PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

Book 6

30 and 31 October 2001

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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QUESTIONS ON NOTICE

TUESDAY, 30 OCTOBER 2001

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Tuesday, 30 October 2001

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 2.03 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

23 October

Drugs, Poisons and Controlled Substances (Amendment) Act
Essential Services Commission Act
Retail Tenancies Reform (Amendment) Act
Roman Catholic Trusts (Amendment) Act
Telecommunications (Interception) (State Provisions) (Amendment) Act
Victorian Arts Centre (Amendment) Act

30 October

Gene Technology Act

QUESTIONS WITHOUT NOTICE

Freeza program

Hon. A. P. OLEXANDER (Silvan) — The Minister for Youth Affairs will be aware that currently allocated Freeza program funding will be exhausted by the end of December this year as a result of a state budget funding shortfall of $1 million. This has led to considerable uncertainty surrounding the Freeza program and has sent future event planning into chaos. Will the minister ensure that no Freeza program event scheduled for the first quarter of next year will be cancelled as a result of the shortage of funding?

Hon. J. M. MADDEN (Minister for Youth Affairs) — I thank the honourable member for his question. I have often said in this house how significant I think the Freeza program is, and I endorse that tremendous program. I have written to the Freeza providers in recent days and the Office for Youth has communicated to those providers that program funding will be extended through the first half of the next financial year. I am alleviating any fears that had been created by the mischievousness of the opposition in relation to the funding of the Freeza program.

Industrial relations: government policy

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Industrial Relations inform the house of any recent involvement she has had with the Industrial Relations Society of Victoria?

Hon. M. M. GOULD (Minister for Industrial Relations) — I thank the honourable member for her question. I am pleased to advise the house that last Friday I was the keynote speaker at the annual convention of the Industrial Relations Society of Victoria.

The fact that the convention was held at the zoo was a carryover from the previous government's view on industrial relations. The Kennett government for many years left Victoria's industrial relations parties to rely on the law of the jungle!

Hon. Bill Forwood — Tell them I was there!

Hon. M. M. GOULD — I am getting there, Mr Forwood. I am also pleased that the Bracks government is committed to seeing an end to the days of the law of the jungle with respect to industrial relations. Unlike the previous government and the current federal government, we believe there are two key principles that are critical to having a fair and effective industrial relations system.

The first key principle is that we have to look after those who are most disadvantaged, which means providing fair minimum conditions for all Victorians, and one safety net of standards rather than the current discriminatory dual system.

The second key principle is the cooperative partnership approach. The Bracks government absolutely rejects the conflict-based approach of the Howard government's Workplace Relations Act.

Our main challenge, as I explained to the convention — the Honourable Bill Forwood will know this as he was there — is to turn around the many years of damage wrought on the state by the industrial relations arrangements that were put in place by the previous government. The opposition prevented the passage of the Fair Employment Bill, and as a result we are seeking changes to the federal laws. I am sure that our chances of getting a positive response will improve when following 10 November there is a Beazley government in Canberra.

In addition, as I have previously advised the house, we have made a commitment to start to restore information services to this state in a new initiative that is currently being set up within Industrial Relations Victoria. We are also working to reverse the conflict and division left from seven years of Kennett cuts and conflict. Through the effective organisations and business development

units of Industrial Relations Victoria we are focusing on the positive aspects of industrial relations to assist existing Victorian workplaces as well as encourage new investment.

As I said in concluding my address last Friday to the Industrial Relations Society of Victoria, we are committed to these principles to ensure that we grow the whole state in a way that is fair and just.

Victorian Young Farmers

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Given that the Office for Youth was involved in talks with the Victorian Young Farmers before the government decided to defund it, what will the Minister for Youth Affairs do to ensure that this action does not cause the demise of the organisation and the vital role it plays in Victorian rural areas?

Hon. J. M. MADDEN (Minister for Youth Affairs) — I thank the honourable member for his question. I have met with quite a number of members of the young farmers federation on a number of occasions and I understand that at this point in time they are concerned about the funding arrangements they have and have had over some time with the Department of Natural Resources and Environment. The honourable member will also appreciate that the comments made in the public domain about that funding were that this government was considering program funding and not ongoing funding of an executive officer. In that light the government is still considering how best to assist the young farmers federation in its program development.

Youth: Federation forum

Hon. KAYE DARVENIZA (Melbourne West) — The Minister for Youth Affairs recently described how the Bracks government was listening to young people and encouraging democracy through the support of the YMCA Youth Parliament. Will the minister inform the house of other initiatives he is supporting where the voice of young people can be heard?

Hon. J. M. MADDEN (Minister for Youth Affairs) — I thank the honourable member for her question. A few members of this house would no doubt be aware that last week I was able to take part in and sponsor the centenary of Federation youth forum held at Parliament House. Some members opposite were there as well as a number of other members from both chambers of Parliament.

I note that the Chandler Secondary College led 140 young people from across the state in this forum, which took place within the chambers of Parliament, in discussing their vision for the future over the next 25, 50 and 100 years.

Hon. N. B. Lucas — You were 20 minutes late!

Hon. J. M. MADDEN — I hear the interjection of the Honourable Neil Lucas. If the honourable member had been there early enough he would have appreciated that I was there at the beginning of the day. He was there for only part of the day.

The topics included health, welfare and drug and alcohol issues, education, employment, early school leaving, transport, entertainment, youth services and youth image issues. The presentations were viewed by a number of parliamentary members who were in attendance and conclusions were then formulated. No doubt they will be reported to us and distributed among the members of this chamber.

I especially wish to acknowledge a number of other people who were involved. The federal member for Holt, Anthony Byrne, MP, was in attendance. I am feeling very optimistic for the young people of Australia following the launch of the federal opposition's youth policy last week. I look forward to its forming government because then this government will have an appropriate relationship with the national government. I look forward also to being able to develop positive partnerships with a federal Labor government in the area of youth in future.

I will acknowledge a number of people for their support and hard work in developing this forum. Members of this house would no doubt appreciate the outstanding work done by Mr Dave Glazebrook, who is chairperson of the Southern Metropolitan Regional Youth Committee and who also runs Visy Cares Centre in Dandenong. Honourable members will no doubt appreciate his outstanding and continued contribution to young people.

I also thank Miss Debbie Thomas and the vocational education and training students from Chandler Secondary College, who did an outstanding job in organising the day, and the regional youth committee members, who organised young people from across Victoria. I also again thank the staff of Parliament House for assisting in making the day run smoothly, as they did and as they always do.

Fishing: inland review

Hon. P. R. HALL (Gippsland) — On 19 October the Minister for Energy and Resources announced a review of inland commercial fishing. Will the minister

provide the house with the terms of reference for that review and details on how the review is to be conducted?

Hon. C. C. BROAD (Minister for Energy and Resources) — I do not have that information in front of me, but I am willing to provide information about the review. I have indicated in the announcements I have made on the review that there will be consultation with affected licence-holders. Essentially the objective the government is pursuing is to ensure that the small number of remaining commercial inland fisheries licences are targeted to species like carp and to ensure sustainable levels of fishing of other species, particularly in the interests of recreational fishers in our inland fisheries.

Given that the existing arrangements have been in place for a long time and that the number of people wishing to fish and access our inland waterways has increased dramatically, in the government's view it is time to have another look at these arrangements and to ensure they are sustainable into the future. As I said, it will be done in consultation with affected commercial licence-holders — only a small number of them remain — and I am happy to provide the details to the honourable member.

Port of Geelong: rail access

Hon. E. C. CARBINES (Geelong) — Will the Minister for Ports inform the house what progress the Bracks government has made in delivering on its commitment in Labor's regional policy for Geelong to improve rail access to the port of Geelong?

Hon. C. C. BROAD (Minister for Ports) — I thank the honourable member for her question. A number of honourable members from both sides of the house have expressed an interest in this important initiative by the Bracks government.

I am pleased to advise the house that works have already commenced that will convert rail access to the bulk grain pier at the port of Geelong from broad gauge to dual gauge. The conversion of the grain loop, as it is known, at a cost of $3.8 million is in line with the government's $96 million plan to standardise rail gauges across Victoria, and the provision of standard gauge rail access to other facilities at the port of Geelong, which is in addition to standardising the grain loop.

The Bracks government has contributed some $1.8 million from the Regional Infrastructure Development Fund to the Geelong grain loop project, and along with other rail standardisation projects it will remove barriers affecting efficiency of rail transport and increase competition between grain handling terminals and rail freight transport service providers. The project will also improve market access.

This project is expected to save grain growers some $500 000 each year and will encourage the transport of grain from the Tatyoon, Mininera and Westmere regions by rail instead of road. The Victorian Farmers Federation has suggested that improved market access from these regions will encourage western Victorian farmers to add value to the state's gross domestic product by increasing the intensity of farming. According to the VFF the area has the potential to diversify into other crops and to become a major high-quality oilseed producer.

There is an expectation that there will be regional investment in grain handling and selling facilities as the industry further develops. This grain loop project is a partnership involving not only the Bracks government but also the Australian Rail Track Corporation and Graincorp. These three partners are sharing resources, skills and knowledge to ensure the success of this pioneering venture. This project is a further demonstration of the Bracks government investing in infrastructure, creating high-quality jobs and delivering benefits to all Victorians.

Melbourne Cricket Ground: new stand

Hon. I. J. COVER (Geelong) — In the committee stage of the Commonwealth Games Arrangements Bill debate in this place on 11 October the Minister for Sport and Recreation stated that the government would guarantee the total cost of the Melbourne Cricket Ground redevelopment project. In light of indications that at least one other government minister wishes to cap the guarantee, does the minister stand by the answer he gave to the committee?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am happy to stand by those comments made about the Melbourne Cricket Ground stand. If any changes come to light in relation to any of that information I will be happy to relay that information to members of the opposition.

Wine: boutique industry

Hon. D. G. HADDEN (Ballarat) — As the Minister for Small Business is aware, there are a number of small vineyards in my electorate of Ballarat Province. Can the minister inform the house whether on her recent regional visits any issues have been raised with respect to small vineyards?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for her question. Honourable members will be aware that Victoria has a vibrant and successful boutique winery industry. However, some issues have been raised about those small wineries, the first of which relates to the 15 per cent cellar door wine sales subsidy.

On 1 September the Treasurer announced an extension of that subsidy to wineries that ferment product off site. Some small wineries have their wines fermented elsewhere to reduce costs and avoid the expense of having such a facility at their vineyards. Because of the conditions in place to access the 15 per cent cellar door wine cellar subsidy, those vineyards were not eligible. The Treasurer's announcement that they will now have access has been welcomed by small wineries.

However, small wineries are still concerned about the burden of the wine equalisation tax (WET). While on the one hand they were pleased about the decision of the Treasurer and the Bracks government on the cellar door sale subsidy, unfortunately on the other hand they felt disadvantaged because of the WET. It is pleasing that the federal opposition has announced that small vineyards will be exempt from the WET on the first 50 000 litres of wine produced. That will be of great benefit to the small wineries that produce less than that amount per annum. It is unfortunate that the federal government has not seen fit to extend that to the small wineries. The WET will benefit 50 per cent of Victorian wineries because we do have a large boutique winery industry — one that is good for tourism and exports and one that we want to see grow and be maintained.

Tourism: public liability insurance

Hon. E. G. STONEY (Central Highlands) — I direct my question to the Minister for Small Business. The Victorian Tour Operators Association reports that 33 tour operations have already closed in Victoria as a direct result of the insurance crisis. Mr Chris Dunlop, a spokesman for another group of operators, believes that most operators will probably close within 12 months.

Obviously the fallout from these closures will have catastrophic effects on many Victorian small businesses. What is the minister's plan to prevent flow-on damage to other small business if the adventure tour industry collapses?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for his question. In relation to the adventure tourism operators and concerns about public liability, honourable members will be aware that a summit was held, with the Honourable Lynne Kosky, the Minister for Finance in another place, and me in attendance. We are looking to progress some of the discussions arising out of that meeting. On 9 November we will meet with business organisations and the Insurance Council of Australia to talk about options available, particularly to adventure tourism as one outlet. The Victorian Tour Operators Association (VTOA) is working — —

Hon. E. G. Stoney — On a point of order, Mr President, my question did not relate to insurance or adventure tour operators; it related to the flow-on effects to other small businesses. I asked the minister what she is doing to prevent the flow-on effects of that industry to other small businesses — not insurance and not tour operators.

The PRESIDENT — Order! The preamble made reference to those other issues, so the minister is allowed to respond to those. No doubt she will now respond to the specific question raised.

Hon. M. R. THOMSON — We are keen to see adventure tourism continue in Victoria, because there is a place for adventure tourism in Victoria. VTOA is working hard to arrange pooling insurance arrangements so that the industry will continue and grow. Therefore, as minister, I see my job at this point as ensuring we have a vibrant adventure tourism industry in Victoria, and that is what we are working towards.

Hon. E. G. Stoney — On a point of order, Mr President, my question still has not been answered. My question was about flow-on effects to other small business and not about the tour operators or insurance.

The PRESIDENT — Order! The minister is still answering the question. She made reference earlier to a meeting that will take place on 9 November. I am not sure how that ties in with the question. Does the minister want to finish?

Hon. M. R. THOMSON — I have finished, Mr President.

The PRESIDENT — Order! The answer was responsive to the question, although not specifically in the way the honourable member wanted.

Water safety: government initiatives

Hon. G. D. ROMANES (Melbourne) — I understand that last week the Minister for Sport and Recreation released the 2000–01 'Victorian drowning summary'. Will the minister inform the house what

actions will be undertaken to further reduce drownings in this state?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Last week I launched the 2000–01 'Victorian drowning summary' and the 'Aquatic and recreational signage manual'. While any drowning is a tragedy, I am pleased to report that the total number of drownings in Victoria in the last financial year was 10 fewer than the previous year, reducing the number of people who drowned from 55 to 45. I understand this is the lowest number of drownings since records began early in the 20th century.

The greatest achievement that year is that no toddlers in the 0–5 category lost their lives in home swimming pools or spas, which compares to 10 in the previous year. However, I sadly must report the drowning of one toddler this year in that situation. This reduction in drownings, particularly in this demographic, can be attributed to the combined efforts of the state's aquatic safety and recreation agencies, the swimming pool and spa safety working committee and the Victorian government's ongoing commitment to water safety under the Play it Safe by the Water campaign. The key message of the toddler drowning strategy is 'Never take your eyes off', and I believe that has been very effective in previous years.

Certainly the message is getting through and having an impact on people's behaviour. The statistical breakdown is also interesting in that six people drowned while boating or fishing, which is less than the number of recorded drownings in the previous year. Also, 14 people drowned in bay and ocean locations, which is a slight decrease from the number in the previous year.

The report shows the trend is, unfortunately, for males to continue to be more likely to be involved in drownings, particularly males within the 20–29 years age group. Males aged 20 to 29 are at greatest risk, and males constitute 84.5 per cent of all drownings. Another concern is for the number of people who drowned in inland waterways. Last year 22 people drowned, which was an increase of four on the figures of the previous year.

I hope that the aquatic and recreational signage manual which I have launched will assist to prevent inland drownings. That picture-based manual with associated CD-ROM provides a valuable information guide in siting of standard water safety signs on Victoria's coastlines and inland waterways. The manual was a cooperative effort under the direction of Surf Life Saving Victoria, supported by the Victorian government and the water safety signage steering committee. That committee, with assistance from the Victorian branch of the Royal Life Saving Society, will develop a new inland waterway trial project to be funded through the Safer and Improved Aquatic Recreation program.

I take this opportunity to commend the aquatic safety and education organisations across Victoria for their dedication and hard work in making Victoria a safer place to enjoy all forms of aquatic recreation. As summer approaches I remind all Victorians, including all honourable members, of the key safety messages of the Play it Safe by the Water campaign, and I ask honourable members to promote the campaign within their electorate offices. The four messages are: swim between the flags; never take your eyes off; check it is okay to swim; and the one I particularly reinforce, life jackets save lives.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Industrial Relations) — I have answers to the following questions on notice: 1956–7, 2044, 2071–9, 2080–1, 2083, 2085–9, 2092, 2095–7, 2101, 2103–9, 2171–9, 2192, 2194, 2196, 2213–14, 2216, 2219–20, 2223, 2225–9, 2238, 2240, 2242, 2245, 2253–60, 2268, 2270–5, 2296–8, 2300, 2325, 2375 and 2376.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

Hon. A. P. OLEXANDER (Silvan) presented *Alert Digest* No. 12 of 2001, together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Agriculture Victoria Services Pty Ltd — Report, 2000–01.

Bendigo Health Care Group — Report, 2000–01.

Broiler Industry Development Committee — Minister for Agriculture's report of 19 October 2001 of receipt of the 2000–01 report.

Budget Sector — Financial Report, 2000–01, incorporating Quarterly Financial Report No. 4.

Casino and Gaming Authority — Report, 2000–01.

City West Water Limited — Report, 2000–01.

Corangamite Catchment Management Authority — Report, 2000–01.

Chief Electrical Inspector's Office — Report, 2000–01.

Electoral Commission — Report, 2000–01.

Emergency Services Superannuation Scheme — Report, 2000–01.

Environment Conservation Council — Report, 2000–01.

Environment Protection Authority — Report, 2000–01.

Gas Safety Office — Report, 2000–01.

Gascor Pty Ltd — Report, 2000–01.

Goulburn Broken Catchment Management Authority — Report, 2000–01.

Kerang and District Hospital — Report, 2000–01 (two papers).

Legal Practitioners' Liability Committee — Report, 2000–01.

Maldon Hospital — Report, 2000–01.

Mallee Catchment Management Authority — Report, 2000–01.

Mallee Track Health and Community Service — Report, 2000–01.

Maryborough District Health Service — Report, 2000–01

Melbourne Market Authority — Report, 2000–01.

Mt Alexander Hospital — Report, 2000–01.

Osteopaths Registration Board — Minister for Health's report of 26 October 2001 of receipt of the 2000–01 report.

Parks Victoria — Report, 2000–01.

Parliamentary Contributory Superannuation Fund — Report, 2000–01.

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

Cardinia Planning Scheme — Amendment C2.

Casey Planning Scheme — Amendment C37.

Darebin Planning Scheme — Amendment C33.

East Gippsland Planning Scheme — Amendment C9.

Horsham Planning Scheme — Amendment C6.

Latrobe Planning Scheme — Amendment C13.

Moreland Planning Scheme — Amendment C7.

South Gippsland Planning Scheme — Amendment C2.

Whitehorse Planning Scheme — Amendment C37.

Whittlesea Planning Scheme — Amendment C14.

Police Appeals Board — Report, 2000–01.

Port Phillip Catchment and Land Protection Board — Report, 2000–01.

Queen Victoria Women's Centre Trust — Report, 2000–01.

South East Water Limited — Report, 2000–01.

South Eastern Medical Complex Limited — Report, 2000–01

Stamps Act 1958 — Treasurer's report of 26 October 2001 of approved exemptions and partial exemptions and refunds made on corporate reconstructions for 2000–01.

State Electricity Commission — Report, 2000–01.

Statutory Rules under the following Acts of Parliament:

Cemeteries Act 1958 — No. 109.

Discharged Servicemen's Preference Act 1943 — No. 110.

Evidence Act 1958 — No. 105.

Magistrates' Court Act 1989 — No. 106.

Motor Car Traders Act 1986 — No. 107.

Pharmacists Act 1974 — No. 108.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos 107 and 108.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 105, 106, 109 and 110.

Sustainable Energy Authority — Report, 2000–01.

Swan Hill District Hospital — Report, 2000–01.

Timboon and District Healthcare Service — Minister for Health's report of 26 October 2001 of receipt of the 2000–01 report.

Trust for Nature — Minister for Environment and Conservation's report of 18 October 2001 of receipt of the 2000–01 report.

Victorian Coastal Council — Report, 2000–01.

Victorian Funds Management Corporation — Report, 2000–01.

Victorian Government Purchasing Board — Report, 2000–01.

Victorian Managed Insurance Authority — Report, 2000–01.

Workcover Authority — Report, 2000–01.

Yarra Valley Water Limited — Report, 2000–01.

Zoological Parks and Gardens Board — Report, 2000–01.

UNCLAIMED MONEYS AND SUPERANNUATION LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 17 October; motion of Hon. M. M. GOULD (Minister for Industrial Relations).

Hon. D. McL. DAVIS (East Yarra) — In making my contribution to the debate on the Unclaimed Moneys Superannuation Legislation (Amendment) Bill, I make the point that the opposition does not oppose the bill. Indeed, it flows largely from material that came before this house earlier in the year with the government's beneficiary choice program. It is worthwhile saying that the bill is in many senses welcome.

Although it is not large, it makes a number of significant changes of value. Firstly, it makes some changes to the beneficiary choice program to deal with difficulties that arose as that program was introduced. Because of some drafting and other errors, for which the government is responsible, a number of state government employees were not able to access the beneficiary choice program in the way that was intended. These people were under the Superannuation Act dating back to 1958 and not under the 1998 act that most people in the public sector were governed by. The drafting errors meant that 1100 people, we were informed at the briefing — and I thank the minister for the valuable briefing on this bill — were affected in that way.

The bill brings Victoria's unclaimed moneys legislation into conformity with the requirements of commonwealth legislation. I note it appears that Victoria is one of the last states to make these changes, which I believe are relatively uncontroversial.

Another purpose of the bill is to amend the definition of 'commonwealth-funded pensioner' to make it more robust and clearer. That change is also not opposed by the opposition.

The bill deals with perhaps $4 million of unclaimed moneys, but over a longer period it could involve much greater amounts. It is also worthwhile noting that the government has launched a number of programs, including web sites and so forth, to advertise these issues appropriately. That series of steps is a valuable community service and is welcome.

It is also worth putting on record the fact that when beneficiary choice came in the opposition did not oppose the principle and in many senses was pleased to see that program introduced. It not only allowed superannuation beneficiaries greater choice and options in how they handled their retirement entitlements but also was helpful in reducing the government's unfunded superannuation liabilities. That was in many senses a win-win arrangement that was very sensible indeed. I note also, going back to the period of the last government, that much of the preparatory work for the program was undertaken by the previous Minister for Finance and the then Treasurer who worked hard to put in place some of those provisions. It was this government that introduced the original bill. The opposition certainly did not oppose the changes and was quite supportive of them, in principle.

It is worth noting that a number of aspects of the beneficiary choice program appear to be less clear than the opposition would like. They are in particular the aspects of the program relating to financial counselling and giving people the option of having access to financial counsellors to assist them in making informed decisions about their options and choices. It is important that the counselling services provided are adequate and full and that they enable people to make decisions that are informed in every sense.

It is crucial that those sessions provided through public funds are not in any way able to be questioned. It is important that the service providers of that financial counselling are truly independent and have no financial interest in seeing a client return to them at some future point so that they gain some benefit or advantage through the counselling they have provided, even though that may be indirect. It is an important principle on which the house needs to be very clear, and I think there would be bipartisan agreement on the point. It is a matter that the government needs to be quite sure about not only from the point of principle but also because in future the prospect of litigation may be opened up if a government-funded financial counsellor were to give any advice that was in any way able to be legally questioned. It would behove the government to ensure that that could not occur.

There is not a great deal more to say about the bill. I note that the amendments relating to beneficiary choice are retrospective. I note also the comments by the Scrutiny of Acts and Regulations Committee, which

makes the point that the retrospective amendments are beneficial. That is absolutely correct. People are being offered a choice that was not available but was intended to be available through the first piece of legislation. In that respect we can have few quibbles despite it being a piece of legislation that alters entitlements in that particular way.

I put on the record the concerns about the operation of the beneficiary choice program. The government ought to get it right. Even beyond the legislation, the key point about retirement income issues is certainty and security to enable people to adequately plan and place their future retirement ideas. Unfortunately, the errors in the first legislation tended to create uncertainty. People who were offered the opportunity of taking up the beneficiary choice program were technically unable to do so, although it was intended they could accept it. It is important that this uncertainty and insecurity is not extended beyond what is necessary. I and many other members of this place have been spoken to by our constituents in our electorate offices about offers resulting from the beneficiary choice program, and you can only be concerned about people who may be vulnerable being unable to fathom their way through the legislation. In particular, people seeking financial advice can be more vulnerable, confused and uncertain.

As a general principle it is important to place on the record the need for the government to get these things right, and I refer to the detail as well as the principle, and to make extra efforts to ensure the removal of confusion and uncertainty so that public servants can expect that their planned retirement income arrangements are secure and are handled in a fair and reasonable way.

I reiterate that the opposition does not oppose the bill, which in large measure flows on from an earlier bill as well as tightening up federal–state arrangements, unclaimed moneys and definitional issues.

Hon. R. M. HALLAM (Western) — The National Party is happy to support the Unclaimed Moneys and Superannuation Legislation (Amendment) Bill. It does so on the basis that the bill, firstly, addresses some unintended consequences of recent changes to federal legislation; secondly, it retains Victoria's use of at least some unclaimed moneys pending their claim by a rightful owner; thirdly, it improves the prospect of those unclaimed moneys being claimed by the rightful owner; and fourthly, it ensures the right of commutation of members across the public sector superannuation schemes and that all superannuants will be entitled to identical provisions.

The first feature of the bill is that it is designed to change Victoria's Unclaimed Moneys Act to avoid a recent amendment to the federal legislation having an unintended consequence of requiring that the administrative responsibility for unclaimed superannuation moneys be transferred from the Department of Treasury and Finance to the Australian Taxation Office. That responsibility has been with the department, in particular the Registrar of Unclaimed Moneys, since 1997, when the legislation was enacted. Under those rules unclaimed moneys simply became part of consolidated revenue.

Under the rules, the state uses those funds pending a claim by the rightful owner so the yield on the funds becomes income in the name of the state. We are talking about a relatively small amount of unclaimed superannuation funds — the second-reading speech tells us we are talking about a figure of around $4 million per annum. As an aside, I mention that it is not likely to become much greater than that given that the subject of superannuation is unlikely to give rise to unclaimed moneys in the first place.

In addition we need to understand it may well be that we can discover the identity of the claimant long before the claimant is able to make a valid claim. There may be circumstances where the claimant is denied access to funds simply because the claim has not matured due to his or her age. In any event the bill is designed to ensure that the Department of Treasury and Finance or, more specifically, the Registrar of Unclaimed Moneys, retains responsibility for the administration of the funds rather than the funds being transferred to the Australian Taxation Office. It will mean Victoria gets the benefit of the use of those funds in the interim, and the National Party believes that is fair enough.

The second issue is that the bill requires that a superannuation provider in transferring unclaimed moneys is to quote the relevant tax file number when lodging those funds. That is an obvious advantage and improves the prospect of an eventual claim. Until now the authority to cite a tax file number has been restricted to the Australian Taxation Office or to the superannuation funds themselves, so some basic questions are to be posed in respect to the changes in the bill. We are talking about the right of the individual to privacy, and there is a range of sensitivities involved. It is now clear that states did not enjoy the right of being able to demand or even accept, much less record or employ the tax file number of an individual for any purpose at all. On the other hand it should be recognised that the issue of privacy should not be so applicable or relevant when it is to do with the issue of unclaimed funds. I do not think the individual would be

concerned if access to a tax file number means there is a greater prospect of the individual gaining access to funds which he or she did not know existed. In those circumstances I do not think one would describe it as a personal intrusion. The National Party believes the changes make good sense, and supports them.

The third change requires that the Minister for Finance remit to the Australian Taxation Office tax payable on unclaimed moneys held by the minister. Honourable member should note the tax becomes payable at the time at which it is transferred to a successful claimant. Currently the minister does not have the authority to deduct tax from those moneys, and in those circumstances it is left to the claimant to pay tax to the Australian Taxation Office. It raises all sorts of issues of security. The tax component is relatively easy to establish. Most of the taxable amount is identified at the point at which funds are transferred as unclaimed moneys to the registrar in the first place, so the actual calculation of tax is not a big deal.

Again I suggest that the change requiring the minister to deduct the tax and remit the funds to the Australian Taxation Office makes good sense. In this case what we are talking about is the right of the registrar to apply exactly the same rules as apply in any other circumstances where an employment termination payment is made. Again the National Party is happy to support the change.

Fourthly, the bill is designed to ensure that the rights of commutation recently introduced for members of the state's revised superannuation scheme are also extended to members of earlier schemes. The bill is a clarification of the application of what is now known as the beneficiary choice program. It is no secret that I am an enthusiastic supporter of that concept, and I note that it was initiated during my role as the responsible minister. It arises from the extent to which there is a variation to the entitlements of members across schemes within the public sector, and particularly the extent to which pension entitlements can be commuted to a lump sum.

The bottom line is that over the years in which these schemes have been developed entitlements have varied dramatically between them. In some cases there was no entitlement to commute any part of the pension, some enjoyed the opportunity to elect to commute 50 per cent and others were able to make an election that would have 100 per cent of their pension entitlement commuted to a lump sum. It seemed fair to us to standardise those provisions across the schemes, and more so to extend that offer not only for current members but for current pensioners — in other words, those who had been faced with that decision some time in the past — and that it was not such a big deal to go back to revisit those circumstances and make those pensioners an offer based upon their age and life expectancy. Therefore, the beneficiary choice program entitled not only current members to make a choice in respect of the commutation but was also extended to pensioners who would get a chance to reconsider their options under the superannuation entitlements.

The only hiccup was the question of the extent to which it constituted a cost shifting because it is clear that if a pensioner is entitled to convert his or her superannuation entitlement to a lump sum there is the prospect that that lump sum could be blown by that person and they could therefore have a second dip and go back on to some sort of commonwealth benefit. We recognised that to be a valid argument when it was debated at that time. However, it is the case that in the commonwealth structure superannuation members in those circumstances get the right to commute 100 per cent of their entitlement to a lump sum, and it was plain to us that the commonwealth would find it difficult to complain on that basis that this new scheme was some sort of cost shifting. We saw it simply as an issue of equity to the membership.

All of the public sector schemes under the beneficiary choice program were changed to allow each of the members and each of the pensioners the right to elect to commute 100 per cent of their pension to a lump sum, which to us seems very fair. That program has been running for some time, and many members and pensioners, after getting the best possible financial advice and having three months to decide in each case, have taken up their new rights. Many have decided to avail themselves of the new entitlement and others have decided against it, depending on their circumstances. That underscores more than anything else the appropriateness of the program itself, because although as was anticipated at the time some chose to take up the option of commutation and others chose not to it reinforced the importance of allowing individual members to make an election based upon their personal circumstances.

It was always anticipated that the program would be available to members of all public sector schemes across the Victorian sector, but the drafting of the amendment that last year introduced that program left something of a question mark about members or pensioners of the very early schemes. When the revised superannuation scheme was introduced in 1988 the legislation which introduced that also repealed the earlier 1958 superannuation legislation, and hence it was presumed that all members and pensioners of the

earlier schemes were catered for. It is not that clear today, because under the Interpretation of Legislation Act it seems the original rules may still apply, hence there is a question mark over whether members of those earlier schemes qualify as eligible pensioners under the beneficiary choice program, even though, I hasten to add, many of those members have exercised an option to commute some part of their pension and have therefore participated in the beneficiary choice program. That issue should be put beyond doubt.

In respect of what I have described as the 1958 scheme, for pensioners who exercised their option to commute some part of their entitlement the bill now clarifies their circumstances by backdating the application to 6 December, which is when the beneficiary choice program took effect and when the issue of 'eligible pensioner' was resolved. For the 1958 scheme members who have not yet retired the bill is effectively backdated to 1 July 2001, when the rules relating to the rights of commutation were changed effectively for all schemes as from that date forward. At first glance it seemed to me there was a gap between 6 December last year and 1 July this year, but that is not the case. I have been persuaded there is no problem because that period is covered by the election, and therefore any perception of a gap has been closed by the duration of the offer.

The bill confirms that the beneficiary choice program is available to every member of every scheme within the Victorian public sector stable, that the entitlements are common and that everyone who is a member or pensioner is entitled to exercise that option. Those who have taken up that option have done so in a way that is now confirmed to be valid. The bill ensures that the rights of commutation are standardised across the entire sector. That is what was intended in the first place, and it has now been now confirmed. It is on that basis that the National Party is happy to support the bill.

Hon. JENNY MIKAKOS (Jika Jika) — I rise to make a brief contribution in support of the Unclaimed Moneys and Superannuation Legislation (Amendment) Bill. In particular I note that it has tripartite support and that it is relatively straightforward in what it is seeking to do.

The bill has largely two purposes, one of which is to amend the Unclaimed Moneys Act 1962 as a result of changes to the commonwealth superannuation legislation and the other is to make amendments that are necessary as a result of some omissions that have become apparent since the introduction of the beneficiary choice program introduced by the government last year.

The largest number of clauses are found in part 2 of the bill and they relate to changes to the Unclaimed Moneys Act 1962, in particular to the substitution of a new part 4 to that act.

It is important to note by way of background to this bill, in particular to part 2, that the Registrar of Unclaimed Moneys has administered unclaimed superannuation benefits since 1997 and that in October 1999 the commonwealth introduced new legislation, the Superannuation (Unclaimed Money and Lost Members) Act 1999, to improve the effectiveness of reuniting people with their superannuation entitlements.

The commonwealth legislation consolidated the relevant parts of existing legislation that dealt with unclaimed superannuation and in particular introduced the ability of state governments to use tax file numbers in the unclaimed moneys registers which previously had not been the case. The commonwealth legislation also provided an ability for states to deduct any tax payable to the commonwealth from an unclaimed superannuation benefit payment.

The commonwealth scheme envisaged a transitional period of two years for states to change their own legislation; otherwise the unclaimed superannuation benefits would be required to be lodged with the Australian Taxation Office rather than going into the Victorian consolidated fund. As has already been indicated in the second-reading speech, that transitional period had the potential for Victorian taxpayers to lose an estimated $4 million per annum in unclaimed funds.

The Minister for Finance, the Honourable Lyn Kosky, is reported in an article published in yesterday's *Herald Sun* as saying that since the state government flagged its intention to change this legislation and since the publication of the existence of the unclaimed moneys register, there has been a huge increase in the level of interest in the issue and in the number of people having a look at the State Trustee's web site. Currently approximately $125 million is available in unclaimed moneys comprising unclaimed lottery wins, superannuation payments and company dividends. The article states that:

> State Trustees has returned more than $10 million since August 1999.
>
> Last financial year, the government received just under $33 million in unclaimed money, including $10.7 million from companies and trusts, $10.3 million from Tattersalls, $8 million from Tabcorp and $4 million in superannuation.

Honourable members can see from that article that a considerable amount of money is being administered by the Registrar of Unclaimed Moneys and that a

considerable amount of money will potentially be returned to Victorian citizens and taxpayers through the government's administration of this unclaimed moneys scheme and also through the passage of this legislation, which will improve the basis on which moneys — in particular superannuation entitlements — are returned to Victorian citizens.

Turning now to the changes envisaged under part 2 of the bill, as I said the passage of the commonwealth government's Superannuation (Unclaimed Money and Lost Members) Act 1999 has required the state government to act to ensure that Victorians do not lose the benefit of unclaimed superannuation entitlements. Clauses 3 and 4 of the bill make the necessary amendments to ensure that the Victorian government can continue to administer unclaimed superannuation moneys in this state.

As has already been said, the amendments to the Unclaimed Moneys Act 1962 provide for the Registrar of Unclaimed Moneys to maintain a register of unclaimed superannuation benefits paid by superannuation providers as defined under the bill to the registrar and require the superannuation providers to lodge statements with the registrar of all unclaimed superannuation benefits that might apply to their particular fund in each year.

The registrar is required to keep details as provided for in the clauses of the bill; in particular, the key change is a new requirement that tax file numbers will now be forwarded to the registrar by superannuation providers, authority for which has been given to the registrar by the corresponding commonwealth legislation. As the Honourable Roger Hallam indicated earlier, up until this time only the Australian Taxation Office and bodies such as superannuation fund providers have been authorised to require tax file number details. I am sure those details will be kept with the utmost care and in accordance also with the state government's recently passed privacy legislation.

In addition to the requirement for superannuation providers to lodge statements with the registrar and for the registrar to maintain tax file number information, the superannuation provider is required to pay to the registrar the amount equal to the sum of the unclaimed superannuation benefits as provided for in the statement to be lodged with the registrar.

A number of new provisions to be inserted in the unclaimed moneys legislation relate to the requirement and obligation of the Minister for Finance to pay an amount equal to the unclaimed superannuation benefit to a successful applicant. The applicant may be asked to provide a tax file number but is not obligated to do so. The bill, however, enables the minister to deduct an amount equal to any tax payable to the commonwealth before paying a successful applicant the amount of the unclaimed superannuation benefit. By this means the federal tax system will obviously not be subverted. That is an important provision, because while the government certainly does not want to be coercing taxpayers to provide to state bodies information they are required to provide to federal bodies such as the Australian Taxation Office, under that provision they will not be able to circumvent their requirement to pay federal income tax on those amounts.

The other purpose of the bill relates to a number of consequential amendments to the beneficiary choice program introduced by the Bracks government last year. In particular it is important to acknowledge that whilst the provisions of the bill are retrospective in nature the Scrutiny of Acts and Regulations Committee, of which I am a member, considered the bill and found that the retrospective amendments will be beneficial to persons with superannuation entitlements and are therefore regarded as acceptable in the present circumstances.

The amendments proposed in part 3 of the bill are largely definitional in nature and are designed to ensure that members of the State Superannuation Fund and other associated funds whose benefits are still governed by the Superannuation Act 1958, which I understand has subsequently been repealed, have the same commutation options as members of the State Superannuation Fund's revised scheme.

The amendments provide that pensioners and beneficiaries who have an entitlement under the 1958 act will have the same rights to seek a one-off and ongoing commutation of their entitlements in the same way as other members of the State Superannuation Fund were given under the Superannuation Acts (Beneficiary Choice) Act 2000, which was passed last year.

The amendments in the bill operate from the same date as corresponding amendments in the beneficiary choice program legislation. The legislation is intended therefore to put all current and former employees of the state government and its agencies on an equal footing.

As the Honourable Roger Hallam indicated, the Superannuation Act 1958 was repealed in 1988. However, the entitlements of pensioners and deferred beneficiaries under that legislation continue irrespective of the fact that it was repealed by section 14(2)(e) of the Interpretation of Legislation Act 1984. The proposed

amendment seeks to ensure that those people caught under the old 1958 legislation have the same commutation rights for their entitlements as everybody else.

In addition, the other technical and definitional changes in part 3 of the bill relate to commonwealth-funded pensioners. It became apparent that one group of pensioners were not included in the beneficiary choice program — that is, pensioners who were partly funded by the commonwealth government's own superannuation system, in particular employees in the tertiary education sector.

The bill seeks to amend the definition of a commonwealth pensioner to ensure that following the changes to the tertiary education sector in recent years, in particular the amalgamations of various colleges under the administration of Victorian universities, employees of those institutions will now have the benefit of the beneficiary choice program. The bill seeks to do this by listing Victoria's universities in schedule 2 of both the State Superannuation Act 1988 and the State Employees Retirement Benefits Act 1979 to ensure that those pensioners and current and former employees have the flexibility that was offered to other state government agency employees under the beneficiary choice program.

While supporting the principle of the beneficiary choice program, the Honourable David Davis seemed to express some reservations about the operation of the scheme. It is important to note that the government has sought to ensure that any person seeking to obtain the benefit of commutation of their entitlements under the program has the best possible financial advice made available to them. For this reason — —

Hon. D. McL. Davis — Can you assure me that there is no self-interest in that advice?

Hon. JENNY MIKAKOS — I am coming to that, Mr Davis. It is for this reason that the government established a panel of financial advisers with coverage in Melbourne, across regional Victoria and in many interstate locations to ensure that people were provided with the best possible information for them to make informed decisions about their future financial position. I understand that those advisers are only paid to provide advice on whether or not a person should commute their entitlements. In their contract of engagement they are specifically not allowed to recommend particular products and any follow-up visit made by a person seeking to commute their entitlements must be made at the instigation of the client — the person seeking to commute their entitlement — not through the initiative of the financial adviser. Financial advisers are specifically not permitted to put these clients on their relevant mailing lists.

It is very clear that the government has sought to ensure there is no conflict of interest between the financial advisers providing this information to current and former state sector employees and that all the necessary safeguards that are required are contained in their contractual conditions of engagement.

With those words I reiterate my support for this legislation and I am very pleased that it has the support of all parties.

Hon. R. H. BOWDEN (South Eastern) — I rise to support this bill, which although not lengthy will further enhance opportunities for people who are required to be the beneficiaries of superannuation. The bill's specific aspects, clauses and provisions will assist many tens of thousands of people to improve their access to and traceability of benefits. It is a logical follow-on to the fundamental legislation, the Unclaimed Moneys Act 1962. Over a lengthy period of time both the commonwealth and the state have updated those pieces of legislation when required. This is a logical implementation of changes made in late 1999 by the commonwealth to assist the traceability and the security of certain information flows relating to tax file numbers — a subject I will come to.

Generally speaking, the thrust of one provision of the bill is to make sure that the state legislation complies with the 1999 commonwealth requirements so that Victoria can continue to use and productively apply the estimated $4 million per annum that is available in unclaimed superannuation entitlements to Victorians. The income from those unclaimed moneys is to be made available for productive application in the state. By passing this legislation that understanding between the state and the commonwealth can be implemented with security so that that logical and sensible provision can continue.

Another main provision of the bill is for superannuants under the 1958 act, and through the amendments we are discussing today, to be able to fully participate in the choice and the beneficiary choice commutation program that was discussed and brought to the attention of the house earlier this year. This will make sure that the oversight that was in place is corrected and the provisions of this bill make sure that the beneficiaries under the 1958 provisions are able to proceed with confidence and not lose any benefits they have.

I emphasise that, in one sense, it is a little disappointing that Victoria is possibly the last state to implement this. My understanding is that when the commonwealth legislation was brought in in late 1999 there was an expectation in those discussions that there would be a maximum time frame of two years. The commonwealth legislation was passed in October 1999, yet here we are late in 2001 passing the necessary Victorian legislation. In future I would like to see that the time lag is not so lengthy. Even though the bill contains appropriate retrospective provisions to protect the beneficiaries, two years is a long time for a bill to be processed when there is already a clear understanding between the state and the commonwealth.

The $4 million I have mentioned is the relevant sum per annum that is available and the general intention of the bill is to make sure that there is, to the best degree possible, the potential to reunite the true beneficiaries with those unclaimed moneys. It is a regime that is put in place with the positive intention to make sure that the genuine beneficiaries are able to be reunited with their benefits as much as possible.

In general terms I am never comfortable with the expanded use of tax file numbers. They were put in place by the commonwealth several years ago for a specific purpose. The tax file number is covered by appropriate legislation at state and federal levels to make sure it is confidential. A taxpayer should be entitled to believe that a tax file number is almost sacrosanct in its accessibility. While I do not object to the further use of tax file numbers — because such use is explained, logical and sensible and I do not have a great drama about it — I place on record that, in principle, we should be mindful of the original intent of the tax file number and that its purpose should not be continually expanded, even though it is for a very good purpose in this case. The use of tax file numbers will assist the tracking, tracing and application of the benefits to the true beneficiaries. On that basis it is a very good thing.

The second main provision that I have mentioned is to ensure that those superannuants who are covered by the Superannuation Act 1958 are not deprived of the beneficiary choice options and programs. Fundamentally there are three categories. The first will be for people who receive pensions today on the 1958 program, and who will have the opportunity to commute 50 or 100 per cent of their pensions to lump sums. The second will be for deferred members who are participating. They can make sure that, should they choose to take lump sums, that that applies to complying superannuation funds of their choice and that their entitlements are not lost.

The third category is for people who are current employees and will make certain they have access to the choice program so that their immediate lump sum on retirement is fully provided for and fully protected.

The bill clearly illustrates that the lump sum and choice programs are entirely voluntary. It is interesting to note that in the state superannuation programs across the board an estimated 54 000 people are involved in pensions, approximately 50 000 are in the deferred pensions category and 73 000 members of superannuation schemes are in the active employee or current employee category. Approximately 180 000 superannuants are involved at one stage or another through various schemes. The change affects and assists the operation of those funds and assists the beneficiaries. It is all about choice, and that the choice is clearly made and protected.

One good thing provided by the choice program has been the free government advice. I listened with great interest to the Leader of the Government's assurance that the methodology of applying that free advice was carefully thought through. I accept that is the case. I felt some disquiet prior to hearing the assurance of the methodology from and noting the confidence level of the Leader of the Government, but I am satisfied by that assurance. I accept that the arms-length relationship of the people who have been providing that assurance to the beneficiaries has been appropriate, proper and correct. It was pleasing to hear and has set my mind at rest.

In the consistent application and use of our taxation laws we have to make sure that wherever possible fair and correct collection and recording mechanisms are in place, and that we use the provision in the bill that requires the transmission by the Victorian minister under the appropriate claims process so that the commonwealth, through the Australian Taxation Office, receives the correct amount of taxation.

In conclusion, this is a worthwhile bill. It is positive and its intentions are clear. It is designed to assist superannuation program participants. It will make certain, as well as the legislature can, that people who have legitimate rights to unclaimed moneys are able to rightfully gain access to their funds. To that extent I support the bill.

Hon. S. M. NGUYEN (Melbourne West) — I support the Unclaimed Moneys and Superannuation Legislation (Amendment) Bill. The bill has been introduced as a result of new commonwealth superannuation legislation that amends the Unclaimed Moneys Act 1962. The bill will give the state

government the power to claim and control superannuation benefits.

It is important that the government play the important role of providing information services to the Victorian community. There are many billboards around Melbourne which explain to passing motorists that there may be unclaimed moneys belonging to them. The billboards contain the web site address encouraging people to search the Internet to find out what sorts of things they or their families may have missed out on. There may be some money there that people never thought belonged to them or to family members, especially from superannuation funds, because people forget about the things they are eligible for when they go from workplace to workplace. People who work, stop working for a few years and then come back to work seem to forget about these things.

I know that some of my constituents, especially those from non-English-speaking-background communities, do not know about the system and how to find out what money is there for them. This could be from superannuation, Tattersalls, trusts, Tabcorp — these are things people do not know. At some Tattersalls shops I have seen notices saying Tattersalls is looking for holders of winning tickets that have been sold by the shop because no-one has come to collect the prizes. People buy a ticket and then forget about it — they either lose the ticket or do not think they have the right numbers. Money is there for people to collect, but the problem is how they can find out about it.

The bill needs to be passed, because if it is not the state government will lose about $4 million a year to the commonwealth government. There have been many changes, especially to superannuation funds. Clauses 1 to 4 of the bill will ensure that the Victorian government continues to administer unclaimed superannuation funds. It is difficult for people who have a number of jobs to keep a record of which superannuation funds they belong to.

Clauses 5 to 7 amend the State Superannuation Act in respect of the State Superannuation Fund. The benefits under the fund are still governed by the Superannuation Act 1958 and its members will have the same commutation rights as revised scheme members. The amendments also allow for those members the one-off and ongoing commutation rights bestowed on other categories of State Superannuation Fund members by the Superannuation Acts (Beneficiary Choice) Act 2000.

The bill also contains identical amendments to those made to the definition of ‘commonwealth-funded pensioner’ in both the State Superannuation Act 1988 and the State Employees Retirement Benefits Act 1979. Those pensioners were not included in the beneficiary choice program. The commonwealth government was not willing to fund its share of any lump sums that would have become payable to them.

Also, the bill inserts provisions for tax file numbers to be quoted by superannuation providers in all lodgments of unclaimed moneys, so people will have to provide that information. This is to go with the new commonwealth legislation and provides a more efficient system of reuniting members of the public with their lost superannuation moneys. The government has proceeded carefully to make sure everything is correct; it is making sure everything is in order and done in the right way before people are allowed to collect moneys.

The bill also inserts provisions for the minister to deduct any tax payable to the commonwealth from an unclaimed superannuation benefit payment. So it is important to see members of the community receive the superannuation money that results from their many years of work. Many people miss out because of a lack of understanding of the taxation and accounting systems and a lack of knowledge about how to keep a record of their entitlements. This bill will help them to get their money back. The state government is very keen to provide the service to those people.

Also, when a member of their family passes away many widows or other family members do not know what that person has left for them. Obviously a lot of money is left in trust waiting to be collected by the right people. The government should concentrate on providing information to people with non-English-speaking backgrounds to make them aware of their entitlements and the services and information available to them, so they understand better and are able to approach the government to claim back any unclaimed moneys.

In conclusion, I support the bill which, if passed, will enable the Victorian government to use $4 million per year, rather than that money going to the federal government. It is appropriate for the government to use that money to provide services to the Victorian community.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — As honourable members have heard, the bill before the house has two main purposes. The first is to amend the Unclaimed Moneys Act and the second is to amend the State Superannuation Act and the State Employees Retirement Benefits Act.

Part 2 of the bill addresses the changes to the Unclaimed Moneys Act. These amendments arise from the enactment of the commonwealth Superannuation (Unclaimed Money and Lost Members) Act 1999. This provision relates to sums of money held in superannuation accounts which have become separated from their owners. Under current law in Victoria these are transferred from the superannuation funds to the Registrar of Unclaimed Moneys. But in accordance with the commonwealth legislation, without this bill before the house, in future those moneys would be transferred to the Australian Taxation Office.

As honourable members heard from Mr Hallam, these moneys are in the order of $4 million, so it is worth the state of Victoria retaining use of that money pending its recovery by its rightful owners.

The bill will allow the money to continue to be transferred from the superannuation funds to the Registrar of Unclaimed Moneys. The other significant change relating to unclaimed moneys is that the bill will require superannuation providers, where they are able, to provide tax file numbers along with the details of unclaimed moneys; so the registrar will hold tax file numbers, which will enable the easier matching of unclaimed moneys with the rightful owners.

This is an important piece of legislation in the sense that increasingly people are having a number of jobs over their careers and invariably these jobs are with different firms or different government organisations, all of which will have very different superannuation providers. Perhaps it is a weakness of our superannuation system that people are tied to given superannuation providers depending on who their employers are. It is the case in this place that members of Parliament are tied to the Parliamentary Superannuation Scheme and public servants have their own schemes; and the private sector and different industries have their own schemes.

As you transfer from job to job you are required to transfer from superannuation scheme to superannuation scheme. With that transfer from job to job these amounts of money get lost because details are not transferred as people move to and from different schemes and employers. So if they change employers and are no longer contributing to a scheme they lose track of where their superannuation funds are held, and consequently the need for legislation such as this arises.

Perhaps a better way of dealing with the situation of unclaimed moneys would be to enable employees to select a superannuation scheme of their choice, and then participate in that scheme irrespective of which industry they are in or which employer they work for. In that way over the course of their work history, their various employers would contribute to a single scheme and the issue of unclaimed moneys resulting from transfer between jobs would no longer arise.

I might add that this is also particularly important now with young people working a number of casual and part-time jobs where they are over the threshold to require superannuation contributions but where they are jumping from job to job within very short periods and therefore not keeping track of the small amounts invested in various superannuation funds for them.

The only other comment I make in relation to this part of the bill — the Honourable David Davis touched on this — is that the commonwealth government provided a window of two years for the states to make the requisite changes to their legislation so that these unclaimed moneys could continue to be transferred to state revenue. It appears that the Victorian government elected to leave it to the very end of the two-year period before introducing these changes.

The other significant change is part 3 of the bill, which extends the beneficiary choice program to superannuants covered by the Superannuation Act 1958. Mr Hallam initiated this program in his former role as Minister for Finance, although it was implemented by the current government.

The program should be encouraged because it gives superannuants more control over their superannuation funds. The bill extends it to all people covered by state superannuation schemes. I understand that it was an oversight that the schemes that were covered by the Superannuation Act 1958, which was repealed in 1988, and continue to exist were not picked up in the initial legislation. I am pleased that the bill addresses that.

The issue of beneficiary choice is important. Both the state and commonwealth governments encourage the idea that superannuation funds and amounts held in superannuation accounts are the property of the beneficiary yet, as members who invest in superannuation funds know, they have very limited control over the way that superannuation funds are invested and, depending on the trustee of their funds, as to how they receive the benefits of those superannuation funds. I am pleased that the scheme provides state superannuants with some flexibility in the choice of whether they have a pension or commuted lump sum. That is a step in the right direction, and encouragement should be given to further moves, both at the state level, where appropriate, and more particularly at commonwealth level, to give

superannuants greater control over their superannuation funds and to recognise, as Ms Mikakos pointed out, that there need to be safeguards for superannuation funds so that they are not squandered but invested on behalf of superannuants and that those individuals should have the right to make choices about the funds.

In conclusion, the two major amendments made by the bill help improve the superannuation system: they improve the system of matching lost funds with their rightful owners and they improve the choices available to superannuants under state schemes. In that vein, the opposition does not oppose 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 on the other side for their support of the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL

Second reading

Debate resumed from 16 October; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. C. A. FURLETTI (Templestowe) — The Liberal opposition is pleased to support the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill 2001. The bill is not dissimilar to a bill that was before the house and was debated on the day it last sat. I refer to the Telecommunications (Interception) (State Provisions) (Amendment) Bill.

Again I begin my contribution by drawing the attention of the house to the somewhat lengthy waste of time of this house in the way that the government is presenting legislation for consideration. I have often said that what we need to do in this place is try to utilise as well as possible the time of members and the Parliament with a view to being as expeditious and efficient as possible. Again we have a situation which deserves comment because the telecommunications bill to which I referred as having been passed in this place on the last day of sitting was in effect a one-clause bill. In my contribution to the debate on that bill I indicated that it had three clauses: a purpose clause, a commencement clause, and one substantive clause. It related to the implementation of legislation at state level to accord with and reflect the changes which had been made to the appropriate corresponding commonwealth legislation.

This bill, which for purposes of brevity I will refer to as the classification bill, is a similar measure. If ever two bills could have been dealt with simultaneously in an omnibus bill to save the time of honourable members, these are clearly two bills where that could apply. It is clear from the legislative program of the government that there is no legislation and therefore members are put through the process of being required to debate all bills, no matter how long or short, even if they are one-clause bills, as has been the trend during this sitting of Parliament, just so the government gets the numbers on the board. Its attitude is: let's not worry about the quality; let's just get the numbers through.

Having said that, let me say that the opposition supports the classification bill. As has been indicated, it is an amendment to the principal legislation, the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995, which is the state legislation which enforces the provisions of the commonwealth Classifications (Publications, Films and Computer Games) (Enforcement) Act 1995. This is, again, as with the telecommunications bill, a situation where the state and the commonwealth governments are required to cooperate and work hand in hand for the purposes of the classification of all sorts of publications and films and, most recently, computer games.

The classification of publications, films and computer games is in the hands of the commonwealth Classification Board. However, the classifications are implemented at state level on the same basis of classification through the state legislation, which is the 1995 act to which I referred. That agreement between the state and commonwealth governments provides for the state legislation to enforce the classifications as a party to an agreement between the states and territories relative to a cooperative censorship scheme which applies to the whole of Australia. The classifications are, of course, detailed in the national classification code.

The bill is based on a model bill drafted by the parliamentary counsel committee and is approved by all states. It is a bill that comes before the house to enable Victorian legislation to be coordinated due to changes to the commonwealth act, and all states and territories are expected to amend their legislation to accord with and because of the changes being made at the federal level.

As a result of that need clause 4 amends a number of definitions, and without putting on the record each of the definitions I point out that the manner in which the changes are made reinforces the purposes of the bill. For example, substitute definitions are provided for terms such as contentious material, exempt computer game and exempt film, and the amendment indicates they have the same meaning as the commonwealth act, thereby bringing them into line. That is one of the principal purposes of the bill.

However, the bill extends beyond simply making some definitional changes. Clause 9 inserts new sections 27A and 27B to provide for the sale or distribution of publications and the enforcement of certain requirements with respect to disclosure of consumer advice on publications, games and the like.

Clauses 13 and 15 insert new sections to allow the Classification Board to call in certain films for classification that were previously unclassified. Clause 15 inserts new sections 62A and 62B to allow for reclassification of products which for some reason had been given a classification no longer appropriate.

Clause 14 inserts a new subsection that provides for the classification of computer games. Clause 16 inserts new section 57A, which amends the principal act by creating a new offence with respect to transmission, publication or making available online of child pornography. It is a new offence in the sense that it requires knowledge as compared in terms of legality to the strict liability offence in the Crimes Act of possession of child pornography. So with the offence of knowingly transmitting, publishing or making available online child pornography there is the imposition of a maximum term of imprisonment of 10 years. I should point out that the opposition believes that to be a totally suitable penalty, given the pernicious nature of the offence to which it relates. The transmission or publication of child pornography is an unacceptable crime and one that the community will not and should not tolerate. It is appropriate that the penalty for the onforwarding, publishing or popularising in any way shape or form should be equivalent to the penalty for the actual production of child pornography. The government is to be commended for imposing that type of penalty in line with the primary crime of producing child pornography.

It should be noted that the strict liability for possession of child pornography remains in the Crimes Act with the maximum penalty of five years imprisonment.

The bill makes substantial amendments to the Crimes Act. Clause 20 inserts two new subsections. As I indicated, the current position is that the possession of child pornography per se with or without intent is an offence. Under a proposed new subsection (2) to section 68 law enforcement personnel and persons authorised in writing by the Chief Commissioner of Police and a class of person authorised in writing by the chief commissioner are permitted to print or otherwise make or produce child pornography in the exercise or performance of a power, function or duty conferred or imposed on the member or officer by or under this act or any other act or at common law.

I refer also to proposed subsection (2) of section 70 of the Crimes Act as it is relevant to this issue. It provides that a member or officer of a law enforcement agency or a person authorised in writing by the Chief Commissioner of Police or a person belonging to a class of persons authorised in writing by the chief commissioner assisting a member or officer can have in their possession child pornography, always in the exercise or performance of their duties. I have summarised that, but it means that because of the very nature of the technology as it is developing today, specialists and computer analysts are often called in to assist the law enforcement agencies in the exercise of their powers and in detecting and apprehending those low-lifes who deal with and gather or produce and transmit child pornography.

The purpose of the amendment in the bill is to provide indemnity to those who possess such material in the course of exercising their powers — that is, members of the police force or law enforcement agencies and those engaged to assist those law enforcement agencies. So while the main thrust of the bill is to ensure censorship laws are enforced on a national and uniform basis, it reinforces the ability of law enforcement agencies and staff, whether sworn police members or civilians assisting them, to gather evidence from online users. The bill also increases penalties for those who disseminate that objectionable material, so its effect is to assist in the capture and conviction of those who trade in this pernicious enterprise, and on that basis the Liberal Party is pleased to support the bill and wishes it a speedy passage.

Hon. E. C. CARBINES (Geelong) — I am pleased to speak on the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill. As the Honourable Carlo Furletti alluded to in his contribution, it is sensible that the Australian states and territories cooperate with the federal government on matters concerning censorship in our country. Victoria is a party to the commonwealth, states and territories agreement of 1995, which provides a legislative scheme for censorship in Australia. This scheme is important because it provides uniformity. Part of the scheme involves the classification of films, publications and computer games. As a parent of young children and as a former secondary school teacher, I consider it is important to have such a system in place in our country to guide parents and educators about the suitability of publications, films and computer games for children and young teenagers.

Like many parents, I monitor the programs that my children watch, and I am guided by the classification accorded to them by the commonwealth Classification Board. When my children were very young they would happily sit and watch G-rated movies and videos, the most innocuous of all the movies and videos on show. The family has many happy memories of watching films and videos such as the Walt Disney movies over and over again. I think our family favourite was the *Wizard of Oz*. As my children have grown older — they are now 10 and 12 years of age — it is difficult to restrict their viewing to G-rated movies, videos and programs. They are not so happy now with the choices on offer. While Disney does not seem as appealing as it did a few years ago, movies classified PG and M seem much more appealing to my 10 and 12-year-olds.

Parents must be careful and weigh up the content of movies, videos and programs before deciding whether their children should watch them. I am fortunate that my children are still young enough to accept our decision. I am sure as they grow older peer group pressure will play a greater part in what they decide to watch, and we may not have as big an influence over their viewing habits. It is difficult to monitor what your children watch when they are at other children's places because other parents may not have the same values as you. I always appreciate parents taking the trouble to check before they screen a video or take my children to see a movie, but unfortunately that does not happen often.

As a secondary school teacher it is normal procedure when you wish to show a film or video to junior students to seek parental permission for any with other than a G rating. I can remember when I was a year 7 coordinator at a secondary school in the late 1980s wanting to screen a movie for an end of year treat for my year 7 students. The movie — an old one now — was called *Karate Kid*. It was hot at the time and the kids were looking forward to watching it. I sent home a permission note to the parents, and one parent sent the note back refusing permission for his son to watch *Karate Kid*. We screened the movie and an alternative activity was organised for that child. It is entirely appropriate for parents to be informed and for their permission sought when you wish to screen a movie or a video for junior students that is not G-rated. You cannot afford to presume that all parents will be happy about the screening of what many people would consider to be a very innocuous film.

The computer game industry is huge in Australia, as it is throughout the world. Many people, not only children, enjoy playing computer games, and we have to be careful about what our children are exposed to by the industry. My children are no exception and spend a great deal of time playing all types of games on their computer and Game Boys. I am pleased that such games are also classified so that we as parents can be confident when we purchase them that they are in the appropriate classification for their level of violence or themes. I ensure when I purchase games that their rating is suitable for my children's age group.

It is difficult today, when children are exposed to so much entertainment in its various forms, to have complete control and exercise close supervision at all times over what they see and play. Some of the games that have been given to my son and daughter I would rather they did not have because they tend to be unnecessarily violent. I worry that they will become immune and desensitised to violence in the real world through their exposure to violence in the games they play. I have discussed this with them and they think I am being ridiculous. They know it is fantasy, even if I am worried about it. At this stage they seem to have a healthy attitude to it, which I hope continues.

It was interesting to read in *Hansard* the debate that took place in the other place. I was dismayed at a comment made by the shadow education minister, the Honourable Phil Honeywood, about some literature at a secondary college in Geelong. He alluded to the putting on a book list of a book entitled *Lockie Leonard, Human Torpedo*, which was incorrectly set for year 7 students. It was a controversial issue in the local community, and it was not assisted by the intervention of Mr Honeywood. The school had gone to great lengths to have the book put on the book list, and it was studied at the school for three years. Over that time one parent had complained and his child had been offered an alternative text to study. Unfortunately the

honourable member for Bellarine in the other place decided to take up this matter with the aggrieved parent, much to the dismay of the school council and the school principal, who had full confidence in the English coordinator and English staff who had chosen the text.

Hon. D. G. Hadden — And the author.

Hon. E. C. CARBINES — Yes, and the author, Tim Winton. It was an appropriate book for year 8 students. The child of the parent who had complained had been given an alternative text to study. It was disappointing that the opposition saw fit to weigh into that small issue and make much of it in our community. The intervention was unwelcome and will not be forgotten by that school.

The bill fulfils Victoria's obligations to introduce amendments that were introduced into the commonwealth act earlier this year. It seeks to amend the Victorian act so that its definitions will be in line with those of the commonwealth act. It extends the definitions of exempt films and computer games to include those for business, education, hobbies and religions, and those that are community or culturally based, so long as they are rated G or PG. That is a sensible amendment.

The bill allows 14 days for the changing of markings and issuing of consumer advice after reclassification by the commonwealth Classification Board. It will create new offences relating to the sale or delivery of publications, films or computer games contrary to imposed conditions. It will also give the director power to call in unclassified films for classification. The director will be given the power to reclassify a film, publication or a computer game. These amendments are sensible and strengthen the current legislation.

The second part of the bill deals with the serious matter of child pornography. Recently I was pleased to host a public seminar in Geelong, together with my government colleagues in the other place the honourable member for Geelong, Mr Ian Trezise, and the honourable member for Geelong North, Mr Peter Loney. The seminar was the first to be held in Victoria as part of the Attorney-General's sentencing review. It was the first seminar to take place in the state. The guest speaker was Professor Ari Frieberg of Melbourne University. The seminar was well attended and those present engaged constructively with Professor Frieberg on their views about sentencing laws in Victoria.

We were very pleased that those contributions will form part of the public consultation for the sentencing review. Several participants in the forum expressed concern about child pornography and wanted the legislation to ensure that the criminal justice system dealt appropriately with those who are found guilty of such outrageous crimes against children.

Earlier this year I was horrified to watch a documentary screened on the ABC's *Four Corners* program which detailed an international child pornography network and how its proliferation has escalated virtually out of control through Internet usage. It has to be said that a most insidious aspect of the Internet is that it can be used to aid and abet those most despicable of adults — that is, those who purvey pornographic images of children.

I congratulate the Attorney-General on including in this bill the introduction into the Victorian act of the new offence of knowingly using online information services to publish, transmit or make available for transmission child pornography. This offence will carry a maximum penalty of 10 years imprisonment. I learnt from the documentary I watched earlier this year that police all over the world go to great lengths to minimise the child pornography industry and bring those involved in it to appropriate justice.

At the request of the Victorian police this bill also sensibly provides immunity from prosecution for police and their computer analysts in matters to do with child pornography as they relate to the performance and conduct of their duty under the law.

The bill seeks to improve the classification system under our censorship laws and its passage will bring Victoria into line with national legislation. Further, this bill introduces a new offence and a maximum penalty associated with child pornography. In both respects the bill therefore aims to further protect Victoria's children and I wish it a very speedy passage through this house.

Hon. E. J. POWELL (North Eastern) — I am really pleased to speak on this bill on behalf of the National Party and to put on record the National Party's support. As has been said by previous speakers, it is an important bill which has a number of purposes. The bill amends the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 — or the state act — as a consequence of amendments to the Classifications (Publications, Films and Computer Games) Act 1995 of the commonwealth — better known as the commonwealth act. The bill makes a number of amendments to the commonwealth act, the Magistrates' Court Act 1989 and the Crimes Act 1958. It introduces new penalties under Victorian legislation and it also increases penalties in relation to crimes which already apply in the act.

In March 2001 the commonwealth made amendments to the commonwealth act. These amendments will come into operation on 22 March 2002 or when the states and territories have each enacted complementary legislation, whichever happens first.

As I said earlier, the National Party believes this is important legislation. There is a need for this legislation for a number of reasons, including the increased use of computers. We now have increased numbers of computers in our homes, in our businesses, in our schools and in fact right across our community. We also have more access to computers. For those who do not have computers in their homes — there are still some who do not — they can still be accessed by young people at schools, libraries, neighbourhood houses and many other organisations and places across the community. So young people have access to computers even if they do not have them in their homes.

The location of computers can also be a problem. Computers in the home are often located in a child's bedroom, which makes them very difficult to monitor. A number of parents have said to me when talking about computers that they allow their children to have the computer in their bedrooms, obviously thinking they are using the computer for school work, homework and for other educational purposes; however, as many of us know, the computer has many uses. Honourable members heard the Honourable Elaine Carbines talking about how she monitors her children's usage of the computer; that is important because some Internet sites are totally inappropriate for young people. A parent told me about a site her child had entered accidentally. The child was looking for a hotmail site, but the child had spelt it 'hotmale' and the site that came up for that child to view was very different from the site the child was looking for, and it was pornographic. Luckily the child had a good relationship with the parents and told them what was on this site, and they were appalled. Many parents do not understand that there are totally inappropriate sites out there that our children can access accidentally.

Televisions are usually located in a general purpose area and can be switched off or the channel can be changed if a program is classified not suitable for general viewing or is classified suitable for mature audiences. However, when children are using computers parents are often not aware of what is going on and many parents are computer illiterate, so this new computer technology — which we thought was going to be very advantageous — can in some instances affect children quite dramatically.

I am pleased to see that the issue of computer games is also addressed in this bill, because computer games also need appropriate and relevant classification. As the Honourable Elaine Carbines said in her contribution, she monitors what her children watch on television and what computer games they play, and that is all part of being a responsible parent. However, if a child plays computer games at a friend's place or at school — which they are still able to do — those computer games can be inappropriate.

My children are adults now but they have had computers for a long time, and some of the computer games I have seen are totally inappropriate and can desensitise children. I have seen some computer games where the aim is to blow people up or blow off their arms or legs. Adults understand that that is just a game and that they are not real people, but I have some concerns about what we are exposing our young people to and how they may become desensitised to people's pain.

I was very lucky to be part of an all-party parliamentary committee — the Family and Community Development Committee — which submitted its final report on the effects of television and multimedia on children and families in Victoria to this Parliament in October 2000. The terms of reference for that inquiry included quite a number of issues but the one that is most appropriate to this bill was the requirement to assess the likely impact on children and families of new and emerging forms of multimedia technology including videos, video games and the Internet and to consider ways that this technology may enhance the wellbeing of Victorian families. We were also required to examine the relationship between violence on television and violent behaviour within families. That very interesting inquiry went on for 12 months. Over that time 38 witnesses give evidence and we received 64 submissions. Because it was an interesting inquiry a lot of people sought to have some input.

The committee heard from many people with a lot of expertise and experience in this area, including eminent people like Dr Patricia Edgar, who is the executive director of the Australian Children's Television Foundation; Associate Professor M. Carr-Gregg, who is the director of the Centre for Adolescent Health; psychologists; school principals; multimedia organisations; family organisations; and other community organisations. I encourage people who are interested in this subject to get a copy of that interesting report, which contains a lot of the good evidence that came before the committee. The committee also went into schools. Some schools, particularly in Melbourne,

are using technology and multimedia to a great extent and to great advantage.

But we did hear that seeing violence on television affects children in different ways. Some children are more vulnerable to being exposed to violence, and certain children are more susceptible to the influence of media violence. A relationship between television violence and aggression has been observed in children as young as three years of age. As a committee we were staggered to hear that, because you would think that those sorts of traits would not come out until a child is much older. However, the evidence we heard was that children who are exposed to violence and are susceptible can become very aggressive themselves, even if they are as young as three.

We also heard that there is a sensitive period between the ages of 8 and 12, and those children are more susceptible to the influence of TV violence. We heard evidence that once children see violence on television as it comes into their lounge room, they see it as normal behaviour.

Children who come from violent homes may accept the use of violence as normal, particularly if it is reinforced on television or videos or films. The committee heard that if young children, particularly from violent homes, see violence on television they think it is normal; they do not think that they come from a home that is any different to anybody else's. It reinforces the issue of violence. Quite a number of people gave evidence about this — from psychiatrists right through to people who actually worked in the television industry.

The classification of films, videos and TV programs is important. We see examples of copycat crimes. Just recently over the past few years we have seen what has happened in America where shootings in schools were portrayed on television, and then not many months later we see the same things are happening in our Australian schools.

It cannot be underestimated that television reinforces certain sorts of behaviour. People try to depict their television heroes. That was an issue that was brought forward to the committee quite well. There was discussion about in the past where we used to have the *Superman* series, which sounds very innocuous. However, the committee heard evidence that hospitals reported more incidents of young people coming in with broken arms and legs because they had been playing Superman — dressed in the outfit and jumping from roofs. Having children about that time myself I know that they did think they were invincible. If Superman was the hero of the day these young children tried to emulate him.

We also talked about parents monitoring programs. I can remember when my children were younger and *Prisoner* was on television. That was a totally inappropriate program for young children to watch. It was in an earlier timeslot so young people, even if they were not watching the program but were doing their homework, were still exposed to the language, violence and some of the types of people it portrayed. Many schoolchildren watched the program. My children were not allowed to, but they used to come home at night-time and think that I was mean because their friends were all allowed to watch it. I said, 'Not in this house; you don't watch something like *Prisoner*'.

The classification of films, videos and TV programs is also a guide for parents to monitor children's viewing. The house has heard from other speakers that it is important that parents are able to monitor what their children watch, and say no to them or turn channels.

Adults can choose to watch a program with their children and perhaps explain it. There was some evidence given to the committee that sometimes if there is a program that the parent is concerned about, it is a good idea for the parent to sit with the child and explain what is going on in the film. Particularly in areas of viewing like the news, which often contains material with lots of violence or things that children may not understand, it was considered important for a parent to sit with a child and explain what was going on and how it would affect them.

There was also some discussion about problems with advertising. Advertising is usually shown in children-friendly hours. There can be adult themes in children's viewing hours, and that is a concern. The concern is that the ads are not going to be classified. It is something that we need to look at as a community to make sure that inappropriate ads are not viewed in children-friendly hours.

The other area of concern was about trailers on videos, television and even in film theatres. A program might be classified as suitable for general viewing, but the trailer for the next film or video might be R-rated or totally inappropriate. Clause 15 gives power to the Classification Review Board to call in and reclassify publications of films and computer games — this is a really important clause. If the board is concerned about a classification or perhaps gets a lot of objections from people who are watching that material and there is a concern out there in the broader community, the board

is able to call in those films and reclassify them with a higher classification.

The bill talks quite extensively about child pornography. Clause 16 introduces a new section into the act. Proposed section 57A deals with publication or transmission of child pornography. This is in reference to a minor of 16 years of age and under. Anyone convicted of an offence under the section is liable to a prison term not exceeding 10 years.

The committee heard evidence about how easy it was for children and adults to access pornography sites. I will read a portion from the report:

> The Victoria Police also expressed concern at the availability of sexually explicit material to minors. Although laws in Victoria prohibit the sale of pornography to children and the sale of X-rated videos at all, there is little doubt that young people are accessing such material for their own titillation or being shown such material in an attempt to induce them to engage in similar activity. Recent studies suggest 'over 50 per cent of various categories of paraphiliacs (sex offenders) had developed their deviant arousal patterns prior to age 18'. Accordingly, it is of concern that children are exposed to pornographic material at an age when they are ill equipped to develop appropriate responses. In 1992 a study of 247 American high school students found very high levels of rape supportive beliefs and acceptance of rape myths about the effect of rape on women amongst boys who were frequent consumers of pornography. The Victoria Police commented that some young victims exposed to pornography, both via the Internet and other media, have in turn offended against even younger children.

The committee felt strongly about the sort of information and evidence it received. One of the recommendations was about the importance of having a computer in an area of general access. Parents needed to understand the importance of supervised and monitored Internet usage.

Clause 20 allows section 68 of the Crimes Act to be amended and protects police and appropriately authorised assistants. These assistants may include computer analysts who are in pursuit of offenders, and who may possess, download or view evidence during a child pornography investigation. That is important because sometimes assistants and police have to view pornography and they need to make sure they are protected within law so that their viewing of such material is not seen as an offence. As the act stands, viewing evidence and downloading pornography could be an offence. This clause protects the police and those who are assisting them with the investigation of crimes and of pornographic cases in particular.

With the increasing emergence and availability of communications technology it is important that this medium be monitored. As we have heard, almost anything can be put on the Internet for people to view and download. This is interesting when compared to the publication of books where there are some checks and balances of content. For example, a publisher usually checks the authenticity of information provided. That is not so with computers. Often young children gain access to information from computers and think that it is totally reliable when it may be information that has not been properly researched and may not have been scrutinised by anybody. There is a concern that young people think everything that is on computers is okay.

The non-government members of the committee — the honourable members for Bentleigh and Bennettswood in another place and me — put in a minority report in which we recommended having a dedicated minister for multimedia, information technology and telecommunications who would ensure that the myriad emerging social policy issues would receive dedicated and ongoing ministerial consideration and attention. We also recommended the re-establishment of the Premier's multimedia task force to offer advice on benefits and challenges facing the multimedia industry. We felt that was important, but it was not accepted by the committee, so we took the opportunity to put it in a minority report.

It was interesting to note that from 1992 to 1999 the former coalition government appointed the world's first minister for multimedia — the Honourable Alan Stockdale. As I said, that was a world first and it worked well. It is important that somebody takes responsibility for new technology and the government needs to be committed to making sure there is always somebody checking what is going on in multimedia. We felt there was a need to protect our communities from inappropriate and offensive material so that Victorians — consumers and young children — can be given the confidence of using this new technology.

For that reason and for many others this is a good bill and the National Party is happy to support it.

Hon. D. G. HADDEN (Ballarat) — I rise to support the bill, the purpose of which is to amend the Classifications (Publications, Films and Computer Games) (Enforcement) Act 1995 as a result of recent amendments to the commonwealth Classifications (Publications, Films and Computer Games) Act 1995, as well as to make miscellaneous amendments to the Magistrates' Court Act 1989 and the Crimes Act 1958.

This state is party to the 1995 agreement by the commonwealth, the states and the territories relating to a cooperative legislative scheme for censorship across Australia. Under this agreement the commonwealth

Classification Board makes classification decisions about publications, films and computer games under the commonwealth act of 1995. These decisions are enforced in Victoria under the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995.

In March the federal Parliament amended the commonwealth act in a number of areas and those amendments will come into operation on 22 March 2002. All other states and territories have enacted complementary legislation. Whichever happens first will take effect.

This bill reflects the commonwealth amendments in that it amends the Victorian act to bring the definitions in line with those in the commonwealth act. It also extends the definitions of 'exempt films' and 'exempt computer games', and the commonwealth act will no longer apply to a range of films and computer games such as business, educational, hobbyist, religious and community or cultural related that would otherwise be of a G or PG rating.

The policy basis for these amendments is that such films and computer games should not be subject to the cost and delay of the classification process when they are uncontroversial in nature.

The bill also allows 14 days for the changing of markings and consumer advice after reclassification by the Classification Board. It also creates new offences such as sale or delivery of publications contrary to imposed conditions; selling publications without the display of consumer advice; and making a computer game available for playing on a play-and-pay basis without having determined markings and relevant consumer advice on display. In its various clauses the bill makes clear the requirements of displaying material such as restricted publications and category 1 and category 2 material as described in clauses 7, 8 and 9, to ensure that only adults are able to access this information.

The bill also gives the director of the Classification Board the power to call in unclassified films for classification. It also gives the director the power to call in a film, publication or computer game for reclassification.

Clause 16 of the bill introduces a proposed section 57A into the principal act. This relates to the publication or transmission of child pornography, and states:

> A person who knowingly uses an on-line information service to publish or transmit, or make available for transmission — child pornography —
>
> objectionable material that describes or depicts a person who is, or looks like, a minor under 16 engaging in sexual activity or depicted in an indecent sexual manner or context is guilty of an indictable offence and liable to a maximum term of imprisonment not exceeding 10 years.

That is a very severe penalty, and so it should be.

Clause 19 amends schedule 4 of the Magistrates' Court Act by inserting proposed section 40, which will enable a magistrate to exercise his discretion, if appropriate, and where the defendant consents to the jurisdiction of the Magistrates Court, to have an indictable matter heard summarily in the Magistrates Court. That of course is attractive to a defendant who would be charged under this section because the maximum imprisonment cannot be imposed by the magistrate.

The magistrate's powers of imprisonment are set out in the Sentencing Act 1991. I stand to be corrected on this, but in the sections I have obtained from the library the maximum sentence to which a magistrate may sentence an offender is two years. Someone has informed me that it might be three, but I have not found that amendment yet. In any event, the act in my possession says that the court may sentence the offender for two years on one offence or a maximum of five years for cumulative or several offences. As I said, it is attractive for defendants, if that is the only offence with which they are charged, to cooperate and have the matter dealt with in the Magistrates Court rather than be faced with a maximum 10 years in a higher jurisdiction. The strict liability offence is already in the Victorian act under section 57. It carries a maximum penalty of two years imprisonment or 20 penalty units, which is $24 000.

The other clause in the bill on which I wish to speak is clause 20, which amends the Crimes Act 1958 by inserting proposed subsection (2) into section 68, and by substituting subsection (4) in section 70. These sections provide immunity for police and their computer analyst assistants from offences of possession and printing, making or otherwise producing child pornography, providing it is in the exercise or performance of a power, function or duty conferred or imposed on the member or officer by or under this or any other act or at common law.

The police already have immunity from the possession of child pornography under section 70(4). However, due to the use of non-uniformed computer analysts this immunity will be extended to cover current police investigation and evidence collection techniques. Because of the extent to which knowledgable and computer literate offenders out there in the community

will go, an immunity from prosecution under section 68 is required. It is proper for both police and their assistants to police this scourge on our community of child pornography and those who peddle it.

I refer to a couple of other matters in clause 16, which inserts proposed section 57A dealing with a person who knowingly uses an online information service to publish or transmit child pornography. There has been a question as to whether photographic images sent over the Internet fall into the category of online information service. This new offence applies to objectionable material in the section and that is defined in section 56 of the Victorian act as an objectionable publication, an objectionable film or an objectionable computer game. Publication has the same meaning in section 3 of the commonwealth act. The commonwealth act defines 'publication' as any written or pictorial matter in section 5, which would include by definition photographs. Therefore, photographic images sent over the Internet would be within the ambit of this new offence in proposed section 57A.

Another issue concerns whether this new offence applies to material transmitted over an internal network such as an intranet. The Victoria Police raised this issue during consultation, and it depends on whether the term 'online information service' in the new section extends to an intranet service. Online information service is defined in section 56 of the Victorian act as a service which permits, through a communication system, online computer access to or transmission of data or computer programs.

This issue was considered by the Office of the Chief Parliamentary Counsel. It was satisfied that that term extended to an intranet service. I commend the bill to the house.

Hon. R. F. SMITH (Chelsea) — As a father I am pleased to engage in the debate in support of this important bill, the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill. The bill outlines the imperatives that the Bracks government places on child protection within our society. Among others, members of the Victoria Police have been prominent in raising their concerns to the government about this issue and looking for some additional strengthening of the current laws. I am pleased to say the bill delivers just that.

Victoria is party to the 1995 commonwealth states and territories agreement on censorship. Under this agreement the commonwealth enacted the Classification (Publications, Films and Computer Games) Act 1995. In Victoria the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 provides for the enforcement of the classification board decisions. The commonwealth act will no longer apply to business, educational, hobbyist, religious or community-related films or computer games that would qualify for general or parental guidance classifications. The bill includes amendments that will allow 14 days for remarking on and consumer advice after reclassification and other amendments as deemed necessary.

The commonwealth act has been amended. The bill allows Victoria to enforce those changes and amends certain definitions to bring them into line with definitions in the commonwealth act. Amendments will exclude the application of the state legislation to exempt films and computer games, consistent with the commonwealth act.

In November 2000 the penalty for possession of child pornography was increased from two to five years. Many, including me, would say harsher or more severe penalties should be prescribed for the purveyors of child pornography and other paedophilic material. I am sure the vast majority of the public would feel likewise. The increase in penalties prompted a rethink on issues connected with the online transmission of child pornographic material and as a result proposed section 57A is inserted in the act. It provides a penalty of 10 years imprisonment for the transmission of child pornography on or by computer. That is consistent with section 68 of the Crimes Act 1958.

Society is starting to understand that child pornography over the Internet is something we cannot control, although parents can buy products to block out certain material on the Net. One of the advantages of the Net is that people anywhere on our planet can access information. In some cases that could be extremely good in spreading, for instance, democracy. I imagine the Taiwanese government would be keen to see the citizens of mainland China access the Net as much as they possibly could so they may understand the differences in lifestyles, economies and standards of living between the two countries. If they could see that differences clearly exist perhaps that information from the Net would help change the political structure in China to a more democratic system of government, such as we enjoy.

I do not know what the answer is about the Internet. Far better qualified people than I are working on the issue. There are networks of people on this planet who, although I cannot understand it, actually enjoy watching and spreading child pornography. Only recently we heard of a club being exposed and broken

up in the United States of America; obviously it had global connections.

For years we have seen examples of, particularly, Australian men travelling to places such as the Philippines and other Third World countries to engage in paedophilia or whatever. I am sure I speak on behalf of almost all adults in Australia when I say that that practice is an international embarrassment for Australians. But not only Australians engage in the practice, and wherever possible it is our duty to help stamp out those offensive practices.

In a small way the bill helps the police. As a father of daughters I am not referring only to gender-specific child pornography, because both sexes are vulnerable, but I would be pleased if as a result of the passage of the bill we could help reduce the effects of and the number of occasions on which child pornography is engaged in by certain people.

Section 70 of the Crimes Act makes it an offence to possess child pornography, except when it is in the possession of an officer of the law who is using the same in the performance of their duty. It also protects people who are helping the police in their duties. The bill amends section 68 of the Crimes Act to allow the police and their appropriately authorised assistants to download or reproduce such material without committing an offence. The bill ensures we may deal effectively with the necessary changes to the national act and recognises the growth in the industry, particularly over the Internet.

Finally, the bill allows the police to be unhindered in their investigations of the serious problems surrounding child pornography. Much is made of censorship in society. Many would argue that people should be able to read, practise or do whatever they wish in the privacy of their own homes. That may be acceptable in a perfect world, but in our society it is fair and reasonable that we insist laws are made and censorship occurs in certain areas. After all, we have laws that prohibit smoking in restaurants and drinking in certain places to protect the vast majority of the public. Therefore, censorship is warranted and necessary, particularly in the area of child pornography. Some may argue about the purity of a censor-free society, but they would be in the minority.

For all those reasons, and others put by other honourable members, I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank all honourable members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

STATUTE LAW FURTHER AMENDMENT (RELATIONSHIPS) BILL

Second reading

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

Hon. C. A. FURLETTI (Templestowe) — I am pleased to speak on the Statute Law Further Amendment (Relationships) Bill on behalf of the Liberal opposition. At the outset, as it did in the instance of the primary relationships legislation — that is, the Statute Law Amendment (Relationships) Act — the Liberal opposition will not oppose the bill, which in real terms is an extension of the first piece of legislation with which the house dealt in June 2001.

Honourable members may recall that at that time the Statute Law Amendment (Relationships) Bill had been laying over in the other place since November 2000. That legislation did not enjoy an easy passage through the Parliament. In fact, it attracted considerable debate and required a considerable amount of effort and cooperation between the government and the opposition.

In its final analysis the opposition made the point very strongly that it was very much against discrimination of any type. However, it was also very much dedicated to the fundamental mores of our society and was particularly adamant that the status and values of family should not in any way be diminished or affected by the implementation of the provisions of that legislation. It was on the basis of those principles that through the cooperation of members of this house, to which I shall refer subsequently, some common ground was found. Therefore, although not necessarily offering support for that bill — because of its nature — the opposition

decided to not oppose it, as it has decided in the case of the bill now before the house.

Honourable members will also recall that the original legislation debated in the last session of Parliament amended some 44 acts and extended the parameters of those who came within associations with their partners and in relationships which had previously not been recognised in those acts. It was recognised at that time that the bill was but the first of a number of pieces of legislation that the government would need to produce, and it was recognised that the task of identifying the legislation that needed amendment could be daunting.

Honourable members will also recall that the Liberal opposition pressed very strongly for amendments, and indeed some 87 amendments were eventually introduced in this house to obtain a better definition and to identify more appropriate parameters for the benefit of the antidiscrimination measures contained in that bill. The Liberal opposition has said on a number of occasions in this place that a great volume of the legislation which is being introduced by the government should be introduced in the form of an omnibus bill. The Statute Law Amendment (Relationships) Bill of June last year was a classic example of what an omnibus bill can do. Indeed, the bill before the house today, which amends some 13 pieces of legislation, is also proof that if the government had a will to do so it could well introduce much more of its legislation which has some thread of common purpose about it in this way.

One of the significant things that occurred during the debate on the Statute Law Amendment (Relationships) Bill in the last sittings was the introduction of a new objects clause, which was introduced by way of amendment in this place at the instigation of the Liberal opposition. That amendment is detailed in *Hansard* of 5 June and it underscores the core antidiscrimination focus of the Statute Law Amendment (Relationships) Bill, as it then was, while reinforcing the value which, in the opinion of the Liberal opposition, the community places on long-term relationships and the paramount consideration of the best interests of the security of children. That statement is very significant in interpreting the provisions not only of that original relationships bill but also this bill — and I am sure following tranches of legislation which we can, I suspect, expect in the not-too-distant future.

I should like to put on record that the 87 amendments to the bill debated and passed in the last session were introduced after the bill had been laying over. The inclusion of the objects clause to which I referred was very significant in terms of setting, for a future interpretation of that legislation, the environment within which the thrust of that measure should be understood and the manner in which its particular provisions need to be interpreted.

The debate on the purpose of the Statue Law Further Amendment (Relationships) Bill now before the house has already occurred. As I said, that debate occurred in the last sittings when the first relationships legislation was debated. There is no need to reconsider or revisit the issues and objects of this bill — they have already been examined: they were dissected at that time, many of the clauses were considered, and finally, after a considerable period of negotiation, that legislation was supported by a majority of the members of this house and became law.

I have said that it is also understood that the original bill was merely the first step in a process which may require some time and, I dare say, considerable effort to achieve its cited objectives: to remove discrimination that may exist in numerous pieces of legislation that refer to relationships, which are interpreted at law as being restricted to heterosexual and/or marital relationships.

The original legislation amended 44 acts to expand the interpretive envelope to include same-sex and, as previously coined, de facto relationships into the category of relationships to which those acts refer. The broadening of the parties encompassed in the operation of those acts was the beginning. It should be made clear that not only do the amendments introduce and extend benefits to classes of persons that were previously excluded; they also impose obligations, restrictions and, indeed, in some cases constraints on those same classes of people in other areas.

The amendments in this bill to 13 acts — and a 14th act, which is corrected in clause 5 — represent the second tranche of the proposed implementation of the government's purpose and intent. The government now has the obligation of trawling through a whole raft of legislation that exists in Victoria. All of the statutes in the books on the table in this house need to be examined and analysed to see whether any of them require amendment to ensure that any discriminatory provisions that exist are found and removed.

There is no argument with the objective of the bill. As I said, the Liberal Party has already indicated it will not oppose it. The hard yards that were required to achieve this state of play were done in the past with the shadow Attorney-General in the other place and with Mr Katsambanis and Mr Olexander in this place, who were performing their duties as members of this house

of Parliament and fulfilling a significant role in this house. They should be congratulated and applauded for the outcomes they have achieved and the manner in which they have achieved them.

Those outcomes were achieved by those honourable members reviewing the legislation which was introduced in the other place and allowed to sit for well over six months in a form that has previously been discussed and considered in this place, which was hardly acceptable and which was not drafted in a way that would achieve what had been disclosed by the government in its policy speeches. Those same members were able to isolate areas of serious concern in the bill and they were able to consult broadly with the community to determine what the community wanted and needed. They were also able to negotiate satisfactory amendments to the bill so as to enable those areas of discrimination which needed to be addressed to be addressed, therefore allowing passage through this place. That particular effort and involvement certainly limited and restrained the unbridled exercise of power which the Labor government intended and it prevented the passage of flawed and poorly drafted legislation in this place, which undoubtedly would have created greater confusion and difficulties with the passage of time.

As a result of the hard work and effort then, the bill is acceptable to the Liberal opposition and can be dealt with in this chamber far more efficiently than the bill that was introduced previously. It is to be hoped the bill will limit discrimination, grant rights and impose obligations in circumstances of relationships where principles of equality and fairness are implemented.

Those honourable objectives should be achieved without in any way adversely affecting or undermining family values or structures. It is significant that at the end of the day the primary consideration of the wellbeing and stability of children needs to be of paramount interest.

In addressing the bill I repeat a comment I have made on a number of occasions over the past 9 or 10 months — this is a very brief bill. It consists of five clauses. Given that clause 5 is an amendment to the Parliamentary Salaries and Superannuation Act and is intended to correct an error in the original Statute Law Amendment (Relationships) Bill, we end up with only four clauses. In addressing clause 5, I indicate that it amends the 14th act, the other 13 acts being listed in the schedule to the bill. The purpose of clause 5 is referred to and explained adequately in the second-reading speech, and I do not intend to merely reiterate that explanation. Suffice it to say that while the original Statute Law Amendment (Relationships) Act made amendments to part of the Parliamentary Salaries and Superannuation Act it failed to make amendments to the whole of the act and therefore it is necessary to introduce clause 5.

It is also essential to note that the operation of clause 5 is intended to be retrospective to fully correct the error made back in June and to give effect to the operation of clause 5 simultaneously with the amendment introduced in the autumn sitting of Parliament by the Statute Law Amendment (Relationships) Act.

Excluding clause 5 and clause 4, which contain some very minor consequential amendments, we find the bill is a very brief measure. The substantive clause is clause 3, which amends the 13 acts I referred to which are listed in the schedule. Each of those acts is somewhat different but if they can be grouped, they can be put into three or four different categories.

The main purpose is to extend the envelope, as was done in the Statute Law Amendment (Relationships) Act passed in June in the autumn sittings, which I will refer to as the original relationships act. As happened in the amendments made by that act to 44 acts, the intention is to amend those words which refer to relationships in the various forms that are used so as to extend those words to include either the narrow or broad definition of ‘domestic partner’. For example, there are acts that control professions and industries, such the Architects Act, the Estate Agents Act and the Legal Practice Act, which relate to some professions; and the Meat Industry Act and even the Firearms Act, which relate to industry.

There is a common thread in the amendments, irrespective of the broad terminology, whether a related person is defined or referred to, as in the Architects Act, as a ‘prescribed relative’, or as in the Corrections Act a ‘relative’ or ‘near relative’, or as in the Legal Practice Act a ‘family member’, or as in the Water Act a ‘member with an interest’. I do not envy those in the Department of Justice their task of having to go through the legislation to identify and make very significant evaluations of each of the terms. In each of those instances the envelope is broadened to include within the definitions and words used in each piece of legislation those same-sex or de facto couples who are living in a long, intended and strong relationship which brings them the benefits which the amendments will provide but also includes for the same purpose the obligations and constraints that are imposed in some of the legislation which is being amended.

As indicated, members of the Liberal opposition acknowledge that the bill is an extension of the Statute Law Amendment (Relationships) Act which was passed in June. We are also very much aware that on a number of occasions in the future we will undoubtedly be making speeches in this place similar to the one I have just delivered to ensure that the whole of our legislation is amended to accord with the intention of the government, which the Liberal opposition does not oppose.

Hon. KAYE DARVENIZA (Melbourne West) — I am very pleased to have an opportunity to make a contribution to this important debate and to speak in support of the bill before the house, which is supported by the Liberal opposition but which I understand is, very unfortunately, opposed by the National Party.

With this bill the Bracks government is delivering on its election commitments. The Labor Party made a commitment to the non-heterosexual community that it would strive to create a society that was more just so that unacceptable levels of discrimination levelled at the gay and lesbian community were reduced.

The government has done that in a number of ways. In November 2000 the government introduced the Statute Law Amendment (Relationships) Bill and gave a further commitment to introduce amendments to deal with a number of other statutes discriminating against gay and lesbian couples. The Statute Law Amendment (Relationships) Act 2001, passed with bipartisan support in the autumn session, amended 43 acts in a number of areas, including property-related benefits, compensation schemes, superannuation and, of course, health-related and criminal law legislation.

The Statute Law Amendment (Relationships) Act 2001 was a major step forward in reducing unacceptable levels of discrimination that we all know exists against gay and lesbians in this state almost every day of their lives.

This bill is about reducing the level of discrimination that occurs. The government has received a positive response from the community, not just those directly affected by legislation passed through the Parliament recently, but overwhelmingly across the community people have been positive about the changes made to alleviate discrimination against a section of the community.

The bill amends some 13 acts. They are the Architects Act 1991, the Children and Young Persons Act 1989, the Conservation, Forests and Lands the Act 1987, the Corrections Act 1986, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Discharge Servicemen's Preference Act 1943, the Estate Agents Act 1980, the Firearms Act 1996, the Legal Practice Act 1996, the Meat Industry Act 1993, the Racing Act 1958, the Water Act 1989 and the Witness Protection Act 1991.

The amendments recognise both the rights and obligations of gay and lesbian couples in domestic relationships. The bill defines a 'partner' to mean a person's spouse or domestic partner, and 'spouse' is defined as a partner to a marriage. The cohabitation definition of 'domestic partner' adopted in the bill requires domestic partners to be living as a couple on a genuine domestic basis. Section 275(2) of the Property Law Act 1958 sets out the circumstances to be taken into account in determining a domestic relationship. The definition of 'domestic partner' expressly recognises relationships where people do not necessarily live under the one roof yet are mutually committed to and support each other within the shared life as a couple. So couples must have a mutual commitment and a supportive relationship.

To assist in determining whether or not a domestic relationship exists a range of circumstances is set out in the Property Law Act 1958. The house will note that the criteria set out in the act must be met to demonstrate the couple have a shared life, a commitment to each other and are mutually supportive. The matters taken into account when determining a domestic relationship are not matters that can be taken lightly and go to issues such as the nature and extent of common residence, the duration of the relationship, whether or not a sexual relationship exists, the degree of mutual commitment to a shared life, the degree of financial dependence or interdependence, the ownership, use and acquisition of property, the care and support of children, and the reputation and public aspects of the relationship.

The amendments to the Children and Young Persons Act will recognise what is the reality for many children who are cared for by a parent who is gay or lesbian or who is in a gay or lesbian relationship. Honourable members know that people in same-sex relationships may have a biological child living as part of that relationship.

I know how important the legislation is on a practical and an emotional level to those who are caring for people and who are parents. I know from my own experience of many same-sex couples in my electorate who live in caring, loving and mutually supportive relationships who welcome these amendments. We do not want to see parts of Victorian society living under circumstances where they are actively discriminated

against in so many areas of their daily lives. As I said earlier, the Labor Party made a commitment prior to the 1999 election that in government it would do everything it could to reduce the level of discrimination against same-sex couples and transgender people.

The legislation is another step forward in achieving a society that is more equitable and which appreciates differences. It will help to ensure that people are treated equally and are not discriminated against. This is good legislation because it removes discrimination that presently exists against sections of the community. It deserves the support of all honourable members and I commend it to the house.

Hon. P. R. HALL (Gippsland) — The Statute Law Amendment (Relationships) Bill, which was debated on 5 June 2001, amended in excess of 40 acts of Parliament. The Statute Law Further Amendment (Relationships) Bill amends another 14 acts. Earlier this year the National Party opposed the previous bill, and for many of the reasons that were indicated at that time will also oppose this bill.

Firstly, I want to set out some of the National Party's general views which I believe are shared by the majority of people I represent in Gippsland Province. The National Party believes people should be free to choose the way in which they live their lives so long as that choice does not impact unduly on those with whom they share the community. Religion and lifestyle are elements of that choice which should be respected. I believe those views are generally well respected in the society in which we live.

The second point is that the National Party believes the traditional family of a marriage between a heterosexual couple provides the best structure for raising children and for promoting enduring relationships. The act of marriage requires significant commitments from both in the partnership and hence provides the best opportunity for creating stability in the partnership. In my view that stability is vital in assisting young people to grow and develop.

I acknowledge that not all marriages are perfect. Marriage brings with it no guarantees that things will work smoothly and that all the ideals that one aspires to in a heterosexual marriage relationship will always be achieved. I also acknowledge that children and relationship structures in a non-traditional family structure have been very successful. I have no doubt that single-parent families can demonstrate and give the same love and care to young people within such a relationship as can a married couple. Indeed, although I do not personally know of any same-sex couples who are involved in the raising of children, I am sure there are probably same-sex couples who can also give young children in such a relationship structure love and care and make it a perfectly satisfactory relationship for their upbringing.

But on balance the National Party believes the traditional family structure provides the best opportunity for providing all that young children need. Some people would say that the bill does not undermine that traditional family structure, but the National Party says that it does to the extent that what we are doing by sanctioning the changes encompassed in the bill and the previous bill is saying that marriage is not so important any more — but I happen to think it is, perhaps even more so in today's uncertain climate because of recent events.

I also acknowledge in this debate that the law may discriminate against some who choose to live their lives other than in a traditional family structure. For example, same-sex couples and single-parent families in some cases may well be discriminated against in some ways. Those who have chosen to live their lives without any form of relationship may also be discriminated against by the law. The law in some instances discriminates against those who may lose a spouse. In one constituent matter with which I am currently dealing with the government a wife has lost her husband through an accident, and I believe the current law discriminates against her on property rights associated with her marriage. I acknowledge that there are instances where the current laws discriminate against some forms of relationship structures in our society.

I said in the debate earlier this year that it was impossible to consider fairly the impact the changes would have on the number of pieces of legislation amended by that bill when we were considering amendments to more than 40 acts of Parliament. I say the same thing with this bill, which amends 14 acts of Parliament. It is difficult to consider fairly the impact that these changes will have on those 14 pieces of legislation. I find it particularly confusing when the same term is defined differently in a number of those 14 acts.

In some cases the definition of 'domestic partner' is different between one act and the next. It is confusing when there are different definitions of the same term in different acts of Parliament. I said at the time of the debate earlier this year on this particular provision when the 40 acts were being amended that I for one was prepared to look at each of those acts in turn and give each fair consideration on its own merits. I said then, when more than 40 acts of Parliament were being

amended, that it was impossible for any one of us to give a fair judgment about the impact of the changes on each one of those 40 acts.

I understand why they are all being lumped together, but because of the importance of this bill it is difficult for the National Party to judge each fairly. Many minor amendments to bills are currently being introduced one at a time, and I believe we could do the same with the changes in this bill — that is, separate the 14 acts that are being amended by the bill and look at each of them in turn. I would be more comfortable with that, because I believe there are ways in which we could reduce discrimination, and not only against same-sex relationships. As I said before, some of our acts of Parliament discriminate against people in other forms of relationships. I would be far happier to deal with those on a one-by-one basis.

Perhaps the term 'nominated person' could be used to overcome some of the deficiencies identified in various acts. It could be used in a way that did not impact on the traditional family structure that we hold dear to our hearts. I do not know why there has not been some discussion of and consideration given at an individual level to using terms such as 'nominated person' to overcome some of those difficulties.

This has not been an easy subject for the National Party to deal with. We respect the rights of individuals to live in the way they choose, but at the same time we uphold our strong belief in the traditional family structure. We believe this bill devalues that structure, and as such we cannot support it. I repeat that we remain prepared to participate in forums that seek to address deficiencies in the law so long as the importance of the traditional family structure is at all times preserved and promoted.

Hon. P. A. KATSAMBANIS (Monash) — It is a pleasure to speak on the Statute Law Further Amendment (Relationships) Bill, which is a follow-up bill to the one that was debated in this place in June of this year. At that time we were breaking new ground, passing a bill that addressed issues of discrimination relating specifically to certain people in our community. The majority of honourable members in this place spoke about how it was a step in the right direction.

At the time some honourable members decided that the legislation was not a good step and made their views clear. I feel somewhat justified in the position I took at that time in that in the five or six months since we have heard little about any negative impacts of the bill. In fact, I have heard nothing about the negative impacts of the bill that was passed in June.

However, many people have written to me, rung me, come up to me at various functions, visited my office and sent me emails and faxes thanking me and my colleagues for the great step we took which made their lives easier and made them feel for the first time in a long time as though their society as represented by its legislators — the people elected to represent everyone in society — was actually representing everyone and was passing laws which, in the case of the legislation passed in June, tried wherever possible to treat people as equals irrespective of their sexual orientation. So it was with a great deal of pride that I could look these people in the eye and say, 'If that small step made your lives a little bit easier, then that is a fantastic thing and a wonderful outcome'.

It makes me proud to be a member of this place when we can achieve what are small steps for legislation and small steps for society but very big steps for improving the lives of a number of people who live within our society. That is what we should be about as legislators — that is, legislating to make people's lives better, to remove discrimination wherever possible, to treat people as equals and to ensure that people do not feel they are outcasts in society or that they are less than equal but rather that they have their rights, liberties and obligations protected and outlined in our legislative framework.

That is what the Statute Law Amendment (Relationships) Bill did when it was passed in June, and this small bill we have before us today simply enhances the legislative protections that were put in place back then by adding a series of other acts to the ambit of the main legislation.

The various acts of Parliament that are being amended by this bill are not acts that bestow positive rights onto people; rather, they take the form of legislation that in the main imposes certain obligations on people mainly due to the relationships they keep with other people. For example, we see in the Architects Act, the Estate Agents Act, the Firearms Act, the Legal Practice Act, the Meat Industry Act, the Racing Act and other relevant acts that if you are in a relationship with someone then you are deemed to be an associate of that person, and if that person is banned from undertaking a particular task then you are also banned from undertaking that task. The legislation in question imposes obligations on people, and this bill extends the purview of those obligations to people living not only in legal marriages under the Marriage Act but also those living in de facto relationships, be they of a heterosexual, same-gender or intersex nature.

The bill equalises people, irrespective of the relationships they choose to live in. It does not affect anybody else. By imposing rights and obligations on these people the bill does not diminish or increase the rights and obligations of anybody else, but it does send a very strong message to our community that wherever possible the legislation will treat every individual equally in society. It will not discriminate against people on the basis of their relationships or their sexuality unless there is a really good reason to do so. As I said earlier, that is what legislation should be about — making everybody equal wherever possible.

I do not see the bill in front of us as being radical and I do not see it as effecting any major changes to our law. We have gone through that process; we have debated those changes and passed them in legislation, and so far the only comments about the operation of that act have been positive. There might be some concern and there might be some fear, but all the comments that have been made about the practical operation of the act passed in June have been extraordinarily positive, and the result will be the same with this bill.

The bill is to all intents and purposes fairly innocuous. Its major impact will be in the operation of the Children and Young Persons Act which, as Mr Furletti rightly pointed out in his contribution, has been passed by this Parliament in order to protect the primary interests of children. The more people who can be brought in under the notification requirements and coverage of that act and the more adults who can be brought under its purview, the greater protection will be afforded to children. Extending the coverage of that act to include all domestic partners simply means that the rights and interests of children and young people in our society will be more fully protected than they are today, and that is a very positive thing.

The bill simply extends the provisions of the act to cover all domestic partners so they can be brought within the ambit of the Children and Young Persons Act and be notified of any actions taken under the act to protect the primary interests of children — not the primary interests of either domestic partner. The primary purpose of the Children and Young Persons Act is the protection of children, and by introducing this amendment the bill will enhance its ability to achieve that primary purpose rather than diminish it, and that is a good thing.

Most of the amendments to other acts proposed by the bill are fairly straightforward and primarily impose obligations on people in domestic relationships that they did not have before. Once again, that is all part of making sure that wherever possible the laws of our land treat people's sexuality and their choices about their sexuality as completely neutral to the exercise of justice.

The process that the legislature and we as individual legislators went through when the original Statute Law Amendment (Relationships) Bill was being discussed, debated and in many ways dissected almost word for word created a number of lasting and very beneficial relationships between the public and us as their elected representatives. Since that time my own relationship with the gay, lesbian, transgender and intersex communities has become one of greater understanding, greater knowledge and greater trust.

In my contribution back in June I said that a lot of the misconceptions that people have are because of a lack of engagement and a lack of real knowledge. When we see something from the outside and have no personal understanding of the effect it has on people it is harder for us to make a decision on that topic, no matter what it is.

Through the debate and through the discussion and the working relationship that we built up, I have been able to gain a better understanding of the issues in those communities. But from the other side of the fence it has also enabled people in the gay and lesbian and transgender communities to understand the issues that we face as legislators, and it has enabled us to build a better working relationship. That relationship is built on dialogue, discussion and understanding rather than on an adversarial process. It will be very positive for everyone working into the future.

I commend the initiative of my colleagues — the Honourable Andrea Coote in this place, and the honourable member for Prahran, Leonie Burke, in the other place — who together with me formed a group that meets regularly with representatives from the gay, lesbian, bisexual, transgender and intersex communities in Melbourne. It is a loose group that enables us to have an open and frank discussion on issues that are important to those communities. The communities often speak with a common voice; sometimes each community has its own individual issues. As I said, by opening up dialogue in the future the process will be less adversarial and will be built on more discussion and working towards possible common goals and outcomes wherever those common goals and outcomes can be achieved. It is a wonderful initiative that began at the instigation of Andrea Coote and with the full cooperation of Leonie Burke and me. It will be of great benefit to everyone involved in the process. I commend Andrea for that.

The bill is just one more small step in addressing the discrimination that exists in our legislative framework. I am sure, as Mr Furletti pointed out, that there are probably a few bureaucrats over at the Department of Justice poring through the legislation to find other bits of legislation where the terms 'domestic partner' and 'spouse' can be included to address other areas of discrimination within our legislation. I am also sure that the acts that have been left out of the current net are small and probably less consequential acts and that in due course issues relating to those acts will be brought into this house and addressed. I hope they are addressed in the same sensible, logical and rational manner as this small but valuable and important bill has been addressed in the main by all of us in this place and in the other place as well. I commend the bill to the house.

Hon. E. J. POWELL (North Eastern) — I am pleased to make a brief contribution to the Statute Law Further Amendment (Relationships) Bill mainly to put on record that the National Party will oppose it, just as it opposed the original bill, which was introduced into this house in November 2000.

As has been said by a number of other honourable members the original bill attracted considerable debate in both houses of Parliament and indeed in the community. It was put on the record that members of the National Party spoke at length on that bill. So, many of us have decided not to speak at length on this bill, which makes no major changes; it just amends a number of acts.

The debate that was heard during the time the original bill was brought into the house was dealt with sensitively, openly and honestly. There was considerable debate in the house at that time and there was much division within the parties. We in the National Party unanimously supported the decision to oppose the bill, but in some parties there was some concern about the bill before the house at that time.

The original bill amended 43 acts. This bill, as has been stated, amends 14 acts. It was debated in this house on Tuesday, 5 June, and I was able to contribute to that debate. As I said earlier, my comments on this bill will be considerably brief.

The bill adopts the model definitions of 'spouse', 'domestic partner' and 'partner', which are used in the Statute Law Amendment (Relationships) Act. According to the second-reading speech, the definition of 'spouse' refers to a party to a marriage only. I was pleased to see that following huge community outcry about the word 'spouse' applying to a domestic partner, the government decided to call a married person a spouse, as should be rightly the case because there needs to be a definition of a person who is legally married and a person who is not legally married.

As the Honourable Peter Hall said very strongly in his presentation, the National Party believes the institution of marriage should be protected, preserved and supported. Unfortunately, as we know, marriages break down. The statistics we hear time and again are that 1 in 3 marriages end in divorce. Another interesting statistic is that people still like the institution of marriage because many of those people who divorce also remarry.

The National Party also believes that a loving, supporting family is the best environment in which to raise a child. The Honourable Peter Hall spoke about the National Party's commitment to the family environment and the best way to raise a child. While there is also much talk about same-sex couples, those relationships also break down. They are not immune from the pressures that married people face. They are under much more pressure than married couples. But there are no statistics on the length or duration of those relationships so we are not able to compare them. While we say that marriage is not brilliant because 1 in 3 end in divorce, we cannot compare that with same-sex couples.

As I said in my presentation on the original bill, I attended a commitment ceremony between two ladies. One of them had been married before and had two children from a heterosexual marriage. These two ladies committed themselves for the rest of their lives in a ceremony that was witnessed by a lot of family and friends in the family home of the parents. It was a very loving ceremony and the two children were there, as was the original husband of one of the partners. Same-sex couples are committing, and it is interesting to see that, while they cannot marry, they can commit to each other. We have yet to see how long those sorts of commitments continue.

During the debate on the original bill, the Statute Law Amendment (Relationships) Bill, I outlined the consultation the National Party had with its constituents in making its decision to oppose the bill. Honourable members in this house were inundated with letters, emails and phone calls that supported or did not support the bill. The majority of the letters, emails and phone calls that came into my office — almost 90 per cent of them — urged me not to support the bill. Like many of my parliamentary colleagues in the National Party, I raised the issue to find out how we should vote on this fairly sensitive bill. Overwhelmingly our community told us that it did not want us to support the bill.

Interestingly, I spoke to people who voted Labor and asked them if they understood that the Bracks government came into office having committed itself to bringing in this type of bill. Although the people I spoke to had voted for Labor they did not support the bill or the principles it contained. It was not well known that the Bracks government was committed to bringing in a bill of this type.

Marriage and family are cornerstones of our society. They are where young people gain their values and their morals and, more importantly, how they learn to relate to and value other people. In the debate in both this house and the other place it was stated that the world had moved on, society had changed and that that was the reason for supporting the bill. When we talked about those sorts of issues, the people in my electorate said they believed that changes in society are not always good. At the moment young people are confused and need stability in their lives, particularly in the impressionable years up to the ages of 5 or 6. During those years they form their opinions about what is normal, what is acceptable, what they like and what they do not like. As I said, it is confusing enough already.

In conclusion, the National Party did not support the original bill and this one is no different — it just amends different acts. The National Party does not support this bill.

Hon. ANDREA COOTE (Monash) — I have much pleasure in speaking on the Statute Law Further Amendment (Relationships) Bill. As my colleagues have said, the Liberal Party does not intend to oppose it. The passing of the Statute Law Amendment (Relationships) Bill late last year marked a milestone in antidiscrimination in Victoria and, as a community, we should feel proud of it. It is a great reflection of the maturity of our community and the long-overdue recognition of unacceptable discrimination against members of the gay, lesbian, transgender and intersex communities.

As has been mentioned several times in this debate, when the Statute Law Amendment (Relationships) Bill was passed in the spring session last year it dealt with 43 acts. The amendments to this bill were flagged at that time, and today's bill amends a further 14 acts.

One aspect of this bill deals with the broader term and definition of 'domestic partner' in particular. The explanatory memorandum states that the principal definition of 'domestic partner' means:

> … 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).

This bill refers to changing the Conservation, Forests and Lands Act, the Corrections Act, the Children and Young Persons Act, and the Water Act.

The explanatory memorandum further states that:

> The broader definition of 'domestic partner' differs from the principal definition by expressly recognising relationships where people may not necessarily live under one roof, yet are mutually committed to and supportive of each other within their shared life as a couple.

This relates to the Crimes (Mental Impairment and Unfitness to be Tried) Act, the Legal Practice Act and the Meat Industry Act.

Referring to the Property Law Act, the explanatory memorandum continues:

> Factors to be taken into account in determining whether the 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 and the degree of mutual commitment to a shared life.

It is important that these definitions are written so succinctly because language and its misinterpretation can cause and does promote discrimination and concern among various members of our community.

When the Statute Law Amendment (Relationships) Bill was debated in the last spring session, the Honourable Peter Katsambanis, the honourable member for Prahran in another place, Leonie Burke, and I decided that we would meet with the people affected. Between us we have the largest gay, lesbian, transgender and intersex groups in our electorates. It is a very large community and one that we are proud to work with closely. At that time I said that I would initiate regular meetings with the members of these peak organisations. We have had one successful meeting and another subcommittee meeting that was also successful.

As the Honourable Peter Katsambanis said, the meetings are open to dialogue, not only so that members of the gay, lesbian, transgender and intersex communities can talk to their local politicians but also to give politicians the opportunity to listen to what their issues are and for the people of those communities to hear some of the constraints and issues that politicians need to deal with so that we can help them better understand the parliamentary and legislative processes.

It has built on the relationship that the Honourable Peter Katsambanis established with the various groups when he and Richard Wynne, the honourable member for

Richmond in another place, worked closely together to get the original bill passed. I commend both honourable members for the work they did to get to that stage. It was very impressive on everyone's behalf.

As I said before, all the peak industry groups are represented within my electorate, and it is pleasing that we can work so closely together. We have had one meeting and a second subcommittee meeting. Meetings have been scheduled into next year, and we all believe it will progress and take us further forward.

One of the most surprising results from that first meeting was the issue of language. Inadvertently, together with other colleagues and members of the media, I used terminology that is very offensive and seen to be deeply discriminating against the gay, lesbian, transgender and intersex groups. This is inadvertent on my part, and I feel sorry that I have caused concern to any of those groups by not fully understanding terminology that may have been offensive. One of the words they find difficult to deal with is 'flaunting'. I had never considered this word to be offensive. I am pleased to know they feel this is not acceptable, and I will make certain that I announce that to as many people as possible so we do not inadvertently offend people we do not want to offend.

That is why I am pleased to see that 'domestic partner' has been clearly defined in the bill. It will eliminate any future concerns that there might be about 'domestic partner' and its interpretation.

The electorates of Monash Province and Prahran are fortunate to have such professional peak gay, lesbian, transgender and intersex organisations within them. I have enjoyed working with those groups and I look forward to working with them again.

In conclusion, our future work will ensure that one of the Liberal Party's basic tenets — that is, antidiscrimination — can be enhanced by the ongoing work undertaken by the three electorate representatives and hopefully bring proper debate into this chamber.

House divided on motion:

Ayes, 35

Ashman, Mr
Atkinson, Mr
Birrell, Mr
Boardman, Mr
Bowden, Mr
Brideson, Mr
Broad, Ms
Carbines, Mrs
Coote, Mrs
Cover, Mr
Craige, Mr
Darveniza, Ms
Davis, Mr D. McL.
Forwood, Mr
Furletti, Mr
Gould, Ms
Hadden, Ms
Jennings, Mr
Katsambanis, Mr (*Teller*)
Lucas, Mr
McQuilten, Mr (*Teller*)
Madden, Mr
Mikakos, Ms
Nguyen, Mr
Olexander, Mr
Rich-Phillips, Mr
Romanes, Ms
Ross, Dr
Smith, Mr K. M.
Smith, Mr R. F.
Smith, Ms
Stoney, Mr
Strong, Mr
Theophanous, Mr
Thomson, Ms

Noes, 4

Baxter, Mr (*Teller*)
Best, Mr (*Teller*)
Hall, Mr
Powell, Mrs

Pair

Luckins, Ms
Hallam, Mr

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

In so doing, I thank honourable members for their contributions to the second-reading debate.

House divided on motion:

Ayes, 35

Ashman, Mr
Atkinson, Mr
Birrell, Mr
Boardman, Mr
Bowden, Mr
Brideson, Mr
Broad, Ms
Carbines, Mrs
Coote, Mrs
Cover, Mr
Craige, Mr
Darveniza, Ms
Davis, Mr D. McL.
Forwood, Mr
Furletti, Mr
Gould, Ms
Hadden, Ms
Jennings, Mr
Katsambanis, Mr
Lucas, Mr (*Teller*)
McQuilten, Mr
Madden, Mr
Mikakos, Ms
Nguyen, Mr (*Teller*)
Olexander, Mr
Rich-Phillips, Mr
Romanes, Ms
Ross, Dr
Smith, Mr K. M.
Smith, Mr R. F.
Smith, Ms
Stoney, Mr
Strong, Mr
Theophanous, Mr
Thomson, Ms

Noes, 4

Baxter, Mr
Hall, Mr (*Teller*)
Hallam, Mr
Powell, Mrs (*Teller*)

Pair

Davis, Mr P. R.
Best, Mr

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

Sitting suspended 6.27 p.m. until 8.01 p.m.

BUILDING (AMENDMENT) BILL

Second reading

Debate resumed from 18 October; motion of Hon. J. M. MADDEN (Minister assisting the Minister for Planning)

Hon. P. A. KATSAMBANIS (Monash) — The opposition does not oppose the Building (Amendment) Bill. However, in the debate members of the opposition want to highlight a number of fairly significant issues. The first really goes to the heart of what this government is about. The Bracks Labor government can be characterised as one of lots of style and spin but very little substance. When one looks at the legislative program presented to this place and the people of Victoria, one can understand why it is very fair to suggest that the government has no substance. It certainly has lots of spin. I do not know about style — I certainly do not like its style and most people in Victoria I speak to do not like the style of the government — but there is no substance.

This is a small bill yet it is probably the most substantial piece of legislation that this place will deal with this week, which in many ways goes to show that the emperor and his team have no clothes. The public of Victoria is slowly coming to realise that there is no driving legislative agenda. There is no driving desire in this government to effect any positive change for the public of Victoria. There is a lot of wanting to stay on the Treasury benches to enjoy the spoils of government just for the sake of being there, rather than to effect much positive change. That is sad, but in time the public of Victoria will have the opportunity of passing judgment on this do-nothing government that has no vision, no purpose and no substance.

The bill does a number of things. Some of them are good and some of them are innocuous, but some of them — which I will come to in a minute — reinforce that the government was told that the supposed jewel in the crown of its new planning regime, Rescode, was a flawed instrument. This is the first of what I imagine will be many bills that will make significant changes to the Rescode process.

The first substantive change in the bill is in clause 3, which is the perfect example of what the government is about. Clause 3 changes the name of the Building Control Commission to the Building Commission. I am surprised the government did not appoint a committee before deciding to change the name. Maybe it did, but did not tell anyone about it!

Clause 3 does not change the purpose or functions of or remove from or add substantially to the powers of the commission, but it changes its name, its logo and its stationery. Honourable members in this place and the public of Victoria understand that it is more about style and spin than anything to do with substance. Maybe the name change will give the new Building Commission a more strategic place in the scheme of things in controlling building in Victoria.

In the main the Building Control Commission has done a good job over many years, and I imagine that the newly named Building Commission, which for all intents and purposes will be exactly the same as the Building Control Commission but with a new logo, a new coat of paint and a new set of clothes — a new bag of fruit — will continue to do the good work that has been done on behalf of Victorians. I tend to consider this an unnecessary change, but the government wants to put its imprimatur on things — and good luck to it. The public of Victoria will judge it for the sort of window-dressing that is being undertaken in clause 3.

Clauses 4 and 5 highlight the already emerging problems with the government's Rescode planning system. This is a little bit of 'I told you so'. Certainly when the proposal to implement Rescode was being debated the honourable member for Box Hill in the other place made it very clear, as did I and other speakers from the opposition in this place, that there was a significant risk that the changes introduced in creating Rescode would turn the building regulations and the building permit system into a de facto planning system, with its rules, regulations, difficulties and delays. There is no doubt that in many ways the changes in clauses 4 and 5 recognise that the changes made to implement Rescode imported new conditions from the planning system into the building system. With clauses 4 and 5 the government is ensuring that, given that the planning rules will now substantially become part of the building rules, there will be no need to go through two sets of regulations and two sets of regulatory impact statements and so forth to incorporate by reference the rules in the planning scheme into the building regulations.

As I said, this will probably be the first of many attempts by the government to tinker with Rescode to make it a useable and user-friendly scheme. That quest, as I outlined when the proposal to implement Rescode

was debated, will fail because the government has introduced a system that is clearly second best.

It is a system that is not as bad as the original incarnation of Rescode which was put out for discussion and debate and which was universally slammed by all involved in the planning system. The government then cobbled together Rescode 2 with the help of experts in the area. The experts tried their best, but they were hamstrung by some of the baggage the government brought to the area from the previous election campaign, and so we have ended up with the system we have today. The legislative changes set out in clauses 4 and 5 will no doubt be the first of many changes the government will introduce on the run to patch up the problems it has created, not just for itself but for every Victorian resident and stakeholder involved in the planning system under Rescode.

Clause 6 should be referred to as the Hurtle Lupton clause. The clause was introduced after a long campaign by my good friend the honourable member for Knox in the other place to ensure that regulations relating to fences around swimming pools and spas were strong enough to deal with all circumstances. Under the existing legislation people have to erect fences around their swimming pools that must be of the right size, shape and have a gate with the right locking mechanism — effectively it has to be childproof — but there is no regulation to say that the gate must be closed. Unfortunately some incidents have led to tragedies that have affected many Victorian families. The loss of a loved one, particularly a young child, in a swimming pool accident is an absolute tragedy and a disaster. One life lost in that way is one life that should not have been lost.

My heart goes out to anyone who has lost a child for any reason, but especially to those who have lost a child through the child falling into a swimming pool. That is why we all should recognise the campaign by the honourable member for Knox in the other place as being worthy and why I said that in all seriousness the clause should be referred to as the Hurtle Lupton clause, because the honourable member for Knox championed the provision after a family in his electorate was struck down by such a tragedy. He has led the campaign to have a provision in the legislation which will not only ensure we get appropriate swimming pool fences but which will deal with people who do not shut security gates on such fences. I hope, trust and know that the clause will save many innocent young lives, and it is one I wholeheartedly support.

I note that the penalties for not complying with the provisions relating to fences for swimming pools and spas have been increased from $1000 to $5000, or 50 penalty units. That is a good thing because it sends a strong message from this place to the public of Victoria that the safety of our young children around swimming pools is paramount.

Clause 7 deals with protection work on building sites and insurance for that protection work, particularly relating to neighbouring properties. In undertaking work on a building site involving the shifting of soil or earth, especially near boundaries, you are often at risk of causing damage to, movement of or some other loss to adjoining properties. The legislation currently requires that insurance be taken out so that the work is protected and adjoining property owners do not end up paying the price of accidents or incidents that happen because of building work on their neighbouring properties.

In many cases the problem of doubling up on insurance has occurred because the legislation requires the owner to take out insurance and in normal practice the builder will also take out insurance. This provision will make owners responsible for arranging insurance, which means the risk of doubling up on insurance premiums is taken away while adequate protection is still provided, because if the builder has not taken out adequate protection the owner must. The owner will be responsible for insurance cover being renewed and in place for up to 12 months after the work is completed to protect the adjoining property owners. Again that is a good thing.

Clause 8 deals with new members of statutory bodies established under the Building Act. Those bodies are the Building Appeals Board, the Building Practitioners Board and the Building Advisory Council. The statutory bodies are comprised of various individuals nominated by stakeholder organisations and appointed by the minister. Clause 8 gives the minister the power to appoint additional to the current members of each of those boards a legal practitioner and a consumer representative. As a lawyer I have to say that the legal profession is an honourable one and to appoint legal practitioners to each of the boards seems to me eminently sensible. I am sure practically everyone in this place has served on boards in an honorary capacity and appreciates that often legal issues arise when boards and committees come to consider complex issues, and having a lawyer on the board is always an advantage.

Hon. N. B. Lucas — That is your story.

Hon. P. A. KATSAMBANIS — That is my story and I am sticking to it. I will always stick up for the

legal profession because 99.9 per cent of those in the profession are honourable people who perform a valuable service to the community. You will not get too much of a dispute from me that it is a good thing to appoint a lawyer to each of these boards. However, I sound a word of caution. Each of the statutory boards, although they may have a lawyer as a board member as a result of these amendments, should not accept that the lawyer is present to provide legal advice. The lawyer is a member of the board just as any other member of the board, and will offer professional expertise, but when it comes to complex legal matters the boards understand their legal obligations. I do not need to preach to them, but I am sure they know that even with a lawyer as a member of the board, independent legal advice should be sought.

The appointment of a consumer representative is a good thing. Building planning affects everyone. I have a query: because the word 'consumer' in relation to building and planning is a wide term and there are various stakeholders, at some point people could be on one side or the other of a building dispute depending on their circumstances.

How you find one person to represent all the broader interests of the various consumers will be a King Solomon-type act, and that power is given to the minister. The opposition will be watching. I believe the minister will pay due regard to the fact that it is difficult to find a person who will be broadly representative of a body of consumers but does not have too much else in common. I imagine the minister will do the right thing and appoint to the three statutory bodies someone who is well regarded as being a strong advocate for consumers.

Clause 9 covers the situation where building practitioners registered by the Building Practitioners Board will be able to carry out work only within that category or class but not use their limited or restricted registration as a building practitioner to carry out work outside the class in which they are authorised. That is a sensible provision.

Clause 10 corrects another anomaly with the Building Practitioners Board. It is an issue that goes to statutory interpretation, but there is no problem in clarifying the intent of the legislation. When a complaint is made against someone who was registered as a building practitioner when they performed certain work but is no longer registered or their registration has been suspended by the board, there is a grey area whether the Building Practitioners Board can investigate those people. The bill makes it clear that if a building practitioner was registered at the time the conduct that is to be investigated occurred the board can conduct an investigation whether that building practitioner is still registered, whether their registration is currently suspended or whether they are unregistered. That makes sense. We are dealing with a set of events or particular conduct that happened at a time that that building practitioner was registered, and the rules as they applied when they were registered should apply and the board should have full power to investigate those circumstances.

Clause 11 allows a council's building surveyor to delegate any functions under the Building Act or the regulations to any other person employed or engaged by the council who is also registered as a building surveyor. That makes eminent sense. Councils are concerned that this may add additional cost and place a burden on them. We will be watching it from this side of the house to ensure that if that is the case councils should be compensated.

Clause 12 enables notices to be served on and enforcement action to be taken against a lessee or licensee of Crown land as if that lessee or licensee were the owner of the land. That is a sensible provision, but concern has been expressed by councils that it may impose additional burdens. With my limited knowledge of this area, I do not see that there will be a significant burden, but if it becomes a burden honourable members on this side of the house will be watching to see what the government does to ensure that local government is properly resourced to fulfil its tasks under that clause.

Clause 13 allows regulations to be made to prescribe fees payable to reporting authorities for consideration of applications for permits referred to them under the act. It inserts a new head of regulation-making power, which deals with the testing of essential services in buildings, building work and places of public entertainment. Local government is concerned that this may transfer responsibility and costs for ensuring that essential services in buildings, in building work and in places of public entertainment are maintained. There is a fear there will be a shift in emphasis from the owner-occupier of the building or the premises to local councils and a fear that this will add additional cost as well as additional burden.

We hope regulations will clarify that under the new regulation-making power and it will not impose an additional burden upon local government but that, rightly, the occupiers of the land will be the ones who meet the costs and the burdens. Concern has been expressed about adequate consultation before setting the prescribed fees to ensure that they are set at an appropriate level so that councils are not out of pocket

for performing work under the Building Act and that the system is one of cost recovery and user pays. I imagine the minister will ensure that that is the case. The opposition will be looking closely at that to ensure that adequate consultation takes place before fees are set.

Clauses 14 to 20 are transitionary, consequential, machinery provisions and do not add significantly to the main purposes the bill is intended to cover. I shall not go through them in any detail, suffice it to say that, as I said at the outset, the bill is a little bit but not a lot. In doing that little bit it highlights significant failings of the government. Firstly, it highlights its failings in the area of planning, and highlights the fact that only two months after the introduction of Rescode, amendments are being made because the government created a system that was too cumbersome. It was turning the building permit process into a de facto planning permit process.

I am not sure that the amendments will change that. The proof will be in the pudding. Anecdotally in my province it is clear that the introduction of Rescode has caused significant new issues and problems for both developers and residents. It has also caused problems for the group in our community that we sometimes forget when dealing with the planning process, the non-professional developer, the small person, the single property holder who wants to either demolish and build a new building on or effect some substantial renovations to their property. We often forget that a large number of building and planning permit applications are not lodged by professionals looking to make profits on the transaction but by ordinary Victorians simply trying to effect changes to their place of abode.

They are treated as though they are professionals with deep pockets and with an intricate knowledge of the planning and building systems, which is often not the case. Significant concern has been expressed to me from all those quarters — from the little person trying to make a few changes right through to the property developer, and from residents who are affected by developments in their neighbourhoods right across the board — that Rescode is, to quote a number of them, a mess. Some of that is teething problems; I accept that. It takes a while for people to come to grips with a new system, especially one that effects significant change to the old ways that existed before the new system. However, in this case it is also quite clear that Rescode is proving to be a real impediment to certainty in planning. Rather than adding to certainty, which is what every side of the planning debate was asking for, Rescode has simply added to the confusion and decreased certainty. That is a failing of this government.

The other failings that are highlighted by this bill are how little substance there is in this government; how weak its legislative program is; how intent it is to dress things up; and how intent it is to give statutory bodies a new coat of paint, a new logo, a new name and some new stationery and to add a couple of other cosmetic bits and pieces to their offices. The Building Control Commission will be called the Building Commission but for all intents and purposes it will do exactly the same job it was doing yesterday. Those failings will in time come to be the great legacy and the great millstone around the neck of this government — a government that does very little good and is about shifting deckchairs, creating illusions and hoodwinking the public of Victoria.

I repeat that the opposition does not oppose the Building (Amendment) Bill. In many cases opposition members think it does some great things, especially clause 6, which relates to swimming pools and spas and which protects our infant children and toddlers by strengthening the protection the legislation offers. However, in other ways this bill is unfortunately more of the same from a do-nothing government.

Hon. G. D. ROMANES (Melbourne) — I believe the Building Amendment Bill is an important bill, and I do not share the pessimism of Mr Katsambanis. The bill heralds some very important changes, not the least of which is the first purpose of the bill, which is to change the name of the Building Control Commission to the Building Commission. ‘What is in a name?’, some people may ask. Is it just a rebadging or, as Mr Katsambanis said, a shifting of the deck chairs? I contend that there is a lot in this name change and that it reflects an important shift in the culture and vision of the Building Control Commission, especially under the leadership of the new commissioner, Mr Tony Arnel.

Mr Katsambanis was the one who mentioned style. I remind Mr Katsambanis and other members in the house of the style of the previous planning minister in the Kennett government, Mr Robert Maclellan, the honourable member for Pakenham in the other place, and the former Building Control Commissioner, Mr Max Croxford. I suggest that their style was one of utter intransigence, because they refused over a number of years to respond to a whole range of problems the community kept putting forward which related to planning and building issues in this state. It was not until the election in September 1999 that Mr Maclellan put into the former government’s election policy platform some of the changes which were very similar

to the commitments made by the Labor opposition at the time and which it is implementing in government at this point in time.

The commission has long been advised by the building industry that the name 'Building Control Commission' has generally been perceived as negative, and under section 198 of the Building Act the functions of the BCC are much broader than control. The Building Control Commission currently has authority to conduct or promote research relating to regulation of the building industry. It also has the powers necessary to promote better building standards both nationally and internationally, and I draw the house's attention to the fact that the commission has recently been involved with the Victorian government in assisting the people of East Timor develop building standards for one of their towns. It also has the function of providing information and training to assist a whole range of practitioners carrying out building functions in this state.

In this spirit of considering the broader role of the Building Control Commission the building commissioner, Mr Tony Arnel, put together a major building industry summit in March of 2001 with the objective of consulting with industry about a change of direction and emphasis he wanted to put in place for the future role of the commission. I was present at that summit, which was an event where people worked hard putting together ideas, listening to key speakers and giving responses to the ideas aired. Mr Arnel stated very clearly where he wanted to position the building regulatory system in this state. I will outline for the house some of the headings under which he spoke about the new direction in which he wanted the Building Control Commission to go.

The principles that would underpin the new direction were a move from mandated scrutiny to transparent accountability; from mandated power in a niche to negotiated influence over a wide field; and from limited relationships to active partnering with a whole range of stakeholders such as the building industry, local government and consumers.

For the practitioners Mr Arnel put forward his views of practitioners moving from required registration to value branding; from poorly resourced, piecemeal and minimally accountable research and development to leadership of a major building innovation program; and from lack of confidence in practitioners in the community to full confidence in practitioner skills, viability and ethics. He wanted to see informed consumers. He wanted to see a move from the excess risks of owner building to fully informed consumer choices about owner building; a move from building surveyors acting for builders to clear building surveyor independence; and, with regard to the rules of the game, a move from a narrow regulatory compliance role in consumer disputes to leadership to reduce the level of disputes.

The approach that Mr Tony Arnel put forward at the March building industry summit was well received, and a mandate was given to the Building Control Commission by the participants to pursue a leadership role for the building industry and thereby to achieve better outcomes into the future.

The second purpose outlined in the bill is to streamline processes involved in applying, adopting or incorporating planning schemes into building regulations. Clause 4 provides that section 32 of the Interpretation of Legislation Act 1984 does not apply to the application, adoption or incorporation by the building regulations of any matter contained in a planning scheme approved under the Planning and Environment Act 1987 because public access to those documents is already provided in planning scheme processes.

For similar reasons clause 5 provides that regulatory impact statements are not required for certain amendments of the Building Act 1993. Again this is because planning provisions have already been through an extensive consultation process under the planning act.

These two clauses reflect the development of the planning and building systems within this state under the government's planning agenda as outlined very early when coming to office by the Minister for Planning in the other place, the Honourable John Thwaites, in his *State Planning Agenda — A Sensible Balance*.

The clauses in this bill take us another important step in that direction. They carry through the government's commitment in a practical way to replace the *Good Design Guide* and Viccode 1 with an integrated and comprehensive Rescode. The purpose of Rescode is to protect neighbourhood character and urban amenity, to provide certainty for the building industry and developers and to improve environmental sustainability. Rescode affects both planning and building decisions and activities. It is not a single document, which is something we have to bear in mind, but a series of tools incorporated into both the planning and building systems to provide certainty to developers and to protect the public. Through these clauses and

Rescode the government is bringing consistency to this state's building and planning systems.

In the previous autumn sittings amendments were made to the Building Act which allowed Rescode standards to be applied to single dwellings that do not require planning permits. Those Rescode standards include within the building regulations a subset of a broader range of standards applied via the planning system. Through Rescode we have a basic set of 15 new standards that apply to single dwellings that do not require planning permits. These are: maximum street setback; minimum street setback; building height; site coverage; permeability; parking; side and rear setbacks; walls on boundaries; daylight to existing windows; north facing windows; overshadowing open space; overlooking; daylight to new windows; private open space; and fence heights. Those standards are set and are applied by building surveyors in the building industry. Six additional standards apply for single dwellings requiring planning permits, while 14 standards apply under the planning provisions for multi-unit dwellings.

The building regulations also have a capacity to cross-reference to planning schemes, which would enable local variations to Rescode standards provided for under planning schemes to also be applied under the building regulations. So things can change locally, whether that is through local government applying various overlays or changes to residential zones or local policies. The legislation provides that when this change happens locally the building regulations can respond to that.

As honourable members would know, in putting together Rescode there have been extensive consultations across the state. The building regulations were widely supported as the appropriate location for such additional controls and standards in this state. Since we last spoke on this issue in the house numerous training programs have been put in place to support the planners, those who are practitioners in the building industry, in applying Rescode in the planning and building systems.

Mr Katsambanis mentioned additional burdens. There is no doubt that we are still in a transition phase, but everything is being done to support those who have the responsibility of implementing these programs.

Clause 8 in the bill provides for the widening of the classes of persons who can be appointed as members of various bodies established under the Building Act. Currently representation on the statutory bodies established under the Building Act, such as the Building Appeals Board and the Building Advisory Council, is exclusively from the building industry. This clause provides, first of all, for representation by consumers. Those consumer interests are most likely to be from domestic consumers, who constitute the largest group of consumers who are involved in the building industry. The government's view is that it is important for the building industry to better understand the range of concerns that consumers have and to emphasise the need to listen to them in order to maintain their confidence in the building industry.

The government is providing a place for a legal practitioner on each of the statutory bodies set up under the Building Act in order to more strongly emphasise the need to better protect the rights and interests of persons affected by building activity. I agree with the Honourable Peter Katsambanis that the addition of a legal practitioner to each of the statutory authorities is a good idea for the reason that I have outlined. However, the government understands that legal practitioners who take up those positions are not there to act as lawyers but as members who may be able to provide a different perspective from the other members of those boards or authorities.

A number of other measures included in this bill are designed to improve the operation of the Building Act. Clause 6 tightens the requirements in the building regulations with respect to swimming pools and spas. In question time today we heard from the Minister for Sport and Recreation about recently released figures concerning drownings in Victoria. In 2000–01 there was a decrease in drownings from 55 to 45, which is the lowest since records have been kept since early in the 20th century. The minister made the point that in that year no toddlers in the 0–5 age group had drowned in home pools and spas, but already this year one toddler has drowned in a home swimming pool. That reminds us how vigilant and careful we need to be to ensure that the right regulations and legislation are in place, as well as education programs and actions, to protect the lives of young children. The government has made a commitment to achieving maximum protection for those young children.

Clause 6 responds to the need to improve the controls for swimming pool safety barriers. The amendments will allow regulations to be made to introduce maintenance requirements for gate closers, locking devices and other safety barriers, because currently there are no obligations to maintain safety equipment in a home swimming pool or to make sure that gates are closed rather than open. Through this amendment the government will apply increased pressure, in particular through increasing the maximum penalty for offences

against the building legislation in regard to swimming pools from $1000 to $5000.

Clause 7 provides for insurance for protection work and obliges the owner to ensure that the required insurance is obtained to make sure that neighbours' protection work is in place to protect the interests of properties neighbouring building sites. Clause 9 provides for builders being registered in the proper category or class to make sure that the legislation supports the consumer protection principles in the Domestic Building Contracts Act. Clause 10 clarifies the current situation by providing for an inquiry to take place into the conduct of a building practitioner who is no longer registered.

Clause 11 inserts a new section 216B that clarifies the power of municipal building surveyors to delegate and removes any doubt about the legality of municipal building surveyors delegating responsibilities to building practitioners registered by the Building Practitioners Board. That provision is necessary because municipal building surveyors have a wide range of responsibilities and have to undertake a wide range of tasks. These herculean responsibilities could never be carried out by one person, therefore it is inevitable that they will need to delegate some of those responsibilities along the way. This clause makes clear what those legal responsibilities and powers to delegate are all about.

Clause 12 provides that the legislation can be applied to a licensee or lessee of Crown lands and gives the government the ability to enforce the requirement of a notice or order. Clause 13 provides new regulation-making powers for the setting of fees.

Mr Katsambanis raised some queries about fees payable for consideration by reporting authorities of applications for permits for consent and report, and I draw the attention of the house to the fact that the power to set these fees is designed to bring consistency into the fee structures for the building industry and for consumers. However, those fees will not be set without consultation through a regulatory impact statement process.

The bill also provides powers to test essential services — not just to inspect but to physically test essential services such as fire hose reels and other safety equipment. Clauses 14 to 20 cover transitional or consequential provisions.

The bill is another important step in refining and developing Rescode and its application, and in improving the building regulations and acts in Victoria to protect and enhance the health, safety and welfare of the citizens of this state. I commend the bill to the house.

Hon. E. J. POWELL (North Eastern) — I am happy to make a contribution to the debate on the Building (Amendment) Bill and to put on record that the National Party will not oppose the bill. The bill's main purpose 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 under that act; and to strengthen certain provisions in the act and provide increased penalties for failure to comply with provisions in the act.

One of the main parts of the bill is clause 3, which deals with the name change. I am not sure — and nobody has been able to explain it to me — why the word 'control' is being deleted. After the briefing with the office of the Minister for Planning and representatives from the Building Control Commission, I understand there are no problems with that decision. The Building Control Commission did not tell us there was a problem with it.

Clause 4 overcomes the need for duplication. It 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 requirements of section 32, which are that relevant documents be tabled in Parliament and copies held for public inspection by the relevant department, would duplicate the provisions of the Planning and Environment Act 1987, which requires that planning schemes from councils be made available at council offices and offices of the Department of Infrastructure. This duplication would result in an extra administrative burden and extra cost without much public benefit, because the public has an opportunity to view the council planning schemes and object if they are not happy with them. The National Party believes that is a commonsense approach.

Clause 5 provides that regulatory impact statements are not required for certain amendments. As I said, a planning scheme will have been on show with an opportunity for community input, assessment and comment, so there will be no need for a regulatory impact statement.

Clause 6 amends the regulation-making powers with respect to the construction, installation, maintenance

and operation of swimming pools and spas. This has caused a bit of debate in this house particularly, but also in the other place, about the importance of pool and spa safety and maintenance. I hope the provisions of this bill will better address those issues.

In 1994 the former coalition government introduced legislation requiring that all domestic swimming pools and spas be fenced. It has been said in this house that while there was a requirement for swimming pools to be fenced appropriately it seemed there was an omission in that there was no requirement for swimming pool gates to be closed. Gates could be left open. There have been some tragedies where that has been the case — toddlers have been able to access swimming pools purely by going through gates. The bill will correct an anomaly where we said that for safety reasons there must be a fence of a certain height around a pool and gate latches at a certain height but made no recommendation that pool gates needed to be closed.

Hon. W. R. Baxter — We thought it was commonsense at the time.

Hon. E. J. POWELL — It is commonsense, but I guess it was overlooked by those who drafted the bill. It looked like commonsense, and I guess people wondered why that was omitted. The bill clarifies that situation.

At the briefing with representatives from the minister's office one of the questions we asked — because we keep getting asked this by members of our community — was what constitutes a swimming pool? We were told that a swimming pool is 15 cubic metres in volume and 300 millimetres in depth. It can be much bigger, but as soon as it hits that size then there are certain regulations that must be followed by the person buying the pool or getting the pool built.

The bill will increase penalties for people who do not have their pools fenced, who do not put the latches in place or who leave the gates open. However, the biggest penalty is to the family that loses a child. You can ask them to pay a monetary penalty, but somebody who has lost a child, or whose neighbour has wandered in and drowned in their pool, can pay no further penalty than to know that due to their negligence their own child or a friend's child has drowned in their pool.

As we have heard before, fences are no substitute for parental supervision. Where there are drownings, particularly with toddlers, you often hear parents say that they only turned their backs for a moment. As a parent I know that the only deterrent to stop a child going into a pool is having your eye on them all the time. Unfortunately that is not always possible; sometimes you do take your eye off them for a moment. That supervision is always there, but the moment you stop the child is attracted to the water, and if it is possible for them to reach to the water and they cannot swim it is possible for them to die.

One of the areas referred to in the bill is pool maintenance. There has not been a lot of discussion about pool maintenance. It is not just about locks and height but about keeping pools clean. That situation is highlighted in a press cutting from the *Border Mail* of 11 October, which under the heading 'Missing toddler drowned in pool' states:

> The search for a three-year-old girl ended tragically when her body was found at the bottom of a murky pool in her family's backyard in western Sydney yesterday.
>
> …
>
> Police said the pool had been checked several times during the 25 hours that she was missing but the girl's body had been missed in the murky water.
>
> About 100 searchers including the dog squad, mounted police and the fire service joined with neighbours in a grid search of the area surrounding the home yesterday.
>
> 'The pool was fenced and had been searched but the water was murky', police said.
>
> …
>
> 'Too many children are being lost in preventable water deaths', Mr Bradley said.
>
> 'People have to remember that a fence is no substitute for continued adult supervision.'
>
> …
>
> Mr Bradley —

who is the chief executive of the Royal Life Saving Society —

> said that for every child drowned, three others were admitted to hospital every year as near drownings.

While we understand the impact of death, we also need to be aware of the impact of children nearly drowning or having some sort of long-term incapacity because of near drowning.

A man phoned me in January 2000 — I will not mention his name because I have not asked him if I can use his name; he is from the electorate that the Honourable Bill Baxter and I serve — whose three-year-old child drowned in his backyard pool. He and his family were obviously devastated. He wanted to warn other parents about the impact of the drowning and the need to supervise children at all times. He wanted to speak to the Minister for Planning. We

arranged for him to speak to Mr Thwaites, but his issue was that he had bought the pool and had not been told by the person who sold it to him that he needed a fence. He put a fence around it anyway because he had children, but the fence was not childproof.

His complaint was that sometimes parents inadvertently do not do the right thing because they are not warned by the salesperson that the pool needs to be fenced. People who construct pools should have an absolute understanding of the requirements of the legislation.

At that time, because of the drownings, an advertisement was to be run on television to warn parents of the dangers. The public relations officer of the Building Control Commission spoke to the gentleman and asked him if he would like to be included in the advertisement. He agreed and said he was happy to be of positive assistance. I am not sure if he was included in the advertisement, but he spoke to the public relations officer of the commission and the minister. He felt he was able to give some positive feedback and perhaps in some way alert parents to the fact that somebody else's child could drown in a backyard swimming pool. He hoped his warnings would stop parents from thinking they need not put a fence around their small backyard swimming pools.

Clause 7 refers to insurance for protection work. The principal act presently specifies that an owner must enter into a contract of insurance. The words to be substituted by clause 7(1) state:

> Before any protection work is commenced in respect of an adjoining property, an owner must ensure that a contract of insurance is in force, in accordance with this section …

The insurance is still the owner's responsibility but now the owner can have a builder arrange insurance cover as an agent of the owner. The prescribed penalty units are the same as in the act. Penalties prescribed in clause 7(3) are not in the original act. Clause 7(4) states:

> The owner must ensure that the contract of insurance is renewed or extended as often as may be necessary during the carrying out of the building work and for 12 months after the work is completed.

The act says the contract of insurance is to be renewed so that no responsibility is placed on the owner. The bill makes clear that the owner must ensure that the contract of insurance is renewed and extended for 12 months after the work has been completed.

No penalty is prescribed in the act, but the bill imposes 100 penalty units in the case of a natural person and 500 penalty units in the case of a body corporate if the owner does not ensure that a contract is in place.

There is a need for insurance because section 98 of the Building Act 1993 prescribes:

> An owner must compensate any adjoining owner or adjoining occupier for inconvenience, loss or damage suffered by the adjoining owner or adjoining occupier in connection with the carrying out of protection work under this Part.

It pays for the owner to ensure there is some sort of insurance cover over protection work because even 12 months after the building has been finished, cracks could occur in the adjoining neighbour's wall or house, or even in the footpath.

Clause 8 widens the class of persons who can be appointed to various statutory bodies under the act, which established four bodies. They include two statutory bodies and two advisory bodies. The two statutory bodies are the Building Practitioners Board and the Building Appeals Board. The two advisory bodies are the Building Advisory Council and the Building Regulations Advisory Committee. The bill adds representatives from the legal profession and from the community. I am not sure why those representatives need to be on the committee, the boards and the council; there may have been problems in the past and they found they needed representation. However, the National Party does not oppose those additions, which will probably strengthen those bodies.

If there is a need to broaden representation on those bodies and advisory committees, country people should be represented. So often boards and advisory bodies established in Melbourne do not include country people in their membership. If the government is looking at broadening representation on boards and committees, that is fine, but there must be some representation on all those boards from country areas so country people can lend their expertise and skill. It is also important if the government is looking at broadening the membership of boards that it should examine gender balance and ensure the appropriate representatives can bring their skills and experience on board.

The National Party supports the requirement in clause 9 that a builder must be registered in a proper category or class. The bill provides that a builder must not carry out domestic building work under a major building contract unless the builder is registered as a domestic builder in the appropriate category or class. That will stop the major contractors taking on small jobs when they are not busy. It is important that smaller builders can continue with their work. The requirement is that if a major contractor wants to take on smaller jobs, he or

she must be registered and meet all the guidelines and conditions of that category.

Clause 10 enables the Building Practitioners Board to conduct inquiries into the conduct of building practitioners whose registration has been suspended. That makes a lot of commonsense, and the National Party strongly supports that provision. It makes builders liable even if they are deregistered or if they have left the industry. If they have left the industry under a cloud, they can still be subject to an inquiry so that the person whose home they have been working on has a claim to some compensation.

Clause 11 enables a municipal building surveyor to delegate his or her function and powers under the act to a qualified person employed or engaged by the council who is registered as a building surveyor under part 11 of the act. That provision is important, particularly for rural councils who increasingly delegate their responsibilities. I refer to an article from the *Riverine Herald* of 19 October which carries a message from the mayor of the Shire of Campaspe, Cr Peter Williams. He states, in part:

> As the building regulations specify a time limit of 15 business days for consent and process, it is not possible for permits to be determined at council's monthly meetings.
>
> Council has decided to delegate various provisions of Rescode to the shire's building surveyor and team leader statutory planning.

Country councils will probably use that provision given that, as was announced, it will be impossible for the councils to ratify those sorts of conditions at their council meetings.

Clause 12 enables notices to be served on and enforcement action to be taken against a lessee or licensee of Crown land under part 8 of the act as if the lessee or licensee were an owner of that Crown land. As councils are the responsible authorities it is important and appropriate for them to have control over all land in their municipality. If an excessive burden is placed on council due to Crown land responsibility, the government needs to examine the matter and perhaps subsidise or support local councils for their extra work.

Building surveyors will be now able to enforce regulations on buildings on Crown land. Previously it has been unclear who would enforce the provisions, but the bill makes it clear that if there is something wrong with a building or an activity on Crown land, the council officers can enforce regulations on the buildings.

As the bill will have a strong impact and a number of clauses will impact greatly on local government I wrote to the nine councils in the north-east that I represent. I received a limited response, but most say they see no problems. The Shire of Campaspe said it did not have a problem with any aspects of the bill.

The honourable member for Wimmera in the other place wrote to five of his councils. Only one responded to say it had no concerns. I also wrote to the Municipal Association of Victoria and to the Victorian Local Governance Association. To date I have not received any response. But there is a difficulty in attracting appropriate skilled people to country Victoria, more particularly for remote councils.

Clause 13 regulates fees payable to reporting authorities for consideration of applications for permits referred to them under the act or regulations for consent or report. It makes sense because it means fees and charges will be uniform across all councils. It also requires or authorises the testing of essential services in building work and places of public entertainment.

The essential services are things like fire services and making sure fire escapes and fire regulations in buildings are appropriate. Other essential services could include water and making sure that the appropriate requirements are complied with.

There is confusion now about who will ultimately be responsible for compliance — the owners, the builders of the building, or the council. For example, if there are not enough fire escapes, too many people in a place of entertainment or a blocked fire escape, who will be responsible — the council, the owner of the building, or the person actually running the place of entertainment?

As has been said, clauses 14 to 20 are mainly consequential or transitional amendments. There has been a bit of talk in this house today about Rescode. In August 2001 the government implemented its residential code for Victoria, which is known widely as Rescode. The National Party is reserving its judgment on how effective Rescode is, especially in country Victoria. Country developers have said to me that it is very much a citycentric code and that it is very much to the benefit of urban areas. Architects have warned me that it will take design and innovation back decades. And how do you define neighbourhood character, which is one of the needs of Rescode?

I have raised concerns with the Minister for Planning a number of times about training for Rescode in country areas and the lack of or conflicting information about it. Initially when information forums were held on

Rescode before its adoption, I received a number of calls from councillors that there was only about a week's notice before they went to the information sessions. They got conflicting information from different people at the sessions and there was not enough information.

I received a letter from the Minister for Planning on 9 August — I guess many of us got this — announcing that Rescode would be part of planning schemes from 24 August 2001. The minister talked about assisting councils with arrangements and training for Rescode and included an information sheet on where those forums would be held. The training program shows that Rescode one-day training sessions were held mainly at Victoria University, the RMIT University, Ballarat and Bendigo, and Holmesglen TAFE. I asked whether any sessions would be held in north-east Victoria; there were none, and none are proposed. I have to say some information is on the Web, and a web site has been posted so that people can get information.

However, I thought the cost of these one-day training sessions, which is $175 to $200, was inappropriate. The price includes lunch, morning and afternoon tea, course materials and Rescode documents. I would have thought that since the government was implementing Rescode it would find it was in its best interests to run these training courses at no cost to councils. There is a bigger cost for country councils because they have travel and accommodation costs and the loss of a whole day and sometimes two days if they have to travel great distances.

There is some confusion about how Rescode, the ministerial guidelines and municipal councils' own planning schemes will work. I guess we will find that out as Rescode unfolds over the next 12 months. How will the councils be able to vary the six Rescode standards which do not meet the ministerial guidelines, but which they believe are in their own community's best interests, such as street setbacks, building height, site coverage, side and rear setbacks, private open space and front fence height? The country areas have different needs from the city. We need more space and so forth.

Prior to the last election the coalition's own planning policy indicated there would be changes. The coalition already understood that it needed to change its planning policy. It is too early to tell whether Rescode and its implications will be of benefit to the Victorian community. The National Party will be monitoring Rescode's progress to make sure that rural development and housing will not be disadvantaged by its regulations and restrictions.

Although the National Party has reservations about Rescode, the bill contains a number of provisions that it hopes will improve the Building Act. The National Party wishes the bill a speedy passage through the house.

Hon. S. M. NGUYEN (Melbourne West) — I rise to speak in support of the Building (Amendment) Bill now before the house. The Bracks government promised before the last state election that it would introduce this important bill. The government wants to deliver what it promised to the Victorian community.

The bill makes many changes. A main purpose of the bill is to amend the Building Act 1993 to change the title of the Building Control Commission to the Building Commission. The minister has undertaken work to show the difference between the new Building Commission and the old commission. Among the important provisions the bill contains are a number of administrative amendments that will improve the operation of the Building Act. These include changing the name of the commission to better reflect its role of leadership and regulation rather than control of the building industry and also extending the membership of all the statutory bodies created under the Building Act to include community representatives and representatives of the legal profession.

There are many things I would like to mention about this bill. In August 2001 the government implemented its new residential code for Victoria, known as Rescode. It is a new comprehensive residential code. Rescode is a package of tools, implemented through the planning schemes and building regulations.

It is important to see the government take up the concerns of the community. It was very controversial for many years under the previous government because owners of neighbouring properties had very little say on planning and building schemes. It happens in my electorate around Footscray, Yarraville and Williamstown. Because the values of properties are high, a number of old buildings have been pulled down and multistorey units or apartments constructed. A lot of people went to the west to buy and invest, because it is profitable to invest in building. Many properties lost their views or were overshadowed by neighbouring buildings. Many things were of concern to the community, which often had very little say on the granting of a permit relating to a next-door property.

As I said, clause 1 amends the Building Act to change the name of the Building Control Commission to the Building Commission and to streamline the processes

involved in applying, adopting or incorporating planning schemes into the building regulations.

Clause 1 also widens the classes of person who can be appointed to the bodies established under the Building Act. Allowing legally trained professional persons to represent the interests of consumers is a very important policy of fairness and the protection of the rights and interests of consumers.

Clause 2 provides for the commencement of the provisions of the bill. Clauses 3 and 14 deal with the name change of the commission, and those provisions will come into operation on 1 January 2002. Clauses 8 and 15 allow lead time for appointments to be made to the statutory bodies.

Clauses 6 and 16 deal with swimming pool safety controls and allow for a public awareness campaign and training for building surveyors and local government regarding the new provision.

Clause 3 provides for the change of the name of the commission to import the positive new roles of the commission into the changed name. The role of the commission is to conduct or promote research into matters relating to the regulating of the building industry, to promote better building standards both nationally and internationally, and to provide information and training to assist persons and bodies in carrying out functions under the act.

The bill allows the commission to develop its role from mandated scrutiny to transparent accountability, from legislated power in a narrow field to a negotiated influence over a wide field, from piecemeal research to leading major building innovation. That is one of the key things in the industry.

Clause 4 deals with the requirements of the Interpretation of Legislation Act 1984. Clause 5 inserts new section 9A to exempt the minister from the requirement to ensure that a regulatory impact statement is prepared.

The government is concerned to ensure that the development of planning and building has a lot of input from local councils. It is a good way for people to get involved with their councils. Members of the community will have more chance to speak up and raise their concerns relating to their neighbours.

The bill also provides for swimming pool safety controls. It is important to ensure that young children are safe. Many children have drowned because of the lack of safety fences around backyard pools and spas. Many young kids could easily drown if there is no safety fence around a backyard pool. There are some differences in the law. People who had pools built before 1991 are subject to different rules. As Mrs Powell mentioned, some people buy houses that have swimming pools and the new buyers are not aware of the swimming pool regulations. Sometimes they do not know that they must build a fence around the swimming pool to protect children from being drowned. Local councils have a very important role in checking which houses with pools do not comply with all the safety requirements. The government takes the matter very seriously and is increasing the fine for non-compliance from $500 to $5000. The government wants pool owners to take the matter seriously and install what needs to be put in place.

The bill also deals with the many builders who have lost their building licences but are still working. The government must ensure that people who use builders are protected because there are people who are doing building work without a licence. In my electorate office we have received a lot of complaints. Many people have used the services of building consultants who do not have licences. Sometimes they are ill advised and have not got a building permit before they build. Some of them have built and got their money. Later the consumers have had complaints from the council and the council has asked them to pull down some of the new work. They cannot find the builders because they have run away.

In many cases I have helped people to talk to council to get things legalised. They also have to do a lot of work to fix what was built illegally. In many cases the community is not aware of the rules. People trust the builders whose names they have seen in advertisements in newspapers or on business cards. Many builders are still practising without a licence. The Building Control Commission has had to keep a close eye on those people so that our community is protected. People do not want to pay a lot of money to get a headache. The bill highlights many important changes to protect Victorian consumers.

In the past few years building was a booming industry so there were a lot of good builders, but there were also a lot of bad builders. Many people went broke because they were poor managers. Some of them did not have enough insurance. They had only a low level of insurance and they built more than they were allowed to build.

Councils also play an important role in keeping an eye on what happens in their local areas. The bill allows residents to work with their councils. A copy of the

planning permit will be sent to the council and the responsible department.

In conclusion, I support the bill. It demonstrates the commitment of the Premier and the minister to the promises they made to tidy up planning issues prior to the election of the government.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank the Honourables Glenyys Romanes, Sang Nguyen, Jeanette Powell and Peter Katsambanis for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

MARINE SAFETY LEGISLATION (LAKES HUME AND MULWALA) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. C. BROAD (Minister for Ports).

ADJOURNMENT

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

That the house do now adjourn.

Pakenham bypass

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise a matter for the attention of the Minister for Energy and Resources, as the representative in this place of the Minister for Transport. This morning I had the pleasure of going to Pakenham with the federal Treasurer, the Honourable Peter Costello, the member for La Trobe, Bob Charles, and the Liberal candidate for McMillan, Jim Forbes. I was delighted to be there when the federal Treasurer announced that the commonwealth government would commit $100 million for the construction of the Pakenham bypass. It was a fantastic announcement for my electorate.

The issue of concern is that the Pakenham bypass is a road of national importance (RONI), which dictates that it receive fifty-fifty funding from the state and federal governments. The commonwealth government has committed $100 million to the project, which is estimated to cost $200 million. In August this year the *Pakenham–Berwick Gazette* asked the Premier for his views on the Pakenham bypass, and in response to the question 'When will construction on the Pakenham Bypass begin?' the Premier said:

> Construction will only begin when the federal government commits to full RONI funding.

Today the federal Treasurer, on behalf of the federal government, has committed to full RONI funding for the Pakenham bypass. According to the Premier's comments of 8 August we should expect the Bracks government to commit its 50 per cent share for this very important project.

I understand that comments by the Premier made in the other place and reported in the media indicate that the government is not committing to the project. The people of Pakenham are not getting the commitment to the project they deserve from this government. I ask the Minister for Transport, in accordance with the Premier's comments two months ago, to commit the state government to match the federal government's funding so that the project can get under way.

Water: Latrobe aquifer

Hon. P. R. HALL (Gippsland) — I raise for the attention of the Minister for Energy and Resources the answers I have received to four questions on notice that I have had on the notice paper, all regarding the Latrobe aquifer. On 18 October, the last week of the sitting, I received answers to questions on notice 2197, 2198 and 2199. Each of those answers was responsive to the question asked, and I thank the minister for them. Today I received a response to question on notice 2196, also on the topic of the Latrobe aquifer. I quote the answer the minister gave me:

> I am informed that under the Water Act 1989, management of ground water issues does not fall within my portfolio responsibility and the question should more appropriately be addressed to the Minister for Environment and Conservation.

It puzzles me why I received answers to three questions on notice on this subject last week and a no answer to

the question today. I also draw to the minister's attention a media release dated 27 September issued by her and headed 'Bracks government acts on subsidence'. Throughout the press release the minister speaks about the Latrobe aquifer and in particular a moratorium on new ground water licences.

I believe there are three possible conclusions: firstly, between 18 October and 30 October the minister has had responsibility for this issue taken away from her; secondly, the minister mistakenly answered my three previous questions and the wrong name was put on the press release of 27 September; or thirdly, the minister is now refusing to answer questions on this matter.

I do not know or care which conclusion is correct; all I want is an answer to my question on notice. I give the minister a further opportunity to answer my question on notice which was:

> What action is the government planning to address the economic impact falling water levels is having on both current and potential users of the Latrobe aquifer?

Victorian Young Farmers

Hon. M. A. BIRRELL (East Yarra) — I raise a matter with the Minister for Energy and Resources, as the representative in this house of the Minister for Agriculture. Like other members of Parliament I have received correspondence this week from the Victorian Young Farmers organisation, which is concerned about its future, given the threat to its funding base as a result of a state government decision. I am concerned about this and hope the government will reconsider its stance.

In the letter to me dated 24 October, the Victorian Young Farmers state president, Tim Dwyer, states:

> The current state government has informed the VYF that core funding will not be provided breaking a partnership in excess of 35 years.
>
> The VYF was only verbally informed of this decision last week by a senior bureaucrat … On 4 April 2001 VYF was officially advised by Minister Keith Hamilton that the Department of Natural Resources and Environment core funding, usually paid in January, would not be renewed in 2001. He further advised that VYF should make application to the Department of State and Regional Development for project funding.

I regard this as extremely concerning because Victorian Young Farmers is one of the most successful youth organisations in Australia, with a history dating back decades. I have had pleasure over the years working with the organisation both in an individual capacity and as a minister, because it provides a rare interface with an organised youth wing of country people. In these days when people have plenty of other things to do it is hard to get people to join organisations as successful as this, particularly one that has leadership training as one of its clear objectives.

I ask the government to reconsider its decision, particularly in light of fact that this is the International Year of Volunteers. It seems extraordinary that the government would seek to cut core funding of this organisation.

I ask the government in particular not to continue with the thought of only giving project funding to the organisation, as project funding will not be a sustainable basis for it to exist on in the medium term, and anyone who is put on the drip of uncertain funding from project grants will know that it is not sufficient for the long term.

Heathcote–Graytown national park

Hon. W. R. BAXTER (North Eastern) — I direct a matter for the attention of the Minister for Industrial Relations for reference to the Premier. Last Thursday the Honourable Jeanette Powell, the honourable member for Rodney in another place and I were pleased to accompany a number of people involved in the timber industry to look at box-ironbark forests in the Rushworth and Heathcote area in the North Eastern Province — under the new boundaries even more territory that comes into the North Eastern Province — and to take account of the ramifications of the recommendations of the Environment Conservation Council for additional national parks in that location.

My concern is, and this is why I am raising it with the Premier rather than the Minister for Environment and Conservation, that there appears to be government policy that Parliament is to be disregarded and in fact ignored, and recommendations of the ECC are to be put in place before Parliament has made a decision on those recommendations and even before legislation is introduced. It was drawn to our attention that the proposed Heathcote–Graytown national park is now being treated by the Department of Natural Resources and Environment as if it were already a national park. Foresters are unable to move on to the next coupe, which they would have been able to do had these recommendations not been in the public arena.

That is an insult to the Parliament if the department is acting as if the Parliament had already taken a decision when clearly it has not had an opportunity to even consider it, let alone make a decision. I ask the minister to request that the Premier issue appropriate instructions that proper process be followed.

Rail: Bentleigh crossing

Hon. J. W. G. ROSS (Higinbotham) — The matter I raise with the Minister for Energy and Resources for referral to the Minister for Transport in the other place is the poor state of repair, in particular the uneven surface, at the railway crossing in Centre Road, Bentleigh. The surface is so uneven that vehicles risk damage when they cross the railway line, and there is an associated safety issue of drivers maintaining control of their vehicles as they move through the crossing.

I ask the minister to arrange an inspection of the level crossing at the Bentleigh railway station in Centre Road and to initiate the required repairs.

Narre Warren–Cranbourne Road–Pound Road: traffic control

Hon. N. B. LUCAS (Eumemmerring) — I raise with the Minister for Energy and Resources, who represents the Minister for Transport in another place, the matter of the intersection of Greaves and Pound roads with Narre Warren–Cranbourne Road. Sadly, last week there was another death on that road as a result of a motorist, as I understand it, doing a right-hand turn onto the roadway. This is something that happens all the time in a growth area where new subdivisions are developed adjacent to major roads, with people establishing themselves in new subdivisions heading off to work in the morning and trying to get on to a main road without the availability of traffic lights.

That is the situation at the corner of Pound and Greaves roads with Narre Warren–Cranbourne Road. I am concerned about this intersection because it has been the place where a number of accidents have occurred over the years. There is good news in the area in that announcements have been made about traffic lights at another intersection further up the road, but this intersection is as deserving as the other intersection, given the continued growth in that area on both sides of that major intersection to which I have referred.

I draw the minister's attention to this matter and hope he will give serious consideration to providing funding for a realignment of the intersection and the provision of traffic lights with a view to providing the opportunity to new residents in my province of being able to access the main road with safety. Will the minister give every consideration to undertaking the works I have outlined as soon as possible?

Water: Edenhope supply

Hon. R. M. HALLAM (Western) — I raise an issue with the Minister for Sport and Recreation. On 19 September, I am sure the minister will recall, he received a deputation from the community of Edenhope that had been arranged through the Shire of West Wimmera and included Crs Waite and Gutheridge. That deputation pleaded the case for government financial assistance on behalf of Edenhope's major sporting clubs, which are determined to develop an alternative source of water for their facilities, given that Lake Wallace, which has been their source of water up until now, is no longer viable.

Lake Wallace is currently in a sad state in respect of both water levels and water quality. I am told that the minister readily agreed to receive the deputation and showed the deputation every courtesy. He was sympathetic to the predicament facing the community of Edenhope, all of which is genuinely appreciated. However, I am also told that the minister gave the deputation the commitment that he would provide an answer within two weeks. The deputation members are adamant on that commitment. It is now some six weeks later, the summer season is approaching and on my last check with the council it confirms that it has yet to hear from the minister.

I am sure he will appreciate this gentle reminder, and I feel I am able to offer a further assurance that if the financial support requested by the deputation is now confirmed by the government I reckon the minister's tardiness to this point would be forgiven.

Whitehorse: community cabinet visit

Hon. D. McL. DAVIS (East Yarra) — I direct my adjournment issue to the Minister for Industrial Relations representing the Premier, and it concerns the community cabinet visit to the City of Whitehorse on 15 June last year. As a local member of Parliament who is in regular communication with my municipalities, including the City of Whitehorse, I seek the assistance of the Premier in obtaining information from the local area research undertaken by the community cabinet prior to its visit on 15 June last year. I am interested to see that research because it affects things like home and community care funding, which is impacted on by those state and local government decisions. I understand that the research has been undertaken through focus groups in the local area. A number of people I know in the local area were involved in those focus groups and I am interested to hear the detailed research that is involved there. I have spoken to a number of local council members and know that they

have concerns and believe this information would be of assistance to the City of Whitehorse in its planning activities and in relation to the delivery of government services.

Given that $184 000 of government money has been spent on community polling local area research around the state, and perhaps as much as $18 000 per municipality has been spent on this detailed and possibly intrusive and sensitive research, I seek some assistance from the Premier in releasing the information and sticking to his pledge to involve not only local government but a broader range of community groups in the governance of this state in being open, transparent and accountable. I hope he will be prepared to release the research to the City of Whitehorse, to local members of Parliament and other community groups.

Dunolly Primary School

Hon. B. W. BISHOP (North Western) — I direct to the attention of the Minister for Sport and Recreation, representing the Minister for Police and Emergency Services in the other place, an issue relating to the enforcement of speed limits in some country areas. This urgent issue has been raised with me by the Dunolly Primary School council president, Des Melton, secretary, Judy Gloury, and the executive officer, Garry Lavars, who is well known and respected as a very good teacher in that area.

The Dunolly Primary School is a great school. It had an innovative library–activities room built about three years ago which has been very beneficial to the operations of the school. The school is on the outskirts of Dunolly on the Tarnagulla Road, which carries a fair amount of commercial traffic. Much of this traffic is large semitrailers and the occasional B-double which are most likely bound for or from the Dunolly grain storage, which is an important hub in Victoria's grain handling system.

The school council is very concerned about the speed at which these trucks travel in front of the school and have raised this issue previously. I have been advised that the local municipality has responded that a speed sign is only as good as the enforcement behind it, which is probably right as the school reports speeds well in excess of the posted 60-kilometre-per-hour limit.

I request the Minister for Police and Emergency Services to immediately confer with his colleague the Minister for Transport and to work together on signage, education, awareness and enforcement programs to ensure that a safe speed environment is sustained into the future in front of the Dunolly Primary School.

State Library of Victoria: newspapers

Hon. ANDREA COOTE (Monash) — I raise with the Minister for Industrial Relations, representing the Minister for the Arts in another place, the cost of the cleaning services used at the State Library of Victoria to eradicate the mould in the newspaper collection. I was very pleased that the government has hired a specialist cleaning service to try to eradicate the mould; however, I am very concerned about the cost of cleaning up.

On 27 June the minister advised me by letter that the cost of the cleaning up was $220 000; then at the beginning of September in answer to an adjournment matter I raised I was advised by the minister that the cost was $194 461.86. That is a difference of $25 538.14, and I am very confused about that because that $25 000 could have gone towards something else at the state library. I am very concerned about what is happening. Will the minister please clarify the cost of the cleaning service used for the newspaper collection at the state library?

Shepparton: Junior Gators

Hon. E. J. POWELL (North Eastern) — I raise an issue with the Minister for Sport and Recreation. I have just received a letter from Mrs Vera Fleming of the Greater Shepparton Basketball Association, who has written on behalf of the Junior Gators representative squad committee. Mrs Fleming has written to me seeking assistance in obtaining support for the junior squad team of basketball players, comprising players from 9 to 18 years of age. The squad comes from the greater Shepparton area with its great cultural background and represents the region in tournaments that are held right around the state. They are very proud because squad numbers have now increased to 140 enthusiastic and committed players. Mrs Fleming says that:

> Participating in sport is an important part of social wellbeing in rural communities, as well as teaching these kids about teamwork that can then be used outside of sport. It is also about keeping them active and 'off the streets'…

She goes on to say that although the Greater Shepparton Basketball Association assists with some seed funding, the players and the parents still have to pay a number of costs such as entrance fees to games and travel as well as accommodation, because they travel quite a bit.

The squad tournaments are now commencing and they will be held at the following locations, which will give

honourable members some idea of the distances from the greater Shepparton area. They travel 120 kilometres to Echuca; 440 kilometres to Bulleen; 140 kilometres to Seymour; 125 kilometres to Benalla; 200 kilometres to Wangaratta; 490 kilometres to Werribee; 245 kilometres to Bendigo; 440 kilometres to Melbourne; and 890 kilometres to Mildura.

Mrs Fleming talks about the increase in fuel prices and the necessity for the squad to travel long distances. I ask the minister to assist with a small amount of funding to allow these country teams to continue to travel around Victoria to participate in the tournaments.

Cape Schanck: boardwalk

Hon. BILL FORWOOD (Templestowe) — I raise an issue with the Minister for Energy and Resources, representing the Minister for Environment and Conservation in the other place. On 19 October I had the pleasure of visiting the Mornington Peninsula National Park at Cape Schanck.

Hon. J. M. McQuilten — There's a nice golf course down there!

Hon. BILL FORWOOD — Let me make the point that I did not go to play golf at Cape Schanck; I went to visit the national park and the lighthouse. It is a fantastic part of Victoria's coastline and many people have been there. A lot of work was done for the area by Mr Birrell in his past incarnation and by the local members. The area is a significant part not only of Victoria's parks but also its tourist activities.

I was privileged to walk around the site with the current manager, Tony Sher. I climbed up the lighthouse, which was an experience I can recommend, with the wind coming in from the ocean.

Hon. M. M. Gould — As it does.

Hon. BILL FORWOOD — As it does. I visited the museum and then walked down the boardwalk. As honourable members would know, when you get to the start of the boardwalk that leads across the ridge down to the coastline you reach a gate that says, 'Please go no further. Closed'. As you look down you can see why. In March this year — some months ago — a landslide caused some damage to the boardwalk, pushing it off its foundations.

I accept that this is a significant issue and that we need to be really concerned about safety in our national parks, but we are coming into the peak season and this significant park is visited by hundreds of thousands of people a year; yet since March it has been impossible for people to walk down the boardwalk.

The request I make through the Minister for Energy and Resources to her colleague in the other place is for some speedy action to be taken to repair the boardwalk as quickly as possible so that at least over the forthcoming summer period— we are at the end of October and almost into November — the boardwalk is able to be used by the people of Victoria.

Somerville secondary college

Hon. R. H. BOWDEN (South Eastern) — Last evening I had the pleasure of attending a large public meeting in Somerville.

The PRESIDENT — Order! To which minister are you referring this matter?

Hon. R. H. BOWDEN — Mr President, my enthusiasm carried me away. I address my matter to the Minister for Sport and Recreation, representing the Minister for Education in the other place. The large public meeting in Somerville last night, which was very well attended, was held to further pursue the issue of the Somerville secondary college site. I have raised this matter twice before, once last year and once earlier this year.

The happy occasion referred to last night was that some days ago a letter was received from the regional director indicating that the minister has decided the school site will not be sold. There was also a press release of yesterday's date confirming that the school site would not be sold. That was the result of a great deal of concern expressed by several thousands of my constituents in the Somerville area.

The committee, which has over a long period shepherded this issue successfully to the point where the minister is reported to have decided not to sell the school, is very pleased and has asked me to ask the Minister for Education if she would be prepared to provide a letter from the minister's desk and perhaps be willing to exchange signatures with the committee.

They do not have a letter from the minister and they would appreciate one. In view of the importance and value of the site and the concern expressed by several thousand constituents it would be good if the minister could provide that letter.

The other thing the committee asked me to do was to inform the government and the minister in particular that it would value a school in due course. Will a letter

and a document be produced by the minister for co-signing with the committee?

Freeza program

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Youth Affairs. Again I raise the issue of the Freeza program, which the minister is well aware was a very successful Kennett government initiative that provides drug and alcohol-free entertainment for young people across the state.

The minister should also be aware that over the past six months, at least since the handing down of the last state budget in May, there has been considerable uncertainty surrounding the program — about a shortfall in funding of approximately $1 million — and many Freeza programs around the state have been uncertain about their futures.

This afternoon in response to my question without notice the minister indicated that he had recently written to Freeza providers around the state to inform them that he was in a position to guarantee funds for the continuation of the program for the first six months, and he was very specific about that time of next year. Will the minister inform the chamber how much funding in dollar terms has been allocated to Freeza for the six months commencing 1 January 2002?

Financial counselling: funding

Hon. C. A. FURLETTI (Templestowe) — I raise an issue with the Minister for Small Business about the funding of financial counselling services. Many low-income and vulnerable consumers who are in financial crisis require access to prompt assistance and advice. People cannot always advocate for themselves and frequently their problems are complex and require one-to-one counselling. The range of problems is varied and diverse, ranging from debtor harassment to disconnection of services in some instances and even to bankruptcy.

The Community Support Fund currently funds some Victorian counselling services, but the funding is allocated only until the end of June next year. Will the minister endorse the objectives of reputable and effective financial counselling organisations and commit to procuring funds and ongoing support for the provision of independent advice and information to needy Victorians about their financial rights and obligations beyond June 2002?

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Bill Baxter raised a matter for the attention of the Premier. I will ask him to respond in the usual form.

The Honourable David Davis raised a matter for the Premier and I will ask him to respond.

The Honourable Andrea Coote raised an issue for the attention of the Minister for the Arts. I will ask the minister to respond in the usual manner.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Gordon Rich-Phillips asked that the Minister for Transport give consideration to funding for the Pakenham bypass. I will refer that matter to the minister.

In relation to the matters raised by the Honourable Peter Hall and the questions on notice to which he referred, to the extent that those questions on notice refer to the matter of subsidence and the related matter of declining ground water levels in Gippsland, I have certainly responded to those matters. This reflects the high degree of cooperation between the Minister for Environment and Conservation, who is responsible for water, and me in addressing these related issues.

However, the questions specifically about declining ground water levels are clearly matters which are the responsibility of the Minister for Environment and Conservation, not me, very specifically under the Water Act. I am sure the honourable member is aware that since he placed those questions on notice the responsible minister has acted to release a report on declining ground water levels and to establish a ground water supply protection area to pursue these matters. She has also announced a consultative committee, which will involve local irrigators, to deal with these matters. The minister responsible for water can provide more detail on the economic impacts of these matters. Certainly to the extent that they relate to subsidence and my responsibilities I have responded to those matters in my answers.

The Honourable Mark Birrell asked that the Minister for Agriculture give consideration to funding of the Victorian Young Farmers organisation. I will refer that to the minister.

The Honourable John Ross asked that the Minister for Transport inspect safety issues associated with the Bentleigh railway station crossing at Centre Road. I will refer that matter to the minister.

The Honourable Neil Lucas raised for the attention of the Minister for Transport funding for the realignment of the intersection of Narre-Warren–Cranbourne Road. I will refer that request to the minister.

The Honourable Bill Forwood asked that the Minister for Environment and Conservation undertake repairs to the boardwalk near the lighthouse at Cape Schanck. I will refer that to the minister.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Carlo Furletti raised the matter of financial and counselling services and the assistance provided by financial counselling organisations to the disadvantaged in our community and the need for continued funding of those services. It is a matter for the Minister for Community Services and I will pass it on for her direct response to the honourable member.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — In relation to the question of the Honourable Roger Hallam regarding representatives from Edenhope's major sporting clubs seeking assistance regarding bore water, I gave the group a sympathetic hearing and I believe a verbal message was relayed to the group within two weeks. Whilst I did not have the capacity to provide funding we were still ascertaining the possibility of other departments providing potential funding for bore water. That is still the case. If there is a degree of impatience I will have officers from my department contact the clubs urgently to clarify the situation and let them know the progress of that project.

I will refer the question of the Honourable Barry Bishop regarding the concerns of the Dunolly Primary School council about traffic on the road adjacent to the school to the Minister for Police and Emergency Services in the other place.

In relation to the question of the Honourable Jeanette Powell regarding the basketball squad from the Greater Shepparton Basketball Association, I will inform officers from the department that I am happy for them to make contact with the group to link it with any potential existing funding programs or at least to clarify whether such programs exist.

I will refer the question of the Honourable Ron Bowden regarding the Somerville secondary college site and associated issues of community concern to the Minister for Education in the other place.

In relation to the question of the Honourable Andrew Olexander regarding Freeza program funding, I look forward to making announcements regarding direct funding to those Freeza providers in the next few weeks.

Motion agreed to.

House adjourned 10.14 p.m.

Wednesday, 31 October 2001

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

QUESTIONS WITHOUT NOTICE

Saizeriya project

Hon. BILL FORWOOD (Templestowe) — I refer the Minister for Industrial Relations to the ongoing industrial action by the Australian Manufacturing Workers Union, which is crippling the construction of Saizeriya's $40 million Melton factory. Does the government support the company's section 166A application, which will allow it to pursue common-law action against the AMWU?

Hon. M. M. GOULD (Minister for Industrial Relations) — The government, as I have advised the house previously, supported the company, Saizeriya, in its application before the Australian Industrial Relations Commission for a section 127 order, which for those members who do not know is an order to cease and desist. The union did not adhere to that order. The government encouraged the company to go to the Federal Court and sought leave to intervene in that matter. The Federal Court then issued an injunction against the union. The company took further action before the commission and made a section 166A application, seeking a certificate to be issued allowing the company to take legal action in tort. That matter went before the Federal Court last week. The government has encouraged the company to take whatever legal action is open to it in an attempt to ensure fairness in that industrial issue.

The government is committed to the establishment, construction and ongoing production of this new company in Melton and is encouraging the company to take whatever action is available to it to ensure that its construction and ongoing investment in this state is successful. The government wants Saizeriya to establish its first stage and is hopeful that after that first stage there will be further investment by the company in Melton and in Victoria generally.

The government believes this is an important issue. It believes the company is entitled to take appropriate legal action within the Workplace Relations Act, and has encouraged the company to do so.

Industrial relations: workplace agreements

Hon. T. C. THEOPHANOUS (Jika Jika) — I refer the Minister for Industrial Relations to the recent Australian *Agreements Database and Monitor Report* published by the Australian Centre for Industrial Relations Research and Training. Do the report's findings about agreement wages outcomes have any impact on the government's policy of encouraging collective bargaining and discouraging the use of individual Australian workplace agreements?

Hon. M. M. GOULD (Minister for Industrial Relations) — As honourable members will be aware, it is the policy of the Bracks government to encourage the use of enterprise bargaining, and this is consistent with our cooperative partnership approach to industrial relations. This is in stark contrast to what the Kennett government did in its divisive promotion of secret individual Australian workplace agreements (AWAs). I am sure honourable members will also be aware that these secret individual contracts, which were introduced by the Howard government, did nothing to improve the lot of working people.

The Kennett government forced public servants in Victoria onto these AWAs and one of the first things we in the Bracks government did when we came to government two years ago was to abolish that practice. We have replaced those AWAs within the public service with a collective agreement that is based on a partnership approach. We are also committed to discouraging AWAs in the private sector, which would, of course, be assisted by a Beazley Labor government federally, as the federal opposition has publicly announced it will abolish AWAs.

The recent *Agreements Database and Monitor Report*— which is known as the ADAM report — provides information that is useful in assessing the impact of these Australian workplace agreements as part of our government's policy to abolish them. The September 2001 ADAM report contains some alarming figures about AWAs. The average annual wage increase for these secret agreements is 2.2 per cent — that is, almost half of the annual wage increase for those who are covered by certified collective agreements, because for the June 2001 quarter it shows that the average increase that applies to collective bargaining is 4.3 per cent. This difference is so great that something is obviously seriously out of kilter with those people who are on AWAs. The AWAs do not provide a proper balance between employees and employers and the interests of those people.

The Bracks government supports the policy of encouraging collective agreements and discouraging the use of AWAs. By encouraging collective agreements and bargaining along with providing a fair safety net for minimum conditions the government will

help to ensure to grow the whole of the state and share that growth fairly amongst all Victorians.

Tipstar: revenue

Hon. I. J. COVER (Geelong) — My question is to the Minister for Sport and Recreation — —

Hon. T. C. Theophanous — Did David Davis uncover your spending?

Hon. Kaye Darveniza — I bet he is not your friend! No friends in all the world!

The PRESIDENT — Order! Ms Darveniza, keep quiet!

Hon. I. J. COVER — Has any funding been distributed as yet from the less-than-predicted proceeds of Tipstar to women's sport, sports medicine or to saving Waverley Park for Australian Football League football?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the question from Mr Cover. With the release of Tipstar from the Minister for Gaming it has been announced that Tipstar has not been as successful as might have been anticipated by those who have been licensed to deliver Tipstar.

The amounts to be distributed from that are in the order of $200 000 at this point in time. I have to have those figures confirmed in detail, but that is my understanding. Those figures will be topping up moneys to women's sport and sports medicine in this state.

I highlight that whatever that final amount might be, it is a mountain of money compared to the amount the opposition, when in government, gave to grassroots sports during its seven years in office. I repeat: it is an absolute mountain of money compared to the support the former government gave to women's sport.

Hon. I. J. Cover — On a point of order, Mr President, my question was quite specific. While I welcome that the minister seems to have found some figures, the question was quite specific about whether any funding has been distributed as yet. The minister mentioned a figure and talked about something that might happen in the future. My question was specific: has any funding been distributed as yet?

Hon. J. M. MADDEN — I believe I have answered the question.

Hon. Bill Forwood — On a point of order, Mr President, the minister has plainly not answered the question and he cannot hide the fact that he did not answer it. Why doesn't he just stand up and say no?

The PRESIDENT — Order! The minister has to respond to the question. The question was specific, and the minister has clearly not answered that part of the question. If the minister chooses not to answer it he should say, 'I'm not prepared to answer it'.

Hon. J. M. MADDEN — If the opposition members want further information I am happy to give them that information now. The funding has been announced in relation to the moneys that have been derived from Tipstar, and that money will be spent. The revenue is still coming through, so it will be spent.

Small business: fair trading

Hon. G. D. ROMANES (Melbourne) — Can the Minister for Small Business inform the house how the Bracks government is creating a fairer trading environment for Victorian small business?

Hon. M. R. THOMSON (Minister for Small Business) — Honourable members will be aware that for small businesses dealing with big business there can be situations where larger businesses will use their power and capacity to take advantage of a smaller business.

Section 51AC of the Trade Practices Act prohibits unconscionable conduct in business transactions where the price of goods or services is $3 million or less. There is a broad interpretation of what 'unconscionable conduct' might constitute under this legislation, and it offers small businesses options to take legal action against larger corporations that have been taking unfair advantage of their position in the marketplace against smaller players.

Some successful cases have been prosecuted by the Australian Competition and Consumer Commission (ACCC) under this section of the Trade Practices Act. Cheap As Chips was a franchisor that terminated or suspended dissenting franchisees' franchise agreements rather than negotiate their disputes about money owed to them. Another situation involved a food court landlord who attempted to destroy the business of a tenant by authorising other stallholders to sell food of the same kind as that reserved for the tenant at a lower price than the lease agreement required. These were successful cases that the ACCC took under section 51AC of the act.

For some time now we have been calling on the federal government to enact legislation to allow us to draw down section 51AC of the act into our fair trading

legislation. Finally, just before the federal Parliament rose from its last sittings, the federal government took into the Parliament legislation that would enable us to draw down section 51AC into our fair trading legislation. It has taken a long time for the federal government to get around to doing that, but it has been done.

Today I announce that the Bracks government will be bringing into this Parliament legislation to include those aspects of section 51AC within the fair trading legislation to assist small business in Victoria.

I alert the house to two additional advantages in having this legislation in our Fair Trading Act: it will protect small businesses that wish to take claims of unconscionable conduct against an unincorporated trader under section 51AC of the Trade Practices Act — currently they cannot do this — and it will give access to the Victorian Civil and Administrative Tribunal, which will allow the use of a cheaper mechanism than the Federal Court and also greater access to mediation.

This government is committed to looking after small business. We are committed to listening and delivering for small business. It is unfortunate that the federal government would rather take care of big business.

Honourable members interjecting.

The PRESIDENT — Order! The minister is entitled to be heard. I ask honourable members to keep quiet and allow her to finish her answer.

Hon. M. R. THOMSON — The federal government has announced that it will be allowing greater access for those large businesses to acquisitions and mergers, which will put smaller businesses at a disadvantage. At least there is one government that is prepared to look after small business, and that is the Bracks Labor government.

Environment: greenhouse strategy

Hon. R. M. HALLAM (Western) — Given the rhetoric of the Minister for Energy and Resources about the need to reduce Victoria's greenhouse gas emission levels, and noting that she has been the minister directly responsible for that issue for more than two years, I ask her to explain to the house why she has not set any form of target or benchmark in respect of emission levels to demonstrate the effectiveness of her administration.

Honourable members interjecting.

The PRESIDENT — Order! I ask the Honourable Kaye Darveniza and the Honourable Bob Smith to keep quiet and allow the minister to answer. Keep out of it!

Hon. C. C. BROAD (Minister for Energy and Resources) — Unlike the opposition, which is focused on long lunches and long dinners, the government is getting on with the job of addressing its responsibilities in relation to mitigating greenhouse gas emissions.

The Victorian government has made it clear that it supports working within the framework provided by the Kyoto protocol. I am pleased to indicate to the house again that this is supported by the federal Labor Party, but unfortunately not by the current federal government: on the one hand it seems to indicate through the Minister for the Environment and Heritage that targets under that protocol can be met without great difficulty or cost to industry, and on the other hand the Deputy Prime Minister and the Minister for Industry, Science and Resources seem to indicate that this is an impossible target to meet. This is not the view of the Victorian government, which has clearly supported the adoption of the framework provided by the Kyoto protocol, and that is the framework that this government is pursuing in terms of meeting its responsibilities.

We have proceeded through the establishment of the Sustainable Energy Authority — a proud achievement of the Bracks government — to pursue investment in renewable generation and energy efficiency savings. We are also proceeding to apply this approach to the government's own operations. We believe it is important for the government to show leadership, and the government has set targets for reducing its own energy use and for the adoption of green power in relation to its own energy use.

The government is proceeding to meet its responsibilities, and it advocates very strongly that the Australian government also exercise some leadership in this area, which has not been forthcoming to date.

Boating: licences

Hon. R. F. SMITH (Chelsea) — In light of the approaching summer boating season, will the Minister for Ports advise the house of progress made by the Bracks government in delivering on a safer environment for recreational boat operators on Victorian waterways?

Hon. C. C. BROAD (Minister for Ports) — I thank the honourable member for his question and for his ongoing interest in the matter of boating safety. As honourable members would appreciate, the introduction

of boat operator licensing by the Bracks government is the single biggest boost to boating safety ever seen in Victoria. Importantly the introduction of licensing is consistent with the Bracks government's vision of improving the safety of Victoria's waterways through better competency of operators and related safety measures.

Significant progress has already been made in preparing the boating community for the introduction of boat operator licensing. Licence testing for personal watercraft operators and operators under 21 years of age will be available at all Vicroads offices from 3 December and is on track for 1 February, when these users will need to be licensed. All other operators of power boats will need to be licensed by 1 February 2003.

I am pleased to advise the house that in the coming weeks, for the first time, all of Victoria's 140 000 registered boat owners will be mailed a copy of the 'Victorian recreational boating safety handbook', which contains everything that power boat operators and personal watercraft users will need to know in order to obtain a boat licence and to use our waterways safely. The handbook focuses on safety principles and practices consistent with national principles adopted by the National Marine Safety Committee.

Every year the Victoria Police and waterway volunteers respond to more than 700 incidents involving boats and every year an unacceptable number of lives are lost among the boating community.

These responsible initiatives that have been introduced by the Bracks government, including this handbook, are designed to address such unfortunate incidents. The introduction of boat operator licensing and the launch of the 'Victorian recreational boating safety handbook' are clear examples of the progress that the Bracks government has made already in improving community safety on our waterways in the interests of all Victorians. As licensing proceeds we will see even greater increases in community safety resulting from this important initiative of the Bracks government.

Minister for Sport and Recreation: conduct

Hon. B. C. BOARDMAN (Chelsea) — I refer the Minister for Sport and Recreation to his endorsement of Labor candidate for Dunkley, Mark Conroy, in the candidate's promotional CD-ROM. Will the minister explain to the house why he used his taxpayer-funded ministerial office for purely party-political purposes?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — It is an interesting question. The honourable member would appreciate that in that video I am endorsing the candidate. As he is a Labor candidate I am happy to endorse him. During my lunchtime break I was happy to make sure that I took the time to endorse the candidate. It is interesting to contrast what we do in our lunchtime with what the opposition does with its lunchtime — —

Honourable members interjecting.

The PRESIDENT — Order! I am trying to help the minister by getting his colleagues to stop yapping over him. I ask Mr Theophanous and Mr Smith, who are behind the minister, to let the minister respond.

Hon. J. M. MADDEN — Thank you, Mr President. As I mentioned, I was happy to record that message during my lunchtime break. It is interesting to contrast what we do in the lunchtime breaks as opposed to opposition members, who are very keen to spend up taxpayer dollars.

Hon. B. C. Boardman — On a point of order, Mr President, I have the said CD-ROM on my notebook computer in front of me. Clearly there is a photograph of the minister within his ministerial office and I think the question of timing is completely irrelevant in this instance. I repeat the question once again for the minister's edification — —

The PRESIDENT — Order! No. I heard the question and the minister responded to the question. Whether it was in the way the honourable member wanted is a matter for the minister.

Consumer affairs: second-hand vehicles

Hon. E. C. CARBINES (Geelong) — Will the Minister for Consumer Affairs outline any recent developments undertaken by Consumer and Business Affairs Victoria to protect consumers purchasing second-hand vehicles?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the honourable member for her question. As I have indicated in this house before, earlier this year Consumer and Business Affairs Victoria conducted a blitz on motor trading. The campaign was — —

Honourable members interjecting.

The PRESIDENT — Order! If honourable members want me to stop question time I am happy to do that. This is a time for a question to be asked and for the minister to respond, and not for a conversation

between both sides in the meantime. I want to hear the minister.

Hon. M. R. THOMSON — A campaign was conducted to enable the public to dob in rogue traders. This was targeted towards both licensed and unlicensed traders. Infringement notices were issued against those motor car traders who had breached the Motor Car Traders Act.

Also in relation to unlicensed traders, a program has been run by Consumer and Business Affairs Victoria, together with the Victorian Automobile Chamber of Commerce (VACC) and local councils, to uncover unlicensed traders and to take action against them. Yesterday Consumer and Business Affairs Victoria prosecuted Laksiri De Silva of Glen Waverley for trading while unlicensed and for odometer tampering. Mr De Silva tried to sell some 20 cars over a 15-month period without a motor car traders licence.

A government member interjected.

Hon. M. R. THOMSON — That's right. He was also found guilty and convicted of winding back the odometer of a car he sold to a 20-year-old. The court considered this to be a serious offence and convicted Mr De Silva and fined him $8000. He also ordered that Mr De Silva pay restitution of $2800 to the young person to whom he had sold that car.

There is also concern about unlicensed motor car traders selling stolen vehicles. The VACC recently held a seminar to bring together those agencies that are responsible for ensuring that motor car traders are selling vehicles appropriately and that stolen vehicles are not hitting the market through motor car traders as a result of an increase in motor car vehicles stolen in Victoria. Consumer and Business Affairs Victoria joined with other agencies to attend this seminar. One of the key conclusions from the seminar was that unlicensed motor car traders trading through auction houses makes it far easier to dispose of stolen vehicles. We are concerned about that and Consumer and Business Affairs Victoria will be appointing an additional inspector to work at detecting unlicensed trading. The inspector will regularly visit auction houses to try to reduce the opportunities for thieves to dispose of stolen vehicles in that way.

Electricity: contestability

Hon. PHILIP DAVIS (Gippsland) — On 10 October the Minister for Energy and Resources committed to ensure that commencement of full retail competition proceeds in January. However, the industry advises that insufficient preparations have been made. Is it still the minister's intention to ensure that the January time line is met?

Hon. C. C. BROAD (Minister for Energy and Resources) — I reiterate my previous answer on this matter. This government, the Bracks government, has done everything necessary to ensure full retail contestability can commence from January of next year, and so has the management company for the national electricity market. It is the case that some of the incumbent businesses have some issues to do with business-to-business transactions. Those are clearly the responsibility of those businesses. It is the responsibility of those businesses to be ready. They have had an extra year to get ready, and until contestability starts new competitors cannot enter the market to compete with incumbents. That is just one of the reasons this government is determined that full retail contestability will commence from the beginning of next year, and the industry is well aware of that.

The Office of the Regulator-General is also doing everything necessary to ensure that consumers are properly advised of what they can expect from the changes that will take place. This government has also acted to put in place consumer protections that were completely lacking under the previous Kennett government. We now have in place the Essential Services Commission to further enhance the protections for consumers in order to ensure that contestability can proceed in January of next year. That is the government's expectation, and business is well aware that that is the government's expectation.

Youth: leadership camp

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Youth Affairs inform the house of innovative Bracks government initiatives that promote teamwork and leadership skills, and build links between young people and the police?

Hon. J. M. MADDEN (Minister for Youth Affairs) — Last week I attended a very successful youth leadership camp in Halls Gap with 60 young people from the Victoria Police youth corps. The camp was part of the Bracks government's youth development program and the South Australian Active 8 program, which is that state's equivalent of Victoria's youth development program. Students from Maroondah and Goroke secondary colleges in Victoria and from Adelaide High School attended the camp. The camp was organised by Victoria Police and was a chance to encourage youth leadership and promote youth development.

About 6000 students from 178 government secondary schools are involved in the youth development program. The camp was representative of the tremendous work Victoria Police does in promoting the youth development program. I congratulate not only the police generally for their involvement but particularly Senior Constable Steve Gambetta, who was involved in a leadership role in promoting relationships with the people in the South Australian equivalent program.

We have seen an enormous development in the program. It not only promotes and develops young people but also reflects the leadership capacity of Victoria Police among our Victorian young people.

I also thank the Minister for Police and Emergency Services in the other place, Victoria's Chief Commissioner of Police and South Australia's assistant police commissioner, who attended the camp on that day. Their presence demonstrated the government's commitment to young people and to members of Victoria Police in the work they do to recognise the attributes of young people. It was a successful event and represented the government's long-term commitment to young people through the Victorian youth development program and the positive engagement of young people across the community.

PAPERS

Laid on table by Clerk:

Adult, Community and Further Education Board — Report, 2000–01.

Albury Wodonga Development Corporation — Report, 2000–01.

Alpine Resorts Coordinating Council — Minister for Environment and Conservation's report of 30 October 2001 of receipt of the 2000–01 report.

Architects Registration Board — Report, 2000–01.

Australian Grand Prix Corporation — Report, 2000–01.

Barwon Region Water Authority — Report, 2000–01.

Board of Studies — Report, 2000–01.

Building Control Commission — Report, 2000–01.

Central Gippsland Region Water Authority — Report, 2000–01.

Central Highlands Region Water Authority — Report, 2000–01.

Cinemedia Corporation — Report, 2000–01.

Coliban Region Water Authority — Report, 2000–01 (two papers).

Docklands Authority — Report, 2000–01.

East Gippsland Catchment Management Authority — Report, 2000–01.

Education, Employment and Training Department — Report, 2000–01.

Emerald Tourist Railway Board — Report, 2000–01.

First Mildura Irrigation Trust — Report, 2000–01.

Fisheries Co-Management Council — Report, 2000–01.

Gambling Research Panel — Report, 2000–01.

Gippsland and Southern Rural Water Authority — Report, 2000–01.

Glenelg Region Water Authority — Report, 2000–01.

Goulburn–Murray Rural Water Authority — Report, 2000–01.

Goulburn Valley Region Water Authority — Report, 2000–01.

Grampians Region Water Authority — Report, 2000–01.

Greyhound Racing Control Board — Report, 2000–01.

Harness Racing Board — Report, 2000–01.

Hastings Port (Holding) Corporation — Report, 2000–01.

Heritage Council Victoria — Report, 2000–01.

Human Services Department — Report, 2000–01.

Infrastructure Department — Report, 2000–01.

Justice Department — Report, 2000–01.

Lower Murray Region Water Authority — Report, 2000–01.

Marine Board of Victoria — Report, 2000–01.

Melbourne 2006 Commonwealth Games Pty Ltd — Report, 2000–01.

Melbourne and Olympic Park Trusts — Report, 2000–01.

Melbourne City Link Authority — Report, 2000–01.

Melbourne Convention and Exhibition Trust — Report, 2000–01.

Melbourne Cricket Ground Trust — Report, 2000–01.

Melbourne Port Corporation — Report, 2000–01.

Melbourne Water Corporation — Report, 2000–01.

Museum Board of Victoria — Report, 2000–01.

Natural Resources and Environment Department — Report, 2000–01.

North Central Catchment Management Authority — Report, 2000–01.

North East Catchment Management Authority — Report, 2000–01.

North East Region Water Authority — Report, 2000–01.

Office of Public Employment — Report, 2000–01.

Overseas Projects Corporation of Victoria Ltd — Report, 2000–01.

Plumbing Industry Commission — Report, 2000–01.

Portland Coast Region Water Authority — Report, 2000–01.

Premier and Cabinet Department — Report, 2000–01.

Public Advocate's Office — Report, 2000–01.

Public Record Office — Report, 2000–01.

Public Transport Corporation — Report, 2000–01.

Regulator-General's Office — Report, 2000–01.

Residential Tenancies Bond Authority — Report, 2000–01.

Roads Corporation — Report, 2000–01.

Royal Botanic Gardens Board — Report, 2000–01.

Rural Finance Corporation — Report, 2000–01.

South Gippsland Region Water Authority — Report, 2000–01.

South West Water Authority — Report, 2000–01.

Spencer Street Station Authority — Report, 2000–01.

State and Regional Development Department — Report, 2000–01.

State Sports Centres Trust — Report, 2000–01.

State Trustees Limited — Report, 2000–01 (including financial statements of the Common Funds) (two papers)

Sunraysia Rural Water Authority — Report, 2000–01.

Tourism Victoria — Report, 2000–01.

Treasury and Finance Department — Report, 2000–01.

Treasury Corporation — Report, 2000–01.

Urban and Regional Land Corporation — Report, 2000–01.

VicFleet Pty Ltd — Minister for Finance's report of receipt of the 2000–01 report.

Victorian Catchment Management Council — Report, 2000–01.

Victorian Channels Authority — Report, 2000–01 (two papers).

Victorian Curriculum and Assessment Authority — Report, 2000–01.

Victorian Energy Networks Corporation — Report, 2000–01.

Victorian Institute of Sport — Report, 2000–01 (two papers).

Victorian Learning and Employment Skills Commission — Report, 2000–01.

Victorian Medical Consortium Pty Ltd — Report, 2000–01.

Victorian Rail Track Corporation — Report, 2000–01.

Victorian Relief Committee — Report, 2000–01.

V/Line Passenger Corporation — Report, 2000–01.

West Gippsland Catchment Management Authority — Report, 2000–01.

Western Region Water Authority — Report, 2000–01.

Westernport Region Water Authority — Report, 2000–01.

Wimmera Catchment Management Authority — Report, 2000–01.

Wimmera-Mallee Rural Water Authority — Report, 2000–01.

Wonthaggi and District Hospital — Report, 2000–01.

Yarram and District Health Service — Report, 2000–01.

Young Farmers' Finance Council — Report, 2000–2001.

EASTERN SUBURBS: INFRASTRUCTURE

Hon. W. I. SMITH (Silvan) — I move:

That this house condemns the government for its failure to provide essential infrastructure and services to the people in the eastern metropolitan area and calls on the government to stop ignoring the people of this region.

The Bracks government has turned its back on the eastern suburbs of Melbourne, and particularly on the outer eastern suburbs. Honourable members who will contribute to debate on the motion will concentrate on the Labor government's failure to provide essential services and infrastructure in different suburbs of the eastern metropolitan region.

During my contribution I shall concentrate on the issues that affect my electorate in the outer east and on suburbs that have been completely ignored by the Labor government — suburbs such as Heathmont, Warrandyte, Bayswater, Ringwood, Croydon, Mooroolbark, Boronia, Kilsyth and Knox as well as towns in the Dandenong Ranges such as Olinda, Belgrave, Sassafras and Upwey.

The Bracks government may have made election promises in 1999, but it did not expect to have to keep

them because it did not expect to win government. It made policy commitments that it never expected to put in place, and it has not done so, particularly in the outer east of Melbourne.

Promises were made before the 1999 election on essential services and infrastructure delivery, but that is what they were — only promises! They were words and rhetoric; the promises were never kept for the outer eastern suburbs. There was no real commitment to service delivery in the outer east.

The government talks about being committed to health, education, reducing crime and basic infrastructure projects. It talks about a social conscience and about helping those who cannot help themselves, but in reality it has used only words and rhetoric. The government does not have a social conscience, and it has turned its back on the residents of the eastern metropolitan region, particularly those in the outer east.

A good government provides services and infrastructure for service provision. It provides them for the community's wellbeing. Those services are equitable and available to all. Generally they are services that people cannot provide for themselves. Those services include the areas of public health, public education and safety from crime within the community. Certainly it is a government's responsibility to provide a good economic environment for the growth of business and jobs, but it is just as important for a government to provide the basic services for a community — particularly for those who need assistance.

In analysing the subject of the motion this morning, particularly in regard to the outer eastern region, I examined Labor's policies in 1999 and their implementation, or lack of it, in the outer east. It is critically important that all citizens feel safe in their homes and their communities. The outer east of Melbourne has seen two years of broken promises from the Bracks government in regard to crime safety and police. In 1999 the Labor Party went to the Victorian community with a promise: no more excuses on crime. Labor said it would introduce its community protection action plan because Victorians needed new solutions for today's problems. Labor said there were to be no more excuses on crime. Crime prevention and crime safety were going to be the hallmarks of a Bracks government.

What did the Bracks government provide for the outer eastern suburbs? Two years of broken promises with regard to police and crime prevention. Labor said it would provide new police stations or replacement stations, including a 24-hour facility at Belgrave. It was still negotiating to build that station on 25 October this year. Labor promised to encourage force command to staff the Mount Evelyn police station 16 hours a day. There is a feasibility study out two years later; there is no further change on that to date. Labor promised to encourage police command to staff the Olinda police station 12 hours a day. There has been no action on that.

The Olinda police station desperately needs to be staffed 12 hours a day. There is a serious problem in Olinda which the residents have known about for a long time. It is not uncommon on Friday and Saturday nights for youths to go through that area causing violence and causing patrons coming from restaurants in the area to feel threatened. The owners of those businesses up there feel threatened. The police have been told about it, but there has been no action because it is a difficult area to get to. People in Olinda have actually stopped reporting crimes. Labor said it would enforce the operation of the Olinda police station 16 hours a day, and still the people of Olinda are not covered.

Labor said it was committed to the establishment of a specialised crime prevention unit within each police district, which would be a key crime prevention priority for the incoming Labor government. It has not happened, and it certainly has not happened in the outer eastern region. Labor also said it was committed to the trialling of a new Streetwatch program to complement and enhance the existing Neighbourhood Watch program. It said Victorian police would develop Streetwatch programs for those areas where there was a recognised problem, and that Streetwatch would involve members of the local community walking in pairs in times and areas specified by local police. It has not happened through the Dandenong Ranges or in Ringwood. It has not happened anywhere in the outer east or the eastern metropolitan area.

Labor said in its election policy that it was committed to the development and implementation of an integrated community-based antiviolence strategy which would focus on domestic violence, violence among and against young people, as well as alcohol-related violence. It has not happened. It is not unusual for people to come to my electorate office and complain about domestic violence, yet nobody is able to do anything about it. There is no facility or action in the outer east for the community.

Labor said on shopping centre safety that it would set up police booths or shopfronts at key targeted shopping centres to improve police visibility. It has not happened at Ringwood and Knox shopping centres. They are the

two main regional shopping areas in the eastern metropolitan area, and there are no police booths or shopfronts there, yet there is a high incidence of robbery at both those centres.

Labor talked in its crime prevention policy about early intervention for young people at risk. It said it would support the development of programs to provide practical guidance in parenting and improving family relationships to address some of the ingredients within families that may contribute to offending behaviour among young people, and said that may include a program of home visits. This has not happened, and it certainly has not happened in the outer east.

Two weeks ago I had a mother and daughter come into my electorate office with a conflict over two grandchildren aged four and six. They were being violently treated by the mother; they were being emotionally and physically abused. There was nothing the police could do about it unless the violence was reported. Conflict continues. The Labor government says it is committed, but nothing has happened.

Labor said it would develop and implement measures to raise community safety for all Victorians. What did it do in its first budget? It reduced spending on crime prevention and the community support program by $19.9 million. A Bracks government pledged itself to implementing a comprehensive anticrime policy. It said Labor would develop innovative anticrime strategies to tackle the heroin crisis and implement new measures to crack down on white-collar crime. That did not happen. The anticrime strategy was to introduce safe injecting houses! Labor has not delivered on reducing crime in the outer east.

The Bracks government promised to solve the overcrowding situation in prisons. The reality is that it has failed dismally. In many instances convicted and sentenced prisoners have been held at police stations for more than 30 days. A classic example is the Ringwood police station. I was alerted to this problem recently when a young wife and mother came to see me at my electorate office because her husband had been kept in a cell at the Ringwood police station for more than 30 days. She was having difficulty visiting her husband and did not like taking her children to visit him in the police station.

The result of this Labor policy is that police officers are taken off the street to guard prisoners at police stations. There is less ability to assist the community generally, and as I said, the problem is not uncommon. People in the outer east are asking whether Ringwood police station is being used as a de facto prison for that area because it is often holding convicted prisoners for more than 30 days.

This government uses expressions such as policy commitment to proper resourcing of police and emergency services, increasing the safety and security of all Victorians and building new police stations in the outer east or extending operating hours at stations such as Olinda, but it has not delivered these services in the outer east. They are words — mere rhetoric. Labor has failed to extend the police station operating hours in the outer east, failed to build the new stations and failed to establish the integrated strategies for police and the community.

Access to good health care is a fundamental right in our Australian society. Whether rich, poor, young or old, all individuals expect equitable health care and services for themselves and their families. This has not been delivered to the residents of the outer eastern region. Since the election of the Bracks government they have experienced an increase in waiting lists at public hospitals, the number of ambulance bypasses ballooning, patients waiting longer on trolleys, and no commitment to a teaching hospital at Knox.

Federal opposition leader Kim Beazley is promising to cut waiting lists. So did state Labor before it was elected. Labor promised in its 1999 state election health policy new solutions that Victorians needed for today's problems. Restoring confidence in public hospitals was one of the main planks in its platform. It said it would introduce a better ambulance system. Labor's health policy was the provision of access and quality. The result has been very different.

The *Hospital Services Report* that has just been released contains a comparison of figures on elective surgery and ambulance bypass at Maroondah and Angliss hospitals. The elective surgery waiting list has increased over the past two years. The number of occasions on bypass has also increased in the past two years since the Bracks government was elected. The Angliss Hospital has experienced a 200 per cent increase, and at Maroondah the number of ambulance bypasses increased from 25 to 76 occasions.

In regard to patients staying in emergency departments for more than 12 hours, there has been an outrageous increase, particularly at the Maroondah Hospital. The report released for the June quarter includes information about patients about to be admitted to Maroondah Hospital who had to wait on trolleys in corridors until a hospital bed could be found. Under a Kennett government in June 1999 there were 16 cases; under the Bracks government in June this year there

were 316 cases. So we have seen a rise in the number of people waiting on trolleys at Maroondah Hospital from 16 to 316 cases.

If we look at ambulance bypasses of the Maroondah Hospital, the figures released for the June quarter show that under a Kennett government in June 1999 there were 25 ambulance bypasses; under the Bracks government the number was 76 — the number has increased three times under a Bracks government.

I refer to the waiting lists for elective surgery in semi-urgent cases. Honourable members know that many patients are having their surgery cancelled, but the number of those who were actually on the waiting lists in June last year was 176; under a Bracks government in June this year there were 267. There has been a 50 per cent increase in the number of people on waiting lists. This is the party that said it cared about people and that it was going to reduce the number of people on waiting lists — that had a platform of equity and access for all Victorians.

At the Maroondah Hospital again, the number of patients on waiting lists for longer than the ideal time was: Kennett government, June 1999, none; Bracks government, June this year, 59.

The outer east used to have a mobile immunisation service — a bus from which immunisation injections were provided to people. Earlier this year the Bracks government scrapped that service; the bus from which those injections were provided for families was completely scrapped. The Labor government's commitment to essential services in the outer east has been poor. The service from that bus that was scrapped was acknowledged as being very effective in the enhanced measles control campaign in 1998 and in response to the outbreak of measles in young adults in 1999. What Labor wants to do now is collect data and deliver promotion — it is going to become a travelling road show, but there is no immunisation for people.

The Labor government has not only scrapped the immunisation bus but it has scrapped any commitment whatsoever to building a Knox hospital. There is no commitment at all from this government to establishing a tertiary teaching hospital in the outer eastern region of Melbourne. Surely it is important to maintain the best possible health services to a region? But what we have seen in the outer east instead is an increase in ambulance bypass, an increase in waiting lists, an increase in the number of people on trolleys, and a lack of commitment to health services in Knox and the surrounding areas. From Warrandyte, all through the Dandenong Ranges and through to Knox, people would use a new tertiary hospital. Because the Bracks government does not support building the Knox hospital the residents are condemned to continue to travel long distances. Surely this Labor government wants its people to have essential services, to have more choice, and to have more specialists in the area? That is what a tertiary hospital would have done — it would have given a 24-hour emergency service and it would have brought more specialised care into the area which the outer east does not have.

This is the government that talks about having a heart, having a social conscience, and looking after the people. Let's compare it to the Kennett government in 1998 and what it was going to do for the community in the outer east.

Hon. T. C. Theophanous — You didn't even talk about it!

Hon. W. I. SMITH — Oh, yes, we did, Mr Theophanous. We were committed to building a tertiary hospital at Knox. I quote from an article in the *Herald Sun* of Monday, 28 September 1998, which states:

> The Victorian government's plans for a new hospital serving the communities of the eastern suburbs is on track for an opening in 2001, says health minister Rob Knowles.

The advertising had gone up. The article states further:

> … Mr Knowles said it would provide quality, accessible, locally based and responsive health care services to the community.

There was a great community expectation for the service. The hospital was to be built on the corner of Mountain Highway and Boronia Road in Knox. The site had been chosen, the advertising was in progress and the tender process had started. What that hospital would have provided to those residents in the outer east was a 24-hour emergency service, critical and intensive care, heart and respiratory services, specialist neurosurgery, cancer treatment — oncology — and outpatient facilities and a teaching, training and research centre. It would have attracted our young people in the outer east. It would have given them a facility to train and work at, instead of having to travel out of the region and the area. It also would have provided an excellent facility for the community. As I said, the people of the outer east are condemned to travel long distances when they or their families are sick and need emergency care.

The proposal to build the Knox hospital is yet another infrastructure project that would have provided an essential service for the outer east that has been

scrapped by the Bracks government. Two years of a Bracks government has seen the quality of the Victorian health system drastically reduced. The June quarterly report on hospital services indicates how the Victorian health system is performing. It proves unequivocally that two years of a Labor government has been disastrous for the Victorian health system.

As I indicated, what we have seen in the two hospitals in my area is patients left waiting on trolleys for longer than 12 hours in our emergency services. The figures have ballooned, as seen at the Maroondah Hospital. The number of ambulances forced to bypass emergency departments because they are full has blown out. I have given the examples of the Maroondah and Angliss hospitals. The number of patients on the waiting lists for semi-urgent elective surgery such as hip replacements has increased. Many patients have not been treated in clinically ideal time frames. Again I gave the example of Maroondah Hospital. More patients are having their surgery cancelled.

On every key indicator there has been a grave deterioration in the health system since the Labor government has come to power in Victoria. Our emergency departments are struggling to cope and as a result are being constantly bypassed by the ambulance service. The government's own report went on to say that the areas affected worst are those in the south-eastern corridor: Monash, Box Hill, out to Dandenong, William Angliss and the Maroondah hospitals. We have a health system which on every key indicator, particularly for the outer east, is performing worse than it did when the Labor Party came to government.

Labor came into government committed also, it said, to providing a fair and equitable education system for our community. The outer east has seen nothing but broken promises in the government's education commitment. When it came to office the Labor government said on education, 'We are going to build school communities; we are going to invest in schools and teachers'. The reality is that there has been a variety of broken promises in education services in the outer east under the Bracks Labor government. An election promise of the Bracks government was to cut class sizes for grades prep, 1 and 2 to 21 or less through annual savings of $40 million in cuts to government waste and advertising, it said. It was no. 2 of Bracks's six commitments to Victoria.

Later it was revealed that the costing was done on average class sizes of 21 across the state in those year levels. A typical-sized primary school has to date received new funding for only a quarter to half a new teacher position. That means pressure has been placed on principals to move teachers from those upper primary grades of 3, 4, 5 and 6 to the lower grades of prep, 1 and 2. That pressure has been applied purely to support the political promise of having lower class sizes in the early years. That has impacted on schools in the outer east. The result has been that in 2001 Andersons Creek Primary School had a prep to grade 2 average class size of 20.8 students but, due to the government's policy push, an average of 27 students in years 3 to 6. Similarly, in 2001 Croydon Hills Primary School had an average class size of 23.2 students from prep to grade 2, but it ballooned out to 28.4 in years 3 to 6. Manchester Primary School had average class sizes of 22.8 for prep to grade 2, but in years 3 to 6 the average class size was 27.3.

Of particular interest is the review of the school bus service, which was an ALP election policy. The government did review it, but timing became an issue in my electorate. It is crucial for school students living in urban fringe areas such as those in Silvan Province — areas of Monbulk, Silvan and out through Lilydale — that there are good school bus services.

Many schools made detailed submissions to this review, including a group in Lilydale, which formed a committee especially to prepare its submission. It is a big issue out that way. The common comment is that it is very difficult for kids to get to schools because of the lack of school buses in the area. But, even though it was an election promise, the review did not commence until May 2000. The chairman of the committee, the Honourable Theo Theophanous, issued a press release in May 2000 in which he states:

> Initial recommendations are expected to be available at the end of this school year for implementation in the 2001 school year.

It has not happened. We know the review was finally released this year because Mr Theophanous was waving it around the Parliament. It was reviewed in October 2001. The major changes are unlikely to be implemented until the 2003 school year, two years later than promised. This will impact adversely on the urban fringes such as the Lilydale, Monbulk and Silvan areas.

At the beginning of the school year the Minister for Education issued a press release saying that all priority 1 moves will be in place at the start of the school year. That did not happen. Many schools started the year using corridors, libraries and other non-class facilities as classrooms. Bimbadeen Heights Primary School, a school in my area, had to hold classes outside classrooms because it did not have the facilities.

School sport is an issue with schools in my area. School sport is compulsory and schools want it to remain so. The minister said on the Steve Price program on 3AW in mid 2000 that compulsory school sport was to be expanded, but to date nothing has been done to expand or enhance compulsory school sport. In fact, the opposite is the case. The minister recently announced a review of school curriculums and many groups believe school sports will be removed as a compulsory element of the curriculum in Victorian schools.

One of the criticisms that is ongoing from principals of schools concerns the fact that they cannot attract young teachers to their schools. In fact, one of the principals in my area said that the mean age of teachers was 40 years and that it was becoming increasingly difficult to get young men and women to teach at schools.

Hon. T. C. Theophanous interjected.

Hon. J. M. Madden interjected.

The ACTING PRESIDENT (Hon. E. G. Stoney) — Order! I ask the minister to desist and for Mr Theophanous to take his seat.

Hon. W. I. SMITH — As I was saying, one of the main areas of concern of principals in my area is that they are unable to attract young people to teaching. They no longer find that they can readily employ young men and women as role models, particularly in primary schools. The Labor government promised it would provide 250 scholarships each year for university graduates to undertake the diploma of education. By October this year only 60 scholarships had been offered and accepted. The government offered no new scholarships under this proposed program for the 2000 school year. As I said, it is increasingly difficult to attract young people to teach in primary schools. It is of grave concern and a criticism by school principals.

Schools in the eastern suburbs are being forced to shed experienced teachers due to the Bracks government's new funding formula. They are affected by this particular policy. Not enough people are able to take up diplomas of education and principals cannot get younger people and a younger age profile into their staffs.

When it came to office Labor said school communities would not be penalised for raising funds for local projects. We know that most school communities work very hard to raise funds. In my community it is not uncommon for parents to work hard to set up an information technology room and to buy hardware and other computer aids. It is very common for the school community to work together for a period to buy computers to fit out computer rooms.

In the past six months one of my schools had to fundraise to buy a canopy for a playground area to provide shade and protect students. School communities take seriously their role in providing a range of facilities for students, but Labor has ruthlessly used the one classroom per 25 student program to strip self-funded classrooms from school communities. Schools have used fundraising to purchase classrooms for specialist programs. In one example a school raised $400 000 for a new technology classroom that was subsequently stripped from that school under the one classroom per 25 student allocation program.

It is a great worry for schools in the outer east who have parents spending many hours of volunteer time raising funds to create good facilities. Labor has gone against its own policy and it is unable to ensure that schools will not be penalised for this program.

I have looked at the provision of essential services and infrastructure in health, education and crime prevention and found there is a deficiency in the provision of these services in the outer east. Surely one of the most important and essential services a government can offer a community is assisting those in our society who are most at risk, those whose needs are unmet and those who are homeless and have no way out. Labor talks about social policy — —

Hon. T. C. Theophanous interjected.

The ACTING PRESIDENT (Hon. E. G. Stoney) — Order! Mr Theophanous, I note that you are listed to speak next. I suggest that you keep your rebuttal until then.

Hon. W. I. SMITH — Labor talks about a social policy and assisting people in need, but in reality it does little for people in the outer east who face that predicament. The Wesley Community Contact Centre has prepared some research into unmet needs of people experiencing homelessness in the eastern metropolitan region of Melbourne. The figures include people in the outer east in particular. There are three centres in the outer east that provide for people who need resources or assistance because of homelessness. The Wesley Community Contact Centre is one of those centres. It has 350 to 400 people a month coming to it for assistance seeking resources, assistance and housing. The report concluded that 46 per cent of people in the eastern metropolitan region were in private rental immediately prior to becoming homeless. This indicates that approximately half of those receiving

homeless support were initially able to secure and maintain private rental for a specific period prior to homelessness. The report found there was no crisis accommodation facility in the region for the family type of single persons with children. The report found that the majority of people attempting to access housing and support and not having their needs met were primarily seeking accommodation.

The results of the report are very worrying. They show that demand for support services has increased over the past several years with more than 2000 more support periods being provided with minimal increase in allocated funds to agencies. The really worrying trend in the outer east is that the family type most likely to access support services has shifted from singles to families. It was put to me by the writer of the report that the people in the homeless crisis are going into crisis purely for financial reasons. It is not about social problems or family breakdown. These people are becoming homeless purely for economic and financial reasons. There is no other significant matter. The report also shows an increase in the number of children looking for crisis accommodation. Private rental is identified as the main area of concern. The report is critical that there is no coordinated regional system to record unmet demand, and it raises the questions: how do we know how many people are out there needing assistance and how can we assist them? There is no regional coordination of support facilities in the outer east or in eastern metropolitan Melbourne.

It was put to me that one way of assisting these people was to provide sustainable affordable housing but that was impacted enormously by stamp duty. Stamp duty is a barrier for some people in trying to buy affordable housing. John Harvey was commissioned by the government to examine taxes and its impact on businesses. The report clearly identifies that stamp duty is having an impact on rental property and results in an increase in rent that individuals pay for accommodation. This results in a reduction of rental stock for those most in need and increases rental rates. We know that stamp duty is very high in this state and that it is having an impact on basic housing in the outer east. We know there is a housing prices boom, which the government cannot control, but it has collected an obscene amount of stamp duty. It has had a stamp duty windfall. Surely if stamp duty were abolished Labor would be interested in a policy to assist those who cannot find affordable housing.

I turn to the impact of stamp duty on median-priced housing in the outer east. For example, in Bayswater for a median house price of $166 000, stamp duty is $5620; in Boronia for a median house price of $160 000, stamp duty is $5260; in Croydon for a median house price of $185 000, stamp duty is $6760; in Kilsyth for a median house price of $175 000, stamp duty is $6160; in Montrose for a median house price of $225 000, stamp duty is $9160; in Mooroolbark for a median house price of $183 000, stamp duty is $6640; in Mount Evelyn for a median house price of $167 000, stamp duty is $5680; in Ringwood for a median house price of $212 000, stamp duty is $8380; and in Upwey for a median house price of $155 000, stamp duty is $4960.

I put it to the house that if stamp duty were abolished housing would be more affordable for people in that price range simply because it would be cheaper. People would invest in property if stamp duty were abolished and therefore there would be more affordable rental properties available for low-income families. Sustainable affordable housing is impacted by stamp duty.

Where is Labor's social conscience, where is its policy towards the people who need assistance and where is its policy towards those in the outer east? Labor has turned its back on the outer east, particularly in regard to homelessness and with regard to families and children who are seeking new accommodation purely for financial rather than social reasons.

I know in this debate Labor will use in its defence the Eastern Freeway infrastructure that it has offered to the Eastern metropolitan region, but the facts are that the time frame has blown out on that project — it is now a four-year project. Some of the issues involved in the planning of the project are still unresolved. The community is still unaware of where some of the off and on ramps will be located, even though the government has been talking about this project for two years.

What about the Scoresby freeway and the provision of basic road infrastructure to the outer east? The Bracks government again has not provided it. The Prime Minister has given a funding commitment. Even the federal Labor opposition has given a commitment. It has said it will put forward $500 million, but in the *Age* on 29 October 2001 Dr Paul Mees, president of the Public Transport Users Association, labelled Labor's funding announcement as tokenistic. More importantly, where is the Bracks government's commitment? We have heard Paul Mees, a former adviser to the Minister for Transport, say that federal Labor government's commitment is tokenistic, as I suggest is the state government's interest in the Scoresby freeway. There is no real budget funding.

The true commitment of the Bracks government is $2.1 million. Its members can talk as much as they like about being committed, but no funding has been provided for connecting roads for the Scoresby freeway. What about the Dingley bypass? Last year $500 000 was provided in the budget, and $500 000 is being provided next year in the budget. There has been no funding for the feeder or collector roads into the Scoresby freeway and no buying up of land for those road feeders. How can one take the Bracks government seriously about being committed to a Scoresby freeway when it has provided only $2.1 million in the budget?

The Scoresby corridor is home to a million residents. More than 40 per cent of Melbourne's manufacturing and production activities are located in this area; almost one third of Melbourne's jobs are in this area. This basic infrastructure that is needed for businesses to create jobs and for people is not there. Road safety would be improved for the community in the outer east and accidents would be reduced by the provision of the Scoresby freeway. There would be a saving of travelling time and easier access for people going to the airport and to Frankston. These are basic necessities of any community, but even this basic and essential provision of road infrastructure is not being committed as yet for the outer east.

There are many other areas besides health, education, crime prevention and road infrastructure where Labor has failed to provide essential services in a whole range of areas to the outer east. For example, time and again we hear the Honourable Andrew Olexander asking the minister about Freeza funding, but all we get is smoke and mirrors. There is no commitment in budget terms for that program — it is all smoke and mirrors. The state government has failed the residents of the outer east by not providing good public services and the basic infrastructure that is important for the delivery of good services.

I conclude by saying that the Bracks government is only electorally and sectorally interested in providing essential services and infrastructure to the community, and that does not include the outer east or the eastern metropolitan region because the seats there are predominantly held by Liberals. I condemn the state government for its hypocrisy about having social policies, about being committed to people who need assistance, about providing essential services to people who need them in the areas of health, education and road infrastructure. I condemn the government for not providing essential infrastructure and services to the people in the eastern metropolitan area, and in particular the outer eastern area. I call on the government to stop ignoring people in this region.

Hon. G. W. JENNINGS (Melbourne) — In my contribution to the debate on the motion I shall outline a large number of undertakings that the Bracks government has made to the people of Victoria who live in the eastern metropolitan area of Melbourne. I will do so at great length. There will be a policy tour of the commitments and undertakings the Bracks government has given to the people of the eastern metropolitan region.

At the outset of my contribution I will be gracious to the Honourable Wendy Smith, who moved this motion condemning the government and outlined in her contribution a number of concerns she has on behalf of her constituents. On behalf of the government I acknowledge the legitimacy of many of those concerns. The Parliament should be alert and extremely responsive to the social, economic, environmental and quality-of-life needs all of citizens, including those who in this case live in the eastern metropolitan region. I applaud the Honourable Wendy Smith for outlining a number of her concerns.

If I were to be less gracious I would be interested to check *Hansard* over the period of the Kennett government to see whether members of the now opposition were then as vocal and strident in the expression of their concern on behalf of their constituents about the run-down of infrastructure and service delivery that was provided to all Victorian citizens, including those in the eastern metropolitan region. I will be very interested to check at a future time what level of concern was put on the public record — whether it was put so clearly and so passionately in the manner put this morning by the Honourable Wendy Smith in support of her motion. I doubt I will find many lengthy contributions within *Hansard* by members of the then government identifying their concerns about the running down of infrastructure and service delivery that their constituents and in fact all the citizens of Victoria faced during the period of the Kennett regime.

To put into context the program and policy tour of the eastern metropolitan region that I will be taking the house on, I will refer to the most recent state budget to demonstrate the framework of the budget policies that the Bracks government set for the state and delivered to the people of Victoria. I will then quickly move on to address at great length the undertakings the government has made and delivered to the people of the eastern metropolitan region.

I commence by briefly outlining to the house the framework of the most recent Victorian budget — the 2001–02 budget — which appears in a supporting document entitled *Growing the Whole State*, which was

delivered to the Parliament by the Treasurer in May of this year. That document outlines on page 3 the priorities of the government in this budget, and they include the following issues:

> investing heavily in social and economic infrastructure, to be funded in part through the allocation of the Growing Victoria infrastructure reserve;
>
> building a creative and innovative economy, with a substantial investment in schools, TAFE institutes and research institutions and the establishment of the Victorian Endowment for Science, Knowledge and Innovation …;
>
> improving environmental sustainability with a series of initiatives focusing primarily on the sustainable use of Victoria's water resources;
>
> enhancing Victoria's business environment, including the implementation of the government's tax package — *Better Business Taxes: Lower, Fewer, Simpler*; and
>
> new programs to strengthen the Victorian community through multiyear strategies in the key areas of health, education and community building.

Hon. W. I. Smith — And specifically in the eastern metropolitan region?

Hon. G. W. JENNINGS — In response to the interjection from the Honourable Wendy Smith about the eastern suburbs specifically, I will be dealing with that at great length shortly.

On page 5 of the budget overview the Treasurer outlines for the Parliament and the people of Victoria the budget priorities in the programs that appear to support those objectives. Those priorities include:

> a $108 million ongoing commitment to increasing hospitals' capacity to cope with rising demand, in particular for emergency services plus support for alternative care options;
>
> a four-year $150 million program to address the causes of growth in hospital admissions through a range of preventive initiatives;
>
> $7 million over three years towards community building projects;
>
> $25 million targeted towards enhancing a wide range of community support services available to people and their carers;
>
> $14 million ongoing in new initiatives to improve services provision for older Victorians;
>
> since the 2000–01 budget, education has received an additional $371 million to 2004–05 for initiatives directed at improving participation and achievement in education outcomes;
>
> $386 million investment in education and training facilities across the whole of Victoria to provide modern and enhanced learning environments;
>
> $34 million to make Victorian communities safer through a visible police presence and to upgrade local and regional police stations;
>
> $166 million to increase the permanent capacity of the prison system; and
>
> $246 million over four years towards transport initiatives to provide more accessible and efficient transport services.

Those are significant investments that were made by the Bracks government in this budget. The reason that that vast range of priority programs and that level of investment had to be put in by the Bracks government over the breadth of issues that confront the Victorian community was to redress the downturn in the quality of infrastructure and service provision that occurred during the Kennett regime.

Honourable members interjecting.

Hon. G. W. JENNINGS — I want to put on the public record in this debate — I do not have the selective amnesia that members of the opposition have in relation to this issue — the run-down of the quality of service provision to the Victorian people during the era of the Kennett regime. I will outline to the house the breadth of undertakings that were delivered in this budget to all Victorian citizens and the level of investment that was required to redress that run-down.

Pages 24 and 25 of this overview list specifically for members of the Victorian community who live in the eastern and south-eastern suburbs the projects that received priority attention during the course of this financial year in that region. Listed on those two pages are, at a guess, 60 or 70 projects. I will not read them into *Hansard* because my intention is to move through — policy area by policy area and department by department — the initiatives that have been funded by the Bracks government and delivered on within this financial year.

I will respond at great length to the challenges that have been laid down by the opposition about specific initiatives that have been undertaken in the eastern metropolitan region. The first policy area I address is the often vexed question of transport in the eastern corridor.

Hon. K. M. Smith — The Scoresby freeway!

Hon. G. W. JENNINGS — Yes, the Scoresby corridor. On many occasions in this place during general business I have discussed the Scoresby freeway. In fact, that has been the topic of debate on any number of occasions within this place over the past year, and on every occasion in my contribution on behalf of the Bracks government I have outlined its

commitment to ensuring the delivery of the Scoresby freeway and to ensuring that it is delivered within an integrated Scoresby corridor transport plan — one that is not solely focused on the provision of a freeway but one that sees the important role the freeway will play in the context of an integrated transport strategy.

That has been the clear divide between the government and the opposition in Victoria, because the government has maintained a commitment to an integrated transport plan for the Scoresby corridor and it has forced the federal government to come to the table and fund the Scoresby freeway development on a fifty–fifty basis — something it was most reluctant to do for the best part of this year.

The Victorian government identified that it was prepared to put on the record over $500 million and it waited a very long time before the federal government responded to that fifty-fifty proposition. The federal government has been silent — it has gone down a long black tunnel in relation to its commitment to an integrated transport strategy plan for the corridor.

I would like to put into context for the Parliament a number of key public transport initiatives that have been undertaken by the Bracks government to improve service delivery to the citizens of eastern metropolitan Melbourne. Those initiatives include spending $10 million to improve the Smart Bus service along Blackburn and Springvale roads with more frequent services, establishing clearways to improve travel times and electronic real-time information signs at major stops that accurately display when the next bus will arrive. Additional bus services have been put into the Rowville, Glen Waverley and Ringwood areas as part of a $14 million extension to the bus network throughout Melbourne's outer suburbs.

The introduction of flyer train services along the Ringwood, Frankston and Dandenong lines have considerably reduced travel times from these areas to metropolitan Melbourne. Additional train services have also been put on the Belgrave and Lilydale lines.

We have seen significant improvements in the park-and-ride facilities, with the provision of additional car parking at railway stations along the corridor to make catching trains more convenient. Connecting transport services are occurring at Belgrave, Blackburn, Boronia, Box Hill, Lilydale, Nunawading and Ringwood stations where $500 million has been spent with a further $2.8 million committed towards 2003.

Honourable members interjecting.

Hon. G. W. JENNINGS — Despite the clear intent of the opposition to prevent me from putting this on the public record I can assure honourable members that I can put it all on the public record and I will take as long as is required to do so. This is your time and I am using it! I alert the opposition — —

Hon. N. B. Lucas interjected.

The DEPUTY PRESIDENT — Order! Mr Lucas, you will have your opportunity later!

Hon. G. W. JENNINGS — I will not be prevented from clearly outlining to the Parliament and the people of Victoria the entirety of the undertakings. I have hundreds of commitments that the Bracks government has made to the people of the eastern metropolitan area and they are all being delivered in the context — —

Honourable members interjecting.

Hon. G. W. JENNINGS — The Bracks government has committed funds to an integrated transport planning regime, and that is something the opposition absolutely detests, so it hangs its cynical and contemptuous hat on the $2 million investment for the integrated transport plan. That plan is a clear undertaking of this government to ensure that there is the appropriate integration of all the transport needs in the eastern corridor.

My colleague, the Minister for Transport in the other place, is absolutely committed to pursue the tram line to Knox within this service.

Hon. B. N. Atkinson — Where is the tram line to Knox?

Hon. G. W. JENNINGS — As the honourable member would understand there have been extensions of the Mont Albert tram line to Box Hill, which is a $22 million investment, and we have seen the extension of route 109 as part of that extension. It is a major improvement to the service provision. Indeed, the people of Victoria have had the luxury of travelling on state-of-the-art-trams — a new investment in tram infrastructure.

Hon. B. N. Atkinson — A private company!

Hon. G. W. JENNINGS — Exactly, Yarra Trams, and supported entirely by the government. It is a foretaste of things to come. The government is actively pursuing the interest in the extension of the light rail system to Knox — an acute priority of this opposition — the extension of the light rail connection from Huntingdale to Rowville, the transit ways and bus

lanes along Springvale and Stud roads, and provision within the median strips of the Scoresby freeway of space for future rail services.

I have outlined a number of issues that are part of the integrated transport plan — matters that opposition members have clearly no commitment to and no interest in. They are bending over backwards to not have these things placed on the public record here this morning. They are not the slightest bit interested in integrated transport planning and have demonstrated time and again no interest. Unlike the federal Beazley opposition, which has matched the Howard government's undertaking to a fifty–fifty funding of the Scoresby freeway. The Beazley opposition has been prepared to make a commitment that it will fund many of the projects that I have outlined in cooperation with the Victorian government should it be elected on 10 November.

Hon. B. N. Atkinson — Promises, promises! People want to see the colour of your money. Where's the money for the Scoresby freeway? Sign a cheque!

Hon. G. W. JENNINGS — I will take up the interjection. Have any cheques been signed in relation to this matter?

The DEPUTY PRESIDENT — Order! Honourable members will direct their remarks through the Chair!

Hon. B. N. Atkinson — Yes. The federal government has put money in this year's budget.

Hon. G. W. JENNINGS — Where is it?

Hon. B. N. Atkinson — It is there now.

Hon. G. W. JENNINGS — It has been paid has it?

Hon. B. N. Atkinson — It was put on the bulldozer six months ago.

Hon. G. W. JENNINGS — The opposition is clearly unhappy about and does not want to place on the public record that the federal opposition, led by the Honourable Kim Beazley, has made undertakings to the Victorian community and those who live in eastern metropolitan Melbourne that it will fund, along with the state government, an integrated transport plan for the corridor.

In a press release dated Sunday, 28 October the Honourable Peter Batchelor, the Minister for Transport, announced that the Bracks government:

> … welcomed the commitment of a future Beazley Labor government to fund improved public transport in the Scoresby corridor, saying it would allow major public transport initiatives worth more than $140 million to proceed.

It went on to say:

> … the $55 million public transport commitment was in addition to federal Labor's pledge to meet 50 per cent of the cost of the Scoresby freeway

That would include many of the projects I have already outlined to the house. This is a significant undertaking and the state government clearly has a commitment to these projects. Just as it has extracted from the federal government a commitment to fund the Scoresby freeway on a fifty-fifty basis, it will seek a similar commitment from whichever government is elected after 10 November. However, we have a clear undertaking to pursue an integrated transport plan for the Scoresby corridor.

In response to the allegations that were made in the house earlier today about the commitment of the government to fund road projects in the eastern metropolitan area, I outline a significant number of black-spot investments that have been made within the eastern metropolitan area of Melbourne to a total in the past two years of $21.4 million. Eighty-one projects have been undertaken in that region and they include the following: the intersection improvements on the Burwood Highway from Lysterfield Road and Selman Avenue to Forest Road in Ferntree Gully; the installation of traffic signals at the intersection of Dublin Road and Alexandra Road in East Ringwood; the construction of a roundabout on Belgrave–Gembrook Road at the Grantulla Road and School Road intersection; and the construction of a roundabout on the Monbulk–Seville Road at the Beenak Road intersection.

These projects are in addition to a number of other major road infrastructure programs that are currently being funded within this financial year and include: the Princess Freeway East-Hallam bypass, the construction of which commenced in July 1999 and will be completed in December 2003 at a cost of $175 million; the Eastern Freeway, Springvale Rd to Ringwood bypass, the construction of which commenced in March 2000 and is to be completed by July 2005 at a cost of $326 million; the High Street duplication from Doncaster Road to Manningham Road, the construction of which will be completed by June 2002 at a cost of $4.5 million; the High Street Road duplication from Mimosa Street to Cathies Lane, which will be completed by June 2003 at a cost of $13.3 million; the duplication of Kelletts Road from Stud Road to Taylors Lane, which is to be completed by December this year

at a cost of $4.2 million; the duplication of Narre Warren North Road from Magid Drive to Ernst Wanke Road, the construction of which is to be completed by June 2002 at a cost of $7 million; the Reynolds Road duplication from Andersons Creek Road to Springvale Road, the construction of which is to be completed by June 2002 at a cost of $5.1 million; and the Swansea Road Stage 3 duplication from the Lilydale–Monbulk Road to York Road, construction to be completed by December 2002 at a cost of $14 million.

The breadth of those projects, the time for their completion and the financial commitment I have outlined to the house do not indicate that the Bracks government is ignoring the region. There can be no measure to indicate that the Bracks government is ignoring, in any sense of the word, the infrastructure and transport requirements of people in the eastern metropolitan region. It is impossible to suggest, as the opposition is trying to, that there is not an undertaking by the Bracks government to make significant investment in infrastructure in the eastern metropolitan region.

I move to the important field of education, one of the major priorities of the Bracks government and one that was taken to the people of Victoria at the last election. Education spending has been a major feature of its first two budgets, including the major undertakings outlined to the house earlier in the budget overview. There are significant financial and policy investments in the field of education. Increases in funding have been available to schools within a range of suburbs in the eastern metropolitan area since the election of the Bracks government. These are increases in the financial resources put into schools in these suburbs since the government was elected, including increases to the school global budget, the new initiative funding totals in 2000–01, and funding for facilities that are required in those schools.

I refer to the total level of investment, which is new money that has been put into schools in the following suburbs since the election of the Bracks government. The schools within the Bayswater area have received an increase of $6.037 million; in Bennettswood, $6.653 million; in Box Hill, $9.336 million; in Burwood, $3.327 million; in Doncaster, $6.684 million; in Evelyn, $12.558 million; in Forest Hill, $7.673 million; in Glen Waverley, $6.453 million; in Knox, $7.565 million — —

Honourable members interjecting.

Hon. G. W. JENNINGS — That is not what the motion says. Read your motion and understand it!

The DEPUTY PRESIDENT — Order! Mr Jennings, through the Chair.

Hon. G. W. JENNINGS — In Knox there has been an increase of $7.565 million; in Monbulk, $10.702 million; in Mooroolbark, $8.201 million; in Wantirna, $7.941 million; and in Warrandyte, $6.830 million. Those additional funds have been put into schools in those suburbs by the Bracks government. It is hardly evidence that the Bracks government has ignored schools in the eastern metropolitan region. In fact, they are significant undertakings made by the Bracks government and delivered to the school communities within the eastern suburbs.

Apart from those significant increases in the amount of money that has gone to schools in those suburbs, there have been a number of other significant undertakings of which I will list just a few. The Donvale Student Development Centre was established last year. The centre caters for primary school aged children who present with disturbing behaviours. It is administered by the Donvale Primary School and supports schools and children in the region. The establishment cost of this facility was $220 000 per year.

A number of local learning and employment networks have been created within the local government areas of Whitehorse, Manningham, Monash, Yarra Ranges, Maroondah and Knox. The disability support fund has been provided to the Box Hill Institute of TAFE. That fund was a pre-existing fund and has received additional resources of $200 000 in each of the two past financial years.

Again, the breadth of commitment made and delivered by the Bracks government to the people of the eastern suburbs in the education sector to redress the downturn in the quality of public education in that region has been profound. There has been a significant level of investment and a clear demonstration that the Bracks government treats seriously the rights and responsibilities of the people in the eastern metropolitan community.

In health, the Honourable Wendy Smith put on the public record today her concerns about waiting lists and the quality of care received by her constituents. I reiterate that these are legitimate concerns for a member of this house to put on the public record. I want to respond on behalf of the government to those concerns — and I will not be ungracious and refer to the hypocrisy associated with the issues being raised in the house today. I will not use that phrase, but it was unfortunately something that did not appear regularly in

the *Hansard* during the Kennett regime. As part of this government I am happy for those legitimate concerns to be put on the public record and for the government to respond to them.

I refer to the budget overview entitled 'Delivering today, building for tomorrow', which was presented by the Treasurer in this year's budget. Page 19 has an overview of the level of commitment in this budget for restoring the quality of health care within Victoria. It states:

> The 2001–02 budget builds upon the work of the last 18 months and continues to enhance the system by targeting new strategies to keep Victorians healthy. The rebuilding of Victoria's human services system will be boosted by $849 million over four years in new initiatives and $514 million in infrastructure investment in the 2001–02 budget.
>
> Demand for health and community services provided by the Department of Human Services continues to grow strongly. Responding to this growing demand is an ongoing challenge for the government. To address the continuing demand, the 2001–02 budget puts in place a new $582 million hospital demand strategy …
>
> The strategy is expected to increase admitted patients from emergency departments by 14 000 per year and a further 11 800 elective surgery admissions.

Hon. A. P. Olexander — Talk is cheap; where are the results?

Hon. G. W. JENNINGS — The inheritance and legacy left to this government in terms of health care was a complete abomination, riddled with fudging of figures, ignoring of responsibilities, and there is no reliable comparison between the data that was available on the election of the Bracks government and what is in place today.

Hon. A. P. Olexander — Not reliable?

Hon. G. W. JENNINGS — Not reliable! But I reiterate to the house an unswerving commitment of the Bracks government to deliver on the undertakings that it made. It will deliver through the strategic financial resources that have been placed in the budget, the strategies that the Minister for Health is adopting, the significant reforms that we have seen to the way our health care system is administered and the significant investment that has seen the introduction of more than 2500 nurses within the hospital system in the past two years.

Within the eastern metropolitan region there has been the much-vaunted debate by the opposition about its hankering for the Knox hospital. I rebut the nature of that quite disingenuousness bleating from the opposition on the Knox hospital. I refer to a press release from the Minister for Health of 20 June 2000 where he referred to the sleight of hand that the Kennett government entered into with the Knox hospital. The media release states:

> The former Kennett government wasted $210 693 on consultancies and glossy brochures on a phoney hospital in Knox, John Thwaites revealed today.
>
> Mr Thwaites said a plan for a new privatised hospital in the outer east was 'a cruel hoax', as ministerial documents showed the former government abandoned the project in November 1998. This was because it would have caused major downgrading of seven public hospitals and the closure of emergency services at the Angliss and Maroondah hospitals.
>
> …
>
> Ministerial briefing documents show the Kennett government shelved its plans when the reality of supporting a private hospital became clear. To make the deal attractive to a private operator, the Knox project involved closing the Angliss and Maroondah emergency hospitals after two years, downsizing Box Hill Hospital, and savage cuts to existing tertiary hospitals.

The press release continues:

> The documents show the Knox plan was predicated on cuts of $22 million to St Vincent's Hospital; $12.8 million to Maroondah Hospital; $7.7 million cut to Angliss Hospital; $4.9 million to Box Hill Hospital; $9.7 million to the Alfred Hospital and reductions in services to Caulfield General Medical Centre and St George's Hospital.

It goes on:

> By contrast the Bracks government is committed to redeveloping the Maroondah Hospital with 64 additional beds and the Angliss Hospital with 32 additional beds.

It reports:

> The government's winter bed strategy has also provided an additional seven beds at Maroondah Hospital and 10 beds at Box Hill Hospital — a total of 17 extra beds for hospitals for the eastern suburbs.

That is consistent with a well-considered response by the Minister for Health and the health department in making an appropriate assessment on the level of need in eastern metropolitan Melbourne. That in itself is a measure of the commitment to ensure that Victorian citizens who live in metropolitan Melbourne are not ignored and that they receive the health care they deserve.

As a further measure of the commitment to those citizens, on 4 October this year the minister released a press release to indicate that 122 additional nurses were being provided to hospitals within the eastern metropolitan area. This was part of the funding for 2650 extra nurses in the state health system, of whom

1650 are to provide better care and reduce nurse workload through the introduction of nurse–patient ratios, while the other 1000 nurses will enable hospitals to open more beds and treat an extra 30 000 patients a year.

The press release continues:

> Mr Thwaites said the 122.2 extra nurses to Eastern Health Hospitals — the Angliss, Box Hill, Maroondah, Peter James Centre and Yarra Ranges Health Service — were just to reduce nurse workload, with more nurses to be employed to treat more patients and meet growing demand.

I suggest this is again evidence that the health needs of Victorian citizens who live in Melbourne's eastern suburbs are very much in the mind of the Minister for Health.

The minister has issued other press releases, to which I shall allude briefly. They include the announcement of the new Ranges Community Health Centre at Lilydale and the Maroondah Addictions Recovery project, which will also operate from the new Lilydale site and will provide a regional alcohol and drug supported accommodation service.

I know the Honourable Wendy Smith referred to the need for drug and alcohol rehabilitation programs in the outer eastern region. On 27 April this year the Minister for Health gave an undertaking and made a commitment to provide $677 million of funding over three years for the provision of an after-hours drug treatment service, a parent support program, a mobile overdose response service, and a mobile drug safety worker. The press release states:

> The new services are part of the Bracks government's $77 million Saving Lives initiative and will cover Boroondara, Yarra Ranges, Manningham, Maroondah, Whitehorse, Knox and Monash.
>
> The government has introduced a mobile overdose response service and mobile drug safety worker with total funding over three years of $429 000.
>
> …
>
> Based at Box Hill Hospital, the service has developed links with the Metropolitan Ambulance Service, the accident and emergency department of Eastern Health and adult mental health services.

I suggest that series of undertakings on drug and alcohol services is significant. It is additional to an announcement made on 21 May this year that the government would allocate an extra $180 000 in start-up expenses for the Salvation Army facility at The Basin to provide 77 beds for residential drug rehabilitation, and $750 000 in interim funding to allow the services to operate until the commonwealth money is available.

It is a recurring theme that the state government has given undertakings and contributions in a timely way to enable services to be delivered to citizens in the eastern suburbs but the federal government has been somewhat tardy in taking up its fair share of responsibility in funding those programs.

I move on now from health, which has received a significant level of investment from the Bracks government to redress the chronic state of health care to all Victorians, including those in the eastern suburbs, that it inherited. I refer to community services and shall highlight to the house a number of key initiatives that my colleague the Minister for Community Services has delivered to people in the eastern suburbs.

The government has increased funding for disability services by $141 million, which is an increase of 25 per cent over the level of funding it inherited. The funding is for programs such as Shared Supported Accommodation and new initiatives such as Homefirst. Some $2 million of funding has been made available from the budget for the provision of Homefirst in the eastern metropolitan area. These funds are currently supporting 54 people with disabilities — including people with ageing carers and people with acquired brain injury — to live independently and participate more fully in the community.

The Great Break Respite Development project, which has increased the respite choices for families, has also been implemented in the eastern suburbs. An innovative Lifetime Caring Health Promotion project has been implemented also in the eastern metropolitan region. The project aims to increase the health and wellbeing of ageing carers, enabling them to better care for people with disabilities.

In January this year a new day program was established by Statewide Autistic Services in the eastern metropolitan region. The program offers suitable day activities to young people who have high support needs through the Futures for Young Adults program.

Also within the budget the government has made a major undertaking to close down Kew Residential Services and to make a significant investment in housing those long-term Kew Cottages residents. In fact, many new accommodation services will be created for the former patients and their families in the eastern suburbs of Melbourne.

As honourable members can see, the area of community services also shows that a range of

commitments has been made and initiatives taken by the Bracks government in the last two budgets to support those in the community who have disabilities or those who care for loved ones with disabilities.

In the important area of community safety, on which the Bracks government made an undertaking to the people of Victoria, there has been a significant investment in community safety over the past two years. We have seen an increase in the net number of police who operate in Victoria — approximately 500 in the past two years, I believe. That is well on track to deliver what was promised by the Victorian government — that is, an increase of 800 during the first term of the Victorian government. We have seen new police stations in Kew, Endeavour Hills, Rowville and Eltham. The government has a commitment to build a police station in Belgrave.

Hon. W. I. Smith — Endeavour Hills; that has been built, has it?

Hon. G. W. JENNINGS — As the Honourable Wendy Smith indicated, it has not been finalised but the undertaking is to complete it. The Bracks government has full intentions of delivering on its commitments within its first term. I acknowledge that further work will have to be undertaken to improve if possible the coverage of police at the Olinda police station. I take note of that urgent plea in the honourable member's contribution.

In the area of aged care significant investment has been made by the government because it appreciates that it is important for older members of the community to live comfortable, secure and safe lives within their homes. Significant investment has been made by the government to support people living at home. It includes a number of specific undertakings by my colleague the Minister for Aged Care which include a falls prevention project, which operates in the eastern suburbs. Boroondara has received $50 000 to look at ways of preventing people from falling and injuring themselves at home. That was a significant initiative of the government in the past financial year.

That comes on top of additional resources provided to the Peter James Centre in the Department of Human Services eastern region to help people suffering from differing levels of dementia to continue living in their own homes. Additional funds have been provided to the Eastern Region Mental Health Association to assist homeless people in the eastern suburbs who are elderly or have acquired brain injury.

Hon. W. I. Smith — Not for families and young people.

Hon. G. W. JENNINGS — There are some there. We have seen $3.7 million in initiatives developed by the government to assist people who are homeless or living in insecure accommodation, and people with acquired brain injury.

One important undertaking that the Bracks government has made is in the area of dental care, which honourable members would appreciate has been neglected in public policy for far too long. There have been health problems in our community, particularly for senior citizens who cannot eat properly and maintain healthy lifestyles because of the poor quality of their dental care. We have seen an increase of $872 000 in the last budget. I note that dental care was the first policy commitment made by the Beazley opposition during the current federal election campaign.

Within the allocations made by the Bracks government, it is anticipated that the 52 per cent increase in funding that the government has provided through the community dental program will shorten the waiting time for eligible people among the residents of the Boroondara, Manningham, Monash, Maroondah, Yarra Ranges and Knox areas. I note that historically that region has had the lowest per capita spending on public dental services and also has the lowest number of dental chairs. In this budget the government is providing $2.5 million in recurrent funding for services at the Maroondah Hospital in Ringwood and a new dental clinic at the Ferntree Gully site of the Knox community health service.

Hon. W. I. Smith — What about the Knox hospital?

Hon. G. W. JENNINGS — I think I dealt with the Knox hospital before. I ran out of steam debunking the mythology surrounding the Knox hospital!

In addition to the funds I indicated, an extra $157 000 has been allocated for a community rehabilitation clinic at the Peter James Centre in Burwood and the same amount for Angliss Health Services. Those funds will provide physiotherapy, occupational and speech therapies and social work services. The government believes that funding boost will provide Victorians who live in the eastern suburbs, those with disabilities, the frail, the chronically ill and those getting over traumatic injury, greater access to community rehabilitation services.

From April 2000 we have seen an increase to $360 000 in the amount of money made available through the Minister for Aged Care to the women's

health network in the eastern suburbs. Again in the important area of aged care a breadth of funding has been introduced by my colleague the Minister for Aged Care, and services have been targeted to provide the appropriate regime in addressing health issues, including long-term chronic health issues, and providing support so that as much as possible people can live in their own homes.

As Minister for Housing the minister also has major responsibility for housing and homelessness. She has addressed the issue of families at risk of homelessness. In response to the challenge only moments ago by the opposition, we have seen an increase of $2.34 million to new services to develop a new crisis accommodation service in the Ringwood area. Four eastern suburbs agencies are sharing $420 000 in new recurrent funding to pilot a crisis response ahead of the new service becoming operational in late 2002.

Supported accommodation assistance program funds have been made available. The Wesley Community Contact Centre has received $119 000; Knox Community Support Services, $79 000; the Yarra Ranges Community Christian Care service, $49 000; and the Eastern Domestic Violence Outreach Service, $37 000.

In addition to those funds that have been specifically allocated to those services, pool funds of $133 000 are available to provide for brokerage and to develop innovative and responsive programs to meet the needs of homeless families and those at risk of becoming homeless in the eastern suburbs of Melbourne.

In addition to the significant priority the minister has given to aged care, significant emphasis has been placed on younger people and families at risk, providing them with the appropriate level of support in their homes. The government understands that people living in all parts of Victoria, including the eastern suburbs, deserve to feel safe and secure in their homes. They need to feel there is an appropriate level of infrastructure support. They need to know they are part of the priorities that the government has in establishing its budget.

I have outlined to the house today at length the contribution the Bracks government has made to the citizens who live in the outer suburbs of Melbourne to demonstrate on a well-developed scale the level of infrastructure and the program support put in place in the past two years to redress the downturn in service provision that occurred during the life of the Kennett government.

The performance improvement in service delivery may be taking longer than the government may have wished. The government will maintain its vigilance to ensure that the quality of service and the care provided by those services are improved — that, for example, waiting times and ambulance bypass figures diminish. The government has confidence in the strategies outlined in the budget. Through the health care strategy it will be addressing those critical issues.

The government has made significant undertakings to invest in the facilities in community safety. There has been a net increase of 500 police across the state, well on track to deliver on the government's promise to deliver 800 police within the life of the government.

We have seen significant spending in education. I outlined to the house earlier that my estimate is that about $120 million in education funding, if not more, is the net increase in funds for schools in the eastern suburbs of Melbourne above the base the government inherited. I have indicated to the house that the government is committed to an integrated transport plan, which includes the Scoresby freeway being delivered, and that both the state and federal jurisdictions acknowledge the responsibility for matching funding to make sure that important infrastructure is built.

There is ample evidence on the public record today to demonstrate that there is no credence to the suggestion that the government is ignoring those citizens who live in the eastern suburban areas. I will oppose the motion because I have full confidence that the government is committed to those citizens and that the lengthy contribution I have made outlining a number of programs demonstrates that the government is committed to those citizens and by no measure is ignoring their needs.

Hon. P. R. HALL (Gippsland) — The motion talks about essential infrastructure and services for the people in the eastern metropolitan area of Melbourne. The National Party does not have any political representation in the eastern metropolitan area.

Hon. G. W. Jennings interjected.

Hon. P. R. HALL — No, the National Party does not intend to stand candidates in the foreseeable future in the eastern suburbs, although at a recent meeting of the Australian Deer Association Melbourne branch, which I addressed as the National Party shadow minister with responsibility for that area, I was asked by a number of people whether the National Party would stand a candidate for the Legislative Assembly seat of

Mitcham, where many deer hunters reside. They said they would give us resounding support if we did so. I say today that at this stage the National Party does not intend to nominate a candidate for the state seat of Mitcham or other seats in the outer eastern area of Melbourne, because its focus remains solely and entirely on issues of country Victorian importance, which is the basis of the political party.

That does not mean the National Party does not have an interest in this motion or any motion concerned with Melbourne or its surrounds. I will explain why it has an interest in this motion. Firstly, although the National Party represents country Victoria, it has an interest in what happens throughout the entire state of Victoria, which means all country and metropolitan centres. Members of this house know that members of the National Party speak on all legislation that comes before the house, whether or not it directly impacts on the people they represent. That is a responsibility of the National Party, being the third party in the Victorian Parliament.

The second reason the National Party has a particular interest in the motion is that the corridor for people living in the eastern part of Victoria, particularly the Gippsland area that I have the pleasure of representing, travels through Melbourne and the eastern suburbs to get to Melbourne and other parts of Victoria. Consequently, when the motion refers to infrastructure in the eastern suburbs, particularly transport infrastructure, it is of vital importance to the National Party.

I admit to not having the same level of knowledge of service provision in the eastern suburbs as do other members who have already spoken in the debate or who will participate in the debate. I wish to concentrate my brief comments on transport infrastructure. The eastern part of country Victoria is predominantly called Gippsland, and to travel from Gippsland to other parts of the state is different from travelling to other parts of country Victoria. Gippsland is almost like a court that it is difficult to travel out of other than to the end that is connected to the eastern suburbs of Melbourne. Although some routes take you to the northern part of Victoria by traversing the Great Dividing Range, the most common arterial road through the Gippsland area is the Princes Highway, which goes through to Sydney on the eastern end but to Melbourne and other parts of country Victoria on the western end coming out of Gippsland. Most people do not go over the Great Dividing Range to get to other parts of country Victoria. Most of the traffic going in and out of Gippsland and eastern Victoria goes via the Princes Highway, which takes people through the eastern suburbs.

Hon. G. B. Ashman interjected.

Hon. P. R. HALL — As Mr Ashman says by interjection, they welcome the visits from the people of Gippsland through the eastern suburbs. People get very frustrated when they hit the eastern suburbs because of the significant population growth in recent years in the outer east and in areas around Berwick, Cranbourne and Pakenham, which means there is a lot more traffic on the road. Consequently travelling time along the Princes Highway is more lengthy because of the increasing congestion.

There is a great and urgent need for significant improvement to the Princes Highway and the Monash Freeway so travel times can be reduced. Some improvements have occurred over a period. Under the Kennett government stop lights were removed from the then South Eastern Freeway. It is now a much better run. Also under the Kennett government the Hallam bypass was started — a much-needed project. That is happening at this time, and I understand the due date for completion is 2003. I wish it could be brought forward, because the congestion towards the Dandenong exit end of the Monash Freeway is great. It is dangerous at times and adds significantly to travel times and to cost.

The Hallam bypass is a $175 million initiative that was started by the Kennett government. I give credit to the Bracks government for continuing with the program, as it should, but there is scope to expedite the works to get that part of the freeway completed more quickly.

The next major improvement that is absolutely necessary on Princes Highway East is the Pakenham bypass. Honourable members have talked about this project during the past few days. The Pakenham bypass has been on the minds of the people of Gippsland and those in the outer east for many years. It is important that we plan these things well in advance because by the time we think of the need for them, often the period between the planning and completion stages can be 5 or 10 years, so we have to plan to get them on the agenda and started early.

Over 12 months ago the federal coalition government put $30 million on the table to advance stage 1 of the Pakenham bypass project, but that offer was not taken up by the state government. I argued strongly at the time that there was a great need to get the planning stages under way. I am pleased to say that today's *Herald Sun* has a report of a commitment being made

by both the federal coalition and Labor parties to 50 per cent funding for the construction of the Pakenham bypass. I am grateful for that. We now wait on the state Labor government to match the commitment. It is classified as a road of national importance, which means it will normally be funded by a 50 per cent allocation from both the state and federal governments. Both federal parties have made a commitment, so no matter who wins the election on 10 November, a federal government will provide its share of funding for this project. I now call on the state Labor government to match that offer given by both federal political parties.

The release I have also refers to the importance of the Pakenham bypass — a 17-kilometre four-lane bypass — to relieve heavy Princes Highway traffic through Pakenham. As I said, the state government has a chance to verify the credentials espoused by the Honourable Gavin Jennings this morning and show that it does care about the people in the eastern suburbs and that it does care about the people living in the eastern part of country Victoria by putting matching funds on the table to ensure this important project proceeds.

The other area of transport infrastructure is that of the Scoresby freeway, an important project for people who live in eastern Victoria. As we come into Melbourne and want to travel to the northern suburbs or connect to the Hume Highway we now have to travel through the city via City Link as the most direct and quickest route, but the original plan for the highway network around Melbourne was to have an outer ring-road, of which the Scoresby freeway was a significant part, starting at Frankston, going through to Ringwood and connecting with the Eastern Freeway. When I first saw the original drawings I presumed it would connect with the Hume Highway and the Western Ring Road. Even when the Scoresby freeway is completed there will still be a gap that needs to be connected so that the eastern ring-road is connected to the Western Ring Road, and then there will be a continuity of travel around the outer perimeter of the City of Melbourne, which is much needed.

Debate on the Scoresby freeway has been interesting. Once again there has been lethargy on the part of the government in committing to that project. I think the government has now committed itself to that particular project, but it has had to be dragged kicking and screaming to the table to commit. It was the initiative of the previous Kennett and coalition federal governments that put the project on the agenda and ensured that it will go ahead.

Hon. T. C. Theophanous — Did the Kennett government commit to it?

Hon. P. R. HALL — Absolutely, not a problem at all that the Kennett government committed to this important project — absolutely. It was the Kennett government that picked up all the improvements to the South Eastern Arterial and all the improvements to the duplication of the Princes Highway, the main arterial through the eastern suburbs and eastern Victoria. It was the Kennett government that did that, and it was the Kennett government that first committed to the Scoresby freeway.

Now the challenge to the Victorian government on both of these important road projects is to put its commitments on the table to show that it is fair dinkum and serious about the welfare and care of people who live in the eastern part of the state by ensuring that these projects proceed in the shortest time frame.

The National Party is interested in this motion as it affects the eastern suburbs. There are access issues for country Victorians through the eastern suburbs, and that is why projects of road infrastructure are relevant and important to us. The National Party is supporting this motion on the basis that these projects will help country Victoria. I urge honourable members to do likewise in supporting the motion.

Hon. T. C. THEOPHANOUS (Jika Jika) — I am amazed that members of the opposition can come into this house and move a motion — —

Hon. R. F. Smith — Audacious!

Hon. T. C. THEOPHANOUS — Audacious is a good word, Mr Smith. They must have more front than Coles Myer's window, because what the coalition parties have left the state is devastation. When we came into power, in terms of services this state — in particular the eastern suburbs and country Victoria — was totally devastated by the actions of the previous Kennett government, where teachers had been sacked and a hospital system run down.

Hon. P. R. Hall — How many teachers were sacked? You name one teacher who was sacked!

Hon. T. C. THEOPHANOUS — I am glad that the Leader of the National Party wants to defend his record. When the Kennett government was in government you did nothing to stop those school closures in country Victoria. That is why country Victorians said they had had enough of the National Party. All you did in government was to say that you wanted the trappings and benefit of being in government, but not the responsibility of looking after your constituency in country Victoria. Nothing has changed because in opposition the National Party and the Liberal Party

members are still out there with their heads in the trough. That is what is happening; that is what they do and that is what they know how to do best. The Honourable David Davis did a public service by asking for a freedom of information request on spending on lunches and dinners in the Premier's office. What did he uncover?

Hon. C. A. Furletti — On a point of order, Mr Acting President, the motion before the house relates to the Labor government's inactivity on the development of infrastructure and services to people in the eastern metropolitan area. This line of debate by the Honourable Theo Theophanous about freedom of information of the Department of Premier and Cabinet is absolute nonsense.

Hon. T. C. THEOPHANOUS — On the point of order, Mr Acting President, this goes to the credibility of the argument being put by the opposition. It is seeking to condemn the government on the basis of action or inaction about spending in a particular area.

Hon. C. A. Furletti — In relation to infrastructure in the eastern suburbs.

Hon. T. C. THEOPHANOUS — In relation to infrastructure. My line of argument is that the credibility of those putting the argument has to be a part of the debate. I have important information that would contribute to the people of Victoria being able to assess whether the Liberal Party and the National Party have any credibility, particularly when one looks at the fact — —

Hon. C. A. Furletti — You cannot debate a point of order.

Hon. T. C. THEOPHANOUS — I am putting the point of view that these issues go to your credibility in relation to the argument you are now putting. In a debate such as this traditionally we are allowed a broad-ranging debate for honourable members to put their points of view. I urge you, Mr Acting President, to rule the point of order out of order.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! It is a free-ranging debate. The motion talks about essential infrastructure and essential services which, by their nature, are wide ranging. I think that when one gets to specifics about it, such as the cost of lunches, ministerial activities and so on, that is outside the motion. I do not uphold the point of order. There is no point of order, but I suggest to honourable members on both sides of the house that the Chair is very much aware that the debate is wide ranging. The Chair will be tolerant on that point of view. I do not want to hear about lunches and ministerial details like that; I would rather honourable members on both sides of the house stick to the motion. There is no point of order.

Hon. T. C. THEOPHANOUS — I thank you for your ruling, Mr Acting President, and I certainly will not go into the specifics of what individual members of the opposition staff from both the Liberal Party and the National Party spent on lunches at a range of venues. Suffice it to say that the total spending of the two chiefs of staff of the National Party and the Liberal Party was $2190, whereas — —

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! I remind the honourable member that I gave a ruling that there was no point of order when one was called a few moments ago and indicated that the Chair will be generous in its degree of tolerance on the wide nature of the motion. However, I suggest with respect to the honourable member that we move on from lunches of chiefs of staff and ministers and that kind of argy-bargy. I do not want to hear about that.

Hon Kaye Darveniza — Opposition staff!

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! Opposition staff or government staff, it does not matter. Honourable members on both sides should stick to the motion, and as the Chair I want that ruling upheld.

Hon. T. C. THEOPHANOUS — I defer to your ruling, Mr Acting President, but it is a bit hard to take seriously an argument from an opposition whose chiefs of staff spend twice as much on lunches as the government chief of staff.

Hon. C. A. Furletti — On a point of order, Mr Acting President, the Honourable Theo Theophanous is obviously flouting your direction and totally disregarding the comments of the Chair. I ask you, Mr Acting President, to draw Mr Theophanous's attention to the fact that you have the right to ask him to cease speaking if he persists in his conduct.

Hon. T. C. THEOPHANOUS — On the point of order, Mr Acting President, I take offence at the attempt by Mr Furletti to direct the Chair as to what the Chair can or cannot do in that blatant manner. I have confidence in the Chair being impartial in this matter, and the honourable member's cheap attempt to direct the Chair to do or say something will not work.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! There is no point of

order. However, it is incumbent on honourable members on both sides to respect the tolerance of the Chair and the request the Chair made for members to stick to the business of the motion. The Chair will continue to be tolerant, but the Chair requests again that honourable members respect the content of the motion, as will the Chair.

Hon. T. C. THEOPHANOUS — Thank you for your ruling, Mr Acting President. My point was simply that the credibility of opposition members in putting up a motion like this leaves a lot to be desired, given their history of putting their own heads in the trough rather than assisting the people of Victoria. That is what they did for seven years — all they did was help their mates. They closed schools, they closed hospitals and now they come in here with all of this. It is laughable!

I will go on. The opposition cannot even get its act together, because when the Liberal Party tried to have a shot at government members on the question of the Scoresby freeway I noticed that the Leader of the National Party at least got up and said, 'I think the Labor Party is committed to the Scoresby freeway'. The Liberal Party needs to get its act together because the Leader of the National Party thinks the government is committed to the Scoresby freeway and the people of Victoria know it is committed to the Scoresby freeway. The only person who does not know the government is committed to the Scoresby freeway appears to be the honourable member who moved the motion on behalf of the Liberal Party. She is the only person in Victoria who does not know this. I will reiterate it for Ms Smith so that she understands it: the government is committed to the Scoresby freeway. Is that clear enough?

An Honourable Member — Spell it out!

Hon. T. C. THEOPHANOUS — One wonders sometimes! I will go on to another matter raised by the Honourable Wendy Smith — that is, the issue of school buses. I am very glad the honourable member raised that issue today. I start by saying that I have sent to her, as I have to all other honourable members, the progress report of the review of school buses in accordance with what the government had promised. The Honourable Wendy Smith said in her contribution that I had said we would be bringing down recommendations for implementation in 2001. We did that with the progress report, with implementation in 2001. Now we have brought down the final report — which has been sent to the Honourable Wendy Smith — for implementation during the course of next year. There is no mystery to this.

Hon. J. M. McQuilten — What happened to the Liberal Party report on school buses?

Hon. T. C. THEOPHANOUS — I am glad my colleague the Honourable John McQuilten has asked me about the Liberal Party report, because the Liberal Party report took — —

Hon. W. I. Smith — Let's talk about yours!

Hon. T. C. THEOPHANOUS — I am happy to go through mine, don't you worry about that, but honourable members might be interested in going through the Liberal Party's report first. I have the Liberal Party's report on school buses. For the information of honourable members, this document was never released. This is a secret document. It took more than a year to complete. We have not been able to figure out how much money was spent on the preparation of this report, but it was never released publicly.

Hon. J. M. McQuilten — It never saw the light of day.

Hon. T. C. THEOPHANOUS — It never saw the light of day, Mr McQuilten. Whom did the committee consist of? That is a very good question. The report lists who was on this committee. The committee was chaired by the Honourable Andrew Brideson — the same person who is chairing the other Star Chamber and the person who is involved in open government, open reporting and all of that. He prepared this report, which never saw the light of day.

Let us see who else was on the committee. The Honourable Peter Hall has been going around country Victoria complaining about the bus review and saying, 'The government promised to do a bus review and it has not been delivered on time. When are we going to get it? What will be in it? What are they going to deliver', and all the rest of it. Guess who was on the previous bus review?

An Honourable Member — Peter Hall?

Hon. T. C. THEOPHANOUS — Yes, you got it in one: Peter Hall was on the previous bus review too. Who else was there? Don Kilgour, the honourable member for Shepparton in the other place — is he still around? I do not know. Is he still there? I did not even know he was there. Stephen McArthur, the honourable member for Monbulk in the other place was on it. Garry Spry, the honourable member for Bellarine in the other place — is Garry Spry still around?

An Honourable Member — He's a shellback.

Hon. T. C. THEOPHANOUS — He is a shellback, is he? And Robert Doyle, the honourable member for Malvern in the other place. I know he is around. He has ambitions for various things. He has higher office ambitions, but I do not think he did any good on the bus review. This document shows that the membership of the working party was subsequently expanded to include the Honourable David Evans.

An honourable member interjected.

Hon. T. C. THEOPHANOUS — Yes, David Evans was a member of the Legislative Council; newer honourable members here would not know him, but I do.

I have to say, Mr Acting President, that the working party also included you, although I am sure you played a constructive role on the committee.

Originally it consisted of those six people, but they were not enough so another two were added. Obviously that was not enough to get to the crux of the problems in the buses because the committee decided it also needed the assistance of a few other members of Parliament so the Honourables Barry Bishop and Ron Best were added for good measure. Finally — the Honourable Elaine Carbines would be interested in this — it added another very important member — the Honourable Bill Hartigan. And look what happened to him!

Because you were on the committee, Mr Acting President — I know which side of the debate you came down on — you would know that the major debate during the review was whether to introduce fees on the free bus service. A group on the committee, headed by the new economic rationalists, wanted to introduce charges for students in country Victoria. That was the agenda. The group was ultimately defeated on this 11-member committee and that recommendation was not made. But very few other recommendations were made. I refer to a couple of recommendations that were made not in the final report but in the progress report and were subsequently taken up by the current government. There was a recommendation in the Brideson report to introduce a two-way communications system on buses as a safety measure.

An Honourable Member — Did they do it?

Hon. T. C. THEOPHANOUS — This was in 1994.

An Honourable Member — They didn't implement it?

Hon. T. C. THEOPHANOUS — They didn't. Another failure. They failed to do it. The two-way communications system was recommended in the progress report, which was released publicly — in stark contrast to the previous government. The system was introduced on buses and has already been instrumental in safety situations on a number of situations.

What did the opposition do when we introduced the system? It put out a whole lot of misinformation about the nature of the system, claiming that you had to get out of the bus to use the satellite communication. However, it forgot to say — or did not want to say — that it was a dual system. Not only did the system have satellite capability, it also had normal two-way mobile phone capability. The system has been universally welcomed in country Victoria and it is an important safety measure.

The only other thing of note that I can find in the report is the recommendation for flashing lights on school buses as another safety measure.

Hon. Kaye Darveniza — Did they implement that?

Hon. T. C. THEOPHANOUS — I am afraid they did not implement that recommendation over the course of another five years either. When was it introduced? It was introduced by a Bracks Labor government.

Let me make this point. The previous opposition over a period of two years tried under freedom of information to get hold of this document. Was it ever released to us? No, it was not allowed to be put out publicly.

The opposition when in government did absolutely nothing for school buses in this state. It ought to be ashamed to even come in here and talk about school buses after its performance on that review.

I could go on and talk about the many wonderful recommendations that are in the final report, but I will resist the temptation. However, unlike the previous government's report, this report is welcomed by the Association of Independent Schools as a serious step forward in addressing issues about school buses and bringing back equity, improving safety and improving fairness in the system. They were the three aims. Do you know what those three aims are? They are Labor aims. That is why the previous government could not bring them in. It does not matter whether we are talking about school buses or what we have done for the eastern suburbs, the infrastructure we are introducing, community safety or fairness in the delivery of services in the eastern suburbs or equity in getting to the people who really need those services, these are Labor objectives!

These are and have always been Labor objectives. People in the eastern suburbs understand that and that is why the opposition has no credibility when its members come in here and try to talk about these matters.

Hon. R. M. Hallam interjected.

Hon. T. C. THEOPHANOUS — The Honourable Roger Hallam should not enter this debate because he might get me started on how the opposition knocked off common law for workers in Workcover and a range of other initiatives that his government brought into play. He was one of those who slavishly followed the Honourable Jeff Kennett and are now paying the price.

I was going to talk about a whole range of matters, including the wonderful things that this government has done in the eastern suburbs. As honourable members can see by the number of notes I have here, there are initiatives in a number of areas: aged care, health, housing, transport, police and planning. Should I start from the beginning and keep going to the end?

I will give the opposition a tip. If it wants to have any chance of getting back into government the first thing it should do get is up and apologise. It should listen carefully and it might get some good advice here.

Hon. W. I. Smith — From you?

Hon. T. C. THEOPHANOUS — I was pretty successful, and that is why we are over here! The first thing the opposition should do is get over its Howard complex and have the guts to get up and apologise. It should say that it is sorry. It is a simple word. Its members should say that they are sorry for all the devastation they caused — sorry that they closed all those schools and services. They should say they are sorry!

Sitting suspended 1.00 p.m. until 2.02 p.m.

Hon. T. C. THEOPHANOUS — Over lunch I had a bit of time to reflect on what I have said and I may have been a bit harsh on the National Party. The debate is about the eastern suburbs and the Honourable Peter Hall began his comments by saying that the National Party had no representation in the eastern suburbs, so it was probably a bit harsh of me to get stuck into him about that. However, the fact is that not only does the National Party not have any representation from but it also has no interest in the eastern suburbs. It is not surprising that the only comment made by the Honourable Peter Hall was that he thought the government is committed to Scoresby. I thank him for saying that; at least he has got one thing right in his speech.

I am sure that you were listening to my contribution, Mr Deputy President, when I mentioned that you were also one of the people involved in the bus review. I am trying to figure out who was on the side of those who wanted to get rid of the free bus service and charge students and who was on the other side. I am reliably informed that you were on the side of the ones who wanted to keep the free bus service. If that is the case I commend you for taking that stand. However, the difference is that when this government started the review of school buses — —

Hon. B. N. Atkinson — Which is nothing to do with the eastern suburbs.

Hon. T. C. THEOPHANOUS — It was raised by the Honourable Wendy Smith in her contribution.

Hon. W. I. Smith — We are looking forward to seeing some real money in a budget. You are in government!

Hon. T. C. THEOPHANOUS — I was assisted in the bus review, and I commend her for that assistance, by the Honourable Glenyys Romanes, so yes, it took one member of Parliament. I was the chair of that committee and I have to say in all modesty that I think the 2 of us did a better job than the 11 members of the previous committee. I do not really know what to do with this report that has never been released because it is a very interesting report.

Hon. W. I. Smith — It is more important what you do with your own report.

Hon. T. C. THEOPHANOUS — At least ours is out there, Ms Smith. You have our report and can look through it — it is not archived. We have nothing to hide. We have made our recommendations and they will be implemented next year.

Hon. P. R. Hall — Is that a guarantee that they will be implemented next year?

Hon. T. C. THEOPHANOUS — That is what the recommendations are in the report. If I were you, Mr Hall, I would be quiet about this.

Hon. P. R. Hall — You are the loudmouth. Tell us about the guarantee.

Hon. T. C. THEOPHANOUS — The fact is that you were on the previous — —

The DEPUTY PRESIDENT — Order! Through the Chair, Mr Theophanous.

Hon. T. C. THEOPHANOUS — What exactly was it that you did over that course of time? You did absolutely nothing and you have the cheek to come in here and try — —

Hon. P. R. Hall — You said your recommendations would be implemented next year. You are the boaster. Will you guarantee they will be implemented?

Hon. T. C. THEOPHANOUS — This is a report that is before the government for consideration.

Hon. P. R. Hall — You said they would be implemented next year.

Hon. T. C. THEOPHANOUS — Yes, the recommendations that the government accepts will be implemented next year. There is no issue in relation to that. During my contribution I want to highlight the difference between our approach and that of the opposition. The difference comes down to the fact that we do things in an honest and open way. The school bus review is a very stark example of that. Why would you spend an inordinate amount of money — and I do not know how many trips to the country the previous bus review did, but the fact is that our trips to the country — —

Hon. P. R. Hall — You did not even go to Gippsland yourself.

Hon. T. C. THEOPHANOUS — We went to 18 country locations. The Honourable Glenyys Romanes did the trip to Gippsland.

Hon. P. R. Hall — She did it very well in your absence.

Hon. T. C. THEOPHANOUS — She did it very well, and I did trips to other locations. The difference though is that Mr Hall took 11 members of Parliament around the state at a cost to the taxpayer to get a whole lot of evidence.

Hon. R. F. Smith — Did their staff buy lunch?

Hon. T. C. THEOPHANOUS — I am sure their staff bought lunch. I am not sure how much they spent, but you cannot take seriously an opposition that has been prepared to spend that sort of money to go around country Victoria and then not even release the report. It is no different from when we are talking about the actions of the current opposition. It will not have credibility until it starts to treat people in this state seriously and starts to care about the people out there in the eastern suburbs and all over Victoria. Rather than going around having lunches among themselves — and I might say the latest revelation is that the opposition spent $4882 on lunches and did not spend a single dollar of that in the eastern suburbs.

Hon. W. I. Smith — On a point of order, Mr Deputy President, the Honourable Theo Theophanous is not talking to the motion. He has talked about almost everything else except the motion. I ask you to take note of the fact that the honourable member has digressed greatly from the subject of the motion.

Hon. T. C. THEOPHANOUS — On the point of order, Mr Deputy President, I was specifically making the point that the opposition had no credibility given that Dr Napthine has allowed a free lunch culture to operate in his own office, and given that those free lunches were not in the east.

The DEPUTY PRESIDENT — Order! The point is being debated. On the point of order, the comments made by Mr Theophanous in relation to lunches have absolutely nothing to do with the motion before the house, so I uphold the point of order and invite Mr Theophanous to come back to the motion as soon as he rises to continue.

Hon. C. A. Furletti — You should be in the Chair more often, Mr Deputy President. I was overruled on one of those before.

Hon. T. C. THEOPHANOUS — I will let Mr Furletti's reflection on the previous Chair go by. Mr Furletti obviously tried to give directions to the previous Chair, but the Chair was not prepared to take those directions. You have made yourself perfectly clear.

I want to say a couple of things about education before I close because education is more than school buses. There has been a huge turnaround in education in this state, and I commend the Minister for Education and the government for that most significant turnaround. There have been improvements in retention rates and for the first time schools have started to feel a sense that they belong to a state and are doing something valuable. For the first time a career structure has been established for teachers that allows them to aspire to something.

The government went away from the model of the previous government, which was about encouraging a dual structure in our public education system, and brought it back to the point where all schools are valued and there is a commitment to a high level of education whatever public school in Victoria we are talking about. All those things have occurred.

I have a long list of things that have been done in the eastern suburbs. I do not want to refer to them all but I make the general point that local learning and employment networks have been established, contributions have been made through the disability support fund to the Chisholm Institute of TAFE and a range of other supports have been established, such as the first stage of the Berwick South Secondary College at $4.6 million, the disability support fund for the Box Hill institute with $136 000 in 2001 and $130 000 in 2000, and the list goes on. These are real measures that are improving education in this state. That is what is occurring in education.

The difference between the government and the opposition is that we recognise one fundamental thing about education: education is the way in which fairness, equity and opportunity is delivered in this state. For children who might not have come from a privileged background — I do not want to use the term 'upper class' because it is not fashionable these days — education is their way to success.

Education is the way for our children to get opportunities. People like me and a whole range of others would never have achieved success had it not been for a public education system. That is what we are talking about. More than anything else the great thing that Labor stands for is the ability to provide opportunities to everybody through an education system in which what makes the difference between success and failure is the individual child's ability. That is what we stand for. The important thing is that it does not matter whether you have the most money to spend but whether a child has the ability to go on and succeed in life.

I meet many professionals who tell me they would never have become professionals had it not been for a most significant event in 1972, when the Whitlam government made tertiary education free. That change, more than any other recent event, has led to the greatest increase in opportunities for people in disadvantaged areas. As Mr Bob Smith said earlier, the country has developed and gone forward as a result. That change meant that a whole range of people were able to be educated and then contribute to the community.

Education is one thing that Labor stands for. The opposition can sit opposite and try to pretend it stands for education, that it is interested in public education — but all that is just an effort to get votes because nobody believes the opposition parties stand for education. Ultimately the opposition stands only for the privileged. I totally oppose the motion. The government is not ignoring the eastern suburbs, as the motion suggests. The opposition parties ignored the eastern suburbs. The opposition has paid, and continues to pay, lip-service to the eastern suburbs. The opposition would ignore the eastern suburbs were it ever to be elected to government again.

Hon. G. B. ASHMAN (Koonung) — The house has just heard one of the most outrageous contributions to debate on a motion made in this place for many years. The final two government speakers failed to address the motion and talked about a few services and a few trinkets — but said nothing about infrastructure or major projects. They did not talk about significant services. The house has heard nothing but trivia, which is what the government specialises in.

Not one major project in the eastern suburbs has been an initiative of the Labor government. The Eastern Freeway was a Liberal Party initiative. Under the Labor government the freeway completion has been put in the go-slow basket. It should have been finished by the end of 2003, but now its likely completion date is 2005 or beyond. Why? Because the government has pulled the money out and put the project on the drip system rather than complete it and get it into service for the community. It has pulled the money out and scattered it to other pet projects in other parts of the state.

The Eastern Freeway is critical for the welfare of people in the east, not only for the movement of goods and services but because it will allow access to the central business district for cultural and other activities, because the arts are not well represented in the east. The house has talked about community safety, yet the government has simply gone for window-dressing and taken no action. The house also discussed education: the same situation applies.

My office has received no notification by the government of any major project for the eastern suburbs. The government has been dragged kicking and screaming into action on the Scoresby freeway. Prior to the election the Australian Labor Party made it clear that it did not intend to proceed with the Scoresby freeway notwithstanding that the freeway would service between 23 and 25 per cent of Melbourne's population plus all of Gippsland, and notwithstanding that it would carry a major proportion of product from throughout Victoria. The amount of goods and the number of services that rely on the construction of that freeway is significant.

In almost every report we pick up we read about the importance of Springvale Road. In its pre-election

policy the Australian Labor Party talked about improvements to Springvale Road. What has happened there? Nothing! The Labor government picked up the Liberal Party's proposal for a smart bus, but what has happened? It built a couple of bus parking bays, but the system is not in place. It looks as though the smart bus is many years away.

The government regards the east as the affluent suburbs and believes it does not need to resource that area, but nothing is further from the truth. Everybody would acknowledge that there are pockets of affluence out there, but anybody who travels through Mitcham or parts of Mount Evelyn, Bayswater, Boronia or Ferntree Gully knows about the areas where large numbers of Aussie battlers live — people who are working hard to keep it all together. They do not make great money, just a reasonable living, but the government is saying, 'You do not deserve any of the infrastructure we, the government, are prepared to provide to the people of the western suburbs'.

The Honourable Wendy Smith told the house how the Knox hospital project has been abandoned, and the Honourable Gavin Jennings also spoke about the project. As Liberals in government we proposed significant changes to the Angliss and Maroondah hospitals as part of providing wide-ranging integrated hospital and medical services to the outer east.

The Knox hospital was to have been a major tertiary teaching hospital, which is sorely needed in that area. One wonders when it will be built and if those services will ever be provided at the local level to the residents of the east who now are forced to travel to the central business district or its fringes for most major surgery. That is a most unsatisfactory situation.

Honourable members know the Angliss, Maroondah and Box Hill hospitals have been on ambulance bypass. The one bright light has been the commencement of the Knox Community Health Service building, but once again that was an initiative of the coalition government. To its credit, this government picked it up and is indeed funding its construction to the tune of $6.5 million, from memory, but it is not a Labor government initiative.

There is significant overcrowding in several secondary colleges — the Vermont, Rowville and Wantirna colleges, just to name a few. Each of those colleges is currently holding more applications for 2002 than it has places. Heany Park Primary School also has more applications for entry than it has available places. People may recall that Blackburn Lake Primary School was destroyed by fire in 1999. It may be open in the next school year. In the lead-up to the last state election Labor candidates promised Laburnum Primary School an upgrade. That has gone on the backburner; there appears to have been no delivery.

Honourable members in this debate have very briefly talked about policing. In my electorate the major stations of Knox, Boronia and Nunawading have significant understaffing problems. The government has failed to address those issues.

In transport, there have been no major works on the arterial road network. There have been proposals for a Dorset Road extension through to Napoleon Road; the duplication of High Street Road; the duplication of Stud Road in Bayswater; the upgrading and duplication of Wellington Road; the introduction of the smart bus for Springvale Road, as I have already mentioned; and the upgrading of the carriageway there. A whole range of projects are just waiting for funding. They are ready to go, and they are required now — not in 10 years time or when somebody gets around to it.

The other issue is general maintenance of the road network. The municipal councils tell me they are between 5 and 10 years behind in their current levels of road maintenance funding from this government. The backlog was being picked up under the coalition government but now, with this government having removed maintenance funding, the local municipalities are again falling behind.

Honourable members have talked about the Scoresby freeway. As I have said, the government was dragged kicking and screaming into agreeing to proceed with it. The freeway will carry probably somewhere around 80 000 vehicles a day and will make a significant contribution to solving traffic problems in the area. It will ultimately be part of the ring-road around Melbourne. The next link the government needs to address is from the Eastern Freeway through to the Greensborough bypass and the Western Ring Road. That is absolutely critical.

In the area of public transport much has been made of the tram extension through to Knox City from Blackburn Road, Blackburn. I must point out that I can recall a former member for Wantirna, Carolyn Hirsh, telling us back in the late 1980s that the tram would go from Middleborough Road to Knox City in the term of the then government. It is now 12 years later and not one inch of progress has been made from Blackburn Road. There has been a great deal of talk and a great deal of noise has been made about it, but no serious project has emerged.

The coalition government expanded bus services through that area. Quite frankly, that is the quick and simple way to improve services, particularly when you look at areas like Rowville. The coalition government introduced an express bus service from Rowville to Glen Waverley. All this government is doing is talking about putting in a rail line, which is not likely to be viable, certainly on all the figures I have seen.

In the lead-up to the last state election the government talked about duplicating the railway track from Blackburn to Mitcham, and it talked about the grade separation of the rail line at Springvale Road, Mitcham Road and Middleborough Road. It has done an awful lot of talking, but not a single project has been put forward.

Earlier I mentioned briefly the arts requirements of the east. Certainly we have a number of small facilities out there. Monash has the small gallery at Wheelers Hill, Nunawading has a small theatre complex, and Ringwood has the Karalyka Theatre Group facility, but none of those is a suitable facility for a major performance. They are all too small. The east needs a significant facility that will seat 700 to 1000 people so that a major performance can be held there and so that some of the major theatre companies can be encouraged to come out to the area. It needs to be handled in the same way as the theatre companies touring regional Victoria. That is something desperately needed in the east, and indeed the population of the area warrants such a resource.

A number of very small but very good amateur companies exist in the area: the 1812 Theatre at the Basin, the Nova group, and the Mitcham repertory group. They have small facilities, which are certainly not satisfactory for major performances.

I had intended to conclude my remarks by quoting from the ALP policy document about AFL Park, but I cannot find the document, so I shall paraphrase what the policy says. In it the Labor Party said that on coming to government it would negotiate with the Australian Football League for games to be held at Waverley Park. It indicated that it would have the power to do that, and that by restricting the number of games held at Colonial Stadium and other grounds it would effectively direct the AFL to hold games at Waverley Park. What has happened? Absolutely nothing. What do we have there in the south-western corner of my electorate now? It is not Waverley Park, not AFL Park, but Thistle Park — the only things out there are 4-foot high thistles!

This is a government of no action and no care for the east. Government members have gone back to the bad old days — the eastern suburbs do not exist in their eyes. The east desperately needs projects. The people of the east want, indeed, demand services. The members of Parliament representing eastern electorates will not let the government forget its obligations to the east.

Hon. N. B. LUCAS (Eumemmerring) — In the short time available to me I rise to support this motion, which condemns the government for its failure to provide sufficient infrastructure and services to the people of eastern Melbourne. Simultaneously with our condemning the government we should look at how many members of the government are in the chamber for this debate. There are 2 members of the government sitting here listening to the debate — 2 members out of 14. That shows what the government thinks of the eastern suburbs. When I circulate this short speech that I am making amongst my constituents, those who read it will realise that the discredited Labor state government of Victoria does not have any feelings whatsoever for the east.

I will give some examples of the dissatisfaction enunciated to me by my constituents about what is not happening in my area. I take the example of the proposed Berwick hospital. Back in 1999 the Minister for Planning is reported in *Hansard* as saying:

> I agree with the honourable member for Berwick: there is no time for delay.

He was relaying the government's thoughts on the development of the Berwick hospital. Over the ensuing year our local papers noted not much at all happening, except the Minister for Gaming, the honourable member for Dandenong in the other place, trying to talk the Mercy hospital out of putting in a bid — and he succeeded. The fact that he succeeded meant the establishment of the hospital at Berwick was put off for even longer. In March this year there was the joy of the local paper indicating that there would be a hospital signing within a fortnight, and that it was expected that negotiations would be completed. It was confirmed in April by the Premier, who said in answer to a question that the government was committed to building the Berwick hospital.

Joy of joys, in July 2000 our local paper had the heading 'Hospital by 2002'. It was expected to open by 2002 and the Minister for Health announced that it would be built in Kangan Drive, Berwick. Just a short time later, in September this year, the figures changed. The paper says 'Hospital to open in 2004'. In the blink of an eye the Labor government added two years to the project. Instead of proposing to build the hospital in Kangan Drive, Berwick, the dossier put out a couple of weeks ago states that there are two possible site

locations, one in Kangan Drive and the other next to the Monash University campus in Berwick. Yet some months before the Minister for Health announced that the hospital would be built in Kangan Drive. There is no joy and no hospital; there is only the flimsy promise that the hospital will open in 2004. That is too far away. The people of Berwick deserve better.

Prior to the last election we had the promise that the ALP would bring forward the building of a school in Narre Warren South. The promise was based on Phil Gude, the former Minister for Education, having said that the school would open in 2002. Mr Bracks went to Narre Warren and said, 'If we're elected we will build the school and have it open in 2001; we'll bring this project forward 12 months'. As the Leader of the Opposition indicates by pointing to his watch, it is nearly November 2001. Do we have a school in Narre Warren open for students? The answer is no, we do not! There is a school being built, certainly. When will it be open? It will be open in 2002, which is what Phil Gude originally announced. On that flimsy promise the ALP said, 'Elect us and we'll bring it forward 12 months'.

Another example is in an article headed '$2.5 m promise', which states:

> Endeavour Hills residents have won a 10-year battle to get a new police station.
>
> The new state government will deliver its election promise to build a $2.5 million … police station at Endeavour Hills.

Is that there now? The answer is no! Do they have a site for it? No! Is there any building program in place to have the police station open in the short term? The answer is no! They are three infrastructure projects the Labor government promised the people of my electorate but has not delivered on.

Another example in relation to hospitals is of great concern to me. The figures show that at the Dandenong Hospital there has been an increase in the numbers of people waiting for elective surgery. That increase has certainly been of great concern. As an example, in June 1999 there were 23 people waiting as urgent cases, but that has ballooned out — there were 37 in June 2000 and the figure has increased even more. The latest figure for the Dandenong Hospital is 29 as at June 2001. The way the numbers have gone in semi-urgent cases at Dandenong Hospital, with people waiting for elective surgery, is even more serious: in June 1999, the figure was 184; in March 2000, 333; in June 2000, 510; in March 2001, 649; and in June 2001, 704. It has gone up from 184 to 704. That is outstandingly bad and concerning.

If I had time I could give a lot more figures to do with hospitals going on ambulance bypass, which have blown out significantly. I could give a number of statistics relating to hospitals that are consistent with the figures we have seen lately in relation to Labor's promises on health. All indicate that the Labor government has not been doing what it promised it would do. Numbers on waiting lists in Victoria have gone up 21 per cent since Labor took office yet the promise was that Victorian Labor would cut hospital waiting lists. That certainly has not happened. Another promise made in the form of a pledge prior to the election was that the waiting times for patients on emergency trolleys would be reduced. Since Labor took office the increase has been 203 per cent.

This Labor government should stand condemned for what it is not doing in the eastern suburbs of Melbourne. The people of my electorate have no doubt about what Labor stands for: it stands for procrastination, it stands for referring things to committees and it stands for having focus groups and meetings and discussions, but it never ever makes a decision. We want decisions and actions out of this government. We want infrastructure. We are not getting it. We are very concerned and the state government stands condemned for its inability to provide those things in the eastern metropolitan area.

House divided on motion:

Ayes, 28

Ashman, Mr (*Teller*)	Forwood, Mr
Atkinson, Mr	Furletti, Mr
Baxter, Mr	Hall, Mr
Best, Mr	Hallam, Mr
Birrell, Mr	Katsambanis, Mr
Bishop, Mr	Lucas, Mr
Boardman, Mr	Olexander, Mr
Bowden, Mr	Powell, Mrs
Brideson, Mr	Rich-Phillips, Mr
Coote, Mrs	Ross, Dr
Cover, Mr	Smith, Mr K. M.
Craige, Mr	Smith, Ms (*Teller*)
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr

Noes, 13

Broad, Ms	Mikakos, Ms
Carbines, Mrs	Nguyen, Mr
Darveniza, Ms (*Teller*)	Romanes, Ms
Gould, Ms	Smith, Mr R. F. (*Teller*)
Hadden, Ms	Theophanous, Mr
Jennings, Mr	Thomson, Ms
Madden, Mr	

Pair

Ms Luckins	Mr McQuilten

Motion agreed to.

MARINE SAFETY LEGISLATION (LAKES HUME AND MULWALA) BILL

Second reading

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

That this bill be now read a second time.

This bill provides for improved marine safety in Victoria and New South Wales through the introduction of corresponding legislation for marine safety on Lake Hume and Lake Mulwala.

The NSW/Victorian Border Anomalies Committee identified the need to rationalise enforcement of marine safety legislation on lakes Mulwala and Hume as the state border is submerged beneath the waters of the lakes. In these circumstances it is unclear to boaters which state law they must comply with.

The Victorian and NSW governments have agreed to overcome these anomalies through the rationalisation of enforcement of marine safety legislation on lakes Hume and Mulwala.

To address the current confusing situation, the NSW/Victorian Border Anomalies Committee in consultation with appropriate state government agencies, proposed that New South Wales law will apply to:

all of Lake Mulwala and that part of the Ovens River north of the Murray Valley Highway Bridge and also known as Paralos; and

the section of Lake Hume upstream of Bethanga Bridge.

Victorian law will continue to apply on the remainder of the Ovens River and on Lake Hume downstream of the Bethanga Bridge.

Under the agreement, officers of the Waterways Authority NSW will undertake the primary enforcement role. Victorian enforcement officers (Victoria Police and other authorised officers under the Marine Act 1988) will also enforce NSW boating safety laws in those areas that have been designated to have NSW laws applied to them.

The differences between NSW and Victorian boating laws are minor, with mutual recognition of boat operator licences and boat registrations in both states. The main differences relate to licensing, where in NSW only operators of vessels travelling over 10 knots require licences, whereas in Victoria all powered recreational boat operators will require a licence.

The marine board does not envisage any safety problems in terms of on-water safety, and as such the main benefits would be greater certainty for boaters about the applicable law and more effective enforcement.

This legislation has been developed for introduction in the spring sittings 2001, both in Victoria and NSW, to enable the revised marine safety legislation to be in place for the 2001–02 boating season.

The legislation is a sensible approach to overcome the present confusing and administratively difficult situation. The agreement by both governments to proceed with corresponding legislation has been well received by the boating community. A community consultation campaign will be put in place to explain the benefits of this initiative.

I commend the bill to the house.

Debate adjourned on motion of Hon. P. R. DAVIS (Gippsland).

Debate adjourned until next day.

MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 18 October; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. PHILIP DAVIS (Gippsland) — Without any delay I welcome the opportunity to support the passage of the Mineral Resources Development (Further Amendment) Bill, and in so doing say that this is a long-welcomed legislative change which the farming community in Victoria will applaud loudly.

It is the case, as I understand it, that with the formation of the Mineral Resources Development Act in 1990 by the then minister responsible for minerals, David White, peat was classified as a mineral rather than an extractive material and some problems have arisen as a consequence. To put it in perspective, peat is a material that tends to be found in areas of high agricultural value because it is generally associated with high rainfall and significantly higher levels of soil fertility and soil type than some other materials. The consequence is that when extraction of peat as a resource from the landscape is carried out on a geographically significant scale it can impact significantly on individual farms.

Peat is a material that is not presently utilised to a large extent in the state, and I understand there is only one peat mining operation in Victoria.

I had the opportunity to visit that location in November and December of last year at the urging of the honourable member for Polwarth, Terry Mulder, who made a fine contribution on this bill in the other place. On three occasions he mentioned my contribution on this matter. I am delighted to humbly note that during the course of the debate I took a great deal of interest in the subject. I met with Mr and Mrs Chris Smith at their property at Swan Marsh to talk about the problems associated with exploration licences and the potential for large-scale peat mining operations in their vicinity. I then inspected the adjoining property, where there was the peat mining operation.

I sympathise with the predicament where the land-holder, subject to the regulatory regime as set out by the Mineral Resources Development Act, has certainly the risk of an outcome which would be significantly deleterious to the farming operation. As I said, we are dealing with land where peat is identified to be found, which generally speaking is of high agricultural value because peat is a soil material which is derived over time through the breakdown of organic matter, and generally in areas of high rainfall and good soil type — areas that are generally used for more intensive agricultural production.

The consequences for the land-holder can be significant. There has been a long history of representation by the Victorian Farmers Federation on this matter, and therefore I am delighted to say that this small bill, which proposes to move the regulation of peat as a material to be extracted from the Mineral Resources Development Act to the Extractive Industries Development Act, is welcomed. I make the observation that it is surprising to me that this has taken so long to resolve. Notwithstanding the fact that when we were last considering amendments to the Mineral Resources Development Act the minister outlined in the second-reading debate that this would be considered, it has taken some time. This amendment could have been included in an omnibus bill dealing with a series of other small amendments.

The extent of the change that is occurring is not so significant that it should have been delayed for the sake of introducing a bill in its own right. My view therefore is that this could have been dealt with much earlier and that there was no need to take up the time of the Parliament in dealing with it in isolation.

Having said that, there will be benefits arising from the change as there are only a handful of affected exploration licences. I understand that from the proclamation of these provisions land-holders' rights will be protected to the extent that their recourse in dealing with any applications to extract peat on their properties will be dealt with under the Extractive Industries Development Act. At the same time effectively there are grandfather provisions on the existing licences for exploration granted to the one firm in the state that holds licences for 10 years, Biogreen Ltd, and those licences will continue. Without further ado, I am happy to support the bill and look forward to its speedy passage this afternoon.

Hon. D. G. HADDEN (Ballarat) — I support the Mineral Resources Development (Further Amendment) Bill. The bill is to amend the Mineral Resources Development Act of 1990 and the Extractive Industries Development Act of 1995 and for other purposes. The bill deals with peat, a soil resource and a developing industry, in particular in the south-west of Victoria. Peat is formed by the biological decomposition of vegetation and is geologically not a mineral. Peat is a dark fibrous material that is created when decomposition fails to keep pace with the production of organic matter. It is the first stage of the transformation of plant matter into coal. Although peat is created under specific conditions, such as waterlogging, lack of oxygen or nutrients, high acidity or low temperatures, peat can be found in many types of wetlands.

Where the peat deposits are greater than 300 to 400 millimetres in depth a distinctive variety of ecosystems are created. Known collectively as mires, these complex ecosystems, which include bogs and fens, are very susceptible to even the slightest change in hydrological regime, vegetation cover or grazing. Bogs form where rain and snow directly feed an already high water table. Fens on the other hand are fed by ground water or by interior drainage into hollows.

This bill will give farmers and land-holders an opportunity to have better control over the peat resources that exist on their own land. Historically, peat has been used as a source of fuel for heating in Europe and the United Kingdom. However, in Australia and particularly in Victoria's south-west, peat is used in the production of potting mix and for agricultural purposes.

In schedule 4 of the Mineral Resources Development Act peat is defined for the purposes of that act as being a mineral, and as such it gives ownership of the peat to the Crown and allows the Crown to issue licences to remove that material. For some years the Victorian Farmers Federation has recommended that peat should

not be a mineral; as it is part of the land on which a farmer or land-holder operates it should be controlled only by the landowner.

As honourable members heard from the previous speaker, Mr Philip Davis, the Minister for Energy and Resources referred in this house in November last year to the fact that there was a proposal at that time to remove the status of peat as a mineral and that there would be a review of the status of existing licences and appropriate transitional arrangements in relation to that status. That proposal was supported by the opposition parties.

Currently there are only four licences under the Mineral Resources Development Act relating to peat — three exploration licences and one mining licence — and all are located in the south-west. All four licences are issued to a company called Biogreen Ltd. Two of the exploration licences are located adjacent to a mining licence area in the Swan Marsh district near Colac in the south-west and the third exploration licence is located near Portland. This company, Biogreen, is currently mining and selling peat. It is a relatively small company which employs approximately 10 people. It is also developing new products and markets, including using peat to filter seepage from landfills and as a material to mix with herbicides and pesticides to optimise their use on broadacre farms. This company plans to develop a significant regional peat industry in the south-west, doubling its employee numbers from approximately 10 to approximately 20 people.

The amendment proposed by this bill will remove peat as a defined mineral in the Mineral Resources Development Act and include it as a defined stone under the Extractive Industries Development Act 1995, which will enable the further production of peat to occur and all stakeholders in that small industry to be protected. As I said, under the amendment any future peat extraction other than that covered by the existing mining licences will be controlled under the Extractive Industries Development Act in the same way as the extraction of dark soils and stone. All relevant planning approvals and safety standards will of course need to be met. The landowners will ultimately determine whether to allow the peat to be extracted from their land.

As I have said, Biogreen is a small developing business in the south-west of the state. It has assessed the potential of peat extraction to be a viable regional industry in the south-west region of Colac and Portland, and it is currently expanding and improving its operations, for which it is to be commended. I note that Biogreen fully supports the transitional arrangements referred to in the bill as sufficiently protecting its interests.

Turning to the specifics of the bill, clause 3 removes peat from the coverage of the Mineral Resources Development Act and provides for its inclusion in the Extractive Industries Development Act under its true definition as a stone. Clause 5 inserts proposed section 131 into the principal act, the Mineral Resources Development Act of 1990. Clause 6 inserts proposed schedule 6 in the same act to ensure that the transitional arrangements arising from the proposed amendments safeguard the current leases. I have already referred to the four current licences and the transitional arrangements that will cover those licences. As I have said, this bill will give farmers and land-holders the opportunity to have better control over the extraction of peat resources that exist on their land.

This government is not a do-nothing government; it consults and it acts. This government shows that it is responsive to the needs of the community and industry, and has done so in particular by the introduction of this bill and the foreshadowing of it in November last year.

I will give an example of how the extraction of peat from a wetland can have catastrophic environmental and ecological effects. The Wingecarribee wetland collapse in the southern highlands of New South Wales back in 1998 is such an example. The Wingecarribee wetland was a unique peat swamp that was rich in flora and home to endangered plants as well as the rare giant dragonfly. In 1990 the Australian Heritage Commission listed the Wingecarribee swamp on the register of the national estate and in 1993 it was listed by Environment Australia as a wetland of national significance.

On 7 August 1998 heavy rain lifted an abandoned pontoon dredge that was used to extract peat from the swamp and washed it 1.5 kilometres through the buffer zone into the reservoir. As the dredge swept downstream into the reservoir its legs ripped a strip out of the buffer zone between the dredge pool and the reservoir. That buffer zone was there to protect the reservoir from peat mining. The dredge dug a channel through the peat about 1500 metres long by 10 metres wide and the result was that 5 million cubic metres of peat flowed into the Wingecarribee reservoir. That reservoir supplies water to 40 000 people in the Bowral and Robertson areas of the southern highlands of New South Wales and is a backup water supply for Wollongong and Sydney. The swamp collapse was, as I have said, an environmental and ecological disaster, and some experts have said it will take hundreds of years to fully rehabilitate the swamp.

Compare that to what this government is doing in its consultation and work with the farmers and agricultural landowners of the south-west and with the Victorian Farmers Federation. This government is a very different government. This government has a responsible attitude to balancing social, economic and environmental outcomes. To ensure that the government is sensitive and responsive the current peat operations in the south-west of Victoria on agricultural and farming land are suitably and properly managed. The control of the extraction of peat will be returned to the land-holders, farmers and owners of the land from which the peat is extracted. I commend the bill to the house.

Hon. P. R. HALL (Gippsland) — Isn't the Internet a wonderful thing and how one can use it to embellish one's speeches! I have to give the Honourable Dianne Hadden full marks for in a rather obscure and tenuous way relating the story about the collapse of a peat swamp to the Mineral Resources Development (Further Amendment) Bill. I think it was very clever of her to do that. As I said, I thought it was a rather tenuous link, but nevertheless we got through it.

Major amendments were made to the Mineral Resources Development Act in November last year. We in the National Party supported the amendments to the act, but at the same time we also insisted that the government take action on two further matters at the time of the debate. The first was an important issue for us — namely, the rehabilitation of agricultural land following open-cut mining, which was the subject of significant debate when the amendments were debated in November last year.

Our second issue of concern was about peat. We felt very strongly that peat mining should be controlled by the Extractive Industries Development Act and not the Mineral Resources Development Act. I am pleased to see that the government is acting on both the matters raised by the National Party during the course of last year's debate. This bill addresses the issues of peat and our concerns about it.

When we debated those significant amendments to the Mineral Resources Development Act the Victorian Farmers Federation approached the National Party about the peat issue. The VFF outlined the problem that peat is currently defined as a mineral under the Mineral Resources Development Act. I note the Honourable Dianne Hadden said that according to the dictionary definition peat is not a mineral, but the act defines peat as a mineral. Perhaps the dictionary definition and the definition that we use legally in Victoria need to concur. The National Party is pleased that the bill addresses this particular matter.

Because peat is currently defined as a mineral under the Mineral Resources Development Act the mining of peat is undertaken like any other mineral and there is no right of veto by the landowner. Peat is a surface material extracted in great quantity rather than quality, like most other minerals, and therefore the National Party believes — and this is agreed to by the VFF — that it should be more appropriately treated under the Extractive Industries Development Act in the same way as gravels, stones and quarries. We believe a peat mining operation should operate in the same way.

The current definition of a mineral provides no automatic right of payment for the material extracted for the landowner in that particular instance. However, if, as this bill does, the definition of peat were to come under the control of the Extractive Industries Development Act peat will be defined as a stone. It is probably a strange concept for some people to imagine that we could have a relatively soft-soiled substance like peat regarded as a stone, but it will be so under the Extractive Industries Development Act. Because it is under that act there is a right of veto on mining of peat for people who own that particular land and it is possible that a payment can be negotiated for the volume of the material extracted. We expressed our concurrence with the view of the VFF in November last year when the act was last amended. As I said, we are pleased the government is acting on it with this bill. The second-reading speech mentions the consistent position taken by the National Party during the course of the debate last November.

Hon. M. M. Gould interjected.

Hon. P. R. HALL — We are pleased the government is taking notice of our concerns. We are giving you a compliment here.

Hon. M. M. Gould — We couldn't get the same when you were in government though, could we?

Hon. P. R. HALL — I don't know about that. We have had a look at the transition provisions in the bill, and we believe they are appropriate. The arrangements are appropriate to protect the interests of the current licence-holders and land-holders.

We have consulted very widely on the bill. We have received confirmation from the VFF. Kate Lockhart emailed me on 28 September and her note says:

> The VFF would also like to thank you and your party for your assistance in achieving practical amendments to the MRD act which further strengthen the farming communities' capacity to achieve equitable outcomes. Thank you.

We were pleased to receive that. The Victorian Minerals and Energy Council looked at the bill. Its October newsletter states:

> The council has been involved in the development of this bill and has been assured that current licence-holders will have their interests protected.

We are thankful for the council's support of the bill. As an indication of the extent of the National Party's consultation I point out that my colleague in another place Hugh Delahunty, the honourable member for Wimmera, consulted with Basin Minerals Ltd of Western Australia. In a letter of 4 October as part of its response to this bill it states:

> From the proposed amendment it would appear that all stakeholders (farmers and potential peat developers under current titles) are again being fairly dealt with in a manner that will assist their respective endeavours to the benefit of the general community.

I put on record my thanks to my colleague, who has extended our consultation beyond the state boundaries of Victoria.

The second-reading speech spoke about the amendments to the Mineral Resources Development Act which were debated in November last year. As I said at the start of my speech there were two concerns: the issue of peat and the rehabilitation of agricultural land, particularly after open-cut goldmining. At the time of the debate it was a very contentious issue.

I am aware that there is a requirement under the Mineral Resources Development Act to require rehabilitation of land after mining. Generally that works very well, but there was an issue with open-cut goldmining. I am also aware that the minister has honoured her commitment at that time to put in place a committee to look at that issue. I understand the minerals and energy council and VFF are two parties involved in the issue.

Although the minister responsible is not in the chamber, perhaps the Minister for Small Business, who is sitting in her place, could relay to her that it would be helpful if the house could receive a report at some time in the near future on how that committee is going and what its activities are towards trying to resolve some of those outstanding concerns about the rehabilitation of agricultural land, particularly following open-cut mining. That response would be appreciated.

However, that is not the direct subject of this debate, which concerns the definition of peat. We are pleased that the government is acting and we are more than happy to support the bill before the house.

Hon. R. F. SMITH (Chelsea) — I rise to speak in support of the Mineral Resources Development (Further Amendment) Bill, the purpose of which is to transfer peat from the ambit of the Mineral Resources Development Act 1990 and to allow it to be considered stone rather than a mineral. It has already been expressed to the house that some people struggle with this concept, but I am led to believe that it is an accurate description of peat and for the purposes of this bill it is treated as such. Peat will now come under the Extractive Industries Development Act 1995. This is a significant change, which all parties involved support. I suppose it is something the government wants to be noted. All parties, including those within and without Parliament, are supportive of the changes contained in this bill.

At present peat is considered to be a mineral and its mining is controlled by the government. Licences, work authorities and permits are controlled directly by the government and not by the farmers on whose land the peat exists. For quite some time farmers and their association, the Victorian Farmers Federation, have argued that peat is organic and therefore is not a mineral and should not be considered as such. It is not often that I get to say that I am in agreement with the VFF, but on this matter I think it is worth noting that it has come up with a sensible proposal, one which all parties in this place agree with.

The government did not just accept the argument of the VFF; we also did something about it. We consulted with all the relevant parties and stakeholders, which is something that the Bracks government makes much of, and people are quite pleased that we have done so. I remind the house that on 16 November 2000 this government gave a commitment to the Parliament to remove peat from the ambit of the Mineral Resources Development Act by amending the act, hence the introduction of this bill. Consequently it will allow farmers not only to harvest peat as an organic material for commercial purposes, but will also give them much more control of their land. In some way that demonstrates the rationale for the National Party's support for this bill, given that their traditional constituent base consists of farmers. As I said, I note that the National Party supports the bill strongly, and I have to commend its members for doing so.

The search for and extraction of peat will come under the Extractive Industries Development Act 1995, under which a farmer must consent to its extraction from his or her land. Another reason for this bill is to remove an anomaly that exists relating to differentiating between peat and soils with high organic content.

As I said, the government has conducted a comprehensive review, which included a review of the licences that currently exist within this industry. Interestingly only one such licence and three exploratory licences directly relating to peat exist, and they are all under the direct control of a subsidiary of a company called Biogreen, which is currently building an industry base on peat extracted from the Colac region. The company is processing peat, marketing the product and building a processing plant in the hope of employing up to 20 people.

In the large scheme of things this may not sound like a large number of new employees, but I suggest it is significant, particularly in rural Victoria, where jobs are at a premium. I wish them well. More than that, I wish any relevant union well in signing up those people. We know that union members do significantly better than non-union members. The company's interests have been protected — and this is extremely important for not only present but also future investors — and they must understand that it goes to proving the point that investors can feel comfort in coming to Victoria.

As I said, Biogreen's interests have been protected and its current mining licence is not only to continue but will be renewed. The bill will allow the company's exploration licences to be renewed for the next 10 years, although its licences will be restricted to the area covered by the current licence. It is an important part of this bill that states that if Biogreen wishes to extract peat from outside its current boundaries it will have to negotiate with farmers. The government sees this as a positive move, and I am sure it goes without saying that farmers do as well, because they now own that peat and will be compensated in some way for any peat that may be extracted from their land in the future.

It is important to note that Biogreen and the Victorian Farmers Federation support the changes proposed in this bill, and for that reason I commend this bill to the house.

Hon. C. A. STRONG (Higinbotham) — I support the bill and in a very few words will cover the essential elements. The bill transfers peat from being a mineral to a quarryable material. The whole process is interesting because historically, based on traditions in Europe and Ireland, peat has been a fuel or a low-grade coal and as a consequence has come under the Mineral Resources Development Act. However, Australia is not Europe and our use of peat has been, certainly in recent decades, quite different from the European use of peat. Here peat is used not as a fuel or as a low-grade coal — we have our own brown coal, which is a relatively low grade — but as an agricultural product, for potting mix and similar uses.

For some time there has been an inconsistency in that peat has been classified as a mineral. The bill reclassifies peat from a mineral to a quarryable material to bring it under the Extractive Industries Development Act, which is eminently appropriate and is supported by me.

It is also highly appropriate that those few licences that exist under the Mineral Resources Development Act be taken over through saving provisions so that those people who have extracting and exploration licences for peat will not lose anything in the change. There is the potential for peat use to expand and for peat to be put to very good use in agriculture and other areas that were difficult while peat came under the Mineral Resources Development Act. With those few words I am pleased to support the Mineral Resources Development (Further Amendment) 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 all opposition members, both from the Liberal Party and the National Party, for their support of the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Wednesday, 7 November.

Motion agreed to.

ADJOURNMENT

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

That the house do now adjourn.

South Oakleigh Primary School site

Hon. ANDREW BRIDESON (Waverley) — As the Minister for Sport and Recreation is not present, I refer an issue to the attention of the Minister for Small Business for the Minister for Education in another place concerning the South Oakleigh Primary School site. The South Oakleigh Primary School recently moved into the refurbished former South Oakleigh Secondary College, so the old South Oakleigh Primary School site has been vacant since September this year. The playground area has been fenced off. Obviously since that time there has been no maintenance on the grounds, and complaints have started to come in from neighbours in the area about not only the long grass but about rubbish being thrown over the fence. The site is generally unkempt and untidy. The neighbours would like to see the former school grounds kept in a neat and tidy condition in keeping with the rest of the neighbourhood.

Bunyip State Park

Hon. N. B. LUCAS (Eumemmerring) — I refer to the attention of the Minister for Energy and Resources, as the representative of the Minister for Environment and Conservation in the other place, an issue relating to the Bunyip State Park. I believe a management plan for that park came into being in 1998. That plan provides for a number of uses of the park, including the use of areas in the southern section of the park by trail bikes and four-wheel-drive vehicles.

In recent times there has been a lot of concern among members of the community who live on private land within the boundaries of the park and also adjacent to the sides of the park regarding the use of those vehicles. It is a fact that, particularly at weekends, there is continual noise from these vehicles in the park.

It appears that when the management plan was first put together there was very little, if any, discussion with local residents regarding the future plans. In fact, the trail bikes and four-wheel-drive vehicles apparently have been allowed to go into a particular area, which badly affects those living in the area. They have the constant sound of bikes and four-wheel-drive vehicles for the whole weekend.

I raise the matter because I chaired a recent meeting held in Gembrook where it was put to me that there needs to be a review of the management plan for the Bunyip State Park. Accordingly, I ask the minister to undertake a review of the management plan, particularly taking into account the views of residents in the area who have expressed their concerns regarding the noise from four-wheel-drive vehicles and trail bikes.

Snowy River

Hon. R. M. HALLAM (Western) — I hope the Minister for Energy and Resources will not be too disappointed to learn that I want to again go to the issue of the government's specific commitments regarding increased environmental flows in the Snowy River, and more particularly the government's reporting of a $40 million output initiative relating to this project in 2000–01. During the adjournment debate of 17 October the minister assured the house that it was:

> … perfectly appropriate that the 2001–02 budget papers reported the $40 million as an output initiative for 2000–01 even though the greater part of the funds … were not expended in that year.

Employing the minister's own logic I suggest it also would have been perfectly appropriate to note that the $40 million allocated the previous year had not been fully drawn down, and it would have been perfectly appropriate to report both the actual expenditure and the reason for the deferral.

I ask the minister in her perfectly appropriate mode to advise the house what part of the $40 million was in fact expended in 2000–01 and where this is actually reported in the budget papers.

Smoking: rooming houses

Hon. ANDREA COOTE (Monash) — My question is to the Minister for Industrial Relations for the Minister for Health in another place. A rooming house resident in my electorate recently contacted me. He was very concerned about the issue of smoking in the rooming house and the effect that was having on his comfort and health, and indeed that of some of the other members of the rooming house. A media release from the Minister for Health of 27 June quotes him and states:

> Second-hand smoke can be fatal —

he was launching smoke-free dining with restaurateur Stefano di Pieri, who presented the television series *A Gondola on the Murray* —

> and smoke-free dining is an important step towards protecting the health of restaurant patrons and staff.

Second-hand smoke is also of concern in rooming houses, which are in a unique position because not only do they have communal areas but also they are people's homes. Many people have difficulties because they cannot join in activities in communal areas; if they are concerned about smoke they have to stay in their rooms. Given the government's commitment to smoke-free environments, with the banning of smoking in restaurants and cafes in June, is the government committed to protecting the health of all Victorians and, if so, when will smoke restrictions be imposed on rooming houses?

Retail tenancies: tenure

Hon. W. I. SMITH (Silvan) — The matter I refer to the Minister for Small Business concerns retail tenancies. I have received a letter from a constituent expressing an understanding that the proposed bill for retail tenancies does not include security of tenure for small businesses in shopping centres. I raise this matter with the minister because Tim Piper, president of the Australian Retailers Association, has publicly said he also did not believe security of tenure was on the government's agenda.

Given that the minister and the government have criticised the former Kennett government in the past for not providing roll-on, 10-year leases and security of tenure, given the concern in the industry — the person who has written to me is very prominent in the newsagents association — and given that Tim Piper is making some fairly loud comments about this not being included, will the minister confirm that she will introduce security of tenure and outline the form it will take?

Fishing: Corner Inlet licence

Hon. P. R. HALL (Gippsland) — The matter I raise for the attention of the Minister for Energy and Resources concerns the matter I raised on the adjournment of 26 September this year about my constituent Noela Cripps and the transfer of the Corner Inlet fishery access licence held under the name of her late husband. The minister and I spoke about this matter and I know we are all working together to try to have this matter resolved as quickly as possible. I appreciate that it is now more than a month on and to this day Ms Cripps still has not had an official confirmation of what the minister proposes regarding the licence.

I understood that an answer may have been available from the minister this week, and I now ask whether she has made a decision about the application to transfer the fishing licence and, if so, to inform the house of that decision.

Liquor: Woolworths

Hon. BILL FORWOOD (Templestowe) — I raise an issue for the attention of the Minister for Consumer Affairs. On 24 May this year the minister put out a press release about new liquor laws to protect small retailers, saying:

> The Bracks government has delivered on its promise to close liquor loopholes undermining laws aimed at preventing the domination of the packaged liquor industry by the major supermarket chains …
>
> …
>
> This is good news for small liquor retailers …
>
> …
>
> When the Bracks government said in January that we would enforce an effective 8 per cent cap, we meant it. Today we have closed the remaining loopholes so that both small retailers and the public will continue to enjoy a diverse range of liquor outlets.
>
> Ms Thomson said the maintenance of an effective 8 per cent cap would provide small retailers a period of certainty to allow discussion —

et cetera, et cetera.

The minister is aware that Woolworths is about to open three new Dan Murphy Stores — one in Vermont, one in Frankston and one in Eltham. She is also aware that Woolworths intends to close Franklin grocery stores and turn them into Dan Murphys. I have a simple question: is she going to stop them?

Member for Chelsea Province: statements

Hon. B. C. BOARDMAN (Chelsea) — I raise a matter for the attention of the Minister for Sport and Recreation which I ask him to pass on to the Minister for Post Compulsory Education, Training and Employment. The minister would be aware of the Community Jobs program, which is a state government initiative — following from the Kennett government's initiative — offering paid work and training to the unemployed. The minister would also be aware that last Friday there was a graduation ceremony for some graduands, mainly female, ranging in age from 18 to 50, who were coordinated in this program by Skills Plus Peninsula. The minister, Lynne Kosky, decided — in hindsight, through an error of judgment, I guess — to be represented by the Honourable Bob Smith on this particular occasion.

On being introduced as the Honourable Bob Smith, Mr Smith made light of the title, spoke about the Labor Party wishing to reform the upper house and said the ALP did not approve of the title 'Honourable', claiming it was something from the past. Because this particular graduation was being orchestrated at the Mahogany Community Centre at Frankston North, he made reference to his memory of the night Labor won government and what a proud member of the Labor Party he was.

Mr Smith interrupted his prepared speech on a number of occasions to refer to Labor Party philosophy, giving particular reference to its social justice philosophy. On a number of occasions he interrupted his prepared speech to refer to the Labor Party instead of the government and make disparaging comments about the former Kennett government. That is to be expected. But probably what the crowd found most offensive was the reference to his time as secretary of the Australian Workers Union, when he encouraged all participants to join a union.

Considering that a number of these participants have contacted me expressing their outrage at the blatant politicising of a very important program, will the minister rebuke Mr Bob Smith and ask him to issue an apology to all those people who were offended by his comments?

Country Fire Authority: volunteers

Hon. I. J. COVER (Geelong) — I raise a matter for the attention of the Minister for Sport and Recreation for reference to the Minister for Police and Emergency Services in the other place. It concerns volunteer fire brigades. As honourable members on both sides of the house would recognise, the fire season is just around the corner, with summer only a month away. In that context it is concerning to note that in Geelong volunteer fire brigades in some areas are struggling to field daytime crews because of a severe shortage of available members. Indeed, the Country Fire Authority (CFA) regional officer in Geelong, Bob Barry, was reported in the *Geelong Advertiser* yesterday as saying there had been a decline in the number of people turning out during working hours. Among areas hardest hit are St Leonards, Lovely Banks and several coastal brigades. In some towns the local CFA branches struggle to field adequate crews during working hours, a shortage blamed on an ageing volunteer base and the drain of young people from rural communities. The article states:

> 'A lot of brigades are suffering', he said. 'It is putting a huge strain on the people that we have'.

Of course, it is not just the work the volunteers do as firefighters, which is to be commended, but there is also the opportunity for people to be active members in their local brigades by taking part in education, awareness and social activities.

As always all honourable members commend the work that volunteers in the CFA branches do, not only in the Geelong Province, which I represent, but in all areas of Victoria. Through the good auspices of the newspaper the CFA was able to include a telephone number that it asked people to ring to contact the local brigade. What action will the minister and the government take to assist in remedying this situation for CFA brigades?

Ministers: staff

Hon. W. R. BAXTER (North Eastern) — I raise a matter with the Minister for Industrial Relations for referral to the Premier. I would like the Premier to advise staff who work in ministerial offices that north-eastern Victoria, despite its being in the 02 telephone zone, is part of the state of Victoria and comes under the jurisdiction of the government of Victoria. In the past couple of weeks I have had the unfortunate experience in dealing with two ministerial offices where there was a grave reluctance to telephone me back when I gave my phone number on the basis that I was a New South Wales member of Parliament because I had an 02 phone number.

I find that quite disgusting. I know that this is a citycentric government and I know that ministerial staffers have absolutely no idea at all of the geography of Victoria, but if that is the treatment they are giving me in declining to return calls from 02 phone numbers, what is being done to the tourism industry, including the motels and the other businesses in north-eastern Victoria that similarly have 02 phone numbers? It shows a gross misunderstanding of the geography of Victoria. I invite the Premier to give a geography lesson to his staffers.

Waverley Park

Hon. G. B. ASHMAN (Koonung) — I address a matter to the attention of the Minister for Sport and Recreation. I note that the Australian Football League (AFL) draw came out today. I draw his attention to the ALP policy on Waverley Park — which is now better known as Thistle Park — released prior to the last election:

> Preliminary legal advice indicates that the state government has substantial powers to save Waverley Park from closure. These include the power to rezone the land as a site of significance to the community and powers under the MCG

Trust and Docklands Authority acts to limit the number of games at these venues to enable more fixtures to be scheduled at Waverley.

Was this advice provided to the incoming government? If it was, the opposition would be interested in seeing that advice. If it was provided to the incoming government, why was it not acted upon and why we are not now having games at AFL park?

Casey: maternal and child health funding

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise a matter with the Minister for Consumer Affairs for the Minister for Community Services in the other place. It relates to the issue of maternal and child health service funding. I refer specifically to the City of Casey. The City of Casey receives state funding for maternal and child health services, but the basis of the funding is largely the number of births in the previous year — that is, current financial year funding is based on the number of births in the previous year. The difficulty with that is that Casey is a growth area, where there is an enormous number of young families and where an enormous number of children are born. The City of Casey is funded based on the number of births last year, which is inadequate to deal with the number of births this year, so there is a shortage of funding for maternal and child health services in the city. As a result Casey has had to prioritise the number of services it can offer under the program to newborn children at the expense of older children.

The City of Casey has requested a meeting with the Minister for Community Services, who unfortunately has told the city that she does not have the time to meet with its representatives. Casey has inadequate funding for maternal and child health services and the minister is not willing to meet with its representatives to discuss the issue. Given that this is a critical issue in a growth area with many newborn children, I ask the minister to reconsider and to meet with the City of Casey to discuss the issue.

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Neil Lucas raised a matter for referral to the Minister for Environment and Conservation with respect to trail bikes and four-wheel-drive vehicles in the Bunyip State Park and asked that the minister look at the management plan. I will ask the minister to respond to the honourable member in the usual manner.

The Honourable Andrea Coote raised a matter for the Minister for Health regarding smoking in rooming houses. I will ask the minister to respond to her in the usual manner.

The Honourable Bill Baxter is concerned that no-one knows who he is and raised a matter for the Premier about 02 phone numbers. I will raise that with the Premier and ask him to respond in the usual manner.

Hon. C. C. BROAD (Minister for Energy and Resources) — In response to the Honourable Roger Hallam and in relation to the matter of the $40 million made available by way of Treasurer's advance in 2000–01 for restoring environmental flows to the Snowy River and the matter of what the actual expenditure was in relation to those funds, I do not have those details, but if it is possible to provide that information on actual expenditure to the honourable member I will seek that information and provide it to him.

In response to the Honourable Peter Hall and the matter he referred to in relation to Ms Noela Cripps's situation, I am advised that advice is coming to me very shortly from the Fisheries Co-management Council and Seafood Industry Victoria, in addition to the legal advice I have sought on this matter. I am very hopeful that I will be able in considering that advice to make a decision about this soon and to notify both Ms Cripps and the honourable member very shortly in response to that advice, which I am told is now available.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Wendy Smith raised a matter of the retail tenancies review and concern by newsagents about security of tenure in shopping centres. I suggest that they have a good look at that section of the report that is out for public consultation now, and that they take advantage of the opportunity to make a submission in relation to the recommendations around reasonable security of tenure.

The Honourable Bill Forwood raised the 8 per cent liquor laws and the amendments which were passed through this house and were supported by the opposition at the time. Those laws are in place and will be effected by Liquor Licensing Victoria. Just as a reminder to honourable members in case they have forgotten, if any liquor suppliers or businesses are over the 8 per cent limit — in this case Woolworths is being mentioned as being over 8 per cent — they cannot gain a new licence nor move existing licences whilst they are over 8 per cent, and that remains the case.

The Honourable Gordon Rich-Phillips raised an issue for the Minister for Community Services in relation to maternal and child health services and the unique

situation of the high birth rate in the City of Casey. The City of Casey is seeking a meeting with the minister to discuss funding shortfalls due to those circumstances. I am not sure the honourable member understands what kinds of services are provided by those maternal and child health facilities, but I will pass that on to the minister for her direct response.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Andrew Brideson raised an issue regarding the site of the former South Oakleigh Primary School and the maintenance of its grounds. I will refer that to the Minister for Education in the other place.

The Honourable Cameron Boardman raised the Community Jobs program and a particular graduation occasion. I will refer that to the Minister for Post Compulsory Education, Training and Employment.

In relation to the matter raised by the Honourable Ian Cover regarding volunteer fire brigades, the outstanding work they do and the issue of daytime crews and associated demands and potential assistance, I will refer that to the Minister for Police and Emergency Services in the other place.

The Honourable Gerald Ashman raised a matter regarding Waverley Park. I have again and again reiterated the government's policy position regarding Waverley Park. I will reinforce that the government will fight to retain Australian Football League games at Waverley Park. It is a fight the government has maintained, but the Australian Football League has maintained its position that it is no longer playing AFL games at Waverley Park.

Mr Ashman's suggestion of limiting games at Docklands and the Melbourne Cricket Ground, appreciating the dynamics of the facilities, would no doubt diminish the potential viability of both Docklands and the MCG. I also remind the honourable member that taking that ham-fisted approach may not result in AFL games being played at Waverley Park, but may ensure that the AFL fixtures additional games either interstate or at other venues in this state.

Waverley Park is heritage listed. The AFL has not yet made a planning application. I understand the AFL will soon release the results of the expressions of interest process and I look forward with interest to see the results of the process and the potential public benefit that may be derived from it.

Motion agreed to.

House adjourned 4.02 p. m. until Wednesday, 7 November.

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, 30 October 2001

Racing: Victorian Workcover Authority chairman

1956. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Racing): Does Mr James MacKenzie, current Chairman of the Victorian Workcover Authority, or any company associated with him, have a contract or a retainer with the Minister's department; if so, what are the costs of the arrangement.

ANSWER:

I am advised that the Department of State and Regional Development has not entered into a contract with Mr James MacKenzie to the date of the Question on Notice, 20 June 2001. In relation to companies with which Mr MacKenzie may be associated, the Member may wish to specify any companies with which he has a concern.

Manufacturing Industry: Victorian Workcover Authority chairman

1957. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Manufacturing Industry): Does Mr James MacKenzie, current Chairman of the Victorian Workcover Authority, or any company associated with him, have a contract or a retainer with the Minister's department; if so, what are the costs of the arrangement.

ANSWER:

I am advised that the Department of State and Regional Development has not entered into a contract with Mr James MacKenzie to the date of the Question on Notice, 20 June 2001. In relation to companies with which Mr MacKenzie may be associated, the Member may wish to specify any companies with which he has a concern.

State and Regional Development: ministerial staff

2044. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): 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, one member of staff working in my office was on secondment from the Victorian Public Service.

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

Workcover: Shannon's Way Pty Ltd — contracts

2071. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister assisting the Minister for Workcover: Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I am advised that:

Two contracts have been entered into for the period in question with Shannon's Way

(i) 15 April 2001

(ii) $6,770.50 and $9,385.20 (GST Inc)

(iii) Provision of a press campaign and a radio campaign for the State Government "Better Business Taxes Initiative"

(iv) The Department of Treasury and Finance has complied with section 54L of the *Financial Management Act* 1994. Supply policies and the associated best practice guidelines are publicly available on the Victorian Government Purchasing Board's web site at www.vgpb.vic.gov.au/polguid/polmenu.htm.

Premier: Shannon's Way Pty Ltd — contracts

2072. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): Will the Premier provide details of every contract entered into between the Premier's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I am informed that:

The Department of Premier and Cabinet has not entered into any contracts with Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Workcover: Shannon's Way Pty Ltd — contracts

2073. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Workcover): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I am informed that:

Two contracts have been entered into for the period in question with Shannon's Way

(i) 15 April 2001

(ii) $6,770.50 and $9,385.20 (GST Inc)

(iii) Provision of a press campaign and a radio campaign for the State Government "Better Business Taxes Initiative"

(iv) The Department of Treasury and Finance has complied with section 54L of the *Financial Management Act* 1994. Supply policies and the associated best practice guidelines are publicly available on the Victorian Government Purchasing Board's web site at www.vgpb.vic.gov.au/polguid/polmenu.htm.

Finance: Shannon's Way Pty Ltd — contracts

2074. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Finance): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I am informed that:

Two contracts have been entered into for the period in question with Shannon's Way

(i) 15 April 2001

(ii) $6,770.50 and $9,385.20 (GST Inc)

(iii) Provision of a press campaign and a radio campaign for the State Government "Better Business Taxes Initiative"

(iv) The Department of Treasury and Finance has complied with section 54L of the *Financial Management Act* 1994. Supply policies and the associated best practice guidelines are publicly available on the Victorian Government Purchasing Board's web site at www.vgpb.vic.gov.au/polguid/polmenu.htm.

Arts: Shannon's Way Pty Ltd — contracts

2075. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for the Arts): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

The Department of Premier and Cabinet, including Arts Victoria, has not entered into any contracts with Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Health: Shannon's Way Pty Ltd — contracts

2076. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

The Department of Human Services has not entered into any contracts with Shannon's Way Pty Ltd for the period from 1 March 2001 until 30 June 2001.

Health: Shannon's Way Pty Ltd — contracts

2077. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister assisting the Minister for Health): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

The Department of Human Services has not entered into any contracts with Shannon's Way Pty Ltd for the period from 1 March 2001 until 30 June 2001.

Multicultural Affairs: Shannon's Way Pty Ltd — contracts

2078. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I am informed that:

The Department of Premier and Cabinet has not entered into any contracts with Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Multicultural Affairs: Shannon's Way Pty Ltd — contracts

2079. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister assisting the Minister for Multicultural Affairs): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I am informed that:

The Department of Premier and Cabinet has not entered into any contracts with Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Energy and Resources: Shannon's Way Pty Ltd — contracts

2080. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: Will the Minister provide details of every contract entered into between the Minister's department and the

firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I am informed that:

During the specified timeframe, the Department of Natural Resources and Environment entered into the following four contracts with Shannon's Way Pty Ltd dealing with Marine National Parks issues:

(i), (ii), (iii)

June 2001
Concept development and press advertisements. Value $20,198.75 (including GST).

June 2001
Fact sheets including printing and reprinting, strategy development and implementation. Value $28,750.70 (including GST).

June 2001
Further press advertisement and reprint of base sheets. Value $10,865.25 (including GST).

June 2001
Banners. Value $4,077.45 (including GST).

(iv) I am advised that the Department of Natural Resources and Environment has complied with section 54L of the *Financial Management Act 1994*. Supply policies and the associated best practice guidelines are publicly available on the Government Purchasing Board's web site at www.vgpb.vic.gov.au/polguid/polmenu.htm.

Ports: Shannon's Way Pty Ltd — contracts

2081. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Ports: Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

The Department of Infrastructure has not entered into any contracts with the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Treasurer: Shannon's Way Pty Ltd — contracts

2083. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): Will the Treasurer provide details of every contract entered into between the Treasurer's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I am informed that:

Two contracts have been entered into for the period in question with Shannon's Way

(i) 15 April 2001

(ii) $6,770.50 and $9,385.20 (GST Inc)

(iii) Provision of a press campaign and a radio campaign for the State Government "Better Business Taxes Initiative"

(iv) The Department of Treasury and Finance has complied with section 54L of the *Financial Management Act* 1994. Supply policies and the associated best practice guidelines are publicly available on the Victorian Government Purchasing Board's web site at www.vgpb.vic.gov.au/polguid/polmenu.htm.

Environment and Conservation: Shannon's Way Pty Ltd — contracts

2085. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I am informed that:

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June 2001
Banners. Value $4,077.45 (including GST).

(iv) I am advised that the Department of Natural Resources and Environment has complied with section 54L of the *Financial Management Act 1994.* Supply policies and the associated best practice guidelines are publicly available on the Government Purchasing Board's web site at www.vgpb.vic.gov.au/polguid/polmenu.htm.

Agriculture: Shannon's Way Pty Ltd — contracts

2086. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

During the specified timeframe, the Department of Natural Resources and Environment entered into the following four contracts with Shannon's Way Pty Ltd dealing with Marine National Parks issues:

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June 2001
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(iv) I am advised that the Department of Natural Resources and Environment has complied with section 54L of the *Financial Management Act 1994*. Supply policies and the associated best practice guidelines are publicly available on the Government Purchasing Board's web site at www.vgpb.vic.gov.au/polguid/polmenu.htm.

Transport: Shannon's Way Pty Ltd — contracts

2087. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

The Department of Infrastructure has not entered into any contracts with the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Transport (Roads): Shannon's Way Pty Ltd — contracts

2088. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister assisting the Minister in Transport (Roads)): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm. Shannon's Way Pty Ltd — consultancies

ANSWER:

The Department of Infrastructure has not entered into any contracts with the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Local Government: Shannon's Way Pty Ltd — contracts

2089. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001

and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

The Department of Infrastructure has not entered into any contracts with the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Planning: Shannon's Way Pty Ltd — contracts

2092. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister assisting the Minister for Planning: Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

The Department of Infrastructure has not entered into any contracts with the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Police and Emergency Services: Shannon's Way Pty Ltd — contracts

2095. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Police and Emergency Services): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I understand the Department of Justice has not entered into any contracts with Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Corrections: Shannon's Way Pty Ltd — contracts

2096. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Corrections): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I understand the Department of Justice has not entered into any contracts with Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Planning: Shannon's Way Pty Ltd — contracts

2097. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Planning): Will the Minister provide details of every contract entered into between the Ministers department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June

2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

The Department of Infrastructure has not entered into any contracts with the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Gaming: Shannon's Way Pty Ltd — contracts

2101. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Gaming): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I am informed that:

Two contracts have been entered into for the period in question with Shannon's Way

(i) April 2001

(ii) $6,770.50 and $9,385.20 (GST Inc)

(iii) Provision of a press campaign and a radio campaign for the State Government "Better Business Taxes Initiative"

(iv) The Department of Treasury and Finance has complied with section 54L of the *Financial Management Act 1994*. Supply policies and the associated best practice guidelines are publicly available on the Victorian Government Purchasing Board's web site at www.vgpb.vic.gov.au/polguid/polmenu.htm"

Consumer Affairs Shannon's Way Pty Ltd — contracts

2103. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Consumer Affairs: Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I understand the Department of Justice has not entered into any contracts with Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Attorney-General: Shannon's Way Pty Ltd — contracts

2104. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Attorney-General): Will the Attorney-General provide details of every contract entered into between the Attorney-General's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

The Department of Justice has not entered into any contracts with Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Women's Affairs: Shannon's Way Pty Ltd — contracts

2105. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Women's Affairs): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I am informed that:

The Department of Premier and Cabinet has not entered into any contracts with Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001.

Community Services: Shannon's Way Pty Ltd — contracts

2106. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

The Department of Human Services has not entered into any contracts with Shannon's Way Pty Ltd for the period from 1 March 2001 until 30 June 2001.

Housing: Shannon's Way Pty Ltd — contracts

2107. THE HON P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

The Department of Human Services has not entered into any contracts with Shannon's Way Pty Ltd for the period from 1 March 2001 until 30 June 2001.

Aged Care: Shannon's Way Pty Ltd — contracts

2108. THE HON P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Aged Care): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

The Department of Human Services has not entered into any contracts with Shannon's Way Pty Ltd for the period from 1 March 2001 until 30 June 2001.

Aboriginal Affairs: Shannon's Way Pty Ltd — contracts

2109. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Aboriginal Affairs): Will the Minister provide details of every contract entered into between the Minister's department and the firm Shannon's Way Pty Ltd between 1 March 2001 and 30 June 2001 including — (i) the date the contract was entered into; (ii) the value of the contract; (iii) the nature of the tasks performed under the contract; and (iv) the process undertaken to award this contract to the firm.

ANSWER:

I am informed that:

During the specified timeframe, the Department of Natural Resources and Environment entered into the following four contracts with Shannon's Way Pty Ltd dealing with Marine National Parks issues:

(i), (ii), (iii)

June 2001
Concept development and press advertisements. Value $20,198.75 (including GST).

June 2001
Fact sheets including printing and reprinting, strategy development and implementation. Value $28,750.70 (including GST).

June 2001
Further press advertisement and reprint of base sheets. Value $10,865.25 (including GST).

June 2001
Banners. Value $4,077.45 (including GST).

(iv) I am advised that the Department of Natural Resources and Environment has complied with section 54L of the *Financial Management Act 1994.* Supply policies and the associated best practice guidelines are publicly available on the Government Purchasing Board's web site at www.vgpb.vic.gov.au/polguid/polmenu.htm.

Post Compulsory Education, Training and Employment: nurses — training

2171. 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 undergraduate student nurses were undertaking clinical training in rural areas as at 30 June 2001.

ANSWER:

I am informed as follows:

As the Commonwealth Government is responsible for the funding of undergraduate student places, so it is also responsible for the collection of student profile information through the annual university education profiles.

Post Compulsory Education, Training and Employment: nurses — training

2172. 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 undergraduate student nurses were undertaking aged care clinical training in rural areas as at 30 June 2001.

ANSWER:

I am informed as follows:

As the Commonwealth Government is responsible for the funding of undergraduate student places, so it is also responsible for the collection of student profile information through the annual university education profiles.

Aged Care: personal care workers

2173. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care): How many personal care workers in Victoria were working in aged care as at 30 June 2001.

ANSWER:

The Commonwealth Government does not require the collection of data on the number of Personal Care Workers working in either residential aged care or the joint Commonwealth/State funded community aged care services. As a consequence, it is not possible to provide the information requested.

Aged Care: personal care workers

2174. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care): How many personal care workers were required to work in Victoria in aged care as at 30 June 2001.

ANSWER:

As the Commonwealth Government does not stipulate staffing levels for Personal Care Workers in either residential aged care or the joint Commonwealth/State funded community aged care services it is not possible to provide the information requested.

Aged Care: personal care workers

2175. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care): How many personal care workers were working in aged care as at 30 June 2001 in metropolitan Melbourne and rural and regional areas of Victoria, respectively.

ANSWER:

The Commonwealth Government does not require the collection of data on the number of Personal Care Workers working in either residential aged care or the joint Commonwealth/State funded community aged care services. As a consequence, it is not possible to provide the information requested.

Aged Care: personal care workers

2176. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Housing and Aged Care): How many personal care workers in aged care as at

30 June 2001 were required to work in metropolitan Melbourne and rural and regional areas of Victoria, respectively.

ANSWER:

As the Commonwealth Government does not stipulate staffing levels for Personal Care Workers in either residential aged care or the joint Commonwealth/State funded community aged care services it is not possible to provide the information requested.

Aged Care: personal care workers

2177. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care): What was the required level of training for personal care workers working in aged care in Victoria as at 30 June 2001.

ANSWER:

The minimum training requirement for personal care workers employed through the Home and Community Care program, and for personal care coordinators of supported residential services, is Certificate III in Community Services (Aged Care work) or an equivalent qualification.

There is no training requirement for personal care workers employed in Commonwealth funded residential aged care facilities or the Community Aged Care Packages program.

Aged Care: personal care workers

2178. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care): What was the level of training achieved by personal care workers working in aged care in Victoria as at 30 June 2001.

ANSWER:

The Commonwealth Government does not require residential aged care services or the joint Commonwealth/State funded community aged care services to report on the level of training achieved by their workers. As a consequence it is not possible to provide the information requested.

Aged Care: personal care workers

2179. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care): What was the level of training achieved by personal care workers working in aged care as at 30 June 2001 in metropolitan Melbourne and rural and regional areas of Victoria, respectively.

ANSWER:

The Commonwealth Government does not require residential aged care services or the joint Commonwealth/State funded community aged care services to report on the level of training achieved by their workers. As a consequence it is not possible to provide the information requested.

Post Compulsory Education, Training and Employment: staff

2192. 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 staff of the Office of Training and Further Education, Department of Employment, Education and Training were employed prior to September 1999.

ANSWER:

I am informed as follows:

The total number of staff employed by the Office of Training and Further Education (OTFE), Department of Employment, Education and Training (DEET) as at 30 June 1999 was 200.44 (Equivalent Full Time).

Post Compulsory Education, Training and Employment: staff salaries

2194. **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): What were the salary levels for those employees employed by the Office of Training and Further Education, Department of Employment, Education and Training prior to September 1999 who no longer work for the Department.

ANSWER:

I am informed as follows:

The salary levels for those employees employed by the Office of Training and Further Education, Department of Employment, Education and Training prior to September 1999 who no longer work for the Department are confidential to them.

Energy and Resources: Latrobe aquifer

2196. THE HON. P. R. HALL — To ask the Honourable the Minister for Energy and Resources: What action is the Government planning to address the economic impact falling water levels is having on both current and potential users of the Latrobe aquifer.

ANSWER:

I am informed that under the *Water Act 1989*, management of ground water issues does not fall within my portfolio responsibility and the question should more appropriately be addressed to the Minister for Environment and Conservation.

Premier: ministerial staff — pecuniary interest

2213. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): Have all ministerial officers currently or previously employed by the Premier signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

All ministerial officers currently employed by me have completed a declaration of pecuniary interest form.

Multicultural Affairs: ministerial staff — pecuniary interest

2214. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

I wish to advise that in my capacity as the Minister for Multicultural Affairs, I do not employ staff.

Treasurer: ministerial staff — pecuniary interest

2216. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): Have all ministerial officers currently or previously employed by the Treasurer signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

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

Workcover: ministerial staff — pecuniary interest

2219. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Workcover): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

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

Community Services: ministerial staff — pecuniary interest

2220. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

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

Environment and Conservation: ministerial staff — pecuniary interest

2223. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am advised that:

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

Police and Emergency Services: ministerial staff — pecuniary interest

2225. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Police and Emergency Services): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

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

Corrections: ministerial staff — pecuniary interest

2226. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Corrections): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

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

Agriculture: ministerial staff — pecuniary interest

2227. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

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

Aboriginal Affairs: ministerial staff — pecuniary interest

2228. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Aboriginal Affairs): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

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

Attorney-General: ministerial staff — pecuniary interest

2229. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Small Business (for the Honourable the Attorney-General): Have all ministerial officers currently or previously employed by the Attorney-General signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

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

Health: ministerial staff — pecuniary interest

2238. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

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

Ports: ministerial staff — pecuniary interest

2240. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Ports: Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

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

Energy and Resources: ministerial staff — pecuniary interest

2242. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Energy and Resources: Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that

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

Consumer Affairs: ministerial staff — pecuniary interest

2245. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Consumer Affairs: Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

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

Treasurer: net state debt

2253. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What was Victoria's net state debt (excluding Growing Victoria) at the end of 2000-2001.

ANSWER:

I am informed that:

The information is to be released in the *2000-2001 Financial Report For The State Of Victoria* which will be tabled in Parliament in accordance with Section 27D of the *Financial Management Act 1994.*

Treasurer: unfunded superannuation liability

2254. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What was Victoria's unfunded superannuation liability at the end of 2000-2001.

ANSWER:

I am informed that:

The information is to be released in the *2000–01 Financial Report for the State of Victoria,* which will be tabled in Parliament in accordance with Section 27D of the *Financial Management Act 1994.*

Treasurer: Growing Victoria Fund

2255. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What were the total assets of the Growing Victoria Fund at the end of 2000–01.

ANSWER:

I am informed that:

Appendix G of the *2001-02 Budget Paper No. 2 Budget Statement* notes that the total Growing Victoria infrastructure reserve is $1,175 million. A total of $57 million was allocated for expenditure in 2000–01 on modernisation/upgrade of facilities in schools, of which $54 million was expended. Therefore the balance of Growing Victoria infrastructure reserve as at 30 June 2001 was $1,121 million.

Treasurer: Growing Victoria Fund

2256. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What were the total liabilities of the Growing Victoria Fund at the end of 2000–01.

ANSWER:

I am informed that:

100% of the Growing Victoria infrastructure reserve has been invested in liquid financial assets and there are no liabilities for the reserve as at the end of 2000–01.

Treasurer: Growing Victoria Fund

2257. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What were the net assets of the Growing Victoria Fund at the end of 2000–01.

ANSWER:

I refer to the answer provided for Question No. 2255.

Treasurer: Growing Victoria Fund

2258. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What percentage of the Growing Victoria Fund assets has been committed by actual contracts signed by the Victorian Government.

ANSWER:

I am informed that:

Appendix G of the *2001-02 Budget Paper No. 2 Budget Statement* identifies all asset investment projects approved for funding from the Growing Victoria infrastructure reserve.

Actual delivery of Growing Victoria projects is the responsibility of the relevant Portfolio Ministers. Any queries regarding contractual details of Growing Victoria projects should be more appropriately directed to the responsible Portfolio Minister.

Treasurer: Growing Victoria Fund

2259. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What was the value of each contract signed by the Government during each of the financial years 1999–2000, 2000–01 and 2001–02 that required or will require a contribution from the Growing Victoria Fund and what is the size of that contribution to each of those contracts.

ANSWER:

I am informed that:

Appendix G of the *2001-02 Budget Paper No. 2 Budget Statement* identifies all asset investment projects approved for funding from the Growing Victoria infrastructure reserve.

Actual delivery of Growing Victoria projects is the responsibility of the relevant Portfolio Ministers. Any queries regarding contractual details of Growing Victoria projects should be more appropriately directed to the responsible Portfolio Minister.

Treasurer: Growing Victoria Fund

2260. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the value of liquid assets held by the Growing Victoria Fund at 30 June 2001 and in what form are those assets held.

ANSWER:

I am informed that:

The Honourable the Treasurer: I refer to the answer provided for Question No. 2255 regarding the value of liquid assets of the Growing Victoria infrastructure reserve at 30 June 2001. The Budget Sector long-term investments (which include the Growing Victoria infrastructure reserve) are comprised of 100 per cent Australian Fixed Interest securities in government, semi-government and corporate securities, and cash deposits.

Health: registered nurses — salaries

2268. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the total number of registered nurses employed by public hospitals that are operated and/or funded by the Government at the end of 1996–97, 1997–98, 1998–99, 1999–2000 and 2000–01 respectively, and what is the total salary and benefits paid (excluding superannuation) by the Government to all the above registered nurses employed in each of those financial years.

ANSWER:

The Department of human Services collects payroll data on the number of equivalent full time (EFT) staff employed in public hospitals and aged care centres.

	1996/97	1997/98	1998/99	1999/00	2000/01
	EFT	EFT	EFT	EFT	EFT
Total nurses	19,798	20,141	21,154	21,684	23,952

The total number of nurses includes those employed under various awards, mainly Registered Nurses, State Enrolled Nurses, and Psychiatric Services but also including Mothercraft Nurses, Nurse Bank and miscellaneous classifications.

Benefits paid to staff (excluding superannuation) are coordinated and implemented by individual agencies and include a range of options that are not limited only to salary. Data at this level is generally not provided in the Annual Reports of agencies and is not available to the Department.

Health: registered nurses — salaries

2270. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What salary and benefits (excluding superannuation) are estimated to be paid by the Government to registered nurses employed by public hospitals that are operated and/or funded by the Government in 2001–02.

ANSWER:

The Department of Human Services does not have information relating to all benefits paid by individual agencies to nursing staff. Benefits paid to staff are coordinated and implemented by individual agencies and include a range of options that are not limited only to salary. Data at industry grouping level is generally not provided in the Annual Reports of agencies and is not available to the Department.

Health: registered nurses — superannuation

2271. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What superannuation is estimated to be paid by the Government to registered nurses employed by public hospitals that are operated and/or funded by the Government in 2001–02.

ANSWER:

The Department of Human Services within its funding arrangements provides for payment of the employer's statutory superannuation contributions and additional payments in respect of defined benefit superannuation schemes. Data is not collected on payments by agencies for individual industry groupings.

However, on the basis that nurses are representative of the total hospital employee population the estimated employer superannuation contribution for 2001–02 is $117 million.

Health: registered nurses — salaries

2272. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the total number of registered nurses employed by public institutions (excluding public hospitals), that are operated and/or funded by the Government at the end of 1996–97, 1997–98, 1998–99, 1999–2000 and 2000–01 respectively, and what is the total salary and benefits paid (excluding superannuation) by the Government to all the above registered nurses employed in each of those financial years.

ANSWER:

The Department of Human Services collects information regarding the equivalent full time nursing staff employed by public hospitals and aged care centres. Details of these staffing levels has been given in the response to Question No. 2268. Data on staffing levels of other public institutions is not consolidated centrally by the Department and is not readily available.

Health: registered nurses — superannuation

2273. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the total contribution made by the Government to the superannuation of registered nurses employed by public institutions (excluding public hospitals), that are operated and/or funded by the Government at the end of 1996–97, 1997–98, 1998–99, 1999–2000 and 2000–01 respectively, and what is the total number of registered nurses employed by public institutions (excluding public hospitals), that are operated and/or funded by the Government on whose behalf these contributions were made in each of those financial years.

ANSWER:

The Department of Human Services within its funding arrangements provides for payment of the employer's statutory superannuation contributions and additional payments in respect of defined benefit superannuation schemes. Data is not collected on payments by agencies for individual industry groupings.

Health: registered nurses — salaries

2274. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What salary and benefits (excluding superannuation) are estimated to be paid by the Government to registered nurses employed by public institutions (excluding public hospitals), that are operated and/or funded by the Government in 2001–02.

ANSWER:

The Department of Human Services does not have information relating to all benefits paid by individual agencies to nursing staff. Benefits paid to staff are coordinated and implemented by individual agencies and include a range of options that are not limited only to salary. Data at industry grouping level is generally not provided in the Annual Reports of agencies and is not available to the Department.

Health: registered nurses — superannuation

2275. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What superannuation is estimated to be paid by the Government to registered nurses employed by public institutions (excluding public hospitals), that are operated and/or funded by the Government in 2001–02.

ANSWER:

Whilst the Department of Human Services within its funding arrangements allows for the payment of superannuation contributions, it does not specify fund superannuation contributions and has no access to data that would provide details of what super contributions have been or are expected to be paid by the individual agencies that are funded.

Treasurer: country rail services — funding

2296. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): Further to the answer to Question No. 1880, given in this House on 18 September 2001, what are the particular rail infrastructure works included in the funding allocation of $32.7 million to enable the restoration of passenger rail services to the regional centres of Mildura, Bairnsdale, Ararat and South Gippsland.

ANSWER:

I am informed that:

The infrastructure works generally relate to rail track upgrading (including sleeper replacement), bridge and culvert renewal and/or upgrade, signalling works, rail level crossing improvements and station restoration works.

The proportionate allocation of the investment is as follows

– Mildura line	$7.7m
– Bairnsdale line	$14m
– Ararat line	$5.4m
– South Gippsland	$5.6m
	$32.7m

Treasurer: Transport Accident Commission — dividend

2297. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): Further to the answer to Question No. 1903, given in this House on 18 September 2001, relating to anticipated dividend yields from the Transport Accident Commission that "In the framing of the 2001–02 budget, and out years, the forecast dividend payments are based upon the benchmark of 50 percent of her operating profit after tax", what dollar value of (TAC) dividend was included in the 2001–02 budget and out years.

ANSWER:

I am informed that:

The dividend payments from the Transport Accident Commission (TAC) in the subject financial years include an interim dividend relating to that financial year, a final dividend relating to the previous financial year and an accident prevention black spot dividend (only payable in the 2001–02 and 2002–03 financial years).

The estimated payments from the TAC incorporated in the forward estimates for future years are $135 million in 2001–02, $244 million in 2002–03, $119 million in 2003–04 and $126 million in 2004–05.

As indicated in my previous response, these estimates are highly variable, dependent as they are on fluctuations in investment markets and domestic bond rates. Regular revisions of these figures are expected.

Local Government: debt

2298. **THE HON. R. M. HALLAM** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government): Further to the answer to question no. 2032, given in this House on 25 September 2001 and the term 'level of borrowings' do the figures provided in respect of the debt levels across local government, denote the level of debt outstanding at the closing date of each financial year as cited.

ANSWER:

The information on the aggregate level of borrowings of the local government sector provided previously refers to the total level of loan borrowings only outstanding at the closing date of each financial year.

Industrial Relations: unions — use of members' funds

2300. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations: In relation to the Minister's article that appeared in the Weekend Focus of the *Herald Sun* on Saturday, 28 May 2001 titled 'Union torn from within' in which it states 'the Victorian faction has hired a spin doctor', what protections are in place to prevent the inappropriate use of union members funds on public relations campaigns designed to assist internal factional battles and/or union elections.

ANSWER:

I am informed that:

This question does not relate in any way to the administration of the state of Victoria and as such, no reply will be offered. If the honourable member is referring to an article in the *Herald Sun* on Saturday 26 May 2001, it was not written by me but by that paper's industrial reporter, Mark Phillips.

Premier: Latrobe Valley projects

2325. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): In relation to the announcement of a $105.8 million plan for the Latrobe Valley on 22 June 2001:

(a) Who are the members of the Investment Facilitation Committee.

(b) When will the Regional Investment Tour of the Latrobe Valley take place.

ANSWER:

I am informed that:

(a) The following persons have accepted an invitation from the Hon John Brumby MP to be a member of the Investment Facilitation Committee:

Cr. Brendan Jenkins, Mayor, Latrobe City
Mr Bill Barber, Senior Economic Development Officer, Latrobe City
Mr Ian Kennedy, Director, Regional Industries, Department of State and Regional Development
Mr Mike Churchin, Assistant Director, Industrial Supplies Office
Ms Diane Carson, Regional Manager, Department of State and Regional Development
Mr Graeme Middlemiss, Gippsland Trades and Labor Council
Mr Graeme Pearce, Acting CEO, Gippsland Development Limited
Mr Tom Inglesman, CEO, Australian Paper
Mr John Mitchell, CEO, Gippsland Water
Professor Barry Dunstan, Director, EEA Group
Mr Alan Freitag, Regional Manager, Department of Infrastructure
Mr Peter Wood, Managing Director, The Geo-Eng Group

(b) The date for the Regional Investment Tour of the Latrobe Valley has not been finalised but will proceed as soon as practicable.

Workcover: Transport Accident Commission — chairman

2375. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Workcover): Further to the answer to question no. 1931, given in this House on 18 September 2001, within what band was the remuneration for Mr James McKenzie as Chair of the Victorian Workcover Authority to be paid as set by the instrument of appointment.

ANSWER:

I am informed that:

In accordance with the response previously provided to the Hon. P. A. Katsambanis (Question No. 1970), I restate the following:

Under section 26(3) of the *Accident Compensation Act 1985* a part-time Director is entitled to be paid:

(a) such remuneration as is specified in the instrument of appointment or as may be fixed from time to time by the Governor in Council; and

(b) such travelling and other allowances and expenses as may be fixed from time to time by the Governor in Council.

The annual remuneration package of the Chairperson of the Victorian Workcover Authority is within the band of $70,000–$79,999.

Workcover: Transport Accident Commission — chairman

2376. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Workcover): Further to the answer to question no. 1932, given in this House on 18 September 2001, within what band was the remuneration for Mr James McKenzie as Chair of the Transport Accident Commission to be paid as set by the instrument of appointment.

ANSWER:

I am informed that:

In accordance with the response previously provided to the Hon. P. A. Katsambanis (Question No. 1969), I restate the following:

Under section 16(6) of the *Transport Accident Act 1986* a Director is entitled to be paid such travelling and other allowances and expenses as may be fixed from time to time by the Governor in Council.

The annual remuneration package of the Chairperson of the Transport Accident Commission is within the band of $70,000-$79,999.

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