must give approval. The regulator is required to provide all information on the impact of a GMO, including risk management plans, and these must be given to all state and territory governments, and of course local government in the areas to be affected. Advertisements are to be placed in daily newspapers to invite submissions. The regulator must consider all those submissions and the scientific evidence. The regulator is also required to ensure that the principles in the gene technology agreement as established by the ministerial council are adhered to prior to granting a licence for a dealing.

The bill provides for penalties. I think it is very important that they be there, and certainly we on the opposition side support their inclusion. Clauses 32 to 38 deal with the issue of dealing without a licence or breaching the conditions of the GMO licence or register. The bill talks about aggravated offences, which are interpreted as the intentional or reckless conduct of activities. I refer particularly to clause 34(3)(a), which states:

> (a) in the case of an aggravated offence — imprisonment for a term not exceeding 5 years or a fine not exceeding $220 000 plus an additional fine not exceeding $22 000 for every day during which the offence continues …

These are very hefty fines and penalties. But when you think about the nature of the work and of the organisations that will be conducting the work, many of them for commercial reasons, this regime of penalty seems logical. One variation appears in clauses 33 and 34 to pick up a drafting error in the commonwealth act, which states that imprisonment as well as fines are accrued on a daily basis, which of course is an impossibility. That is corrected with this bill.

Dr Ross alluded to the fine intergovernmental consultation that has taken place on this bill. I echo his comment that it is heartening to see governments of so many colours, political persuasions and philosophical positions coming together to achieve an outcome like this national framework. A commonwealth, state and territory bioethics committee and a Victorian interdepartmental committee will meet as required to ensure access to all relevant information on issues of concern.

I briefly allude to the fact that three national committees will be established for technical, ethical, and community and industry concerns. Some transitional issues are associated with this bill. Since 1983 the voluntary scheme has regulated approximately

3500 dealings. These will be subject to a review to ensure they are consistent with the current requirements and conditions.

The Office of the Gene Technology Regulator will carry out physical monitoring, and a review of the commonwealth act will be conducted three years after commencement — which, roughly, would be June 2004.

It is important to note in this debate that there is a ban on human cloning. Section 192(b), (c) and (d) of the commonwealth act bans the cloning of human gametes into animals and vice versa. This amendment was introduced by Senator Harradine at the end of the debate on the federal bill. These provisions will be repealed when specific commonwealth, state and territory legislation is fully passed. Draft model legislation following the Andrews report is expected by mid-2002. Currently the Victorian, Western Australian and South Australian jurisdictions ban human cloning. The commonwealth infertility treatment act bans the destruction of human embryos for research. Therefore, section 192 is not part of the Victorian bill. It is important to note that exclusion.

In conclusion, I indicate that as legislators we have an extremely important responsibility to ensure that this process is conducted well and correctly. Generations from now will reflect on this time as a time of enormous change and enormous challenges. But with change and challenge there is also a feeling of considerable uncertainty. This bill goes to great lengths to facilitate the removal of much of that uncertainty. It does that by looking at biotechnology and the ramifications of that technology in a very measured and thorough way. The Liberal opposition supports this bill, and I commend it to the house.

Hon. JENNY MIKAKOS (Jika Jika) — I will begin by apologising to the Victorian scientific community for the contribution I am about to make. I am certainly no scientist, but I have undertaken a fair degree of research into this area to familiarise myself with the legislation and with recent developments in the area of gene technology. I preface my remarks by making that statement.

As previous speakers have indicated, this is a very important piece of legislation. It seeks to give effect to the Victorian government's signing off on an intergovernmental agreement committing participating jurisdictions to a single national system of regulating gene technology and genetically modified organisms, or GMOs, and genetically modified products derived from gene technology.

The Victorian bill seeks to largely mirror the commonwealth Gene Technology Act 2000 and the associated regulations made under that act. It also seeks to ensure, as its overriding objective, the protection of public health and safety and the environment from risks arising from the use of gene technology, or GMOs.

As previous speakers have indicated, currently we have a voluntary system of seeking to regulate GMOs through the existence of unenforceable guidelines. Given the rapid pace at which this technology is emerging, it is now an appropriate time to move from a voluntary system to a proper regulatory system that ensures transparency and public consultation with an overriding objective of ensuring that the public and the environment are protected.

It is for that reason that I strongly support the move towards a national regulatory framework. This legislation will seek to cover individuals, universities and state government research facilities which do not come within the scope of the commonwealth legislation. Because of constitutional impediments the national scheme approach is necessary to ensure that bodies that do not fall within the commonwealth government's corporations power are subject to the proposed regulatory framework.

Before I discuss the bill it is important to indicate what the current regulatory framework actually is. It is a largely voluntary system where the Genetic Manipulation Advisory Committee, which was established in 1987, provides advice to other commonwealth agencies on the environmental and safety implications of genetically modified organisms. The bodies that receive advice from the GMAC include regulators such as the Australia New Zealand Food Authority, which regulates food standards and labelling; the Therapeutic Goods Administration, which regulates therapeutic goods and human gene therapy; the National Registration Authority, which regulates agricultural and veterinary chemicals; the National Industrial Chemicals Notification and Assessment Scheme, which regulates industrial chemicals; the Australian Quarantine and Inspection Service, which regulates imports and exports of genetically modified (GM) products and GMOs; and also the National Health and Medical Research Council, which oversees research involving human gene therapy.

The problem with the current regulatory framework and its limitations is that the GMAC is a non-statutory body which has no direct legal power to enforce its decisions. Given the rapid rate at which biotechnology is advancing around the world, there are now many

GMOs that do not fall within the legislative mandate of the existing commonwealth regulators.

The move to a new national regulatory framework has followed a two-year process of negotiations between the commonwealth, state and territory governments which saw the passage of the commonwealth Gene Technology Bill by the federal Parliament in December of last year. The commonwealth Gene Technology Act with the Gene Technology Regulations establish a national scheme to regulate gene technology and to provide a framework for coordination across all levels of government. While these discussions have taken a two-year process there have been attempts to establish a national regulatory framework going back as far as 1992. It has taken nearly 10 years for us to achieve this national regulatory framework, and I am pleased that we are now seeing it commence operation.

The new framework will complement the existing commonwealth regulatory systems for the regulation of food, therapeutic goods, agricultural, veterinary and industrial chemicals. The existing regulators will continue to regulate products and activities covered by the existing legislation. However, they will be required to work closely with the Office of the Gene Technology Regulator which has been established under the commonwealth legislation in order to harmonise risk assessment on GMOs and GM products. This working arrangement is intended to include the sharing of databases and the requirement for existing regulators to take into account the advice of the Gene Technology Regulator when considering applications for GMOs and GM products.

The Victorian government supports the move towards a national regulatory framework and for this reason it signed the intergovernmental agreement relating to gene technology earlier in the year. It is anticipated that in addition to the legislation being considered today, there will also be regulations enacted by the Victorian government which are expected to largely mirror the provisions in the commonwealth regulations.

In addition to the national regulatory framework the Victorian government is seeking to establish a Victorian regulatory framework for biotechnology. The Victorian framework is intended to include a high level interdepartmental committee, which will be chaired by the Director of Public Health and will include representatives from the Department of Human Services, the Department of Natural Resources and Environment, the Department of Justice, the Department of Premier and Cabinet, the Department of State and Regional Development and the Environment Protection Authority. The interdepartmental committee will provide advice to the Victorian government on the implementation of the regulatory framework relating to safety and ethical issues, codes of practice and the communication of government policy.

In addition to this committee a biotechnology safety and ethics unit has been established within the public health division of the Victorian Department of Human Services to provide a central coordination role for the Victorian government's participation in the national scheme on biotechnology safety and ethics. This unit will be responsible for informing the Victorian community about the national scheme and responding to public concerns about issues surrounding gene technology and biotechnology. A number of previous speakers have already indicated the level of concerns expressed by some sections of the community regarding this technology, and I will allude to those concerns later in my contribution. That level of concern is the reason it is important the government have such a unit seeking to educate and inform the Victorian community about the issues surrounding biotechnology and in particular gene technology and seeking to have a sensible, informed and rational debate about those issues.

The Victorian biotechnology ethics advisory committee is anticipated to be established to provide strategic and independent advice to the Victorian government on ethical matters related to the use of gene technology and other biotechnologies as they relate to Victoria. This committee will also assist with the development of the Victorian codes of practice in respect of genetically modified organisms. It is anticipated that there will be a community consultation process to identify the process where the Victorian community can raise concerns and receive relevant information.

The Victorian government supports the national regulatory framework and seeks to supplement it with its own internal committees and advisory structures because biotechnology and genetic engineering is developing in this country in an unregulated way.

This year the Victorian government participated in a conference held in San Diego California, which is a significant forum for biotechnology issues and was attended by more than 14 000 people, including 5000 international participants from 44 countries. This was the first time the Victorian government participated in such a forum and reflects the fact that between January 1999 and June 2001, 40 per cent of Australia's new biotechnology enterprises were started in Victoria and Victoria is now home to one-third of all dedicated biotechnology companies in Australia. I should clarify that the Victorian government's approach to attract

biotechnology industries relates to the whole gamut of biotechnology and is not restricted to gene technology which I understand is merely one branch of biotechnology.

The current debate should also be seen in light of the fact that Victoria currently has 66 field trial sites for GMOs. I understand there are over 500 licences for dealing with GMOs that do not involve an intentional release and may involve notifiable no-risk dealings. These are underway at the present time and therefore it is not accurate to say that Victoria is presently genetic engineering-free. Field trials are occurring under the voluntary framework and it is in particular for this reason that the legislation is much needed to address community concerns relating to those current field trials. I will come back to field trials later in my contribution.

I turn now to community concerns. A number of previous speakers have already acknowledged there is a degree of community concern relating to gene technology in our community. The Honourable John Ross referred to those concerns as hysteria — —

Hon. J. W. G. Ross — I did not. The word 'hysteria' was certainly not used.

Hon. JENNY MIKAKOS — I withdraw that comment. I understood the Honourable John Ross was suggesting there was a degree of community concern that did not reflect current scientific developments and empirical evidence relating to those technologies.

It would be fair to say that the Victorian community has some concerns about the social and ethical issues relating to humans playing God by manipulating the natural genetic structures of organisms. Some concerns go beyond the ethical dimensions and relate to public health, particularly in relation to genetically modified food. There are also environmental concerns about the impact genetically modified organisms will have on our natural flora and fauna. It is important we acknowledge that community concern in this debate and that we seek to engage ourselves in a process of public education to enable a fully informed community debate.

An AC Neilsen- Age poll published on 24 July 2001 showed that 93 per cent of respondents said they wanted GM food identified with labels and 65 per cent said they did not want it on their plates. The poll indicated that people seemed to be more concerned about GM foods than GM drugs and that they were supportive of GM product labelling laws being introduced in this country. Those sort of polls indicate that there is a very high level of community concern about these developments and this research.

That concern seems to be having some impact on some parts of our agricultural sector. In articles published recently in the *Bendigo Advertiser* it has become apparent that some farmers in that region and the local council are supportive of having a Bendigo genetic engineering-free zone declared. I understand that public forums have been held and a range of discussions have taken place among community members about the implications of GM crop trials in the area. According to the *Bendigo Advertiser* of 5 October the City of Greater Bendigo has considered calling for a five-year moratorium on GMOs in the region. That is an indication of some of the concerns held by some members of the Victorian agricultural community.

It is important to acknowledge that some farmers are not wholly supportive of this technology because they are concerned about the effect it will have on Victoria's reputation as a clean and safe environment for agricultural production. We have certainly seen a consumer backlash against GM foods overseas. According to the *Age* of 25 March 2000, there has been a strong public backlash in Europe where under customer pressure French and British supermarket chains have banned GM foods. There are other examples of United States agricultural producers having problems with some of their GM crops in the export market.

In that context it is important that the Victorian farming community in particular seeks to have some input into the framework we are establishing in this bill and the national regulatory framework. For that reason I welcome the fact that the Victorian Minister for Agriculture has been prepared to canvass these issues through the release of a consultation paper entitled 'Genetic-engineering-free zones'. While the minister and the government have not as yet formally responded to that submission and consultation process, I welcome the fact that the minister has been prepared to demonstrate considerable leadership and sensitivity towards the concerns being expressed by some members of the Victorian farming community. I look forward to the minister making an announcement about that consultation process in due course. As I said, I encourage the Victorian farming community to seek to have as much input as possible into that consultative process to ensure that all arguments are canvassed.

I note that in his contribution the Honourable Ron Best called for crop trial sites to be publicly known. I would support such a move. At present the CSIRO and Aventis Cropscience have made public the location of

GE crop trials in Victoria, and lists have been published in the media. I welcome that. It is important that we have as much transparency and community participation in those trials as we can. I hope those issues will be addressed by the Minister for Agriculture's response to the consultation paper I mentioned earlier.

As I indicated, it has taken two years to get from discussions between the commonwealth, states and territories to the passage of the commonwealth act. I know there was extensive public consultation on the proposed national regulatory framework at the time the commonwealth bill was being debated in federal Parliament.

It is important to put on the record the fact that the commonwealth Senate Community Affairs Reference Committee examined the commonwealth legislation, undertook extensive public hearings and also received 125 written submissions on gene technology regulation. I have thoroughly read the report entitled 'A cautionary tale: fish don't lay tomatoes'. I encourage other honourable members to refer to that Senate report, because it is a useful introduction to the area of gene technology. I found it to be quite helpful in understanding the issues and in particular the benefits and risks associated with gene technology for the purposes of this debate.

It is useful to provide the flavour of some of the comments made by the Senate committee in its report. The committee found that a number of features emerged from the inquiry:

> One of the most important was the significant number of and qualifications of scientists opposed to, or very concerned about, gene technology, its applications and possible consequences. Protagonists of gene technology who described opponents as 'a noisy minority' or 'extremists' did not reflect the breadth of concern in the community or the weight of serious and scientific opposition.

The committee went on to note in its report that community concern seemed to revolve around the area of gene technology and food rather than other areas such as the pharmaceutical industry, where it was felt that the level and extent of research and testing was of a far higher standard.

Sitting suspended 1.01 p.m. until 2.01 p.m.

Hon. JENNY MIKAKOS — Before lunch I was discussing the Senate Community Affairs Reference Committee report and I mentioned that it indicated areas of community concern about gene technology. One of the areas the community appears to be concerned about is the area of transgenics, which involves the transfer of genetic material across species. Hence the name of the report suggesting that in nature genes from fish do not get into tomatoes unless there is some form of human intervention.

The Senate committee report on the commonwealth bill provides a useful summary of the current perceived benefits and risks associated with gene technology. The Senate committee noted that the major benefits were perceived to be for crop improvement, particularly in speeding up the transfer of desired traits into different types of crops.

The Senate committee received evidence from AWB Ltd, which I understand is a company that deals with gene technology. It was suggested that the transfer of those desired traits could be sped up on a year-to-year basis rather than the current time frame that requires between 8 to 10 years using conventional technologies.

The National Farmers Federation also made extensive submissions to the Senate committee and identified a number of production benefits from crops derived from gene technology which included producing varieties of crops with increased resistance to pests and diseases which would lead to benefits, including reduced pesticide and herbicide use, reduced input costs and reduced adverse environmental impacts from chemical use. The National Farmers Federation also identified new varieties of crops which would result from genetic technology which would make better use of soil nutrients leading to reduced fertiliser use. It also identified as potential benefits — —

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! I ask honourable members to lower the level of conversation in the chamber.

Hon. JENNY MIKAKOS — I am glad to see you are listening, Smithy! The National Farmers Federation also indicated that other perceived benefits from genetic engineering (GE) technology would be reduced labour and energy costs, improved yields, quality and produce and a quicker adaptation of crops to environmental and climatic factors such as reduced water use, salt resistance and drought tolerance. The benefits were seen to be particularly acute in respect of developing herbicide resistance in crops which would lead to increased production, efficiency and new techniques in weed management and overall herbicide use.

In respect of the environmental benefits identified by the Senate committee, the report indicates that potential benefits to the environment would include a reduction in the use of conventional chemicals and pesticides

which would lead to more specific targeting of pests and weeds and reduce ground water contamination.

The Senate committee report also identified a number of potential health and medical benefits from gene technology and indicated that already a number of products were being used in Australia. These included enzymes, hormones, blood coagulation factors, hepatitis B vaccine and a treatment for flu symptoms. The bill does not relate to stem cell research, but GE technologies relating to stem cell research also offer the potential for great advancement in the medical and health area.

I was in America a few months ago when the United States Congress was debating the issue of stem cell research. I found it interesting that a number of very conservative Republican people in the United States Congress took a view that whilst they were ostensibly opposed to a woman's right to choose on the issue of abortion, they were quite supportive of stem cell research as they perceived the potential there to save many lives from the development of such technologies in the future. While the bill does not deal with the issue of stem cell research, it will be an issue that will need to be examined at a national level, possibly with a national scheme of legislation concerning those developing technologies and areas of research.

In respect of the risks associated with gene technology, the Senate committee identified a number of potential risks, in particular the introduction of potential allergens into GM food, the contamination of traditional or organic crops by neighbouring GM crops and the inability to eliminate a GMO once it is released into the environment. The report focused on the potential for increased environmental damage and the increased environmental competitiveness of GMOs creating weeds or pests in the case of animals that have had GM technologies and processes applied to them.

The report indicated that in a number of submissions to the Senate committee opponents of gene technology pointed out that whilst the industry made a lot of its claim to potentially solve world hunger problems from the application of such technologies in the agricultural sector, at the present time the only crops that have been subject to genetic engineering are those used in industrialised and not developing nations.

The Senate committee report also indicated that it had a number of submissions which suggested that the benefits of gene technology in the agricultural sector appeared to be only for growers, transporters, wholesalers and retailers of GM food where products were able to have a longer shelf life rather than producing any direct benefits for consumers.

The Senate committee report dealt at some length with the potential risks associated with GM food and referred to the potential risks associated with antibiotic resistance markers and potential allergens in respect of the potential for allergy-causing protein to be inadvertently transferred from one food species to another. The committee referred to the example of the transfer of an allergen from the brazil nut into a soybean, but noted that in respect of that particular occasion the transfer of the allergen had been picked up at the trial stage and therefore did not cause any public health risk. Nevertheless, the potential for such transfers remains unless proper processes and caution are introduced, which is what the legislative framework seeks to do.

Overall, the Senate committee has produced a very good report. It called for openness, transparency and accountability to be introduced into a national regulatory scheme and suggested that caution needed to be exercised because the consequences of getting it wrong were too grave to contemplate in the longer term. The Senate committee made a considerable number of recommendations seeking to introduce a greater level of transparency, accountability and due process into the national regulatory framework. I understand that a number of recommendations made in the majority report of the Senate committee report were taken up and resulted in a number of amendments to the commonwealth legislation.

I note that government members, being the Liberal and National Party members on the Senate committee, did not think it was necessary to make any alterations to that legislation; but thankfully the numerical position in the Senate and the support also of the Democrats and the Greens resulted in a number of changes being made to that legislation, including the enshrining of the objectives of the legislation that the regulator needs to adopt a precautionary approach in dealing with these areas of technology.

The Senate committee report also contains a useful overview of the international experience of gene technology regulation. It noted that many other industrialised countries had adopted similar regulatory regimes. It appears that our system probably errs on the side of more consultation and transparency, which I certainly welcome. The report also noted that the United Kingdom has adopted a three-year moratorium on GE crops and that at the time of the report's publication Germany and New Zealand were considering doing likewise. New Zealand also

established a royal commission into GE technologies, which seems to indicate that the level of concern being expressed in the Australian community is shared on an international level.

In dealing with the substance of the bill, I indicate that I found the format and presentation of the bill to be particularly useful in that the numbering of clauses is consistent between the Victorian bill and the commonwealth Gene Technology Act, which makes it much easier to compare the two approaches taken. The Victorian bill also retains headings — which is the system used in the commonwealth act — even where a provision is not replicated in the Victorian bill, and includes at the conclusion of clauses notes to indicate where a provision is unique to the Victorian bill.

The other useful aspect of the format is the inclusion at the start of each part of the bill simplified summaries of that part, which makes the bill more comprehensible. I commend the parliamentary draftspeople for the format of the legislation.

The key feature of the bill is the inclusion of a prohibition against persons dealing with GMOs in a broad range of activities including research, manufacture, production and commercial release, and import of a GMO dealing unless it comes within one of the categories allowed under the regulatory framework. I note that the expression 'deal with' is a defined term under the bill. Dealings are declared exempt when they are not a GMO within the definition in clause 3 of the bill or because an organism is declared to be exempt under the regulations. Exempt dealings can be reviewed under the provisions of clauses 141 to 144 of the bill.

The other type of allowable GMO dealing relates to notifiable low-risk dealings, dealt with under part 5 of the bill and which relates to dealings which have been demonstrated to pose a minimal risk to the public or to the environment and that do not involve the intentional release of a GMO into the environment. The notifiable low-risk dealings are declared to be such by way of regulation only if the requirements of clause 74 have been met. The expression 'notifiable low-risk dealing' is defined in the bill and clauses 74 and 75 are the relevant provisions that relate to notifiable low-risk dealings. For a dealing to be a notifiable low-risk dealing under the legislation, the Governor in Council making regulations declaring such a dealing to be a notifiable low-risk dealing must be satisfied of certain things including that the GMO is biologically contained so it is not able to survive or reproduce without human intervention, that the dealing involves minimal risk to the health and safety of people in the environment and that there are no conditions that would make it necessary to impose any licensed condition in relation to that dealing.

Other types of dealings in GMOs allowed under the regulatory framework are dealings included on the register of GMOs under clauses 77 to 80 which are again regarded as being of a low risk. The other major area — I say 'major' in the sense that a large part of the bill is devoted do it — is dealings in GMOs licensed by the regulator under part 5 of the bill, and I will touch upon the licensing system a little later in my contribution.

Part 3 of the bill deals with the gene technology regulator. I note that the commonwealth act establishes the gene technology regulator as a statutory officer to administer the legislation and make decisions under it. However, part 3 of the bill mirrors the commonwealth act in outlining the regulator's functions. The key clause is clause 27, which sets out the functions of the regulator. It is important to put on the record that they include functions relating to GMO licensing under part 5 of the bill: the development of draft policy principles and policy guidelines requested by ministerial council, the development of codes of practice and technical and procedural guidelines, and the provision of information and advice about GMOs and GM products to other regulatory agencies.

The regulator also has the role of providing advice to the ministerial council about the operations of the regulator and the various advisory committees and is required to undertake relevant research in respect of risk assessments of GMOs. The regulator is also required to harmonise risk assessments, monitor international practice and maintain links with relevant international organisations.

Clause 30 provides for the independence of the regulator — a very important provision. The regulator has discretion in the performance or exercise of his or her functions and is not subject to direction from anyone about whether a particular application for a GMO licence should be issued or refused or conditions to which the licence should be made subject.

The other key part of the bill is part 5, which relates to the licensing system and assessment processes provided for under the legislative framework. Part 5 establishes a licensing system under which a person can apply to the regulator for a licence authorising dealings with GMOs. The process undertaken by the regulator seeks to assess the risks to human health and the environment associated with the various dealings with GMOs, including opportunities for public input.

The process depends largely on whether the proposed dealing will involve the intentional release of a GMO into the environment. I note in this respect that clause 11 includes a definition of an intentional release into the environment, which is:

> … a dealing with a GMO involves the intentional release of the GMO into the environment if the GMO is intentionally released into the open environment, whether or not it is released with provision for limiting the dissemination or persistence of the GMO or its genetic material in the environment.

This is an important definition because part 5 establishes in essence two separate processes, with a more rigorous process being required where there is an intentional release of a GMO into the environment.

Briefly, clause 47 of the bill relates to the process the regulator must undertake where there is a dealing that does not involve an intentional release of a GMO into the environment. The regulator is required to prepare a risk assessment and a risk management plan and to take into account the risks being posed to the public and the environment by that dealing. The regulator has a discretion to consult the state of Victoria and other affected states, together with the Gene Technology Technical Advisory Committee, which I shall discuss later, and other relevant commonwealth authorities, local councils and persons.

By contrast, where there is an intentional release of a GMO into the environment, the regulator must consult with such organisations and individuals, and there is a far more rigorous process involving gazettal, advertisement and invitation of public submissions in respect of that GMO dealing. Once a risk management plan has been prepared and risk assessment has been conducted the regulator is again required to advertise that strategy and to again invite public submissions. It is a complex and detailed process that would apply in those circumstances.

Part 5 also includes a number of provisions which require the regulator to consider suitability of applicants for a licence. The regulator will not only look at prior convictions and a person's or company's track record with other licences but also their capacity, presumably their financial capacity, to meet the conditions of a licence. This last consideration is important. When one looks at clause 62(3) one sees that the regulator is able to require as a condition of the licence that the applicant has adequate insurance.

Clause 58 requires a regulator to consider any relevant convictions in determining the suitability of an applicant. I make mention of that clause only because the Scrutiny of Acts and Regulations Committee in its *Alert Digest* No. 9 of 2001 noted that there was no provision in the Victorian bill that mirrored the commonwealth act's provision for a spent convictions scheme, which effectively permits certain previous convictions to be disregarded for the purposes of the act. The Scrutiny of Acts and Regulations Committee sought advice from the Minister for Health on this issue. I advise honourable members that the minister responded on the following basis:

> I agree that the absence of such a provision may suggest that it is to operate in favour of persons applying under the commonwealth act but not those applying under the proposed Victorian act. I am advised, however, that the provision was included in the commonwealth act out of an abundance of caution. The view of the Victorian Chief Parliamentary Counsel is that the commonwealth 'spent conviction' regime will continue to operate in favour of those persons coming within the scope of the Victorian bill even without any express clause preserving that benefit.
>
> As you will be aware, the Victorian Parliament does not have power to exclude the operation of the commonwealth 'spent conviction' provision either expressly or impliedly.
>
> Criminal convictions under the Victorian Crimes Act will be the subject of the ten-year exclusion in clause 58. There is no separate 'spent conviction' regime under the Victorian Crimes Act. Accordingly applicants for a licence under the commonwealth act and under the proposed Victorian act will be treated similarly in respect of Victorian criminal convictions.

I put that on the record only because as of today, and the debate on this bill, the Scrutiny of Acts and Regulations Committee has not had the opportunity of formally tabling the minister's response to honourable members. I am reading from correspondence provided by the minister to the chair of the parliamentary committee, of which I also happen to be a member.

Part 5 also includes licensing conditions, provisions for suspension, cancellation, surrender, transfer or variation of licences and for an annual charge. I have mentioned clause 72A because again it is a provision that was commented upon by the Scrutiny of Acts and Regulations Committee in *Alert Digest* No. 9. The committee considered whether this provision, which relates to the annual charge to be set annually by regulation, could be regarded as an inappropriate delegation of legislative power. It is important to put on the record the minister's response on that issue:

> In this case, however, the primary intent is to ensure that the Victorian bill provisions mirror the provisions of the commonwealth gene technology legislation so that a nationally consistent legislative scheme is achieved. The legislation has been drafted after extensive community consultation and is the subject of an intergovernmental agreement.

> The uniform nature of such legislation is fundamental to empowering the Gene Technology Regulator to act consistently and constitutionally with respect to all applications received from across Australia.

The bill contains a number of provisions relating to the review of decisions. This is an important part of the bill as it enables eligible people to seek an internal or judicial review. However, the legislation does not give interested parties such as a neighbouring farmer any standing in the internal or judicial review process. However, a person who might be affected — for example, someone with a genetically modified crop in a neighbouring field — is able to pursue compensation under the common law and to seek a review of questions of law under the commonwealth Administrative Decisions (Judicial Review) Act.

I will briefly comment on the provisions of the bill relating to a number of functions of the ministerial council on which the Victorian Minister for Health will be Victoria's representative. The functions of that council are set out in clauses 21 to 24 of the bill and in part 3 of the intergovernmental agreement.

Another aspect of the legislation that is important to note is the creation of advisory committees under part 8 of the bill and under the commonwealth regulations. Those committees relate to technical matters, ethical issues and the provision of a community consultative mechanism. It is very important that these advisory committees have been established.

The bill also provides for accountability back to the Parliament in that the regulator is required to provide quarterly and annual reports to the Parliament. It also contains a requirement that there be a full review of the whole regulation framework within four years.

This is a very important piece of legislation and I welcome the creation of a national scheme for the regulation of gene technology. The jury is still out in terms of whether the community will accept gene technology; however, it is clear that there are some clear and demonstrable benefits to be derived by the Victorian community from the development of these technologies. The national regulatory framework provides for a transparent process that will ensure that the public health and the environment will be protected while allowing the community to derive the benefits of these emerging technologies. I am very pleased that the Liberal Party and the National Party have indicated their support for this legislation.

Hon. B. W. BISHOP (North Western) — It is with much pleasure that I rise on behalf of the National Party to support the Gene Technology Bill. We in the National Party believe the bill provides this quite complex subject with a very good framework for the future.

I compliment my colleague the Honourable John Ross for his thoughtful contribution, which undoubtedly exhibited the honourable member's tremendous grasp of the subject. I also compliment my National Party colleague and honourable member for Swan Hill in the other place, Barry Steggall, who has done an enormous amount of work for our party in this field as well as in other areas of agriculture. He has been able to provide a very practical and sustainable view on this subject.

As I understand it, this template legislation from the federal Parliament is the first tranche of the states joining with the federal Parliament to put in place a national approach on gene technology. The first leg of accountability of this process is the ministerial council on gene technology; however, I will move quickly to what I see as the second leg, which is the independent Gene Technology Regulator, a very important part of this whole process. I will quickly read a section of the second-reading speech because it encapsulates the whole process of accountability and testing in the process of genetically modified organisms (GMOs).

The second-reading speech talks about the functions and powers of the Gene Technology Regulator and states that:

> One of the regulator's key functions is to authorise specific dealings with genetically modified organisms.
>
> All dealings with genetically modified organisms will be prohibited unless that dealing is authorised by a licence or the dealing of a notifiable low-risk dealing, or an exempt dealing as prescribed in the regulations, or is included in the GMO register established under the commonwealth act.
>
> Before issuing a licence, the regulator will be required to prepare a risk assessment and risk management plan with respect to the dealings proposed to be authorised by the licence.
>
> The regulator will also be required to seek advice from certain agencies or bodies, including the state, other commonwealth agencies, relevant local government councils and its own scientific advisory committee when the proposed use involves the intentional release of the GMO into the environment.
>
> The regulator must invite public submissions and may hold a public meeting on the risk assessment and risk management plans prepared by the regulator.
>
> The Gene Technology Regulator will be prohibited from issuing any licence unless she or he is satisfied that any risks posed by the dealings proposed to be authorised by the licence can be managed in a way that protects public health and safety and the environment.

> The regulator will also be prohibited from issuing a licence unless he or she is satisfied that the proposed dealing is consistent with any policy principle issued by the ministerial council and the applicant is a suitable person to hold a licence.

That is a very good snapshot in the second-reading speech of the role of the independent Gene Technology Regulator.

The bill also establishes three very important advisory committees: the Gene Technology Technical Advisory Committee, the Gene Technology Ethics Committee and the Gene Technology Community Consultative Committee. That is an excellent way of providing open access between the Gene Technology Regulator and those very good scientific and community sources.

The bill also provides for very strong auditing, accountability, transparency, monitoring, inspection and, importantly, enforcement requirements across the states, the territories and the commonwealth. We in the National Party strongly promote that national approach to issues such as this.

The genetically modified organisms debate has not always been driven by logic. In the past there has been a lot of fear and misinformation, and I for one can understand all that because I have been involved in agriculture all my life. The first really big run that the GMO technology had was in the United Kingdom — and it was a bad one. I believe there are a couple of reasons for that: the GMO technology came at a time when political activists were looking around for an issue; and also, with the greatest respect, the organic agriculture people in the UK gave it a run as well because they exhibited quite genuine concern about how it would affect their industry. It was such a hot debate that we saw large trial crops in the United Kingdom decimated by demonstrators. That is something I hope we never see in this country, and I am sure we will not — provided our education process is adequate, which I am sure it will be. This bill provides an opportunity, a vehicle and a platform for that education.

In the United Kingdom the technology ran into the debate that was raging about bovine spongiform encephalopathy (BSE), or mad cow disease, which was a huge issue and provided fertile ground for anyone wanting to run a political issue at that time.

As I have said, National Party members support the new gene technology process. However, we recognise and understand clearly the need to have very careful and rigorous processes in place to ensure that appropriate safeguards are maintained. It is very important to have extremely good science and extremely good research behind this issue, and that needs to be backed up by good legislation which we believe the house is talking about today.

National Party members also believe there must be a steady-as-it-goes approach to this new technology as Victorians go through this learning process and work their way into the future. There must be extremely good communications with the community. I believe that is where a lot of the difficulty occurred in the United Kingdom. There must also be a top-class educational process instilled into the whole debate as it moves through our community.

It is interesting to note from the research I did — which I admit was some time ago and which mainly concentrated on the grain industry, which is my background — that a decade ago Canada was probably 90 per cent against genetically modified organisms, whereas now it would be 90 per cent for. So the process has been fruitful, practical and sensible, and has been driven and underpinned by an educational process among those communities.

The National Party has been approached by the organic grower industry. I would like to put on record, as have my colleagues the Honourable Ron Best and the honourable member for Swan Hill in the other place, my full respect for the organic farming community. They use their techniques by choice, and their customers buy by choice. That is a very important principle which ought to be maintained throughout the growing and marketing stream.

The National Party has the view that there is room for all of those systems in the world today. However, I doubt, of course, the organic industry could ever supply the world in food due to the huge and increasing demands we are seeing on a day-by-day basis. In fairness to those in the organic farming industry, we expect them to raise their concerns with us and others about this new technology. We would urge them to work with the new processes to ensure that we move forward together in this new world we are now finding ourselves in. I am certain that if we work together we can all learn from one another. In my time in agriculture I have seen how people who use — if I might use the word — standard types of agriculture can also learn very much from the organic farming industry. So we can learn from one another, and I think that is what we ought to do as we move forward. Again I make the point that we need choice for people such as the organic growers in Victoria and Australia to grow their product, we need choice for people who wish to buy that product, and we need choice on the other side of the ledger as well.

The GMO process is an absolutely exciting venture in agriculture. From a personal point of view I see we have absolutely no choice but to join in that process. The world is crying out for food, and I believe we all have a moral obligation — provided all the safeguards are in place — to promote and achieve maximum production and efficiencies with food.

In Australia with our plants and animals genetic engineering has been used to lift our yields, production, quality and efficiency for years and years — ever since this country has been settled. For many years Australian animals have been crossbred, and we have a huge suite of crossbreeding to choose from, when we live in different parts of Victoria and Australia — for example, in the pastoral industry we can pick the best animal for the best region so they can perform at their ultimate efficiency levels. With plants we have the same thing. We crossbreed plants quite astronomically. We breed traits in and out to ensure that we get the right things in and the wrong things out of the plants to ensure they fit the locations they are to grow in. In the grain area there are crossbreds which have been bred for yield, and crossbreds which have been bred to have perhaps more quality than yield. We have bred grain plants to be disease resistant — which we have done very well in Australia — and we are now starting to breed them for chemical resistance.

There is a specific market requirement. As Australia is unsubsidised with all of its agricultural production, we certainly need to head for niche markets. In the grains area, particularly wheat, some markets might want protein, some markets might want starch, and some markets might want gluten. If we can breed for those markets so the market demands are met — and we are market driven in this country — it will be an advantage, not only for the producers but for the general community of Australia — and, of course, also for the benefit of the world.

Over the years I have noticed our capacity to crossbreed — for example, there are wheat plants that are produced for flat-out yield. In other cases the plants are bred to adjust their yield relative to the weather circumstances — quite cleverly. A very important part of the system in the area of our farm is the capacity to adjust what the plant will produce relative to the amount of moisture that is able to be utilised. It is very efficient and very important and it protects the grain size and quality as the season finishes.

In some areas across Australia growers would want crops to finish quickly, and in some areas they would want them to finish slowly. That may be because of frosts and the fact that they would need to plant a crop early to get it in before it is too wet, but they would want it to finish late to avoid the frosts. So we need a lot of suites of varieties, and we can get them by genetic engineering. Over the years we have bred plants that return great efficiency, but certainly the GMO process would enable that to be sped up to become much more efficient.

The other day in this place I spoke about chemicals. A huge armoury of chemicals is now available in agriculture, and I could probably talk about them for hours. I think it is great that with the GMO process plants will be able to be provided that are either resistant to weeds or resistant to plant pests, which will enable the amount of chemicals needed to put on those crops to provide the best yield advantage to be reduced.

Years ago when I was in the grain industry I was on an advisory board at the CSIRO. Great work was being done there to breed plants that would have the capacity to fight off plant pests so that less chemicals could be used. That is where we ought to be heading. That is where GMOs will give us a real break. That is a tremendous advantage for agriculture and for the environment in which we live.

With GMOs there is also an opportunity to breed for the medicinal benefits of products grown. The other day I was talking to some international grain marketers. We were talking about the GMO situation and how it had been accepted in Australia, as compared to the situation in the United Kingdom. We have certainly had a smoother run in debating the issue and in the educational process of learning about it. They said to me — and they are experienced international marketers — 'Where are you in Australia?'. I said, 'We have general support and we are getting good legislation up'. They said, 'A country that breeds a variety of wheat that creates a barrier to malaria would capture almost the entire market of the world because of its capacity to grow that variety of wheat'. That is something we ought to put in our minds. It is only one of a myriad of complicated issues in the debate about GMOs, but it is one that very clearly struck home to me where Australia ought to be heading with GMOs.

Many of us originally thought that non-GMO products would attract a powerful premium on the international market. That certainly was the case some months ago, or perhaps a year or two ago. As I understand it, that now appears not to be so in the world. I think the world is caught up with the education and the communications of the GMO debate. I suspect the debate has tended to move on in relation to that, because the market is certainly not seeing the premiums

that it thought would be there for non-GMO products as against GMO products.

The basis on which we can move forward is having good communications, good education, strong controls, strong science and research, a powerful audit system, and good legislation. I believe this legislation is very good, although it may need to be revised from time to time.

I conclude by asking whether if the process is properly and appropriately in place we could stop, for example, a farmer growing a GMO product like wheat on his farm or whatever. The Victorian Farmers Federation has been closely involved in this debate and has a strong view about freedom of choice in that area. I believe the municipalities who have entered the debate and have attempted to block people in those areas should reconsider their position, because they could find themselves in an awkward situation in the future.

When we come to the end of the debate today we can look at products that will give better yields and may use less fertilisers. That is an example of why farmers should have the freedom to grow GMO products if they wish, providing the controls are in place. Those products may well yield better, use less fertilisers and chemicals, be of better quality and may have medicinal qualities as well.

I finish by saying that if extra production and quality goes towards better feeding a world that will increasingly call for more food production, I believe this country has no choice but to support a strong process of GMOs as long as the safeguards are in place.

Hon. E. C. CARBINES (Geelong) — I am pleased to speak in support of the Gene Technology Bill, which is supported by all parties represented in this chamber — and I thank them for that.

Some Victorians consider this debate to be about the brave new world of gene technology. In introducing this bill the Bracks government seeks to protect the interests of Victorians in the areas of public health, safety and environment from the risks associated with gene technology and genetically modified organisms (GMOs). In doing so the government is acting responsibly and fulfilling its obligations under the intergovernmental agreement that was signed with the federal government under the Gene Technology Act.

The concept of gene technology and GMOs is quite controversial and provokes much debate not just in Australia but around the world. The controversy often arises out of the fear associated with the ramifications of such technology for public health, safety and our environment. The passage of the bill will realise the Bracks government's commitment to being a part of a uniform system of regulation of gene technology and GMOs across Australia. As such it is valuable legislation because it provides a regulatory framework to replace what have been until now voluntary guidelines and an ad hoc compliance with those guidelines.

The bill builds on legislation passed last year to ensure the labelling of genetically modified (GM) food in Australia. I congratulate the Minister for Health on his lead role on behalf of Victorians in the national debate on the need to label GM food or food that contains ingredients that have been genetically modified.

In my research for this debate I was interested to look at research paper no. 17, 'Genetically modified governance issues', provided by the federal Department of the Parliamentary Library. Appendix A at page 49 at the back of the paper includes a number of surveys of Australian attitudes to gene technology and GMOs. I was interested to hear the Honourable Barry Bishop talk about the acceptance in Canada of this technology and how there has been a dramatic turnaround in public acceptance of it. According to the surveys we have a long way to go in Australia in achieving public acceptance.

I will refer to a couple of the surveys detailed in the research paper. One is an April 2000 AC Nielsen survey of 950 people. It found that 68 per cent of the people surveyed were not happy about eating GM food and 90 per cent believed GM foods should be labelled. Only 20 per cent believed GM food provided benefits and would be happy to eat it, and 12 per cent did not believe there were benefits but were happy to consume it. It is a bit hard to explain that one! Less than 20 per cent felt they had been well informed, despite the government's GM brochure designed for distribution in supermarkets. Essentially a strong scepticism was revealed. A Good Business Sense survey conducted in the first quarter of last year found that 71 per cent of consumers did not wish to purchase GM foods.

We have a long way to go before there is public acceptance of this technology, especially in relation to foods. Thankfully, as a result of legislation last year which ensures that GM food or food which contains ingredients which are genetically modified is labelled, consumers can now be confident that they have a choice. They can choose whether or not to consume GM food on the basis of advice under the labelling regulations. I have noticed the impact this labelling system has had, particularly on soy bean products.

Producers who do not use genetically modified soybeans in their products now proudly proclaim that fact and use it as a marketing tool for their produce because they are aware of the general wariness of consumers of genetically modified products for human consumption.

The Gene Technology Bill before us today significantly builds on the introduction of labelling for genetically modified products. It will increase the transparency in the way in which industry proceeds with gene technology in the future. Gene technology has many applications beyond agriculture, including research, medical and environmental management. It seems at times that the technology is advancing at a rapid pace which tends to heighten the concerns of the community as reflected in the surveys I alluded to earlier. However, few people would be prepared to speak against the enormous pharmaceutical benefits that gene technology has brought certainly in the latter half of the past century. Medical science has been particularly advantaged and so has the health of Victorians as a result of the development of such valuable drugs as insulin, hepatitis B vaccine, human growth hormones and blood clotting agents.

Before the commonwealth's Gene Technology Act was passed last year there was extensive consultation with the Australian community for about two years. On top of that a Senate inquiry was held into the Gene Technology Bill and that inquiry produced a report entitled *A Cautionary Tale: Fish Don't Lay Tomatoes*. The report provided recommendations to refine the bill.

In November last year an article appeared in the *Age* headed 'Panel urges caution on GM cropping', which details some of the recommendations from that Senate inquiry. The inquiry urged the federal Parliament to take a more cautious approach to the release of genetically modified organisms including seeking broader public opinion. The inquiry also recommends that information on the location and size of all field trials should be available to the public. The article goes on to say:

> … the committee also wants to see dramatically increased penalties for eco-terrorist attacks on experimental crops.
>
> In the case of breaches of the legislation by companies or individuals releasing GM organisms, the committee recommends more stringent financial penalties and even imprisonment for serious breaches.

The article refers to the conclusion of the Senate committee report and states:

> As a consequence, the committee has recommended that all field trials being conducted in Australia be audited by the gene regulator as soon as possible and the results made public.

One of the more interesting recommendations of the report — and this is deemed to be contentious — was that the committee supported the right for regions to declare themselves GM-free zones. I understand that although that report was tabled not many of the recommendations were included in the final bill. However, they reflect the level of concern in the Australian community about gene technology and genetically modified organisms.

I was interested to read earlier this year on 28 February in the *Herald Sun* that the Shire of Yarra Ranges had voted to ban genetically modified crops from its region earlier this year. That article states:

> The council voted to adopt a precautionary approach by 'opposing the introduction of GM crops into the shire', according to the motion.

It goes on:

> Yarra Ranges mayor, Robyn Hale, said farmers from the region had expressed concern over the effects of GM food.

In one part of our state the shire passed a motion to ensure that GM crops were banned from its region, yet a month later on 25 March another article in the *Herald Sun* was trumpeting the success of genetic engineering in another of Australia's agricultural industries — that is, the cotton industry. That article headed 'GM beats cotton-pickin' pest' goes on to explain that:

> Genetic engineering is transforming Australia's cotton industry, allowing farmers growing genetically enhanced Ingard cotton crops to slash pesticide use for the fourth year in a row.

It goes on to explain that the industry hopes to achieve at least an 80 per cent cut in pesticide use as a result of genetic engineering of cotton plants. That is surely a benefit of genetic engineering and gene technology.

In Australia there is much support for regulatory certainty about gene technology. In its introduction the parliamentary research paper for the federal Parliament that I referred to earlier sums up Australian ideas about gene technology. Page ii of the 'Genetically modified governance issues' paper states:

> At a grassroots level, consumer groups are demanding a coherent transparent framework to control burgeoning biotechnology industries.
>
> Those in therapeutic and food-related industries realise that there are benefits to be derived from regulatory certainty. Nations growing and trading GM crops have perceived that there is a need to balance both consumer and industry demands.

The bill before us today seeks to provide such regulatory certainty in Victoria in a number of ways. The Office of the Gene Technology Regulator will carry out the process of risk assessment so that potential hazards are identified. It will administer a licensing scheme for industry and institutions using gene technology. The Ministerial Council for Gene Technology will develop policy principles to guide its administration. Victoria will be represented on the ministerial council by the Minister for Health in another place.

There are three independent committees to advise on matters associated with the science of gene technology, with community issues and concerns, and with ethical matters. In a very comprehensive way the bill recognises community concerns and provides a structured regulatory framework for gene technology and genetically modified organisms.

It is very important that Victorians have confidence that our public health, safety and environment are protected from any risks associated with this developing biotechnology. That is equally important for industry and research, as they will also benefit from the provision of a regulatory framework. It will provide them with certainty in which to operate. In commending this bill to the house I would like honourable members to support it because it is a sensible, cautionary approach to real issues of concern in the Victorian community.

Hon. ANDREA COOTE (Monash) — I have much pleasure in supporting this bill. I feel the responsibility of contributing to such an important debate with such profound implications. As my colleagues have said, the bill has been brought about in response to the commonwealth Gene Technology Act 2000.

I will begin by reading from a speech the federal Minister for Health and Aged Care, Dr Michael Wooldridge — —

Hon. N. B. Lucas — Good man, Wooldridge!

Hon. ANDREA COOTE — A very good man, as Mr Lucas says. I would like to read from the speech he made in the House of Representatives on 22 June 2000 in dealing with the then Gene Technology Bill. He summed it up thus:

> The Gene Technology Bill is the commonwealth's component of a national regulatory system for genetically modified organisms. With the passage of the Gene Technology Bill and mirror legislation in all states, Australia will, for the first time, have a comprehensive independent and accountable regulator of GMOs — a regulator with the sole purpose of protecting the health and safety of the community and protecting the Australian environment by identifying and managing risks posed by or as a result of genetically modified organisms. To secure such a regulatory system we must be mindful of the fact that the states and territories must pass legislation that is consistent with this bill.

Therefore I take very great pleasure in talking about the issue from the Victorian point of view. I am pleased to think that the Bracks government has brought this bill to our attention to bring Victoria into line with the commonwealth and the other states.

The main element of this bill concerns the Gene Technology Regulator. As others have said, the Office of the Gene Technology Regulator is based in Canberra, and it has been given significant powers in the issuing and revoking of licences, providing ministerial advice, developing codes of practice, establishing guidelines and policy, and the provision of information.

The Gene Technology Regulator will be supported by three committees — namely, the Gene Technology Technical Advisory Committee, the Gene Technology Community Consultation Committee and the Gene Technology Ethics Committee.

The bill also provides for the regulation of dealings with genetically modified organisms (GMOs), licensing systems, the regulation of notifiable low-risk dealings and dealings with others on the GMO register, certification and accreditation, and technical aspects such as administration, enforcement and powers of inspection et cetera.

Other members have spoken about various GMOs and how they have been developed as well as some of the concerns and a lot of the benefits. However, I would like to talk about the humble tomato. The humble tomato is something we take for granted, but the genetic engineering of the tomato illustrates some of the concerns and benefits of dealing with GMOs. On the one hand consumers are worried about what they are eating and on the other hand those same consumers want a ripe, tasty, good-looking, red tomato. This example encapsulates the problems in large areas that have been dealt with by others today in relation to cotton, corn and other things.

As the Honourable Barry Bishop said, in dealing with this issue we must talk about choice. We must have a choice in our decisions about what we do with GMOs. I think it is very important, just as I detected with the tomato, that we have a choice about what is involved. As a consumer it is nice to know that it is an informed choice about what has happened to that tomato, and it is important to think from a productivity point of view

exactly how the market will respond and what benefits we can gain from that.

I remind members of the chamber that in French the tomato is called the pomme d'or, which means the golden apple. That is how tomatoes started their lives; they were gold, not red, and they were a far cry from what we find on our supermarket shelves today. I would like to detail the development of the genetically modified tomato because I think that in a small way it illustrates what happens to genetically modified foods. It is something we can all identify with; it is something in a small area that we can think about and translate into the wider field. I would like to refer to a book called the *First Fruit: The Creation of the Flavr Savr Tomato and the Birth of Biotech Foods* by Belinda Martineau, which has been published recently. She says of the Flavr Savr tomato:

> 'Premium tomatoes' are high-quality, vine-ripened tomatoes. Flavr Savr tomatoes would make good premium tomatoes because they could be vine-ripened more easily than traditional tomatoes …

This was one step in developing the tomato to make it more user friendly. That happened in 1988. Later in the same year she says of the same Flavr Savr tomato:

> Therein lay the real beauty of the Flavr Savr tomato. If tomatoes could be made firm enough to withstand shipment and yet be allowed to ripen on the vine … Wow, you're out of the gassed green tomato business and into a potentially huge vine-ripe business.

I think many of us would remember those hideously green tomatoes. They did not look very attractive at all on the shelves, and we take it for granted when we are buying tomatoes that we automatically reach for the ones that look ripe and wholesome.

However, the genetic modification of the tomato did not end there. I came across an article which ascribes some benefits to a genetically modified tomato. I will quote from an article about a man called Autar Mattoo that appeared in *Agricultural Research* of September 2000 under the heading 'Transgenics for a better tomato'. It states:

> Mattoo's new transgenic tomatoes have 2.5 times more lycopene than nontransgenic tomatoes.
>
> Lycopene is a carotenoid that has strong antioxidant properties. Antioxidants prevent oxygen radicals from causing damage in cells. Carotenoids aid in preventing early blindness in children, preventing cancer, enhancing cardiovascular health, and slowing ageing. Not only are the transgenic tomatoes richer in lycopene, they are also more robust and more solid compared to traditional tomatoes.

So genetic modification has meant the humble pomme d'or has gone from being vine ripened, easily picked and easily transported to being able to do all of these health-enhancing things as well. But it does not end there. I found an article about what one can also do with tomatoes. The article by a man called Davis states under the heading 'Genetically engineered tomato plant grows in salty water':

> Plant biologists have developed the first truly salt tolerant crop — a genetically engineered tomato plant that thrives in salty irrigation water and may hold the key to one of agriculture's greatest dilemmas. The tomatoes offer hope that other crops can also be genetically modified for planting in many areas of the world that have salty irrigation water and salt-damaged soil.

I remind all honourable members in the chamber never to take the humble tomato for granted again! Those examples show the potential that can be seen with a product that is genetically modified. A product can be enhanced in a healthy way to give it appeal in the market and indeed in other areas. However, there are also grave concerns. Some honourable members have talked about the fact that there is concern about Victoria's clean, green image. Recently I was in the western part of Victoria dealing with some of Victoria's growers of pulses in Rupanyup, and I commend the growers on the excellent work they do. They were saying their markets into Asia are particularly concerned about genetically modified food. I think there is a balance here. We need additionally enhanced crops, but we also have to be careful that we do not damage our very important reputation as being a clean, green country.

In the debate I have heard concerns raised about a Frankenstein image and about a brave new world. I have some grave concerns about one issue in the bill. Clause 157 refers to expert assistance and is the technical part of the bill. At clause 157 the heading is 'Expert assistance to operate a thing'. Among other things the clause states that expert assistance is required to operate the thing. It then says:

> The inspector must give notice to the occupier of the premises of his or her intention to secure the thing and of the fact that the thing may be secured for up to 24 hours.

I have searched through the bill and I am not sure what the 'thing' is. I would like clarification at some stage.

Many members in the chamber have been lobbied by Dr Bob Phelps, who has provided a great deal of information. I would like to read into *Hansard* some of the concerns he raises, because he comes across as putting forward a genuine attempt to look at some of the concerns we all have with the ethics of genetically modified organisms. In a letter on GeneEthics Network letterhead dated 24 September, which was sent to all

honourable members and which was sent to the Minister for Health, Dr Phelps states:

> The new Gene Technology Act 2001 —

which is the one we are debating today —

> should, as a minimum, require:
>
> 1. a freeze on the release of genetically engineered crops throughout the state … until all the evidence is in from:
>
> CSIRO's study on the ecological impacts of commercial genetically engineered organisms …
>
> Agriculture Department … research on genetically engineered and non-genetically engineered crop segregation …
>
> Victoria's genetically engineered and genetically engineered-free zone proposal, issued by Keith Hamilton …
>
> Victoria's genetically engineered ethics program, which is being set up by the Department of Human Services.

The letter goes on to talk about the need for corporate insurance to protect farmers and food buyers where foreign gene contamination or other impacts cause loss of certification for organic growers. He talks about appeal rights for all parties, which is something he would like to have seen in the bill. He would also like to have seen an environmental impact assessment prepared before any genetically engineered organisms are released in this state. Finally he would like to see the precautionary principle strengthened and the regulator to apply it to all its decisions. It is important to understand the concerns of people who are experts within this field in Victoria. Dr Phelps makes some very important points that we must be mindful of when debating the bill.

However, in looking at the bill I was heartened and relieved to see so many issues dealt with that I had concerns about and which have been raised in the chamber today. The community has also been concerned about issues such as the register. I was very pleased to see the development of the register. We need accountability when dealing with this situation, and the establishment of the register gives me confidence. I am certain it will give confidence to others as well that the process will be managed well and there will be accountability.

Clauses 76 to 79 deal with this issue. Clause 77 states:

> If the Regulator determines under section 78 that a dealing with a GMO is to be included on the GMO Register, the Regulator must specify in the GMO Register —
>
> (a) a description of the dealing with the GMO; and
>
> (b) any condition to which the dealing is subject.

I am heartened by that sort of accountability and I am pleased to see it included.

Another issue is ethics. I touched on Dr Bob Phelps and the ethics issue, but I was pleased to see the bill deals with the issue of ethics. The Gene Technology Ethics Committee for the regulator will be formed. Clauses 111 to 116 deal with the ethics committee and outline its role. Clause 112 states:

> The function of the Ethics Committee under this Act is to provide advice, on the request of the Regulator or the Ministerial Council, on the following —
>
> (a) ethical issues relating to gene technology;
>
> (b) the need for, and content of, codes of practice in relation to ethics in respect of conducting dealings with GMOs;
>
> (c) the need for, and content of, policy principles in relation to dealings with GMOs that should not be conducted for ethical reasons.

Once again that provides a deal of comfort in that it is accountable and there for us to see.

One of the major concerns we all have in dealing with and thinking about genetic engineering is human cloning. That issue is not part of the debate today, but it is an issue that as a community we need to be brave enough to have a very close look at in all its aspects. It is a huge debate that the community is yet to have. I am pleased to see that the cloning of humans is dealt with very strongly in the bill. It is not part of the bill, but it is dealt with in clauses 192B to 192D. Clause 192B states in very definite terms:

> Cloning of human beings is prohibited

Clause 192C states:

> Certain experiments involving animal eggs prohibited

Section 192D states:

> Certain experiments involving putting human and animal cells into a human uterus prohibited

I am pleased to see those points so definitively outlined. I would like to finish my contribution to the debate with a quote from Dr Michael Wooldridge, the federal health minister, when he debated the bill in the commonwealth Parliament. That was the bill that prompted us to bring the bill into the Victorian Parliament. Dr Wooldridge states about the bill:

> It is an excellent example of Australian governments working collectively to the greater good of protecting the people of this country and its environment and promoting its research and development base as a burgeoning industry.

It is a very exciting bill and I am pleased the government has introduced it. I am pleased to support the bill.

Motion agreed to.

Read second time.

Third reading

Hon. M. M. GOULD (Minister for Industrial Relations) — By leave, I move:

That this bill be now read a third time.

In doing so I thank honourable members of both opposition parties for their support of the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL

Second reading

Debate resumed from 10 October; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. C. A. FURLETTI (Templestowe) — I indicate at the outset that the opposition supports the Telecommunications (Interception) (State Provisions) (Amendment) Bill, which is a bill introduced to amend the Telecommunications (Interception) (State Provisions) Act 1988. As the explanatory memorandum indicates, it is intended to address inconsistencies that have arisen with the commonwealth Telecommunications (Interception) Act 1979 following some amendments earlier this year to the commonwealth legislation.

There is not a great deal to say about the bill other than to indicate to the house that it is another bill that represents a waste of the Parliament's time in presenting what is another three-clause bill. It comprises a purposes clause, a commencement clause and one substantive clause. That clause, as we have seen predominantly in recent times, seeks to amend a number of definitions. That in summary is what this bill does. I will make some brief comments to ensure that the record takes into account the minor technical amendments that the bill makes to definitions, et cetera.

This bill is before the house to bring the state legislation into line with the federal legislation. The commonwealth has jurisdiction under the telecommunications provisions of the constitution to legislate in this area. Therefore the state and federal governments are obliged to work hand in hand to establish a telecommunications interception regime for law enforcement purposes and to determine the parameters within which that intercepted information can be used.

The federal legislation in general sets out the purposes for which intercepted information can be used and controls in some detail the dealing with that information. Victoria Police is required under state laws to keep records and reports on intercepts made and the purpose for which those intercepts were used. As indicated, due to amendments to the commonwealth legislation in March, it has become necessary to synchronise the record-keeping and reporting regime in the state act to make it consistent with that established under the commonwealth legislation. Victoria Police has recognised that there are inconsistencies in that area and has requested the government to make the amendments. It is for that reason that the bill is before the house.

As I indicated, clause 3 is the substantive provision in this bill, and that clause amends a number of definitions to bring them into line, as I have said some number of times before, with the commonwealth act. The words that are being redefined are 'certifying officer' and 'communication'. Both of those terms are brought into accord with the equivalent definitions in the commonwealth act. The minister in the second-reading speech made it clear that it was important to have the terms synchronised very closely with the commonwealth legislation to avoid any possibility of misinterpretation or conflict.

The definition of 'permitted purpose' in section 3(1) of the act is amended by proposed paragraphs (ha) and (hb). It will enable intercept material to be used in making decisions about the appointment or reappointment of members of the police force or a review of a decision in that regard. I am advised, and I note there is no clarification in the second-reading speech, that those amendments are included because currently the commonwealth act allows the interception of material with respect to investigations into public servants and police and it appeared a logical extension to cover those issues with respect to the making of decisions about the appointment, reappointment, term of appointment or retirement of an officer or member of staff of Victoria Police or a review of such a decision. The opposition agrees that it makes good sense for that

area to be clarified. The act also redefines the terms 'record' and 'restricted record' to remove redundant references to documents under the commonwealth act.

That is the whole import and effect of the Telecommunications (Interception) (State Provisions) (Amendment) Bill, a bill which, as I have said, will go down as one of the many that have been introduced by the government in these sittings because of the paucity of legislation. It is very much indicative of the legislative program of this government, particularly so today when we will be debating — and I am aware of the rule of anticipation — another bill, the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill, which is almost identical in purpose and is similar in area to this bill. These two bills could very easily have been dealt with in one omnibus bill but have been dealt with separately. Of course that will look good in the figures for the quantity of bills that have been introduced, but let us put on record that the quality of the legislation this government is introducing is to say the least poor. It is with those comments that the opposition supports the bill.

Hon. P. R. HALL (Gippsland) — It is my duty this afternoon to report the National Party's position on the Telecommunications (Interception) (State Provisions) (Amendment) Bill — the title is almost longer than the bill itself! I can deal with the provisions of this bill very rapidly. Basically the bill amends five definitions in the state act to achieve some uniformity with the commonwealth act. New definitions are substituted for 'certifying officer' and 'communication'; the definition of 'permitted purpose' is amended; the definitions of 'records' and 'restricted record' are amended. Those definitions are outlined in the second-reading speech so I do not intend to recite them. They are there are for everybody to see if they would like to look at the full second-reading speech.

There is no doubt that that this and a number of other bills should have been combined. Obviously these definitional changes could have been wrapped up together and a number of them done simultaneously in an omnibus bill. I wonder why a number of these bills are being dealt with in their own right; I think it is probably to keep up the government's statistical record of having put through individual pieces of legislation rather than dealing with them in a single omnibus bill. Yet when it suits the government to lump together a number of amendments to acts, it will do so quite readily. If it wants to rush something through without proper scrutiny or if it does not want to disclose something fully, it will lump them together. We saw that happen with the amendments to something like 42 acts of Parliament that went through under the Statute Law (Relationships) Bill earlier this year.

The notice paper currently shows some further amendments to another 14 acts coming under the heading of the Statute Law (Relationships) Bill, so when the governments wants to do it, it can. It can lump together a number of amendments to a number of pieces of legislation in one bill. Why not do it with some of the bills that have been passing through this house in the last few weeks or are currently on the notice paper? For goodness sake, there was even one bill that went through this house last week that was so minor in its nature that there was not even any debate in the second-reading stage of the bill! These are the sorts of things that should have been included in an omnibus bill so this Parliament could operate more efficiently.

That being said, I appreciate that these definitional changes to the Telecommunications (Interception) (State Provisions) (Amendment) Bill are necessary and are required to achieve uniformity with the federal legislation, and for that reason the National Party is happy to support the bill.

Hon. D. G. HADDEN (Ballarat) — I speak in support of the Telecommunications (Interception) (State Provisions) (Amendment) Bill. The bill is short and contains three clauses. The purpose of the bill is to make a number of minor technical amendments to the Telecommunications (Interception) (State Provisions) Act of 1988. This, to which I will refer as the state act, forms part of a national telecommunications interception regime, which is primarily contained in the commonwealth Telecommunications Interception Act of 1979, to which I will refer as the commonwealth act, which enables law enforcement agencies including Victoria Police to intercept telecommunications for law enforcement and for other purposes.

The commonwealth act also specifies the purposes for which interceptors of this information can be used and regulates dealings with that information. The state act complements the commonwealth act by establishing a record-keeping and reporting regime for telecommunications that have been intercepted by Victoria Police under the commonwealth acts. Following a number of amendments to the commonwealth act earlier this year, a number of definitions in the state act are no longer consistent with the equivalent definitions in the commonwealth act. Consultation on this bill has occurred with Victoria Police, the relevant government departments, the commonwealth Attorney-General's department and the Ombudsman's office, and those organisations support this bill.

The amendments will change the definition of 'certifying officer', 'communication', 'permitted purpose', 'record' and 'restricted record' in the state act to make them consistent with the equivalent definitions in the commonwealth act — for example, clause 3(b) states that the new definition of 'communication' to be substituted includes conversation and a message and any part of a conversation or message whether it is in the form of a speech, music or other sounds; or data; or text; or visual images, whether or not animated; or signals; or in any other form or in any combination of forms.

The amendments are technical in nature and do not derogate from the privacy protections afforded by both the commonwealth and state acts. As the interception of telecommunications and the purposes for which Victoria Police may deal with intercepted information are controlled directly by the commonwealth act, it is necessary to ensure that the record-keeping and reporting obligations in the state act are consistent with the interception regime in the commonwealth act. It is in that context that the amendments will facilitate the effective operation of the national communications interception scheme.

I will refer to a case I mentioned yesterday in debate on the Drugs, Poisons and Controlled Substances (Amendment) Bill. It relates to 10 people who were charged with trafficking and other drug-related offences totalling some 65 offences and to their appearance in the Ballarat Magistrates Court on Friday, 12 October. Part of the evidence the prosecution produced at the first hearing was that over two and a half weeks the police monitored and recorded about 2000 telephone calls between the accused persons talking about both the supply and the trafficking of drugs. So it is certainly very important that our law enforcement agencies and Victoria Police are able to go about their job in a legal manner and that both the state and the commonwealth acts are consistent with each other.

Both the Honourables Carlo Furletti and Peter Hall have criticised the fact that this bill was not grouped with a number of minor bills into what is called an omnibus bill. Quite obviously that argument is nonsensical. We are a democratic government and each bill is debated in this Parliament democratically and properly. I commend the bill to the house.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — At the outset I record that the opposition does not oppose this legislation. I was listening to my colleagues the Honourables Carlo Furletti and Peter Hall, who pointed out that this bill contains only three clauses and makes some minor definitional amendments to the principal act. Both honourable members suggested that these amendments could be better handled through an omnibus bill, so I was very surprised to hear Ms Hadden argue against amendments such as these being handled through an omnibus bill, because the suggestion that an omnibus bill would not allow these to be debated properly and democratically is ludicrous. We have seen plenty of pieces of legislation that amend a large number of acts of Parliament in a single bill and not once has the government or Ms Hadden suggested that was not democratic. A good example is the Statute Law (Relationships) Bill which has been passed and which amends a huge number of acts. Never has it been suggested that that is undemocratic.

Mr Furletti canvassed in some detail the provisions of the bill, but I shall touch on the history of the legislation. As Mr Furletti mentioned, telecommunications were regulated in the commonwealth jurisdiction. Until the 1960s specific prohibitions were placed on the interception of telecommunications. It was only in the 1960s that the Australian Security Intelligence Organisation was given some powers to intercept telecommunications for the purposes of national security.

Following on from that, in the 1980s the Australian Federal Police gained powers to intercept telecommunications for the purpose of federal drug enforcement actions, and then in 1986 the federal legislation was amended to allow state jurisdictions to intercept telecommunications for the purpose of dealing with state law enforcement matters on particular offences.

The principal act the bill seeks to amend, the Telecommunications (Interception) (State Provisions) Act of 1988 was the result of a deal between the state and the commonwealth because the commonwealth legislation imposed certain requirements on the states if they wanted to intercept telecommunications and required that they adhere to certain conditions. The state act was the way the Parliament sought to impose those conditions on the executive government. At that time the then Liberal opposition, led by the Honourable Bruce Chamberlain, supported the government's bill, and we continue to be in that position today.

Ms Hadden touched briefly on one of the definitional changes to the term 'communication'. It is interesting to note how much the term 'communication' has been expanded between the principal act of 1988 and the bill before the house. Ms Hadden gave some examples of communications that will be included, such as speech, music or other sounds, data, text, visual images and so on. It shows how much telecommunications technology

has advanced over the past 15 years and indicates the difficulties law enforcement agencies now face in the legal interception of telecommunications and the use of that information for intelligence.

Although the bill and the principal act are directed at the state use of telecommunications and enforce state matters, the recent events in New York and the surrounding activities involving terrorism and the need for accurate intelligence on terrorism show the importance of being able to intercept telecommunications and to do that accurately across a broad spectrum of telecommunications. As the bill shows, in 14 years that spectrum has expanded enormously, and it will continue to do so.

Despite these amendments law enforcement agencies will always be one step behind the advancing technology in this field. We can only hope the provisions that are being introduced today, and the expansion of the definition of 'communication' and of the technologies law enforcement agencies are allowed to intercept will go some way towards providing them with the type of intelligence they need to do the job effectively in state and federal law enforcement and in the collection of intelligence for national security. With those few words, I support the bill.

Hon. R. F. SMITH (Chelsea) — It is with pleasure that I contribute to the debate on the Telecommunications (Interception) (State Provisions) (Amendment) Bill. This is good legislation, and it is pleasing to note that it is supported by both sides of the house.

The amendments in the bill are the result of requests made by Victoria Police to ensure that the current legislation is consistent with the federal Telecommunications (Interception) Act of 1979. Extensive consultation has taken place to ensure that the amendments are appropriate and deliver the intent. Consultation took place with Chief Parliamentary Counsel, the relevant government departments, the Ombudsman's office and the Department of Justice. They have all been involved, and a great deal of care has been taken to ensure that the act is consistent with the federal legislation.

A great deal of care has been taken to ensure that the bill is cognisant of privacy provisions that already exist. Privacy, as we are constantly reminded, particularly today, is something that we have to protect, and it is seen as an integral part of our freedom and democracy. Given the current events, we are also reminded that we must be ever vigilant.

I have no doubt that the terrorist activity we are being subjected to will inevitably impact on our hard-won freedoms. We will in the national interest have to accept some intrusions in some cases. I imagine, therefore, that some organisations, particularly civil libertarians for example, will raise concerns about such changes being made on these occasions. While I have some concerns about civil libertarians on occasions, it is healthy and good in a democracy for people to remind us constantly of the need to ensure that the freedoms we currently enjoy are constant.

I am convinced that the provisions in the bill will not only be consistent with the views of civil libertarians but are what the rest of society expects from good government. I mentioned hard-won freedoms earlier, and I should like to expand on that. Yesterday while watching the news I reflected on what was happening when I saw our troops leaving for Afghanistan. I thought back to many years ago when other young men left our shores to engage in war, which was in Vietnam. I remind the house that I happened to be one of those young men at that time. The fact is that those men went, fought and in some cases unfortunately died for what some of us argued — some did not — was freedom and democracy.

I hope that the young men and women who are now leaving our shores not only return but that they return to a better reception than the one that was given to the troops involved in the Vietnam war. I remind people of, it would be fair to say, the disgusting treatment those veterans were given, such as having pigs' blood thrown on them, being accused of being baby killers and so on, which was not only insulting and demoralising but damaging to the psyche of a great number of those returning servicemen. Even today some suffer from the treatment that was dished out to them on those occasions. I sincerely hope the country reflects on that and that when our troops return, which I hope they do, they are treated with the respect they deserve.

The hard-won freedoms were fought for and won by generations not only of today but of yesterday. People died for those freedoms, and we should cherish them. We have fantastic freedom in this country, but unfortunately current events will impact in some way, shape or form, and we will have to tolerate it.

The bill will help with security both here and abroad. It will also primarily assist police in Victoria in their efforts to enforce the law. The commonwealth act states the purposes for which intercepted information can be used and the guidelines are quite strict.

This bill amends a number of definitions in the state act to make it consistent with the federal act — for instance, the bill substitutes a new definition of certifying officer to make the state act consistent with the commonwealth act. The bill ensures through other measures the protection of our rights while ensuring the security of the state. As we know, security is not only a huge issue but also a very sensitive issue at the moment. When these sorts of bills are brought into the house it is often said in a flippant way, 'Only the baddies have anything to worry about'. Sometimes that is fair comment, but overall it is extremely important that as legislators we note the serious responsibility we have on issues like this.

Given the consultation that has taken place and the fact that the bill has resulted from a direct request from Victoria Police to enable its officers to better protect us, I am confident that it will deliver to the Victorian public the sort of security they want. Therefore, I commend this bill to the house.

Hon. R. H. BOWDEN (South Eastern) — I rise to support this bill which is, though small, an extremely important one that will contribute greatly to enhancing our state's security and the performance of those agencies charged with the responsibility for providing security, both externally and internally, and community safety, and with responsibility for the ongoing pursuit of those who would engage in antisocial activities.

It is a long established principle under our federal constitution — and rightly so — that the management and legislative prerogative for telecommunications and other aspects of communications resides with the commonwealth Parliament. There is currently a need to make sure that the necessary legislation is in place to enable state police forces and other state agencies to assist the commonwealth in the carrying out of those responsibilities under federal legislation. The need for state parliaments to introduce supporting legislation to ensure uniformity with commonwealth legislation is pressing, and I am pleased to see that members of this chamber and Parliament are carrying out that important responsibility.

There always needs to be a balance between civil liberties and the need for the community to have security, and a mature approach has been taken to that need since the original commonwealth legislation was introduced in 1979. At all times we as Australians are able to see the legislation, debate the legislation and, where necessary, amend the legislation. While none of us would want to see changes made to our civil liberties in a light-hearted or inconsiderate manner, there are occasions when the greater good makes changes to those rights necessary. If we need to be reminded of the necessity for such changes, we need only cast our minds back to the tragic events that occurred a few weeks ago on 11 September and their short-term and, indeed, long-term ramifications. I offer anyone who has the slightest doubt about the need to align our state legislation with the commonwealth legislation the date of 11 September 2001 to think about.

While the bill will assist the security forces and the state agencies that work with those forces to have access to information more readily, that will still be done in the controlled manner we would expect. The state act is very specific: it places very clear responsibilities upon the police officers under the control of the Parliament of Victoria, and that is as it should be.

Clause 3 makes the necessary amendments to the definitions in the act to ensure that our state legislation aligns itself correctly with the commonwealth legislation. In particular, clause 3 expands the definition of 'communication' in conformity with the federal laws. There is no doubt that in recent years the advances in technology and the speed of change have changed the nature of communication enormously. Today we have satellites and all sorts of visual and audio technologies, which can be for the enormous good. However, it is sad to reflect that those technological changes can be used in the service of evil, and we must all be on constant guard against that occurring.

By amending the definitions the bill will bring the legislation into a modern format and it will also ensure that technological advances are accommodated. If the changes in technology continue at the present rate, then a combined effort between the commonwealth and the state will again be necessary to ensure that the communications provisions are brought up to date in terms of ability and interpretation.

Nothing can be more important than the security of our nation. Many people serve this nation in many ways, and some are unsung, but it is nice to know that behind the scenes we have a correct and formal legislative framework and process whereby the intelligence gathering and other services provided by those people, whom most of us will never know, are able to be carried on in a manner and at a standard that we know is proper and correct. With those few words, I have pleasure in supporting the bill.

Hon. S. M. NGUYEN (Melbourne West) — I would like to speak in support of the Telecommunications (Interception) (State Provisions) (Amendment) Bill. It is a small bill which needs

support from both sides of politics to endorse it. The government has introduced this bill because there is a need to improve security in Australia, especially at this time of threat from terrorism in Australia and around the world. It is in Australia's own interests to send troops and to support the United States of America in its stand against terrorism. Both sides of politics need to endorse this bill to protect the interests of Australia.

The bill will allow police officers to conduct investigations to further protect the Australian community. However, at the same time it is important to balance those powers with the rights of the Australian people, which can be difficult at times. The bill will provide security officers with more powers to protect Australia.

I have heard many people speak today, especially the Honourable Bob Smith, who mentioned the role of Australian soldiers who were sent to Vietnam, and others have spoken about Australian troops being sent overseas to fight against terrorism. Today when we look around our Parliament building or around any public or government building we see a high level of security. We live in a society that needs high levels of security at this time.

I would like to explain a few changes in the bill. Clause 1 sets out the purpose of the bill, which is to amend the Telecommunications (Interception) (State Provisions) Act 1988 to address inconsistencies with the Telecommunications (Interception) Act 1979 of the commonwealth which have resulted from amendments to the commonwealth act. The scheme is primarily contained in the commonwealth Telecommunications (Interception) Act. It enables law enforcement agencies, including Victoria Police, to intercept telecommunications for law enforcement and other purposes.

The state act complements the commonwealth act by establishing a record-keeping and reporting regime for Victoria Police in respect of telecommunications that have been intercepted under the commonwealth act. The police play a very important role in the act.

I now refer to clause 3, which substitutes a new definition of 'certifying officer'. The commonwealth act defines certifying officers as those classes of police officers and employees who may certify certain formal documents for the purposes of that act. The commonwealth act defines a certifying officer in relation to a state police force, including Victoria Police, to mean the commissioner, a deputy commissioner, an officer whose rank is equivalent to that of assistant commissioner of the Australian Federal Police (AFP) or a senior executive officer AFP employee who is a member of the Australian Federal Police and who is authorised in writing by the commissioner under a relevant authority. This bill gives more power to the duty officers who have been involved in telecommunications so they are better able to do their jobs to protect Australian interests.

In my conclusion I indicate that the bill is needed at this time, especially when Australia is committed to fighting against terrorism. The Australian community needs to be protected, and public officers need more power to do their jobs. I support the bill.

Motion agreed to.

Read second time.

Third reading

For **Hon. M. R. THOMSON** (Minister for Small Business), Hon. M. M. Gould (Minister for Industrial Relations) — By leave, I move:

That this bill be now read a third time.

In doing so I thank opposition parties for their support and the speedy passage of the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

VICTORIAN ARTS CENTRE (AMENDMENT) BILL

Second reading

Debate resumed from 11 October; motion of Hon. M. M. GOULD (Minister for Industrial Relations).

Hon. ANDREA COOTE (Monash) — I have great pleasure in speaking on the Victorian Arts Centre (Amendment) Bill, which the Liberal Party does not intend to oppose. Although it is only short and is basically a technical bill, it is an important bill because it encourages donations and a far more streamlined approach to donating and philanthropy in Victoria, which is to be encouraged at all costs.

I refer to the purpose of the bill. The main objective is to extend the functions and powers of the Victorian Arts Centre. Clarifying the trust's public art gallery functions means the trust will be eligible to participate

in the commonwealth government's cultural gifts program, which enables donors to take advantage of more attractive tax deductibility arrangements.

Finally, the bill deals with the Museums Board of Victoria, which will be fully accountable for the engagement of technical advisers and consultants. Currently the arrangements require ministerial approval and allow the minister's direct oversight. That will indeed change with this bill.

For honourable members who are not aware of what it does I would like to talk about the federal government's cultural gifts program, because members may like to take it back to constituents in their electorates and tell them what it is about. It is a very good and very positive approach to the arts in this country. The cultural gifts program encourages gifts of significant cultural items to public art galleries, museums and libraries by offering donors a tax deduction for the market value of their gifts under subdivision 30-A of the Income Tax Assessment Act 1997. Its fact sheet goes on to say:

> From 1 July 1999, donations made under the program are exempt from capital gains tax and the tax deduction may be spread over a period of up to five years.

Indeed, if one had a significant art collection this is something that would make a profound difference.

I would like to commend the cultural gifts program. The very comprehensive guide to the program lists a number of things that donors and indeed the organisations should be aware of. The program provides advice for donors, a guide for donors and a guide for the organisations.

I would like to point out that the guide tells the organisations that they must be certain that the gifts they are receiving fit within the parameters of their acquisition policies. Many of us have seen or been aware of an organisation that has been offered something which is very precious to the donor but which may not fit within the realm of acceptability or the parameters within which the organisation exists. It is very difficult to say to those donors, 'I am sorry, but this is not something we want'. So it is important for the organisations to be clear in their donor programs about what acquisitions are and are not acceptable.

Some time ago the Prime Minister made a public statement about his belief that businesses, organisations and the government should all work in an interactive way. He called it mutual obligation. In one sense he was dealing with community services, businesses and organisations, but that spread across into the arts and extended to a tripartite relationship between arts organisations, the government and other organisations.

One organisation that came into being to facilitate this sort of thing is the Australia Business Arts Foundation, formerly the Australia Foundation for Culture and the Humanities. It is a facilitating body that looks at arts organisations that need funding, and searches for, finds and encourages organisations to be participants in facilitating these arts organisations getting the funding they need.

It is organised exceedingly well and has an enormous amount of respect from both sides, and it is given recognition by the government because of the tax advantages that are there.

It is certainly a mechanism by which organisations and businesses win, and so too does government. Today people do not think a government should pick up the whole bill for the arts, and certainly businesses do not want to pick up the whole bill. The arts organisations themselves need to have a far greater awareness of how to approach the donation dollar. These guidelines and the cultural gifts program certainly deal with that.

Victorians have long been known as the greatest benefactors in Australia. Indeed a directory of philanthropic organisations in Australia shows that by far the largest number of its contributors come from Victoria. We should all feel proud of that heritage: it is a fine attribute.

I would like to remind the chamber about the Felton bequest. It was am amazing bequest given in 1904 by Alfred Felton who made his fortune in pharmaceuticals — I think his product was the precursor to the Aspro. He gave £400 000 and very specific directions to the National Gallery of Victoria to buy European masters, things that at the time the gallery could not possibly have contemplated buying. Many of us have seen the NGV's very fine paintings by Matisse, Pissaro, Monet and Cézanne. Many of the plaques on the paintings, furniture and other items show that they have been donated by the generous Felton bequest. The trustees of that bequest need to be praised for their excellent husbandry and stewardship of that bequest and as a state we have been extremely fortunate to enjoy its benefits.

The NGV is undergoing a huge transformation at the moment and we hope it is concluded on time. While the refurbishment is occurring the gallery has a skeleton collection at the Russell Street gallery behind the State Library of Victoria, which is where the NGV was originally located. The gallery, library and museum

were all housed on the Swanston Street site. Sir Keith Murdoch decided it would be a good idea for the NGV to have a home of its own, and the Roy Grounds gallery was built in St Kilda Road. It has serviced Victorians for a significant time.

However, while the refurbishment is taking place the collection has taken the opportunity to travel the world. Victoria is receiving accolades from around the world for its excellent collection, much of which has been provided by the Felton bequest. I would like to quote from two American art galleries about the collection put together by the Felton bequest. The press release is from the Kimbell Art Museum in Fort Worth, Texas, and states:

> With the support of a generous endowment, the Felton bequest of 1904, the National Gallery of Victoria was for many years able to collect outstanding old and modern master paintings, as well as a broad array of decorative arts of the very highest quality, making the Melbourne art gallery one of the world's most active and acquisitive museums. The current multimillion dollar extension and refurbishment of the gallery's existing building has necessitated a temporary closure, thus enabling this historic exhibition to take place.

It is rather nice to think the gallery has been given such recognition in Texas. A Denver art gallery has also had the benefit of seeing the collection. An article entitled 'Melbourne calling — an Aussie collection of European masterpieces will grace the DAM all summer' states in part:

> Denver is only one stop on a multicity US tour for the Melbourne-based collection, the formation of which is an interesting story. In 1904, Melbourne businessman Alfred Felton died and left nearly £400 000 to a charitable trust called the Felton bequest. A portion of the trust's assets was dedicated to the purchase of 'art ancient and modern' for the collection of the National Gallery of Victoria, Australia's premier art museum. With this fairly modest amount of money — which is now essentially exhausted — the museum was able to buy more than sixty of the 88 paintings included in European masterpieces.

We should be justifiably proud as we remember the generosity of Alfred Felton. I would also like to pay tribute to the Arts Angels at the Victorian Arts Centre, an organisation established by those great Victorian philanthropists Richard and Jeanne Pratt. They have done a sensational job and have made the Arts Angels into a formidable philanthropic organisation about which we should all feel proud. The Arts Angels program is a unique philanthropic endeavour that has significantly increased private sector support for the Victorian Arts Centre. It was established in March 1994 with support from the Arts Angels and Benefactor Angels. Patrons and associates have provided valuable funds to mount exhibitions that would not normally have been able to come to Victoria. This is happening because of an enormous amount of philanthropy from people who are aware of the necessity for Victoria to have a cultural heritage which is recognised throughout the world, as evidenced by the articles in Denver and Texas. Victoria is in the enviable position of having the greatest philanthropists in Australia. At all costs we must encourage philanthropists to take part in this cultural gifts program and get the real tax advantages the federal government is giving. I wish the bill a speedy passage.

Hon. R. A. BEST (North Western) — On behalf of the National Party it gives me pleasure to indicate its support for the Victorian Arts Centre (Amendment) Bill. I firstly wish to distinguish the Victorian Arts Centre Trust from the National Gallery of Victoria; they are obviously two quite distinct institutions.

The Victorian Arts Centre Trust manages some 1700 individual pieces of art including some notable paintings. Generous benefactors have given those art works to the centre for display and the Victorian Arts Centre is an important cultural and artistic icon in the state of Victoria.

The bill is small. As has been said by many members on this side of the house it is strange that many of these small pieces of legislation are not combined in an omnibus bill to make it easier to discuss a range of different topics. While the bill is small it has a number of important ramifications for the Victorian Arts Centre and it is one of those bills that could be contained within a wider piece of legislation.

The bill has two primary functions. The first purpose is to amend the Victorian Arts Centre Act 1979 to change the functions and powers of the Victorian Arts Centre Trust to enable the trust to establish and manage a public collection of art. The second purpose is to amend the Museums Act 1983 to remove the requirement of ministerial approval for the engagement of consultants and technical advisers by the Museums Board of Victoria.

The arts centre trust has done an outstanding job in collecting works by notable artists such as Nolan, Boyd and so many other outstanding artists from within Australia and from overseas. It has in excess of 1700 exhibits many of which honourable members can see in the foyers and precincts of the arts centre. The legislation will allow the trust to attract more donors by allowing it to participate in the commonwealth government's cultural gifts program. As we have heard it is a program which has delivered $170 million worth of gifts through various arts and cultural organisations throughout Australia.

It is important that taxation accommodation be given to people who are prepared to act in a philanthropic manner and provide museums and art galleries with classic pieces of art for the benefit of generations to come. The provision will encourage many generous donors to donate art work and receive consideration, as is available to other art institutions in Victoria, by being able to participate in important taxation concessions.

It is appropriate to pass a vote of congratulations to the federal Minister for the Arts, the Honourable Peter McGauran, a National Party colleague, because he has done an outstanding job in promoting the arts throughout Victoria and Australia. Again it is the type of participation in programs such as the cultural gifts program that provide many people who are wealthy enough and have a large quantity of art work the opportunity of enhancing the reputation and stature of the institutions they donate to while being able to get consideration by way of realistic tax measures. The other provision relates to the Museums Board of Victoria which would no longer be required to seek ministerial approval on a day-to-day basis for some of its functions. This is a sensible clause and the National Party does not oppose it in any way.

Again, I put on the record that the bill is very small. I am sure it could have been handled in another way. However, the National Party does not oppose the bill and wishes it a speedy passage.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to speak in support of the bill. As was said by both previous speakers, it is a small bill and it makes two amendments. The first amendment is to section 21 of the Museums Act 1983 to remove the requirement for the Museums Board of Victoria to obtain ministerial approval when engaging consultants and technical advisers. The amendment would bring the museum in line with other state arts agencies. For some reason the amendment was not made in 1997 when other provisions of the acts for arts agencies were changed. The amendment does not reduce accountability at all. It does not reduce the requirements for the museum. In fact, as with all state arts agencies the museum is required to report on consultancies and technical advisers in its annual report which is presented to the Parliament.

The other amendment made by the bill is to the Arts Centre Act 1979 to expand the functions of the Victorian Arts Centre Trust to include responsibility for establishing and maintaining a public arts collection. The Victorian Arts Centre was envisaged as providing a centre in Victoria for all the arts: a centre that would bring together our community's richest elements of painting, music, dance, sculpture, dramatic art, tapestry, musical theatre and decorative arts. Under this vision the art collection has been developed to provide its visitors with a total experience and enjoyment of performances of music, theatre, dance and opera. As a major cultural institution and as a flagship for the performing arts the Victorian Arts Centre needs to continually reinvent itself to continue to provide dynamic and exciting experiences for both visitors and artists. The Victorian Arts Centre Trust wants to continue to develop its art collection.

Since its establishment the Victorian Arts Centre Trust has relied very heavily on high-profile donors and sponsors for the acquisition of works of art. I have a quote here from George Fairfax, the Victorian Arts Centre Trust's founding general manager. He said:

> The collection would not have been even remotely possible without the generous donations from a number of people who recognised its significance for Melbourne and were prepared to express that understanding in an overwhelmingly positive manner.

The centre's ability to attract and secure donations of works of art relies on the trust having tax-effective arrangements to encourage and enable people who make donations to continue to make contributions to the collection.

The amendments in the bill expand the function of the Victorian Arts Centre Trust to include responsibility for the management and development of the public art collection. The objective is to ensure that the Victorian Arts Centre Trust can participate in the Australian Taxation Office's cultural gifts program. The aim is to provide donors of works of art with the most beneficial arrangements available under the current tax laws.

The Victorian Arts Centre Trust's collection comprises more than 1700 works, including works by some of Australia's most highly regarded contemporary artists. Most of the collection is on display throughout the foyers and public areas of the Victorian Arts Centre. Sculptures are sited within and around the arts centre, along St Kilda Road and at the Sidney Myer Music Bowl. All of us would have enjoyed viewing some if not all of those works of art over the years. Access to the collection is very actively encouraged, and a loans program ensures that the objects receive maximum exposure through inclusion in a variety of exhibitions around Australia.

The trust's public art collection is currently valued at almost $11 million. It is important to note that the collection has been developed largely through donations, and its future is very much dependent on the

generosity of donors. The changes proposed in the bill before the house will assist the trust in continuing to develop its collection.

I would like to bring to the attention of the house a few facts about the Victorian Arts Centre that members may not be aware of. Every year more than 2 million visitors attend the arts centre, including nearly 1.2 million who attend performances in its major venues. The overall attendance by visitors, including at exhibitions, functions and guided tours, has increased significantly over the past two years. In 1999–2000 there were just over 844 000 visitors compared to almost 920 000 in 2000–01. I guess that in itself is proof of the importance of the arts centre to Melbourne and the wider Victorian community.

At this very moment the Victorian Arts Centre is the centre of attention with the biggest ever Melbourne Festival. The festival runs from 11 October to 3 November, and 81 performances will be held in that time. This is an increase in the number of performances put on in previous years: there were 52 in 2000 and 49 in 1999. The number of performances and activities the centre makes available to the community is increasing all the time. The famous Spiegeltent has already proved to be one of the most eye-catching attractions of the festival. That demonstrates very clearly the Victorian Arts Centre's commitment to providing a cultural experience that is world class and accessible by everyone.

The amendments set out in this small bill are very important because they will assist the Victorian Arts Centre with its ongoing work and the positive experience that it lends to Melburnians, Victorians and interstate and international visitors. I commend the bill to the house.

Hon. G. D. ROMANES (Melbourne) — There are few opportunities in this house to make reference to the arts, and I rise today to take this opportunity to make a few comments on the Victorian Arts Centre (Amendment) Bill 2001 because the cultural life of the Victorian community is vital.

The bill before us has two purposes. The first part of the bill amends the Victorian Arts Centre Act to expand the functions and powers of the Victorian Arts Centre Trust to include responsibility for the establishment and management of a public art collection. As we already heard, that is not a new venture; the public art collection managed by the Victorian Arts Centre Trust has been around for 15 or 16 years. However, the amendment before us will make that role more explicit within the legislation and provide the necessary clarification to enable endorsement by the Australian Taxation Office of the work of the trust in maintaining and managing a public art collection. As a result, gifts to the Victorian Arts Centre Trust public art collection will attract a more generous taxation deduction under the cultural gifts program. That will encourage wider and, hopefully, increased participation in the form of endowments and bequests to the public art collection of the Victorian Arts Centre.

I would like to put on record the appreciation of many people in the Victorian community of the great gift that the trust has given to the Victorian people through its work and its management of a public art collection. I would like to applaud the far-sightedness of the trust that saw it begin to receive endowments in the mid-1980s and to build a fine collection of public art for the people of this state to enjoy. An important legacy adorns the walls and corners of various parts of the Victorian Arts Centre. There are paintings, sculptures and tapestries executed by major contemporary Australian artists and many beautiful and evocative paintings by Aboriginal artists from the Western Desert in Western Australia.

I sure that, like me, many other honourable members find it a great pleasure to visit the Victorian Arts Centre. If one is going there for an event or a performance that experience is greatly enhanced by the chance to view significant works of art in superb surroundings. It is very much part of a unique experience, and a very stimulating one visually, intellectually and emotionally. As the Honourable Kaye Darveniza stated, this experience is open to approximately 2 million people who frequent the arts centre during any one year. It has provided accessible art to the people. In doing that the Victorian Arts Centre Trust has provided leadership to Victoria in establishing, maintaining, developing and showing some of the most significant art works in Victoria outside the National Gallery of Victoria.

Over the past 15 years or more, because of that approach to making art forms more accessible to the broader public, more attention has been given to the role of public art in our community and to the importance in our lives of public art in all our activities. Certainly when I was a councillor of the City of Moreland I was a proponent of the inclusion of a public art component in civic projects and public and private developments wherever possible, because public art provides not only work for artists but recognises other intangible, creative and spiritual dimensions of our lives and the way artists can enrich our built and natural environments.

Public art evokes a range of human responses. One has only to think back to the famous piece of public art in this city, the Yellow Peril, to think of a whole range of reactions and responses that people had to that sculpture. My personal view was that the Yellow Peril in its previous incarnation in that public space brought the City Square alive, and it was a very important addition to Swanston Street at that time. I was sorry to see it parked elsewhere away from the space for which it was originally designed.

I am also aware that through the Moreland sculpture show public art has been able to transform the many corners of the CERES environment park in that municipality, because the pieces that were exhibited in the show brought new ways of looking at CERES and new ways of experiencing that environment park and public space.

This is a small amendment but it is significant. I hope that the amendment and what it signifies will further enable the Victorian Arts Centre Trust to continue to influence and inspire individuals and communities across the state to do likewise in their own communities and municipalities, and in other projects that will be developed in the future.

The second purpose of the bill is to amend the Museums Act 1983 and to remove the provision requiring ministerial approval for the appointment of consultants and technical advisers. It is a sensible, practical approach, and it does not detract from the minister's power to overall direct and control the Museums Board of Victoria. However, it gives the board greater accountability for its actions, including the actions that will be taken within government guidelines for the appointment of consultants and technical advisers.

Like the Victorian Arts Centre the museum is another important cultural institution in this state that should be valued. It is a magnificent example of contemporary architecture, and while there are different opinions about how it functions in its interior and the way collections are displayed I believe the Victorian community and the many visitors who make their way to the museum in increasing numbers are beginning to embrace this new feature of our cultural landscape. It is very different from a conventional museum; there are lots of new learning experiences. There are many reasons to keep coming back and experiencing what it has to offer. At the time of my last visit to the museum I took out a family membership to make sure that my family and I can dip into what the museum has to offer in small doses to enable us to keep learning about and experiencing the many treasures that it offers the Victorian community.

The amendment contributes to the capacity of the board to operate more efficiently and effectively. Therefore although this is a small amendment it is an important improvement in that regard. With those few words I wish the bill a speedy passage.

Hon. J. M. McQUILTEN (Ballarat) — I recommend the bill to the house, and in so doing I would like to talk about the role of the arts in our society, which I think is often undervalued to a large extent. The area of the arts that I have been involved in for the past 10 years or so is painting. It is unusual for a boy from the bush to be a lover of fine art, but I have two friends who are rather famous in that area. Through them I have learnt a great deal about fine art and what it can do for society. I believe if we do not have a strong commitment to the arts it tends to detract from our soul as a society.

Ballarat has what I believe is the best cultural centre in Victoria located in Camp Street. It is superb, and I believe it will be the best cultural centre in Australia when it is finished. I believe the centre is incredibly important to the soul of my electorate, which is in an area where there is a lot of business. We have problems but there is a strong involvement in the arts. I believe that is important in my area, in Victoria, in the world and in society generally.

Motion agreed to.

Read second time.

Third reading

Hon. M. M. GOULD (Minister for Industrial Relations) — By leave, I move:

That this bill be now read a third time.

In doing so, I thank honourable members for their support of the passage of the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ROMAN CATHOLIC TRUSTS (AMENDMENT) BILL

Second reading

The PRESIDENT — Order! I have had the opportunity of examining this bill and it is my opinion it is a private bill.

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

> That this bill be dealt with as a public bill.

Motion agreed to.

Hon. C. A. FURLETTI (Templestowe) — Given the elements that this particular piece of legislation intends to address it is appropriate that this house supports the motion — —

An honourable member interjected.

Hon. C. A. FURLETTI — I am coming to the declaration in a minute. It is appropriate that this house supports the motion that this be treated as a public bill. If there were a requirement for a disclosure of possible conflict of interest, yes, I acknowledge that I am a Catholic and I am probably as close to a Roman as there is in this house! I trust that that will not be held against me.

This bill is presented to the Parliament at the request of the Roman Catholic Trusts Corporation for the purposes of making two principal amendments to the Roman Catholic Trusts Act 1907, a piece of legislation which was introduced almost 100 years ago with the intent of making the administration of the Roman Catholic Trusts Corporation easier, cheaper and more efficient.

The house would be aware that charitable trusts can be established in a number of ways. They can be established by a deed of trust or a will. They can be established through statute. In instances where trusts are established by an instrument such as a deed, it is common that those documents be very lengthy and detailed and that apart from containing detailed powers and directions they will almost certainly contain an identification of a trustee or administrator of the trust to ensure that the trust is appropriately administered and also will include generally the purposes, the object or the beneficiaries who are intended to benefit from the trust.

At the moment under the Roman Catholic Trusts Act each trust established is required to be administered separately and investments are therefore handled separately. There are separate records and so on. The cumbersome nature of having to deal with investments in that way is relatively obvious and furthermore there is also the risk — indeed the reality — that some investments are so small as to make an investment not as attractive as if a larger amount was involved.

Another aspect of trusts is that many charitable trusts are created with longevity in mind. They are set up and intended to support the object of the trust for many, many years. Therefore, quite regularly the intended purpose or object of the trust often changes, there are variations to it, and sometimes that purpose or object ceases to exist. One of the examples that was drawn to my attention during the briefing was a situation where a charitable fund was established to train young men as priests for a specific parish. There may be difficulty in attracting young seminarians to the priesthood or indeed in some instances the parish has ceased to exist.

Hon. M. M. Gould — It is hard to attract seminarians, full stop — young or otherwise.

Hon. C. A. FURLETTI — That is true, Minister. But parishes have changed and are amalgamating and therefore it is not uncommon for trusts to be extremely difficult if not impossible to administer and implement. Currently if a situation of that nature arises where the purpose or object of a trust cannot be fulfilled, the trustee can resort to the Supreme Court by way of a cy-pres application. I have read the debate in the other place and I am aware of the questions that have been asked. What is a cy-pres application? I think it is important that it be put on record. I am happy to quote from the *Oxford Companion to Law*. Cy-pres is a French word, but it is a doctrine that has evolved in English equity in relation to charitable trusts:

> … whereby, if a gift is clearly for charitable purposes only, it will not be allowed to fail because the precise object to be benefited, or the mode of application of the fund is uncertain.

It goes on to say:

> If the conditions are satisfied the court will settle a scheme for the application of the funds to another purpose as near as possible to that prescribed by the truster.

So cy-pres means an approximate, similar or appropriately near as possible to that purpose which was proposed by the person creating and establishing the trust. It was common when difficulties arose due to the obligations of trustees in the administration of trusts that if they breached the terms of the trust they would be personally responsible. Application would be made to the Supreme Court — an application which, Mr President, as you would be aware, is a very expensive and time-consuming process, an occupation

where many lawyers and barristers in particular have made considerable money in seeking to have the Supreme Court exercise its equitable jurisdiction in determining what should happen with the funds that comprise the trust.

The Roman Catholic Trusts Corporation has found that in many instances it has established charitable trusts which are dormant and unable to be utilised because the purpose for which they were established no longer exists or is impossible to satisfy.

This bill provides an avenue to avoid the expensive and lengthy process of Supreme Court applications. It also introduces a new process whereby trust funds can be aggregated. They can be paid into pooled funds even though they may be for different purposes and from different trusts. They can be pooled and paid into a common investment fund, and the new section therefore allows the possibility of having an internal system of administration for the contributed funds with income and losses, if that be the case, being apportioned proportionately between the various purposes for which the money is held in trust. Therefore, in the first instance this bill allows for a common pool to be established with the income or losses being attributed internally. That is a very sensible and logical purpose given modern systems of record and technology, and it is appropriate that if public companies and public investment groups can go to the market and seek investments in common funds of all types today, it is also appropriate for the Roman Catholic Church Trust to be permitted to invest the whole of its charitable funds comprised in various charitable trusts in the one common pool for the purposes of obtaining maximum benefit of its charitable function rather than in terms of getting less than market return.

The government obviously appreciates the good sense in making that change to the act. However, it should be noted that notwithstanding that facility, if there is a specific purpose for which a donor has made a donation then the church must see that particular purpose satisfied and that the funds are applied towards that specific purpose so there is an element of satisfaction for the donor who wishes to see how his donation is being applied.

A more radical amendment lies in proposed section 13B, which introduces measures to enable a corporate trustee of the Roman Catholic Trust to vary the trust in circumstances where the original purposes of the trust are impossible to carry out or of no community benefit. The section seeks to remove the necessity for a trustee to apply to the Supreme Court for the cy-pres order that I discussed earlier, and therefore by resolution it allows the corporate trustees to deal with funds which would otherwise need to be dormant.

Proposed section 13B(1) refers to the resolution relating to those funds being applied for the charitable purposes of the church, and a safeguard is built in whereby the bill requires the person responsible for the trust — in that case it would be either the donor or the testator or perhaps the founder of the trust — to be notified of the change of purpose of the trust as proposed by resolution of the corporate trustee. If on being notified of the proposed change the founder of or person responsible for the trust does not consider the purpose to be impossible to fulfil, that person can take proceedings in the Supreme Court to prevent the resolution from proceeding. Notwithstanding the powers that are vested in the corporate trustee, the bill does not in any way relate or refer to the diminution of the powers of the Supreme Court, in this instance, in being available still to be the decision-maker of last resort.

The bill is obviously of benefit to the efficient and timely operation of trusts by which the charitable purposes of the Roman Catholic Church are satisfied, and on that basis I am very pleased on behalf of the opposition to commend the bill to the house.

Hon. D. G. HADDEN (Ballarat) — I rise to speak in support of the Roman Catholic Trusts (Amendment) Bill which seeks to amend the Roman Catholic Trusts Act of 1907 with respect to the administration of church trusts and for other purposes. Presently each church trust estate is held by corporate trustees and must be invested and managed separately. This results in increased costs and inefficiencies, especially for the management of small trusts. This bill will empower the corporate trustees to mix the trust funds from different trusts into one common funded investment. Clause 3 of the bill inserts proposed section 13A for this purpose, which deals with pooled investment of trust moneys.

The bill also provides as a protection that where a donor has set out a specific purpose for which their donation must be used by the church trustees and the moneys have been mixed with funds for other purposes the church must ensure that the income or losses from those investments go back to the original purpose.

New sections 13A and 13B inserted by clause 3 deal with the variation of trusts. Currently if the church finds the specified purpose for which the funds were left cannot be carried out or is of no community benefit, the church must make a cy-pres application to the Supreme Court to seek the court's approval to vary the terms of the trust. This is time consuming and often costly and

can diminish the benefit for which the donation was intended.

To address the issue the bill provides a less costly process for the church to follow where the original purpose of the trust is impossible to carry out or of no community benefit. The bill enables the corporate trustees to vary the trust so that funds can be used for a purpose as near as possible to the original purpose as set out in the bequest. Where this is not possible, the church can use the trust for the general charitable purposes of the church.

New section 13B(5) makes clear that before a trust can be varied, certain requirements must be followed. The corporate trustees must notify the executor, giving 30 days written notice, of their intention to vary the trust. The amendment will enable the church to clear up some of the past trusts which have lain dormant over the years and direct the funds towards charitable purposes for the benefit of the greater community.

The bill does not affect the Supreme Court's jurisdiction to supervise the jurisdiction of trust funds, and cy-pres applications to the Supreme Court can continue to be made where appropriate.

As we know, the Roman Catholic Church provides charitable services across many areas of education, health and welfare. It is able to do this from the receipt of donations and bequests. In my electorate, for instance, the charitable service of the Ballarat Catholic diocese has three main organisations. Centacare performs a fantastic service across communities from the south of Ballarat up to as far as Horsham and Nhill. It was formerly known as the Ballarat Diocesan Family Services. There is also the St Vincent de Paul Society in Ballarat and Peplow House, also managed by Centacare, in Webster Street, Ballarat, which is the district's only accommodation for homeless men. In fact, to my knowledge it is the only accommodation for homeless men outside the suburbs of Melbourne and across to the border.

Many dedicated volunteers and donors contribute to the excellent charitable work of the Ballarat Catholic diocese, and it is to their great credit. The Ballarat diocese covers a broad range of educational services such as St Patrick's Secondary College, which the Premier attended; Damascus College, the combined educational campuses of St Paul's and St Martin's; Loreto College, on the shores of Lake Wendouree; St Patrick's Primary School in Drummond Street south, and rural primary schools such as St Augustine's in Creswick where I live and St Michael's at Bungaree. These are important educational facilities that perform services outside the general education sector and are an important part of the community and the welfare of the community.

Tomorrow evening I will have the great pleasure of representing the Premier in celebrating the anniversary of the first Catholic mass celebrated in Ballarat on 19 October 1851. The celebratory mass is to be held in St Alipius Church, Ballarat East, which is the nearest church to the vicinity where the first Catholic mass was first celebrated.

I place on record my respect for the Catholic bishop, Bishop Connor, of the Ballarat diocese, who gives tremendous service to his parish and to the community generally. I commend the bill to the house.

Hon. R. M. HALLAM (Western) — The Roman Catholic Trusts (Amendment) Bill is a very small bill, perhaps a simple bill, but nonetheless a practical bill, and it enjoys the support of the National Party. The primary purpose of the bill is to update the Roman Catholic Trusts Act of 1907, which was designed to allow the Roman Catholic Church in Victoria to create corporate bodies of trustees to administer properties and moneys held by the church, particularly including the administration of trust moneys.

The bill introduces two basic changes in respect of the administration of those trust moneys, both of which have been specifically requested by the Roman Catholic Church. I do not intend to take the house through them in detail because that has already been done, and done expertly, by the Honourable Carlo Furletti. The two changes are, firstly, to allow the funds derived from individual trust sources to be pooled for investment and management purposes, and secondly, provide a practical form of remedy where the specified purpose of a trust is no longer feasible or no longer of community benefit.

Both those changes make good sense. Our only concern when the bill came before the party room was to satisfy ourselves that the additional authority sought by the church and the administration of those funds would involve the normal checks and balances. We are satisfied that those checks and balances are in place, and on that basis we are happy to signify our support for the changes contained in the bill.

We see the pooling of trust money as making eminent good sense. It simply provides the opportunity for the administration of those funds to be more efficient. The income derived from the pooled funds will be dedicated for the stipulated purpose. The only real effect in that context is the opportunity to reduce the administration

costs. That makes good sense because it will therefore effectively enhance the benefit of the individual bequest.

Where the stipulated purpose of the trust is no longer practical or no longer of demonstrated community benefit the bill provides an alternative to the top-heavy legal process that would otherwise be triggered. It requires that the person administering the funds on behalf of the church notify the donor or his or her legal representative that the purposes of the original bequest are no longer appropriate and suggest an alternative use, presumably as close as possible to the original purpose of the bequest. Where there is no such alternative, then, and only then, may there be a suggestion that the bequest be dedicated to general charitable purposes.

In all cases the capital will still be held intact. We are not talking about changing that in any way or dissipating the corpus of the fund; we are simply talking about the practicality of applying the funds for their intended purpose.

That change overcomes a very messy and costly requirement that any change in other circumstances be approved by the court. As the Honourable Carlo Furletti noted, the cost of achieving that approval might be very substantial indeed and may consume the trust moneys themselves. It is because of that requirement and the number of small bequests the church is required to administer that some of those bequests are currently sitting in limbo.

We in the National Party see the changes to be very practical, as I said, because they allow the church to effectively administer those bequests; they save operational costs and therefore maximise the good works that were originally intended; and they avoid the legal and administrative costs currently encountered if the specific purpose of the funds is no longer feasible.

In any event the worst that could happen would be that no agreement could be reached between the person administering the funds on behalf of the church and the original donor or his or her executor. We cannot see that happening, but even if it did the worst that could then happen would be that the matter would be determined by the court, which is exactly the same process that would apply in every case if it were not for the changes sought under this bill — in other words, the process that is currently involved would simply be a fall-back position in the unlikely event that agreement was not reached between the person responsible for the administration by the church and the donor or his or her executor.

We believe that to be a much more appropriate process, and that therefore all the checks and balances are in place. The National Party is therefore happy to signify its support for the bill before the chamber.

Hon. S. M. NGUYEN (Melbourne West) — I support the Roman Catholic Trusts (Amendment) Bill before the house. This is a small bill, but it contains important amendments to the Roman Catholic Trusts Act 1907.

The Roman Catholic Church does much community work in Australian society, especially in Victoria, and the work it has done in the past to help disadvantaged groups living in Victoria needs to be recognised. Many members of our community have been well served by the Roman Catholic Church. Given my background as a refugee coming to this country, I have met many members of the Vietnamese community who have used the welfare services run by the Roman Catholic Church. Many Vietnamese people are Roman Catholic and when they come here they join the Roman Catholic community.

The Roman Catholic Church has done many good things in education, health and welfare. It provides important services for our community, and the community in turn pays respect to the church by donating money to a trust so the trust has the funding to provide services to other people. Most contributions made to the church are made to the archbishop's charitable fund or to one of the church's key agencies such as the Australian Aids Fund, the St Vincent de Paul Society or Centacare Catholic Family Services; or to some of the local services including the Sacred Heart Mission in St Kilda West, Open Family in South Melbourne and Mercy Hospice Care in the western suburbs.

The Catholic welfare group provides a valuable service in my electorate in Melbourne's west. The group helps many individuals through community projects, and volunteers assist in the delivery of a bilingual program. Family counselling services aim to stop relationship breakdowns between family members. Many courses are run and are well attended by members of the community, particularly individuals who have arrived from other countries and wish to become aware of a lot of things so they can settle in and get on with their new life.

I recognise the contribution of Catholic priests in my community who also provide counselling and supportive services that help poor families in the western suburbs. They are respected by the

government, indeed the Parliament. We want their duties to continue to serve our Victorian communities.

The bill helps to clear up some of the past trusts which have lain dormant and direct these funds towards charitable organisations for the benefit of the community.

Even today the Roman Catholic Trusts Corporation is serving our community well. Open Family in South Melbourne, which has already been mentioned as one of the local services, is a recipient of donations made through the corporation.

Community-based agencies in the western suburbs offer services at a local level. Youth programs help drug addicts and outreach youth workers help street kids, the homeless and many people who need this sort of assistance.

In conclusion, the government recognises and supports the work done by the Roman Catholic Church. This bill is a tidy-up and a forward-looking piece of legislation.

Motion agreed to.

Read second time.

Third reading

Hon. M. M. GOULD (Minister for Industrial Relations) — By leave, I move:

That this bill be now read a third time.

In doing so, I thank honourable members of the opposition for their support of the legislation.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

BUILDING (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

Second reading

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — By leave, I move:

That this bill be now read a second time.

The main purpose of this bill is to amend the Building Act 1993 to change the title of the Building Control Commission to the Building Commission; to streamline the processes involved in applying, adopting or incorporating planning schemes into the building regulations; to widen the classes of person who can be appointed as members of various bodies established under the act; and to make other improvements to the operation of the act.

The amendments dealing with the application, adoption and incorporation of planning schemes into the building regulations underpin the government's Rescode initiatives.

In August 2001, the government implemented its new residential code for Victoria, known as Rescode, delivering on its pre-election commitment to produce a new comprehensive residential code. Rescode is a package of tools, implemented through the planning schemes and building regulations, to manage residential development. Key aspects of Rescode include a focus on protecting and enhancing neighbourhood character, protecting the amenity of residential properties and providing certainty and consistency in approvals processes. These are achieved through the application of consistent standards across the building and planning systems and enabling councils to vary some standards, whilst retaining existing approvals processes. Rescode has been implemented with overwhelming support from key stakeholder groups, reflecting the benefits of the government's commitment to extensive consultation.

In order to effectively implement key amenity concepts, which are part of Rescode, it is necessary to incorporate certain provisions of planning schemes into the Building Regulations 1994. These provisions are the schedules to residential zones, which enable councils to vary the six Rescode standards relating to street setback, building height, site coverage, side and rear setbacks, private open space and front fence height. Ordinarily, where documents are applied, adopted or incorporated by reference into regulations, section 32 of the Interpretation of Legislation Act requires that the relevant document be tabled before Parliament, and copies be held for public inspection by the relevant department. The purpose of these requirements is to ensure that incorporated documents are publicly and readily accessible.

In the case of planning schemes, the requirements of section 32 of the Interpretation of Legislation Act would duplicate the provisions of the Planning and

Environment Act 1987, which require planning schemes to be made available at both council offices and at the Department of Infrastructure. Further, because planning schemes are frequently amended, again, following extensive community consultation, the requirement that every amendment also be tabled would result in significant administrative costs, without public benefit.

For these reasons, and to facilitate adequate cross-referencing and consistency between planning schemes and the building regulations, the bill provides that section 32 of the Interpretation of Legislation Act does not apply where provisions of planning schemes are applied, adopted or incorporated by reference into the building regulations.

The bill provides a limited exemption from preparing a regulatory impact statement in relation to regulations which apply, adopt or incorporate planning scheme provisions into the building regulations. Planning schemes and planning scheme amendments are subject to extensive public consultation, which would be duplicated by continuing to require a regulatory impact statement for such regulations.

The bill also includes additions to the regulation-making powers to enable regulations to be made setting the fees to be charged by councils asked to give their consent and report on building matters under Rescode.

The bill amends the regulation-making powers in relation to swimming pool construction and fencing. The government has recognised the significant level of community concern regarding the dangers posed by pools that do not comply with swimming pool safety provisions. Since coming into office, this government has maintained its commitment to this issue through public awareness campaigns and media releases in order to keep the issue on the agenda. The amendments contained in the bill will enable regulations to be made imposing a penalty of 50 penalty units for non-compliance. The present limit is 10 penalty units which is manifestly inadequate.

The bill contains a number of administrative amendments that will improve the operation of the Building Act. These include:

changing the name of the Building Control Commission to the Building Commission in order to better reflect its role of leadership and regulation rather than control of the building industry;

extending the membership of all the statutory bodies created under the Building Act to include community representatives and representatives of the legal profession;

providing that a builder must not carry out domestic building work under a major domestic building contract unless the builder is registered as a domestic builder in the appropriate category or class;

enabling the Building Practitioners Board to conduct inquiries into the conduct of registered building practitioners whose registration has been suspended;

enabling municipal building surveyors to delegate their functions and powers under the act to a qualified person employed in or engaged by the municipal council; and

providing the ability to enable a building notice or order that is made in relation to building work on Crown land to require the lessee or licensee of Crown land to evacuate the site or carry out building work or other work.

These administrative amendments will improve the operation of the Building Act, and benefit both consumers and building practitioners.

I commend the bill to the house.

Debate adjourned on motion of
Hon P. A. KATSAMBANIS (Monash).

Debate adjourned until next day.

MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

Second reading

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

That this bill be now read a second time.

This bill will remove peat from the ambit of the Mineral Resources Development Act 1990 and allow it to be treated as stone under the Extractive Industries Development Act 1995.

Under the Mineral Resources Development Act 1990, which I will refer to as the MRDA, all minerals are the

property of the Crown. Peat is currently defined under the MRDA as a mineral and therefore access to it is controlled by the government through the issue of licences and work authorities. While landowners are compensated under the MRDA for any loss or damage resulting from work done under a mining or exploration licence, the landowners do not have the right to veto the doing of work on their land.

The Victorian Farmers Federation (VFF) considers peat as being part of farmers' agricultural land and therefore farmers should be able to control access to it. This bill will allow the farmers this control. By removing peat from the definition of a mineral and defining it as a stone, ownership of that material will revert to the landowner. The search and extraction of peat will therefore be controlled under the Extractive Industries Development Act 1995 under which the landowner must consent to the search and extraction. The VFF strongly supports this amendment.

Another reason for this amendment is that it is very difficult to differentiate between peat and soils with high organic content. Soils are owned by the landowner and access to them is controlled under the Extractive Industries Development Act 1995. The bill will remove this anomaly.

The bill fulfils a commitment made by the government to the Parliament on 16 November 2000 that an amendment to remove peat as a mineral under the MRDA would be introduced following a review of existing licences and a determination of appropriate transitional arrangements. I note that this position was supported by the National Party.

This review has been completed and found that there is only one mining licence and three exploration licences, specifically relating to peat. These licences are all held by a subsidiary of Biogreen Ltd.

This company is developing an industry based on peat in the Colac region. The company is currently marketing and processing peat and is constructing a new processing plant. It is also developing new products based on peat and new markets including export markets. It has the potential to employ nearly 20 people.

Transitional arrangements have been developed which protect the company's existing rights. These allow the mining licence to continue and be renewed and allow the exploration licences to be renewed for up to 10 years. These arrangements protect the company's investments but do not allow the company rights to mine for peat beyond the area covered by its current mining licence.

Should the company want to extract peat from areas outside its mining licence it would need to negotiate directly with the landowners and obtain their consent.

The VFF and Biogreen have both confirmed their support for the transitional arrangements.

I commend the bill to the house.

Debate adjourned on motion of Hon. PHILIP DAVIS (Gippsland).

Debate adjourned until next day.

SELECT COMMITTEE ON THE FRANKSTON CENTRAL ACTIVITY DISTRICT DEVELOPMENT

Membership

The PRESIDENT — Order! I advise the house that I have received from the Leader of the Opposition and the Leader of National Party, within the time set by the resolution of the house, letters in which the Honourables A. R. Brideson, G. R. Craige and R. M. Hallam were nominated as members of the Select Committee on the Frankston Central Activity District Development. As at 4.00 p.m. today no such nominations had been received from the Leader of the Government.

BUSINESS OF THE HOUSE

Adjournment

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

> That the Council, at its rising, adjourn until Tuesday, 30 October.

Motion agreed to.

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

> That the house do now adjourn.

Scoresby freeway: funding

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise a matter with the Minister for Energy and Resources, representing the Minister for Transport in the other place. Honourable members will be aware that last week the Prime Minister made the fantastic announcement that the Howard government would fully fund 50 per cent of the cost of building the Scoresby freeway.

Honourable members will also be aware that in the current budget estimates no funds are provided by the state government towards the construction of the freeway. Therefore, 50 per cent of the cost — approximately $500 million — has been committed by the federal government and there is, as yet, no state commitment towards that project in the budget.

There is concern and speculation in my electorate that in seeking to provide the state funds for the project, the government may seek to use revenue from the Better Roads levy, revenue that would otherwise have gone towards black spot and local road funding. Therefore I seek from the Minister for Transport an assurance that funding for the Scoresby freeway will not come at the expense of either black spot or local road funding.

Traralgon Football Club

Hon. P. R. HALL (Gippsland) — I raise a matter with the Minister for Energy and Resources for reference to the Minister for Environment and Conservation in another place. It concerns a matter raised with me by the Traralgon Football Club, which has been trying for the past two years to purchase the land on which the social club associated with the football club is built, as well as some additional land adjoining that for extensions to the social club building.

Because it is Crown land, two years ago the club entered into negotiations with the Department of Natural Resources and Environment to see if it could purchase that land. An offer of purchase was submitted to the club by the department on 20 January 2000 — quite some time ago — and the club is prepared to take up that offer and has paid a deposit. However, there seems to be one impediment to that sale going ahead — that is, a revocation of the reservation of that Crown land is required.

I know I cannot request legislation in the adjournment debate, but I also know that invariably in every session of Parliament a bill revoking Crown land reservations comes to this place covering several pieces of land for which reservations are revoked for particular purposes. My request to the Minister for Conservation and Environment is that as soon as such a revocation bill is prepared, the land the football club is seeking to purchase be included. I trust such a revocation of reservation bill will come forthwith.

Geelong show

Hon. E. C. CARBINES (Geelong) — I raise a matter with the Minister for Consumer Affairs. Today is a very important day in Geelong because it is the start of the annual Geelong show. It is the biggest four-day show in the country. Over the next four days 100 000 people are expected to visit it. Tomorrow is the official show day, and many Geelong schools are closing so that the children can attend with their families.

My two children have the day off school tomorrow and we are going along to the show to enjoy the many attractions on offer. Like many Geelong families we know that no show day is complete without the purchase of show bags. What assurance can the minister give about the safety of items for sale in the Geelong show bags?

Austar Communications

Hon. E. G. STONEY (Central Highlands) — I seek assistance of the Minister for Consumer Affairs. A constituent of mine, Mr Dale van Duin, from the sawmill settlement near Mansfield has been badly treated by Austar Communications satellite television. His home was connected to Austar in July under a free connection deal at the time. After installation his reception was poor if conditions were windy, foggy or wet, but his neighbour's reception was perfect right through that time. Mr van Duin made two appointments with the Austar technicians and took two days off work, but the technicians did not arrive to fix the problem.

When the first account showed up in September Mr van Duin rang again about the bad reception and the account. He queried the account, and when he got a breakdown from the operator he found that he had been charged a connection fee that was hidden in the body of the account. Mr van Duin became very unhappy and made several other calls to Austar about the reception and account. In early October, while making another call, he said to the operator that he was not going to pay the connection fee and made an offer to pay half the charges. While he was speaking to the operator, the television went dead — the operator had cut him off while he was speaking on the telephone!

Hon. M. R. Thomson — It was a good switch!

Hon. E. G. STONEY — This is the best bit. The operator then said, 'You haven't conformed to your deal of one-year continuous connection because you are not now connected. You will have to pay a reconnection fee'. I ask the minister to investigate Austar's trading methods. I also ask the minister to ask Austar to explain how they can offer free connection and then hide the charge in the bill.

North Shepparton Community House

Hon. E. J. POWELL (North Eastern) — I raise a matter for the Minister for Youth Affairs. The North Shepparton Community House has asked me to support an application for funding for a youth group program — and I am more than happy to do so.

The application for $30 579 is also supported at the regional level. The government recognises the area I am going to talk about as one of high need. It provided $5 million for the redevelopment of the estate, which is the largest public housing estate in Victoria, and there are many problems with young people in the area. There are huge social problems such as high unemployment, low-income households, early school leavers, one-parent families, a high incidence of child protection assessments, a high incidence of substance abuse and family violence, and a high crime rate. The area used to be known in Shepparton as the Ghetto, but is now called Parkside Estate. That was one of the first recommendations that the advisory committee, which I was happy to chair, made to the government.

The community house currently holds a youth group each Friday evening between the hours of 6 and 10 o'clock, run by volunteers. I would like to congratulate Rasheeda Khan, the voluntary community development worker. About 35 young people attend the activities, and two weeks ago about 70 young people were there. Some of the young people have not had an evening meal, and some of them have not eaten all day. They come from high-need families. The program gives the young people a place to go to feel safe and supported. The police support the program and say crime has diminished in the area since the youth group started.

I attended the annual general meeting of the community house about two weeks ago, and the people there were very excited about the youth program and the help it has given the young people in the area, as well as the need to continue it. I ask the minister to support the application for the North Shepparton youth program to help them to expand the program for the benefit of young people in this very disadvantaged area.

Police: Clayton station

Hon. ANDREW BRIDESON (Waverley) — I raise a matter for the Minister for Sport and Recreation to refer to the Minister for Police and Emergency Services in the other place. It concerns the Clayton police station, which was built some 50 years ago and now requires a significant upgrade.

It is in an extremely poor location, at an intersection that is formed with the street that comes directly out of the Monash Medical Centre in Clayton Road. There are traffic lights virtually on the driveway of the police station, and you have to wait for the traffic lights to turn green before you can turn in. There is also a complex roundabout right outside the driveway of the police station.

There is limited parking for police vehicles and virtually nowhere for the public to park if they need to visit the station. I request that the minister either upgrade or — I think it might make more sense — relocate the Clayton police station to a better position. I would suggest it might be moved south towards the Clayton shopping centre, and consideration could perhaps be given to making it a shopfront police station within the shopping strip. I ask the minister to give urgent consideration to including this proposal in next year's budget deliberations.

Tertiary education and training: alumni program

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Energy and Resources, as the representative in this house of the Minister for State and Regional Development. The issue I raise is the excellent alumni program introduced by the previous Kennett government in 1997, which was funded to the level of approximately $250 000.

Alumni program grants were made by the department to university alumni groups and also to some secondary schools to encourage its international work and to help promote Melbourne and Victoria overseas. This program raised our economic profile in Europe and Asia and encouraged foreign-based alumni to keep a strong interest in its home state of Victoria. I ask the minister whether this important program will continue and whether she can provide information on how the program has performed since late 1999.

Consumer affairs: home relocations

Hon. K. M. SMITH (South Eastern) — I raise with the Minister for Consumer Affairs an issue I raised with

her on 16 May regarding a builder by the name of Mr Piechatschek. Although I raised this issue on 16 May I had heard nothing from the minister until I raised the issue again on 21 May. The minister then reacted and sent one of her investigators to get the information about Mr Piechatschek from me.

I received a letter from her dated 8 June, which was not received at my office until 18 June, acknowledging that I had raised this issue relating to 1st Central Victorian Home Relocations and Mr Piechatschek. The minister advised me that she had referred the matter to the Building Control Commission and that Mr Tony Arnel, the commissioner, would do something about Mr Piechatschek's registration. She also said that Consumer and Business Affairs Victoria, which administers the Domestic Building Contracts Act, would do something about Mr Piechatschek.

As I said, I received that letter on 18 June, but I have heard nothing from the minister since then. I wrote to her last week raising the issue with her again and asking her to advise me about what is happening with this builder, whom I referred to at the time as a shonky builder, and I have not changed my position.

I am concerned that many months have elapsed since I first raised this issue. I have heard nothing from the minister, I have heard nothing from the minister's office and I have heard nothing from Mr Tony Arnel. I want to know what the hell the minister has done about this shonky builder who may still be operating and using his worst building practices on some of the young people in Victoria.

Electricity: Stonehaven station

Hon. I. J. COVER (Geelong) — I am taking my children to the Geelong show tomorrow, and I will be very careful when I get the show bags, because the minister may not have enough time to inspect them before tomorrow.

I refer the Minister for Energy and Resources to the proposed construction of a power station at Stonehaven on the outskirts and windward side of Geelong. Interestingly, the Premier said earlier this year that 'all new energy projects would be the subject of an environment effects statement'. However, in the case of Stonehaven this has not eventuated.

Many people in the Geelong region are concerned that the Bracks Labor government has turned its back on them by refusing to conduct an environment effects statement. Almost 6000 people have signed a petition pleading for the government to listen to their grave environmental and health concerns. The list includes a former President of this house who was also the Minister for Conservation, Forests and Lands, the Honourable Rod Mackenzie. It is no wonder he left the Labor Party. Along with my colleagues the honourable members for South Barwon, Bellarine and Polwarth in the other place, I was pleased to sign the petition on the front steps of Parliament House yesterday. I was only too happy to lend my pen to the other member for Geelong Province so she could sign it after me. I must say the pen had a safety cap on it!

I also note that the name of the honourable member for Geelong in the other place was added to the petition when it was tabled in the other place today. Having accepted the petition yesterday and tabled it today, he signed it somewhere in between times.

As a mark of the seriousness of the issue, yesterday the mayor of the City of Greater Geelong, Cr Stretch Kontelj, travelled from Geelong to join concerned local residents from Geelong and the Batesford Action Group on the front steps. Next Tuesday the Greater Geelong council meets to discuss the issue, and it will be interesting to see which councillors line up on the side of Geelong residents.

The matter I put to the minister is: if it was good enough for the mayor and these residents to come to Melbourne yesterday to express their concerns, the minister and her colleague the Minister for Planning should emerge from their bunkers and come down the highway to explain to the people of Geelong why the government has abandoned them.

Arts: rural funding

Hon. R. M. HALLAM (Western) — I wish to raise an issue with the Minister for Industrial Relations in her capacity as Leader of the Government in the Legislative Council. The issue I wish to raise is covered by the minister's media release on 16 August headed 'Government announces $1 million to take art beyond the Melbourne CBD'. The first paragraph of the press release — —

Hon. M. M. Gould — This has been raised in the house before.

The PRESIDENT — Order! Well, hang on. The minister does not know what is being raised. Keep going.

Hon. R. M. HALLAM — The first paragraph reads:

> People living outside Melbourne will get more opportunities to see great art on their doorsteps following a boost to

> regional art gallery funding, the Leader of the Government in the Legislative Council, Ms Monica Gould, said today.

It went on to state that:

> These grants, totalling $921 500 and covering 15 regional art galleries, represent a continued commitment by the Bracks government to boosting Victoria's thriving arts sector and increasing the diversity of the statewide arts industry …

The press release goes on to claim that:

> This funding will ensuring [sic] that a wide variety of exhibitions are available to Victorians living in, working in and visiting regional Victoria.

I have a number of questions in respect of the press release — and not that no-one bothered to proofread it. I can report to the minister that the press release has created a fair bit of interest in my electorate — however, most of it critical. I refer particularly to a letter I have received from the Rural City of Horsham, which states that it was disappointed:

> … and found it difficult to understand how the state government could put out such a press release when the regional art gallery's funding remains the same as it was 10 years ago.

Further I have a statement from the director of the Horsham Regional Art Gallery — one I know you are familiar with, Mr President — which advises me that its programs must be culled because of a reducing level of funding and goes on to make some uncomplimentary comments about state government ministers.

I particularly want to go to the minister's claims that the grants she is so enthusiastically announcing — —

The PRESIDENT — Order! I ask the honourable member to pose his question.

Hon. R. M. HALLAM — How does the funding the minister is so enthusiastically announcing represent a 'boost'? That is the word she used. If the minister indicates that she used the word carelessly I will let the matter rest. However, if she believes that the funding represents a boost and she places some store in personal credibility, I request that she make urgent representations to the Minister for the Arts and the Treasurer pleading the case for increased funding for regional galleries to have the reality match her rhetoric.

Roads: light spillage

Hon. G. B. ASHMAN (Koonung) — I raise with the Minister for Energy and Resources a matter for the Minister for Transport in another place, although it is an issue in which she may take some interest given her portfolio responsibilities. The issue I raise is that of security and commercial floodlighting on properties adjoining major highways. I raise the issue of the amount of light from a number of floodlights that have been installed to illuminate buildings or display yards and the amount of light spillage onto the road.

My concern is that a number of these installations are causing significant dazzle to drivers and creating a dangerous driving environment. I understand there are Australian standards for the installation of such lights, and in discussion with a number of the electricity supply companies I learnt that those lights conform to the standards — or at least they conform when they are first installed. Once they have been up the poles for a while, the wind blows them around and the bolts become a little loose so that a number of these lights spin around.

I seek from both ministers an audit of some kind of the lights to ensure that they comply with the Australian standards and, more importantly, that they do not allow any light spillage that could distract motorists from their primary responsibility to drive safely.

There is a similar problem with display lighting in saleyards. That problem might be addressed at the same time. By way of example of where light spillage is occurring, I can cite the Maroondah Highway in Blackburn and Mitcham and sections of Canterbury Road in Vermont and Ringwood. Most honourable members will have seen the problem on one or other of almost all major arterial roads in Melbourne.

Minister for Industrial Relations: Ansett Australia

Hon. B. C. BOARDMAN (Chelsea) — I direct the attention of the Minister for Industrial Relations to her responses in question time today, where quite clearly her answers about her involvement in meetings with the Ansett administrators were not only misleading but were discovered to be quite conclusively and intentionally — or, more likely, due to the minister's incompetence or carelessness — completely and utterly inaccurate.

She stated that she had met with the Ansett administrators, and that was accurately recorded in *Hansard*. To my knowledge there has not at this stage been any challenge to change the record in any shape or form. The minister needs to give careful consideration to answering questions in the future.

With that preamble, I ask whether the minister agrees that the workers in a proposed Ansett Mark 2 should be employed on the same terms and conditions as the

workers employed by Ansett Australia prior to its collapse.

Minister for Industrial Relations: Ansett Australia

Hon. P. A. KATSAMBANIS (Monash) — My question is also to the Minister for Industrial Relations and is again based partly on the minister's rather tortured answers to a series of questions in question time both yesterday and today, when it was clearly evident that the minister, during the course of her answers, changed her tune quite markedly. I will put a simple and direct question to the minister and seek a simple and direct response. I ask the minister to advise the house exactly which business people she has met with in order to assist in the survival of Ansett Mark 2.

Saizeriya project

Hon. BILL FORWOOD (Templestowe) — I also have an issue I wish to raise with the Minister for Industrial Relations. On 23 August last year the Minister for State and Regional Development announced: 'Major jobs win for Melton as global food company invests $40 million'. It was the Saizeriya project. The minister will also be aware that at the moment there are significant problems there. The press release from the Minister for State and Regional Development says:

> Construction of the food manufacturing and processing plant was scheduled to begin this year —

that is, 2000 —

> with operations starting in 2001.

At last count, as I understand it, the project is running 10 months late, and it is for that reason the government decided it would intervene in the Australian Industrial Relations Commission (AIRC) hearings. The problem that has occurred out there, as the minister would know, is a demarcation dispute — a brawl between two unions: her union, the National Union of Workers, and Craig Johnston's union, the Australian Manufacturing Workers Union.

The government intervened, as I said, in the AIRC. It went and got Corrs Chambers Westgarth and went and got itself a barrister whose name was Bourke. Mr Bourke said in the AIRC that Victoria does not want to lose what is a very significant investment at this site. He led as a witness Mr Ian Kennedy, the director of regional industries in the Department of State and Regional Development, who put in a witness statement of which I have a copy. In his evidence this leading public servant said:

> I believe that if we lose this investment and if the company were to walk away from the current project, Victoria's reputation as a place to invest would be significantly damaged throughout Japan … I believe that the damage caused by the failure to stop the industrial action and the possibility that Saizeriya will not continue with this project will also impact on Victoria's reputation outside of Japan. I am advised that the company has a number of European and American shareholders. Consequently, such an incident as Saizeriya withdrawing or reducing its investment would cause significant damage to our reputation across Europe and the United States of America.

At this very moment Craig Johnston and his thugs are stopping steel being delivered to the site in Melton. I ask the Minister for Industrial Relations what action she has taken to stop this brawl between two unions that is damaging Victoria's reputation.

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Roger Hallam raised a matter with me which I will take up with the Minister for the Arts and ask her to respond to.

The Honourable Cameron Boardman raised a matter concerning Ansett Mark 2 and what the employees' entitlements would be. That will be a matter between the relevant unions and the potential investors if it actually gets up. However, as I indicated in the house yesterday, this government has been working hard as a whole in an attempt to get Ansett Mark 2 off the ground whereas the Liberal Party's federal colleagues have done absolutely nothing towards that. As to what employee entitlements are provided, that will be a matter between the parties. I am sure any agreement that is reached will be registered in the Australian Industrial Relations Commission under the Workplace Relations Act.

The Honourable Peter Katsambanis asked me to name employers. I will not name individual employers I have spoken to. I have spoken to major employer organisations representing employers with respect to their concerns about the Ansett collapse and its effect on their businesses. I have met with a number of major employer organisations. I have met with unions and with the peak body of unions.

The Leader of the Opposition raised a matter with respect to Saizeriya, which is a Japanese company investing in the state. This government was able to encourage the company to invest here, and it is in the process of constructing a new production site. Hopefully that will be stage 1 of further developments.

There has been industrial action at the site and, as I indicated in this house last week or the week before, the government has taken the unusual step of intervening in the Australian Industrial Relations Commission in support of an employer's application for a section 127 order.

Hon. Bill Forwood — The site is not working.

Hon. M. M. GOULD — The site is working. The construction of the site is under way, although there are some bans in place at the moment. The company is looking at what legal action it can take if those bans are illegal — action such as the section 127 order. As I said, the government took the unusual step of supporting the employer in the commission. I have had numerous meetings with the unions, the employer, the employer's representatives, its legal counsel and the government's legal counsel.

As the Leader of the Opposition indicated, it is a dispute between one union and another. One union has a certified agreement in the commission and the other does not, but claims it should have coverage. That matter needs to be sorted out in the commission because the greenfield site is certified in the commission. The other union has served a log of claims, a dispute has been found and a date is yet to be listed for when that matter will be sorted out.

This government is committed to this ongoing investment and it is working hard with the company to ensure that this project is successful.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Rich-Phillips raised the matter of funding of the Scoresby freeway for the attention of the Minister for Transport, and I will refer the matter to the minister.

The Honourable Peter Hall requested the Minister for Environment and Conservation to include Crown land that the Traralgon Football Club is seeking to acquire in the next land revocation bill. I will refer that request to the minister.

The Honourable Andrew Olexander asked the Minister for State and Regional Development to provide him with advice about the state alumni program since the change of government.

In response to the Honourable Ian Cover I indicate what I have indicated to the house on many occasions — the Bracks government is very pleased with the response to its efforts to facilitate new investment in new energy generation to meet Victoria's energy needs. That was something that the previous government did not do. On every occasion I have indicated that proponents of new investment must get the necessary planning and environment approvals.

In this case the proposal is going through the proper processes. It is currently before the Victorian Civil and Administrative Tribunal so the honourable member is demonstrating his complete disregard for the proper processes. At the instigation of the honourable member for Geelong in the other place and the Honourable Elaine Carbines I was pleased to meet Mr Rod McKenzie and other community representatives to listen to these issues in accordance with this government's approach of listening to what the community has to say and to be open and accessible, unlike the previous government. Our approach stands in contrast to the grandstanding of the honourable member opposite and certain members of the Greater Geelong council, who did not even object to this proposal when it went through the processes. The honourable member is simply playing games on behalf of the Liberal Party.

The Honourable Gerald Ashman raised the issue of light spillage from buildings and displays onto roads and requested the Minister for Transport to ensure that lighting conforms with Australian standards. I will refer the matter to the minister.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The Honourable Elaine Carbines raised the issue of the Geelong show, which starts today, and the fact that it is the second-largest show in Victoria. She wanted to know whether the show bags were safe and whether Consumer and Business Affairs Victoria had conducted any investigations. CBAV investigators went to the show today, and the administrators of the show were most helpful in escorting the inspectors around the show to look at the show bags and other items on sale.

They found one item that needed to be removed from sale — a bleeding ghost face. As honourable members can see, it is an item that children would find desirable, but it does not have adequate breathing holes. People who had the show bags on sale or had the items on sale separately have willingly removed them from sale. Therefore when children go to the show over the next few days they and their parents can feel confident that the toys on sale are safe for children.

The Honourable Graeme Stoney raised a matter in relation to Austar Communications and the difficulties that Mr van Duin is having in relation to the installation of its service. Mr Stoney has passed on information for

us to investigate and we will certainly follow up and hopefully be able to resolve the issue.

The Honourable Ken Smith raised a matter concerning a builder. He has raised the matter before in this house. I should clarify for the record that the Building Control Commission is the responsibility of the Minister for Planning, and Mr Smith is more than welcome to contact Tony Arnel directly in relation to what the commission might be investigating. I have not had a report from the department about investigations it is conducting, and I will seek an update on those investigations.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — In relation to the question by the Honourable Jeanette Powell regarding the North Shepparton Community House and the prospect of a youth worker, I am happy to seek further information from my department in relation to this issue and look forward to viewing the relevant correspondence from the group.

In relation to the question by the Honourable Andrew Brideson regarding the potential upgrade or relocation of the Clayton police station, I will refer the matter to the Minister for Police and Emergency Services in the other place.

Motion agreed to.

House adjourned 6.17 p.m. until Tuesday, 30 October.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Tuesday, 16 October 2001

Aged Care: residential aged care beds

1820. THE HON. J. W. G ROSS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Aged Care):

(a) How many State owned residential aged care beds were off-line in the State bed pool when the current Government was elected.

(b) When was the first written proposal put to the Federal Government for the allocation of these beds, and what are the details.

(c) How many of these beds did the Commonwealth agree to reallocate.

(d) Has the State Government provided a further proposal to the Commonwealth in relation to the State bed pool; if so, what are the details.

ANSWER:

(a) 213

(b) The first written proposal was provided by the Federal Government.

A copy of the correspondence from the Federal Minister for Aged Care to the then Victorian Minister for Health and Aged Care will be provided to the Honourable Member.

(c) & (d)
Not Applicable

(e) A copy of the proposal will be provided to the Honourable Member.

Transport: ministerial staff

2046. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office.

As at 30 May 2001, no staff working in my office were on secondment from the Victorian Public Service.

The Member may wish to refer to the Budget Papers for details on expenditure.

Education: ministerial staff

2048. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

I am informed as follows:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office.

Two members of staff were on secondment from the Victorian Public Service as at 30 May 2001.

The Member may wish to refer to the Budget Papers for details on expenditure.

Police and Emergency Services: ministerial staff

2050. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Police and Emergency Services): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

I am informed that:

All ministerial staff in my office are employed by the Premier. Therefore there are no Ministerial staff employed by me in my office.

As at 30 May 2001, no staff working in my office were on secondment from the Victorian Public Service

The Member may wish to refer to the Budget Papers for details on expenditure.

Corrections: ministerial staff

2051. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Corrections): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

I am informed that:

All ministerial staff in my office are employed by the Premier. Therefore there are no Ministerial staff employed by me in my office.

As at 30 May 2001, no staff working in my office were on secondment from the Victorian Public Service

The Member may wish to refer to the Budget Papers for details on expenditure.

Community Services: disability service needs register

2115. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): For each Department of Human Services region, as at the 30 June 2001:

(a) How many individuals on the Disability Service Needs Register were waiting for — (i) shared supported accommodation; (ii) day programs; and (iii) in-home accommodation support.

(b) For each category, how many were classified as — (i) urgent priority; and (ii) high priority.

(c) What length of time have clients been waiting for a shared accommodation place.

ANSWER:

(a) For each Department of Human Services region, as at the 30 June 2001 as follows:

REGION	SHARED SUPPORTED ACCOMMODATION	IHAS	DAY PROGRAMS
BARWON	201	0	93
EASTERN METROPOLITAN REGION	678	0	386
GIPPSLAND	162	0	43
GRAMPIANS	162	0	73
HUME	220	0	14
LODDON-MALLEE	238	0	20
NORTHERN METROPOLITAN REGION	439	0	50
SOUTHERN METROPOLITAN REGION	541	0	90
WESTERN METROPOLITAN REGION	308	0	44
TOTALS	2949	0	813

(b) For each Department of Human Services region urgent and high priority classification is as follows:

REGION	URGENT	HIGH
BARWON		
SSA	35	81
Day Program	16	66
IHAS	0	0

REGION	URGENT	HIGH
EASTERN METROPOLITAN REGION		
SSA	242	142
Day Program	364	19
IHAS	0	0
GIPPSLAND		
SSA	34	43
Day Program	24	18
IHAS	0	0
GRAMPIANS		
SSA	22	21
Day Program	4	28
IHAS	0	0
HUME		
SSA	81	25
Day Program	13	0
IHAS	0	0
LODDON-MALLEE		
SSA	76	41
Day Program	11	7
IHAS	0	0
NORTHERN METROPOLITAN REGION		
SSA	126	70
Day Program	18	32
IHAS	0	0
SOUTHERN METROPOLITAN REGION		
SSA	157	139
Day Program	139	36
IHAS	0	0

REGION	URGENT	HIGH
WESTERN METROPOLITAN REGION		
SSA	90	60
Day Program	30	13
IHAS	0	0

(c) On average, clients have been on the Service Needs Register waiting for Shared Supported Accommodation for a period of 810 days.

Community Services: shared supported accommodation

2117. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): In relation to the Public Accounts and Estimates Committee Report on the 1999-2000 Budget Outcomes, page 111, recommendation 2.3, for the year ending 30 June 2001:

(a) How many persons with disabilities waiting for shared supported accommodation obtained a place.

(b) On average how many days had those people been waiting for a place.

(c) How many of those persons were relocated from institutional to community based care.

ANSWER:

(a) For the year ending 30 June 2001, 234 people waiting for a Shared Supported Accommodation place, were removed from the Service Needs Register. These people either received, a place in a Shared Supported Accommodation facility or a package of tailored services which met their accommodation needs.

(b) People who received a Shared Supported Accommodation place or a package of tailored services waited an average of 810 days.

(c) 1 person was relocated from an institutional placement to a community based care option.

Premier: community cabinet public opinion polling

2263. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): Was polling, local area research, focus groups and other public opinion polling undertaken as part of the Community Cabinet process prior to the visit of the Community Cabinet to Hepburn Shire on, or about, April 26 and 27, 2001; if so, what was the cost of the polling, local area research, focus groups and other public opinion polling undertaken and by which company, organisation or person was it done.

ANSWER:

I am informed that:

No local area research was undertaken prior to the Community Cabinet meeting in Hepburn Shire on 26 and 27 April 2001.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Thursday, 18 October 2001

Police and Emergency Services: police recruits

2155. **THE HON. B. C. BOARDMAN** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Police and Emergency Services):

(a) What was the effective number of sworn full-time police, exclusive of police recruits in training, employed as at 30 June 2001.

(b) What was the number of police recruits in training as at 30 June 2001.

ANSWER:

I am advised by Victoria Police that:

(a) the full time equivalent number of sworn police employed at 30 June 2001 was 9616; and

(b) the number of police recruits in training as at 30 June 2001 was 375.

Post Compulsory Education, Training and Employment: nurses — TAFE places

2162. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many TAFE places for Certificate IV in Health (Nursing) were there in Victoria as at 30 June 2001.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: nurses — training places

2163. **THE HON. B. N. ATKINSON** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many registered training organisation places were there for Certificate IV in Health (Nursing) in Victoria as at 30 June 2001.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: nurses — training

2164. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many trainee nurses were undertaking the Certificate IV in Health (Nursing) as at 30 June 2001.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: nurses — training

2165. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many trainee nurses were undertaking the Certificate IV in Health (Nursing) with registered training organisations in Victoria as at 30 June 2001.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: nurses — TAFE places

2166. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many TAFE places for Certificate IV in Health (Nursing) were there as at 30 June 2001 in rural and regional Victoria and metropolitan Melbourne, respectively.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: nurses — training

2167. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many registered training organisation places were there for Certificate IV in Health (Nursing) as at 30 June 2001 in rural and regional Victoria and metropolitan Melbourne, respectively.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: nurses — training

2168. **THE HON. B. N. ATKINSON** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many trainee nurses were there undertaking the Certificate IV in Health (Nursing) as at 30 June 2001 on a — (i) coursework basis; (ii) traineeship basis; and (iii) on-the-job training basis.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: division 2 nurses

2169. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many registered Division 2 nurses were undertaking advanced training in aged care as at 30 June 2001.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: division 2 nurses

2170. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many registered Division 2 nurses were undertaking advanced training in aged care as at 30 June 2001 in metropolitan Melbourne and rural and regional areas of Victoria, respectively.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: personal care workers

2180. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many TAFE places for Certificate III in Community Services and Health (personal care worker) were there in Victoria as at 30 June 2001.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: personal care workers

2181. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many registered training organisation places were there for Certificate III in Community Services and Health (personal care worker) in Victoria as at 30 June 2001.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: personal care workers

2182. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many trainees were undertaking Certificate III in Community Services and Health (personal care worker) as at 30 June 2001.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: personal care workers

2183. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many trainees were undertaking the Certificate III in Community Services and Health (personal care worker) with registered training organisations in Victoria as at 30 June 2001.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: personal care workers

2184. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many TAFE places were there for Certificate III in Community Services and Health (personal care worker) as at 30 June 2001 in rural and regional areas of Victoria and metropolitan Melbourne, respectively.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: personal care workers

2185. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many registered training organisation places for Certificate III in Community Services and Health (personal care worker) were there as at 30 June 2001 in rural and regional Victoria and metropolitan Melbourne, respectively.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Post Compulsory Education, Training and Employment: personal care workers

2186. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many trainees were undertaking Certificate III in Community Services and Health (personal care worker) as at 30 June 2001 on a — (i) coursework basis; (ii) traineeship basis; and (iii) on-the-job training basis.

ANSWER:

I am informed as follows:

Accurate information about student numbers in training in 2001 will not be available until April 2002. This data is collected through the Student Statistical Report, which is submitted by providers at the conclusion of each calendar year.

Energy and Resources: Latrobe aquifer

2197. THE HON. P. R. HALL — To ask the Honourable the Minister for Energy and Resources: In relation to the Latrobe aquifer:

(a) What reports has the Government commissioned regarding elevation surveys and the potential for land subsidence in the Gippsland region.

(b) Are these reports public documents; if so, from where can they be obtained.

ANSWER:

I am informed that:

(a) There are three reports entitled "Gippsland Elevation Surveys", "Gippsland Subsidence Modelling – West Golden Beach" and "Gippsland Subsidence Modelling – Yarram".

(b) The Subsidence reports are available on the Natural Resources and Environment website. The Elevation Surveys will be made available on the website shortly.

Energy and Resources: Latrobe aquifer

2198. **THE HON. P. R. HALL** — To ask the Honourable the Minister for Energy and Resources: In relation to the Latrobe aquifer:

(a) Does the Government have in place the physical requirements to measure any land subsidence along the Gippsland coastal strip.

(b) Has monitoring for subsidence been undertaken by the Government; if so, what is the outcome of this monitoring.

(c) Will the Government be making any attempt to find historical evidence of subsidence along the Gippsland coastal strip; if so, what methods will be used.

ANSWER:

I am informed that:

(a) No physical mechanisms are in place to monitor land subsidence since they were discontinued by the previous Coalition Government in 1996.

(b) There has been no monitoring for subsidence undertaken by this Government.

(c) An alternative remote sensing mechanism to physical monitors, based on synthetic aperture radar is under consideration for the monitoring of subsidence. Should this method prove successful and adequate historical data is available it is possible that analysis of up to 10 years of historical data may be useful and elevation trends may be derived from the monitoring and historical data.

Energy and Resources: Latrobe aquifer

2199. **THE HON. P. R. HALL** — To ask the Honourable the Minister for Energy and Resources: What action has the Victorian Government taken, including representations to the Commonwealth Government, to require the recharging of the Latrobe aquifer.

ANSWER:

I am informed that there are no plans in place to require the recharging of the reservoir at present.

Post Compulsory Education, Training and Employment: State Library — extension education program review

2206. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post-Compulsory Education, Training and Employment): When will the recommendations of the Extension Education Program Review at the State Library of Victoria be released.

ANSWER:

I am informed as follows:

I am unable to answer this question as it does not fall within my portfolio responsibilities and should be more appropriately be referred to the Minister for Education.

Housing: King Street estate, Prahran

2207. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): In relation to the refurbishment at The King Street Estate in Prahran, and the conversion of the bed sit "pairs" to one bedroom flats:

(a) What strategy has the government established to temporarily relocate tenants during the refurbishment.

(b) What is the cost of the temporary relocation.

(c) Where will the residents be temporarily relocated.

(d) How many residents will be temporarily relocated.

ANSWER:

The relocation strategy for the King Street Estate in Prahran is carried out in accordance with the Office of Housing Relocation Policy & Procedures Manual.

(a) Permanent relocations occur only at the request of the tenant or where a long-term tenant in a bed sit is offered a vacant converted unit. Since the conversion program first commenced there have been approximately 52 pairs of units converted at 25 King Street and 46 pairs of units converted at 27 King Street. The usual size of contracts let for conversion is six to eight pairs, which generally means that only six to eight tenants are relocated at any one time.

(b) The cost of relocations within the site is approximately $520 for each tenant within the site. This is the total of the removalists' costs associated with the relocation and move back into the completed converted unit and includes the cost of connections of telephone and electricity.

(c) To date no tenant has relocated to other public housing accommodation other than the King Street Estate. If a resident wishes to permanently relocate to another area in the State or locally that meets their needs, this occurs under the Office of Housing relocation policy.

(d) A further 16 pairs of units at 25 King Street and 22 pairs of units at 27 King Street still require conversion, hence it is envisaged that another 76 tenants will be temporarily relocated.

Police and Emergency Services: drug-drivers

2208. THE HON. B. C. BOARDMAN — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Police and Emergency Services): In relation to the testing of drivers for driving whilst under the influence of drugs:

(a) How many offenders have been detected and charged between 1 July 2000 and 30 June 2001, respectively.

(b) How many of these drivers have been detected and charged in metropolitan Melbourne and rural and regional Victoria between 1 July 2000 and 30 June 2001, respectively.

(c) How many drivers have been convicted for driving whilst under the influence of drugs between 1 July 2000 and 30 June 2001, respectively.

ANSWER:

I am informed that:

The amendments to the Road Safety Act that permitted police to detect and charge drug impaired drivers came into force on 1 December 2000. It is therefore not possible to give details of the number of drug impaired drivers processed prior to that date.

The provisions have been in place for a little over nine months and they are proving to be an asset to police in combating road trauma on Victorian roads. The following statistics relate to this legislation:-

– the period December 2000 to 31 August 2001, 139 offenders have been detected and charged with offences under the new provisions;

– an additional 5 drivers have been referred for a driver licence review on medical grounds;

– of the 139 offenders charged, 118 were detected in metropolitan Melbourne and 21 were detected in rural Victoria;

– 17 of the 139 offenders have been convicted by courts;

– 122 offenders are within the prosecution system.

Housing: King Street estate, Prahran

2285. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): In relation to the refurbishment at the King Street Estate in Prahran, and the conversion of the bed sit "pairs" to one bedroom flats:

(a) What strategy has the Government established to permanently relocate the tenants that will no longer be housed in King Street.

(b) What is the cost of this relocation.

(c) How will it be decided which tenants are to relocate.

ANSWER:

The relocation strategy for the King Street Estate in Prahran is carried out in accordance with the Office of Housing Relocation Policy & Procedures Manual.

(a) To date no tenant has relocated to other public housing accommodation other than the King Street Estate. Permanent relocations occur only at the request of the tenant or where a long-term tenant in a bed sit is offered a vacant converted unit. Since the conversion program first commenced there have been 52 pairs of units converted at 25 King Street and 46 pairs of units converted at 27 King Street. The usual size of contracts let for conversion is six to eight pairs, which generally means that only six to eight tenants are relocated at any one time.

(b) The cost of relocations within the site is approximately $520 for each tenant within the site. This is the total of the removalists' costs associated with the relocation and move back into the completed converted unit and includes the cost of connections of telephone and electricity.

(c) Tenants who reside next door to a vacant unit are asked to relocate. To date those residents that have been relocated are next to a matching unit that has become vacant. Towards the end of the program where tenanted pairs remain, both affected tenants will be asked to relocate.

Housing: King Street estate, Prahran

2286. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): In relation to the refurbishment at the King Street Estate in Prahran, and the conversion of the bed sit "pairs" to one bedroom flats:

(a) What is the total cost of construction to convert the bed sits into one bedroom units.

(b) What is the total cost of refurbishment to convert the bed sits into one bedroom units.

ANSWER:

(a) The total cost of construction to convert a bed sit pair into one bedroom units is $36,000. This entails the cutting of walls between the units, new plumbing and the creation of a new private laundry.

(b) The total cost of refurbishment of the new one bedroom unit is $7,500. This covers the costs of a new kitchen, new bathroom, painting, carpets and vinyl flooring.

Environment and Conservation: tree spraying

2288. THE HON. W. R. BAXTER — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): In relation to the program aimed at eradicating peppercorn trees by chemical spraying on roads in Northern Victoria, when is it proposed to remove the now dead and hazardous trees along Hardings, Gilberts, Lyles, James Budge, Picola South, Three Chain, and Vales roads in the Shire of Moira

ANSWER:

I am informed that:

The removal of those trees deemed to be potentially hazardous is scheduled into the 2001–02 annual works program of the Goulburn Broken Catchment Management Authority, and these trees should be removed by December 2001. Mapping of the roadsides mentioned has been conducted to determine which poisoned trees will need to be removed and to manage hazardous risks.