PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

15 October 2002

(extract from Book 2)

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By authority of the Victorian Government Printer

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TUESDAY, 15 OCTOBER 2002

Tuesday, 15 October 2002

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

BALI: TERRORIST ATTACK

Hon. M. M. GOULD (Minister for Education Services) — I move:

> That the Legislative Council agree to the following resolution:
>
> > We, the Legislative Council of Victoria, offer our deepest and sincere condolences to the families of the victims of the Bali bombings and the survivors of this brutal atrocity and join the people of Victoria in expressing shock and outrage at this senseless waste of life.

On behalf of all Victorians I would like to express my sympathies to the families of those killed, to the hundreds of Australians injured, and also to the Balinese, Indonesians and victims from other countries.

It is a tragedy that a place of such beauty and liveliness should become a place of such carnage. Our thoughts and prayers are with the parents around Australia whose sons and daughters are still missing. While we will never know the profound sense of loss experienced by many families, friends and colleagues, we do share the grief of those affected by this tragedy.

We have lost many precious young lives. Many others will bear the physical scars of horrific burns and the emotional scars of witnessing a terrorist attack.

What makes this act so horrific is that it struck the most innocent people at their most vulnerable. These were people relaxed and happy, on holiday, having fun. They bore no grudge in any political or religious argument. They were innocent bystanders. This bomb aimed to cause maximum pain to people who least expected it. It shows the evil of terrorism.

It is designed to make us all frightened when going about our everyday affairs and dreams, like a Bali holiday. The Bali bombing, just one year and one month after 11 September, has destroyed a basic right that we should all enjoy: the right to feel safe as we go about our lives. That is why at this time, when we feel overwhelmed and angry, we must rally together. We must get behind those families who have lost family members and friends and help those who do not know the whereabouts of family members. It is at this point that the strength of Victoria as a state and Australia as a nation will be tested, and I am sure we will not fail. Not since World War II have we seen such a loss of innocent Australian lives, and now we see all members of Parliament and the Victorian community uniting to demonstrate both in words and deeds support for the victims and their families.

The Premier has pledged resources and help to those victims still in Indonesia and also to those returning home. The Victorian government stands ready to do everything in its power to assist those affected. A memorial service will be held for the victims to allow family, friends and all Victorians to express their grief and to comfort one another in this time of great sorrow. The Victorian government will provide every assistance possible to the international effort to bring the perpetrators to justice. It will do everything in its power to support the victims. On behalf of all Victorians I express the government's horror at this terrible event and its shared sympathy for those personally affected.

Hon. BILL FORWOOD (Templestowe) — On Sunday Australians awoke to the sickening news that terrorism had arrived on their doorstep. The terror attack in Bali brings home to us all that Australians are as vulnerable to those atrocities as anyone anywhere in the world.

Our first thoughts reach out to those Victorians who have been directly affected by this terrible tragedy, those who have lost loved ones, those who have been injured and to the friends affected. We think in particular of those families who are suffering the terrible uncertainty of not yet knowing the whereabouts of family members and friends who were in Bali when this atrocity occurred.

I understand that at the last count 184 bodies had been recovered and between 14 and 20 Australians are dead. Between 113 and 115 Australians have been injured and as many as 220 people are still unaccounted for. This morning eight injured victims arrived in Melbourne and were taken to burns units throughout the state.

The prayers, thoughts and sympathies of this Parliament and the Victorian community go to all those suffering at this most tragic time. Not just to people from Australia, certainly to the people of Bali and Indonesia but also to at least a dozen other countries which have lost members of their communities.

Bali has a special place in the memories of many Australians. Over 200 000 of us visited Bali last year. It is a place that has always been a safe destination. Young Australians took their first overseas trips there. Many people go back frequently.

The great Australian tradition of the sporting trip has seen many sporting groups go each year to Bali.

Just two years ago my colleague Cameron Boardman visited Bali and he told me that the Sari Club was always the place to go. For any reveller who had been to Bali the chance was that they spent time — one or more nights — in the club. It was a happy place. People went there fundamentally for the same reasons: to have a good time, meet girls and have a drink. It was a place where the thought of personal security was never a factor, and that is what makes this event so much more tragic. No-one in the club that night would have stopped for one moment and thought about their personal circumstances. They were all on holidays and doing what people do on holidays.

Like all acts of terrorism this act of barbarism was an attack on many nations, and we extend our sympathies for those other nationals. It was an attack on values that we all hold dear. As Victorians, as Australians, we must not be cowed by these cowardly attacks. We must stand united in our condemnation of those who hold the lives of innocent humans in such contempt. Those responsible must be pursued and brought to justice. No effort should be spared, and I am sure that none will be.

But we must not let this act of terror override our sense of community. It must not divide us on religious or ethnic grounds. As Victorians and Australians we are one, and our acceptance that our society's diversity is one of its strengths is part of the fabric of our community. We must not let an attack of terror undo our society, our tolerance or our compassion.

In concluding, I would like to extend on behalf of the Liberal Party our thanks to those Victorians who, as we speak, are standing by to assist the families directly affected. Our prayers and our sympathy reach out to the stricken families who have at first-hand suffered from this barbarous act. We join with other Victorians in expressing our outrage at those who perpetrated this murderous attack. The Liberal Party supports the day of mourning on Sunday for all Victorians, and I encourage as many Victorians as possible to participate.

Finally, we join in expressing our condolences to all those whose families have lost loved ones, to those who have suffered injuries and to those who are still awaiting news.

Hon. P. R. HALL (Gippsland) — The National Party joins today with the government and the opposition in its total support for the motion before the house.

This is perhaps the most difficult speech that one could be required to give in this Parliament. What can you say in such horrific circumstances that simply defy comprehension for us all? The overwhelming emotions this incident has aroused in me are enormous feelings of sadness, compassion and sympathy for those who lost their lives and those who were injured in this incident and for their families and loved ones and the grief they are experiencing.

I can hardly bring myself to watch the television or read of the grief victims, relatives and their friends are suffering. Their pain, and consequently the pain we share on their behalf, is almost unbearable. We only have to imagine what it would be like if one of our family or one of our friends was a victim to at least understand in part what the emotions of those families are at this time. The fact that many of those who were killed or injured were young people simply magnifies and extends that pain.

It also makes one think about the minor tiffs we all have in our personal lives. They just pale into insignificance when one considers the magnitude of the impact that this event has had upon those who were unfortunately in some part a victim of this incident.

I simply cannot understand what motivates people to commit such acts of atrocity. But I admit also that at this point of time I can simply not turn my mind to even considering that in any real detail at all. In time my mind will turn to that issue, and it must. The perpetrators of such crimes must be brought to justice, and the Leader of the Opposition made mention of that.

The editorial in today's *Age* also expresses the feelings and emotions that I share at this point in time.

Action must now be taken on many fronts. Police and anti-terrorism experts will try to find out who is responsible for the explosion and many countries, including Australia, must decide how to position themselves in the light of those findings, but for Australia for now the most pressing issue is how best to help the victims and their families.

Today my thoughts are not turned to revenge; they are not turned to retaliation; and they are not turned even to the issue of accusation about who may have committed these atrocities. My thoughts are totally with the victims, their families and their friends. Today on behalf of all my colleagues in the National Party I extend sincere sympathy. Our thoughts and our prayers are with all those people in their efforts to strive to overcome their current adversities.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places for 1 minute.

ROYAL ASSENT

Message read advising royal assent to:

Agricultural Industry Development (Further Amendment) Act
Juries (Amendment) Act

QUESTIONS WITHOUT NOTICE

Schools: maintenance

Hon. B. N. ATKINSON (Koonung) — I address my question to the Minister for Education Services. I refer to answers the minister gave to questions in this house last week regarding outstanding maintenance works in schools. The minister indicated to members asking those questions that school maintenance figures that were being used by the opposition were, in fact, outdated. Will the minister now table the current figures for the house?

Hon. M. M. GOULD (Minister for Education Services) — The honourable member should be aware, but he may not be, that with respect to maintenance figures, the physical resources management system (PRMS) process is done every three years. The figures that were released to the opposition under freedom of information were for the last three-year cycle. The next assessment done by independent engineers is not due for a while yet, and I am sure we will hear from the opposition when that analysis is done in the normal three-year cycle — the opposition will be seeking them.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — I thank the minister for edifying the opposition's position, because clearly they are the latest figures. The minister has been quite vigorous in her discussion of those figures as they have appeared in questions or as they have been pursued by members in questions. I take it the minister therefore has had an update on the current position of those figures. Is the minister prepared to inform the house or indeed table any update she has received on the figures to show what the current position is since she suggests the opposition is so far wide of the mark?

Hon. M. M. GOULD (Minister for Education Services) — As I have indicated, the PRMS process is done every three years by independent engineers. The opposition sought and received that report through freedom of information. In the couple of years since the last one was done the government has invested substantially in addressing the concern and the state of the schools that were left as a result of the opposition in not putting in money for capital works and upgrades.

We have put in over $800 million in capital works and improvements compared with the last three budgets of the opposition, which when in government only put in just over $300 million. We have ensured that there is investment in our schools, that the schools are maintained and that the appropriate work that needs to be done has been done.

The PRESIDENT — Time!

Small business: home based

Hon. JENNY MIKAKOS (Jika Jika) — Earlier today the honourable member for Seymour in another place, the Honourable Ben Hardman, announced on behalf of the Bracks government a grant to fund a database to help Mitchell Shire Council target its assistance to home-based businesses. Will the Minister for Small Business inform the house of the progress made by the Bracks government to fulfil its election commitment to assist home-based businesses across the whole state?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for her question and, as she mentioned, the Bracks government is committed to helping Victoria's home-based businesses. When we came into government, we said we would offer practical assistance to this sector by using state and local government to provide information on markets, advice and support in information technology (IT) needs, and to assist entrepreneurs in building networks. The $15 000 grant we provided to the Shire of Mitchell is one example of how we are supporting Victorian home-based businesses. The Bracks government has taken action to directly assist home-based businesses by targeting delivery of support services and programs.

Home-based businesses have special needs. They are isolated, do not have ready access to support services or the benefit of being able to access high-quality advice or even being able to discuss day-to-day management issues with others. The Bracks government has listened to and recognises the difficulties faced by home-based businesses, in particular their need to access mentors and networks. The Bracks government has acted and is providing direct support and assistance for home-based businesses through a range of programs.

In total the Bracks government has provided over $380 000 in grants to organisations to provide assistance to home-based businesses — this is in addition to the information and practical assistance provided by government services. Whilst many of these businesses are taking advantage of government support there are still some home-based businesses that are not aware of the support services that are available from the government. In this context, a *Guide for Home-based Businesses* has been developed to more effectively target existing Victorian government business assistance to home-based businesses.

The development of the guide is helping to ensure that the government's commitment to home-based businesses is delivered as effectively as possible and is available to them to look at how they can utilise the services the government provides. The guide can be found at www.business.vic.gov.au, and it will provide home-based businesses with an overview of all the Victorian government resources that have been tailored to help them with getting on and running their businesses.

Rural and regional Victoria: youth employment

Hon. A. P. OLEXANDER (Silvan) — I refer the Minister for Youth Affairs to recent Australian Bureau of Statistics data which reveal that youth unemployment in rural and regional Victoria has skyrocketed in the last two months by 4 per cent, from 10.8 per cent to 14.8 per cent, representing a loss of nearly 4000 youth jobs in rural and regional Victoria. I ask the Minister for Youth Affairs why Bracks government employment and labour market programs are failing young men and women in country Victoria.

Hon. M. M. GOULD (Minister for Youth Affairs) — The Bracks government takes a whole-of-government approach to this important issue, and this area falls largely within the Department of Innovation, Industry and Regional Development, but obviously, as the Minister for Youth Affairs, I am keenly aware of the initiatives being implemented.

Since the commencement of the youth employment scheme (YES) in July 2000, over 1200 trainees and apprentices have been employed in the public sector under the program. More than 41 per cent of the YES placements to date have been made in regional Victoria. In August 2002, 317 000-odd young people were employed, which is over 16 000 more than in October 1999. At the same time more than 39 000 young people were unemployed, but that is fewer than in October 1999. While this rise could in part be due to change in seasonal patterns and the timing of the survey, it is consistent with the upward trend in Victorian employment.

I am advised that youth employment remains — and I know it remains — as a priority of the Bracks government, and we will continue to work across all areas of government to make sure young people have as many employment opportunities as possible.

Supplementary question

Hon. A. P. OLEXANDER (Silvan) — I thank the minister for her answer and her somewhat grudging acknowledgment that there is a problem related to youth jobs in Victoria. In the Central Highlands and Wimmera region 200 jobs have been lost; in Loddon, Mallee and Campaspe about 1300 youth jobs are gone; in Goulburn, Ovens and Murray about 100 are gone; and in Gippsland we have lost about 2500 youth jobs. Given the minister's acknowledgment that this is a disturbing trend, what action will she and the Bracks government take to amend their labour market programs to reverse this alarming trend?

Hon. M. M. GOULD (Minister for Youth Affairs) — As I said to the honourable member, the responsibility falls to my ministerial colleague in the other place. However, I did say that more than 317 000 young people were employed in August 2002, and that is over 16 000 more than in October 1999. That shows that this government is more concerned about young people than is the opposition. We have put more trainees and apprentices in the public service than the opposition ever did. We are committed and have a whole-of-government approach to the issue of youth. We have established the youth employment scheme. The opposition when in government did not care about young people. It did not care what happened to them, whereas this government does.

World Masters Games

Hon. E. C. CARBINES (Geelong) — Now that the World Masters Games have concluded will the Minister for Sport and Recreation advise the house of the success of this event and its impact on the sporting and economic landscape?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Many honourable members would be aware of the huge success of the recently concluded 2002 World Masters Games held in Melbourne between 5 and 13 October. The most impressive aspect of those games was the number of people in attendance, which was above and beyond the expectations of organisers. There were just below 25 000 competitors from 95 countries, just under 450 officials and just

under 3000 registered accompanying persons. As well, there were in the order of 3000 volunteers, who did a tremendous job throughout the course of the games. I understand more than 17 000 people travelled to Victoria for the games, with many other visitors from overseas.

The opening ceremony was very much appreciated not only by the competitors but also by the others in attendance. It was a free, community-focused event at the Melbourne Cricket Ground on the opening Sunday night. I know a number of members of Parliament made themselves available and looked very attractive in their ponchos on that night. The event was concluded with a Masters of Rock music finale, paying tribute to music from around the world over the last 25 years, which honourable members would appreciate is probably relevant to many of the people at the masters games.

The estimated economic impact is believed to be in the order of between $30 million to upward of at least $50 million. That is very much based on the huge numbers of overnight stays in relation to the games. What should be appreciated about the contribution of those overnight stays is that whereas for many events people stay for only a few nights, these people settled in for an average of 11 nights. A number of the events were located throughout regional Victoria, which meant that the games were not only focused in Melbourne but also were held across the regions, with Ballarat very successfully hosting the rowing, Bendigo hosting the orienteering and the full-bore shooting — and I recommend the full-bore shooting to members of the house — Geelong hosting baseball and triathlon, and Nagambie hosting the canoeing.

It was extremely successful. I had the good fortune of being a participant myself. Not that that reflected well on the games, but it brought home to me the huge degree of excitement of the old-timers — for want of better parlance! — involved in the events and seeing their eyes light up at the prospect of, I suppose, being competitive once again on the sporting field.

I would like to congratulate the regional communities that supported this event, the local governments, the organisers, and the volunteers. I would certainly very much like to congratulate the chairman of Melbourne 2002 World Masters Games, Graham Duff, and the excellent leadership shown in relation to the event, which was headed also by the chief executive officer, Leeanne Grantham, and the substantial amount of hard work done by the group. I look forward to many participants engaging in masters games well and truly into the future.

Drought: government assistance

Hon. E. J. POWELL (North Eastern) — Will the Minister for Small Business advise the house what assistance her department is providing to small businesses in drought-affected areas in country Victoria?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for her question. It is an important issue, as we know those in country towns and small businesses also are affected by the drought as much as the farming community is. The government is developing a package of assistance to look at ways in which the programs we have available can be targeted to those regional areas affected by drought, including small business. That is being headed by the Honourable John Brumby as Minister for State and Regional Development, and we are looking to develop a package of initiatives to assist those small businesses in helping them through what is a very difficult time in some of our smaller country towns.

Supplementary question

Hon. E. J. POWELL (North Eastern) — Given that the minister has acknowledged that there is no particular assistance at the moment, will she establish a special unit to deal with the particular problems confronting small business in country towns in those regions that have been hardest hit by the drought?

Hon. M. R. THOMSON (Minister for Small Business) — I understand our officers from the Department of Innovation, Industry and Regional Development are working with country communities and municipalities to provide the kinds of packages that will assist those small country towns to work towards seeing themselves through these issues. I will be happy to provide the honourable member with information in relation to that.

Best Start program

Hon. R. F. SMITH (Chelsea) — Will the Minister for Education Services advise how the Bracks government is working to maximise development opportunities for children through the Best Start pilot projects?

Hon. M. M. GOULD (Minister for Education Services) — With my ministerial colleague the Minister for Community Services in another place, the Honourable Bronwyn Pike, I had the pleasure of announcing that the Bracks government has invested $7.6 million in the Best Start initiative. Best Start is a pilot project and a joint initiative between the

Department of Education and Training and the Department of Human Services.

The Bracks government understands the importance of the early years of schooling and has invested significantly in this area, which is unlike what the opposition did when it was in government when it closed schools and sacked teachers. In contrast, this government is taking an inclusive approach to young people and their welfare. Through our investment we are recognising the importance of supporting children in their early years of schooling. The Best Start pilot projects are focusing on families that are disadvantaged and are tackling social isolation.

The Best Start initiative is connecting early childhood, social, health and education services to maximise development opportunities for children aged 0 to 8. Community groups, schools, maternity groups, parent support groups and local and state governments are joining forces to find creative and locally relevant ways to tailor the services.

The initiative is about partnership. In Maribyrnong, for example, a number of community groups have focused on five high-need zones that are locally relevant. They have begun thinking about the need for culturally specific parent groups and are considering ideas like the walking bus to help parents get their children to school on time. The walking bus is very successful in ensuring that parents get their young children to school in a safe manner and on time.

Hon. B. C. Boardman interjected.

Hon. M. M. GOULD — The opposition may not care about these young people, but we do. The cities of Greater Shepparton, Frankston and Hume and the Shire of Yarra Ranges have also been selected to demonstrate this program. A further five sites will be allocated and selected in the coming months.

The Best Start initiative is about achieving measurable improvements to the life chances of young children in the short and longer terms. The Bracks government is proud of working together in partnership with our communities.

Honourable members interjecting.

Hon. M. M. GOULD — I know that is strange to the opposition, but that is what we do. We want to ensure we get the best outcome for our children. We have listened to the views of the community and we have acted on them. The Bracks government is turning things around for our young children in this state.

Snowy River: environmental flows

Hon. PHILIP DAVIS (Gippsland) — Last Thursday, 10 October, in response to my question on the government's requisition of water for environmental flows for the Snowy River, the Minister for Energy and Resources advised that the government had ruled out entering the water market. Given that the Victorian government on 3 June of this year executed the Snowy Water Inquiry Outcomes Implementation Deed, which provides explicitly at 10.4(3) that the functions of the joint government entity are to purchase water entitlements, I ask: has the minister misled the house?

Hon. C. C. BROAD (Minister for Energy and Resources) — I am willing to speak in this house as often as the opposition would like about the great achievement by the Bracks government of securing the return of environmental flows to the Snowy River, something which would never have been achieved by the opposition and which the opposition seems still incapable of accepting.

What I referred to in the house previously were statements which are on the public record by the Premier and myself going back to the negotiations around the many Snowy agreements which contribute to this achievement of the return of environmental flows to the Snowy River where, whatever the provisions, the Bracks government ruled out the purchasing of water entitlements in order to deliver the water savings necessary to return the committed environmental flows to the Snowy River.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I regret to say that I am a little confused. In her response to a question on 26 October 2000 in this house the minister explicitly set out that the entity which was being established would indeed have the capacity to purchase water entitlements. Then the government committed itself to this deed of agreement, which explicitly sets out the entitlement to purchase water entitlements. What I am seeking to establish here absolutely conclusively, given that we have had four different versions in responses from the minister at this stage, is: what is the government's position on buying any water on the water market for Snowy River environmental flows?

Hon. C. C. BROAD (Minister for Energy and Resources) — I believe I have been very clear on every occasion in this place in relation to this matter, as has the Premier. I reiterate that the government has ruled

out the purchase of water entitlements in order to deliver environmental flows to the Snowy River.

Minerals and petroleum: native title claim

Hon. KAYE DARVENIZA (Melbourne West) — Will the Minister for Energy and Resources inform the house of recent progress made by the Bracks government to address the issue of native title involving the minerals and petroleum industries?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the honourable member for her question. Native title is an important issue which needs to be addressed in the context of reconciliation with indigenous Australians, and one which the Bracks government is very active in addressing. It also needs to be addressed in the context of providing certainty for business in Victoria and growth in the resources sector, which is so important to our state's development.

The Bracks government is making significant progress in delivering these outcomes in line with its approach of balancing its social, environmental and economic objectives. Under the commonwealth Native Title Act all Crown land must be considered as potentially being subject to native title. Accordingly, various tenement applications under the Mineral Resources Development Act 1990 and the Petroleum Act 1998, which I administer, are potentially affected by native title.

The Bracks government, the Mirimbiak Nations Aboriginal Corporation, which is the native title claimant representative body in this state, and the Victorian Minerals and Energy Council have negotiated a standard pro-forma agreement which came into use earlier this year to streamline native title clearance processes in Victoria.

I am very pleased to be able to advise the house that I have signed agreements in relation to eight mining and petroleum tenements in the last few months since that standard pro-forma agreement was put in place. This is a great outcome and evidence that the pro-forma agreement is working when we consider that in the previous eight years only nine agreements for mining tenements were signed in Victoria.

The Bracks government recognises that building strong relationships with representative bodies and native title claimants is imperative to facilitating sound native title outcomes and a secure investment environment for the minerals and petroleum sector in this state.

I can also inform the house that the Bracks government, building on the success of this initiative, is now working on a pro-forma project consent deed which is a complementary native title mining agreement setting out additional arrangements between proponents and native title claimants. Together these documents will form a package which the Bracks government expects will greatly assist the minerals and petroleum industry as well as native title claimants in Victoria.

It demonstrates again that cooperation in these matters can address everyone's concerns. The Bracks government will always support outcomes which address the important issues of reconciliation and the future of the resources sector in Victoria.

Teachers: registration fee

Hon. BILL FORWOOD (Templestowe) — I refer the Minister for Education Services to the Victorian Institute of Teaching's requirement that a registration fee, or a teacher tax, be paid by each teacher before they are able to teach. I point out that the minister told the house last Thursday that the registration would become effective in February 2003 and I ask: what is the total amount budgeted to be received from the registration fee in the year 2002–03?

Hon. M. M. GOULD (Minister for Education Services) — The honourable member will recall that in response to his question last week about the registration fee required for teachers next year I advised him that as the responsible minister I would be setting that fee. I also informed the honourable member that I would set that fee upon receiving advice from the council of the Victorian Institute of Teaching. It has not sent that advice. When it has I will make an assessment.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I know a little about budget processes and I suggest that there is no way in the world that the education department, knowing that there would be receipts in the year 2002–03 because of the passing of an act in this place in November or December last year, would not have done calculations for inclusion in that department's budget for the year. I suggest that the minister reconsider her answer and I will ask again: do you have a ballpark figure for how much is in the budget column for receipts for this tax for the year 2002–03?

Hon. M. M. GOULD (Minister for Education Services) — The Victorian Institute of Teaching is a statutory authority. A number of the department's responsibilities have been transferred into VIT, including the transfer of funds for the professional development of principals. The funding arrangements for VIT have been approved and are in place.

Liquor: industry trust fund

Hon. D. G. HADDEN (Ballarat) — I refer my question to the Minister for Small Business. During the last sitting of Parliament the Liquor Control Reform (Packaged Liquor Licences) Act was passed as part of a package of reforms developed for the packaged liquor industry and I ask: can the minister outline to the house what progress has been made with these reforms?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for her question. As part of the reforms for the packaged liquor industry an agreement was reached between the Liquor Stores Association of Victoria, the Master Grocers Association of Victoria Ltd, Coles Myer Ltd and Safeway–Woolworths to establish an industry trust fund.

The government listened to small liquor retailers who indicated that as part of the reforms they would need support and advice to ensure that they continued to be a vibrant force in the packaged liquor industry. We listened and we have acted. We have established a $3 million trust fund to ensure that small liquor retailers have access to the right skills, support and advice. What the Bracks government has delivered is a more competitive but fair packaged liquor industry, which is a win–win for small business and consumers.

The $3 million fund will provide business advice and training to independent liquor stores on matters that are critical to business success, such as buying and pricing strategies, marketing and merchandising, customer service delivery and the update of e-commerce and information technology; accreditation program development to promote best business practice by independent liquor stores; and financial support to programs that promote the responsible sale of alcohol.

The fund has been established under a trust structure to ensure the funds are dedicated to assisting small liquor retailers. Funding will be sourced from Coles Myer and Safeway–Woolworths, which are required to contribute $1.5 million each over the next three years.

The fund will be managed by five trustees: Mr Erik Hopkinson, a liquor and hospitality industry expert who has been actively involved in the industry for over three decades and who will chair the trust; Mr Peter Wilkinson, president of the Liquor Stores Association of Victoria; Mr Geoff Gledhill, president of the Master Grocers Association of Victoria; Ms Judy Hartcher, who has extensive expertise in owning and running a small business; and the director of small business in the Department of Innovation, Industry and Regional Development.

I am confident that the managing trustees will design and run programs that are innovative, effective and meet the needs of small liquor retailers. We will see small liquor stores that are more skilled and capable of facing the challenges ahead. What we will see develop are better businesses in a fair but competitive environment.

MOTIONS TO TAKE NOTE OF ANSWERS

Rural and regional Victoria: youth employment

Hon. A. P. OLEXANDER (Silvan) — I move:

> That the Council take note of the answer given by the Minister for Youth Affairs to a question without notice asked by the Honourable A. P. Olexander relating to youth unemployment.

It is very disappointing to note that the minister does not see fit to be here to discuss this extremely important issue facing young men and women in country Victoria. It is a fact that unemployment rates for young people have increased significantly, particularly in rural and regional Victoria since the Bracks government was elected in September 1999.

At this time unemployment rates for the 15 to 19 and 20 to 24-year-old age groups were 17.3 and 9.9 per cent respectively. Prior to this time I emphasise that youth unemployment under the period of the Kennett government had been decreasing. Contrary to what the minister told the chamber today youth unemployment under the Kennett government had been falling, with the rate for 15 to 19-year-olds falling from 23.7 per cent and the 20 to 24-year-old age group falling from 12.9 per cent in January 1998.

Since September 1999 and the advent of the Bracks government there has also been an increase in the number of young people defined as being at risk — that is, neither in full-time education nor full-time employment. That increase has been contributed to by recent trends of youth entering part-time and low-skilled jobs.

Young people in rural and regional areas are more disadvantaged in their search for work than those from metropolitan areas. Consistently under this government youth unemployment rates in rural areas have been higher than in metropolitan areas. However, this represents only part of the problem for those young people. The main concern is that a lack of employment opportunities in those communities has resulted in great

decreases in the regional youth population in many parts of Victoria. It is called the drift, and the drift continues apace under the policies of the Bracks government.

Despite significant moneys being poured into employment programs by the government, youth unemployment is increasing and employment prospects are not improving. A decreasing trend in the unemployment rate was evident for Victorians aged 15 to 19 years between January 1998 and January 1999, the period of the Kennett government when jobs were created and not lost for young Victorians. A similar trend was evident in the age group from 20 to 24 years. Jobs were created and not lost during that period of the Kennett government. During the period of the Bracks government a net loss has been seen in youth jobs. This has huge social consequences for young men and women in the state.

At a time when rural communities, particularly young people, have come under increasing pressure due to the drought and declining opportunities, the Bracks government is unwilling to act to protect jobs. The figures I quoted in my question to the minister today starkly reveal how serious this problem is becoming. Just in the last three months around 4000 youth jobs have been lost in rural and regional Victoria alone. This is an epidemic. I pay special attention to the Gippsland region where nearly 2500 youth jobs have been lost under the Bracks government. It is a terrible record; one that the young people of Victoria will not forget at the coming election.

It is not surprising, however, because Labor has refused to act while 228 jobs were lost at the Vectus call centre in Bendigo, 225 jobs went at Solectron in Wangaratta, and Nestlé shed about 140 jobs in Maryborough. Obviously many of those jobs were held by young Victorians under the age of 25 years. If this trend continues, the Bracks government can hold itself responsible for exacerbating enormous social problems facing young people in the state. It should stand condemned. At the next election young Victorians will reward the government!

The PRESIDENT — Order! I call Mr Cover.

Hon. I. J. COVER (Geelong) — Thank you, Mr President. I was preparing my contribution, clearly under the misapprehension that the government was going to respond to Mr Olexander's motion taking note of the answer of the Minister for Youth Affairs to his question on youth unemployment, particularly in country Victoria. It was astounding enough that the minister did not stay to listen and perhaps respond at some stage to Mr Olexander, but the government made it even more astounding by not responding, given that it had an opportunity to do so today.

Hon. C. A. Strong interjected.

Hon. I. J. COVER — As Mr Strong puts it, it is amazing arrogance.

The government pretends to care about the youth of Victoria and it pretends to care about employment for young people in Victoria, particularly in country Victoria. As evidenced by the government's lack of response to this take-note motion today, the truth is that it does not care at all. That is a very sad indictment of this minister, the government and the way they view young Victorians.

Some 900 000 young people fit into the youth category and, as Mr Olexander pointed out, not only in his question today but in his take-note motion, many of them are not in active employment. That is a disturbing and alarming trend and one the government was made well aware of when the house debated the government's performance in the youth area two years ago. On that occasion a number of youth unemployment figures were raised, particularly for country Victoria, and the government was challenged to pay more attention to the situation, to focus on the needs of young people in country Victoria and to assist them with employment programs and being actively employed.

Clearly the challenge was not responded to on that occasion and the situation has worsened in Victoria since then. The government has not responded to the challenge in the chamber today. The best that the minister could do in responding to Mr Olexander when he asked the question in the first place, was to reach into a folder and find a prepared sheet which was obviously headed 'Youth' or 'Unemployment'. It was the prepared answer in which the minister might seek refuge should she be questioned about this subject and be put under pressure to trot out some lines about what the government is doing in a broad sense. But it did not specifically respond to the issue.

In previous debates the opposition has referred to the government's performance in the youth area when the previous youth affairs minister was in the chair. We know what happened to him — he had to be replaced in that area by the current minister.

An Honourable Member — Sacked!

Hon. I. J. COVER — 'Sacked' might be an unkind expression.

Honourable members interjecting.

Hon. I. J. COVER — But, as my colleagues point out, perhaps that is the short and blunt way to put it.

I think it is evident in the way many things are tackled by this government that it thinks things are going all right in the state of Victoria — youth are employed and the financial affairs are all in order. It gets complacent and arrogant about the way it is going in all areas of government administration, and it lets things drift. It is typical of this government.

Then it has a quick look at something — like the budget, for example. One day the government thinks the budget surplus is $765 million, and then all of a sudden we discover that the budget surplus is actually now projected to be only $250 million. Some $515 million just disappeared from the budget surplus because this government has its hands off the wheel, its eyes off the ball and any other cliché you can think of to describe its pathetic performance! The government is arrogant and complacent and it is not serving the needs of the Victorian people. Most particularly it is not serving the young people of Victoria, especially in the area of employment.

I know from travelling around Victoria and talking to colleagues who represent country Victoria that this is an issue that needs urgent attention. Under this minister and under this government there is not much hope of that happening. Perhaps if the government decides to go to an election we can see a change of government in Victoria so these needs can be addressed with a sense of urgency.

Hon. T. C. THEOPHANOUS (Jika Jika) — It is quite extraordinary for the opposition to come into this house and seek to debate with the government issues surrounding youth unemployment.

Hon. A. P. Olexander — Why?

Hon. T. C. THEOPHANOUS — Because you in your time left the youth of this state for absolute dead. That is what you did. You left the youth for dead in educational terms, you left them for dead in the schools. Only as a result of programs which this government has put in place are those issues slowly being redressed.

I am quite pleased to be on a committee that is chaired by the Honourable Neil Lucas — —

Hon. J. M. McQuilten interjected.

Hon. T. C. THEOPHANOUS — Yes, I am the deputy chair, and Mr McQuilten is on that committee as well. We have spent a considerable amount of time going around looking at youth unemployment in regional Victoria. We have done a range of — —

Hon. W. I. Smith interjected.

Hon. T. C. THEOPHANOUS — The committee is preparing a report. If you want to start criticising the chairman of the committee, Mr Lucas, for not having done the report yet, I am happy for you to do that, Ms Smith, but he has been a bit preoccupied by stupid things being given to him by the Leader of the Opposition like going around trying to find things in the Reeves committee when there was nothing there and coming up with absolute zero at the end of the day.

Looking at youth unemployment, let me mention a number of important initiatives. While I certainly would not want to pre-empt the committee report, let me identify a number of things that have been done already.

First of all in our schools there is the introduction of the new Victorian Certificate of Applied Learning, or VCAL, which is a program which is particularly useful in regional Victoria to assist young people to get the kind of vocational education that is relevant to their particular circumstances in their area.

I cannot remember the exact amount, but about $16 million has been allocated to the introduction of VET — vocational education and training — throughout our schools. The local learning and employment network programs, known as LLENs, that have been created throughout Victoria are a fantastic initiative to try to bring together the business community, the educational institutions and our young people to provide real opportunities for those young people into the future. The mentoring scheme — Managed Individual Pathways or MIPs — has also been introduced to try to help young people to find a future in this state. Let me tell you what the outcome has been, just to quote a couple of figures very quickly.

An Honourable Member — What about some statistics!

Hon. T. C. THEOPHANOUS — Let me give you some of the statistics. Some 317 900 young people aged between 15 and 24 were employed in August 2002, which is 16 800 or 5.6 per cent more than in October 1999, if you want to make comparisons relevant to each government. At the same time 39 500 young people were unemployed, or 8.6 per cent fewer than in October 1999.

The PRESIDENT — Time!

Motion agreed to.

Drought: government assistance

Hon. E. J. POWELL (North Eastern) — During the minister's answer she informed the house in response to my question about what has the government done for small business in country Victoria — —

The PRESIDENT — Order! The honourable member has to start off by moving the motion that the house take note of the answer given by the minister.

Hon. E. J. POWELL — I move:

> That the Council take note of the answer given by the Minister for Small Business to a question without notice asked by the Honourable E. J. Powell relating to small business in drought-affected Victoria.

During the minister's answer to my question about what the government has done to support small business in drought-affected areas in country Victoria the minister made sure that we were aware that the Bracks government has done nothing.

The minister said the Bracks government is developing a package. Small business in country Victoria is really hurting at the moment. The drought is taking its toll, and the people believe as most of us do that things will just become tougher for them. We need things in place at the moment.

I also asked the minister if she would establish a special unit to look at all the issues and problems that could arise for small business in country Victoria. The minister refused to answer about whether she would establish a special unit. I ask and urge the minister to establish that special unit and, more importantly, to personally take responsibility for it. In her answer the minister was alluding to the fact that the Minister for State and Regional Development in the other house would be taking some sort of responsibility for those decisions regarding small business. It is incumbent on the Minister for Small Business to take responsibility and make sure small businesses in country Victoria, particularly in drought-affected areas, are not affected worse than they are at the moment.

The National Party appreciates the drought package that was given by the government for primary producers even though it could have gone further. Some of our primary producers will not be able to comply with the conditions set out in the application forms; the drought package is purely for primary producers.

As I said earlier, there is no assistance at the moment for small business; yet there is a very strong flow-on effect from the drought to small businesses in country towns. People in businesses that provide goods and services are now finding that farmers particularly are not able to pay their accounts, so small businesses will have to carry those debts for quite a long time. It is also now affecting their viability, particularly in country areas where there are small and close communities.

I am also told that some fertiliser and chemical orders have been cancelled. This has a flow-on effect to those businesses that supply the goods to the farmers and on the garages that supply the services. A number of farmers are either not getting their vehicles serviced or cannot pay for the services that are being done. A number of farmers I have spoken to say it causes them some concern when they are not able to pay their bills. As you can imagine, in country communities everyone knows each other and it is a concern for farmers who go to the football or go out shopping with their wives that they might meet up with or bump into people to whom they owe money. Our farming communities are very proud. They are affected if they cannot pay their bills, and small business is hurting very much.

I have spoken to a number of restaurants and cafeterias in my local area and they tell me their takings are down about 25 per cent to 30 per cent, and it could get worse. Farmers particularly are not buying new clothes, new headers or new cars. They are not buying all the goods you would think they would need. They are putting purchases on hold because they are holding their money for a rainy day. I am not saying that as a pun; they are literally holding off buying goods.

I had experience in a small business in the floods of 1993. Our family business found that farmers were having just the barest essentials done to their vehicles. They did not get their tractors or utes repaired completely. If they wanted a starter repaired, for example, they would get the minimum job done. We had to wait for quite a while before we were paid. While we understood the position they were in, in small business you cannot afford to have that sort of money outstanding because you also are in a small community.

I have also spoken to rural counsellors who are absolutely run off their feet dealing with farmers' issues and cannot provide assistance to small business. If we were able to get a special unit established it could increase the number of counsellors to offer counselling and financial assistance to small business, which is feeling the brunt.

The PRESIDENT — Time!

Motion agreed to.

Teachers: registration fee

Hon. R. M. HALLAM (Western) — I move:

That the Council take note of the answer given by the Minister for Education Services to a question without notice asked by the Honourable Bill Forwood relating to teacher registration fees.

I was totally bemused by the minister's response, which effectively, as I understand it, suggested that this was somehow an issue that should be referred to the Victorian Institute of Teaching. I note from the budget documents that the Victorian Institute of Teaching was established in 2001–02 and it is held out to be some sort of major breakthrough by the government in policy direction.

The Leader of the Opposition was well entitled to ask his question and to expect an answer much better than the one offered by the Leader of the Government which, in my view, was absolutely pathetic. What we know and what we can glean from the budget documents is that the registration fee was established by legislation passed by this place almost 12 months ago. We know it is to apply from the start of the 2003 teaching year. What we also know or at least can glean from what we have been offered by the minister is that no teacher will be able to start in the teaching profession at the commencement of the next teaching year without having paid the registration fee.

We know the Leader of the Government claims to be the minister responsible for education services. We know the expenditure review committee of the Bracks government would have considered this in the context of striking a budget — or at least I hope we can assume that was the case because on my quick calculations there are about 40 000 teachers across the Victorian community.

We are told to expect a registration fee of $300 per head, and I have not heard that refuted by anybody in government. By a quick rule of thumb that represents in my view a revenue stream of $12 million a year; yet we are told by the government that we have to refer to the Victorian Institute of Teaching to find out the impact on the state budget.

I want to know whether there has been an impact on the revenue of the state or if, as we are now being invited to conclude, the totality of that $300 per head is to be consumed by the administration of the Victorian Institute of Teaching. If that is the case I would love to have that on the record as well, because that may come as something of a shock to my colleagues in the teaching profession. They thought they were going to get something more than an elephant stamp by this new organisation for their $300 per head.

Hon. P. R. Hall interjected.

Hon. R. M. HALLAM — I take up the interjection. They will get something of a shock that the fee turned out to be $300. Isn't it amazing to see this government running for cover on the issue of timing? I would love to have the proposed registration fee out there in the marketplace before the end of this month. Why is it that the government is so reticent in talking about the dimensions of the fee? Why is it that the minister who claims to be responsible is unable to say whether the fee was taken into account in the structure of the budget?

I put on the record that this is the same minister who blithely turns up in that expenditure review process and puts up her hand for the grand sum of $5.861 billion from the public purse. She admits being responsible for almost $6000 million, yet she says, 'I cannot tell you what the revenue was from this brand-new fee'. That is an absolute insult to the teachers of the state, and I think it also should be taken as an absolute insult to this Parliament.

We have gone through a very formal process of ticking off the budget for the state. We simply ask that the minister come clean. We want to know how much the budget has been affected by the new registration fee. It is an absolute insult to the entire process for the minister to dodge that issue.

Hon. E. C. CARBINES (Geelong) — I am pleased to rise in the house yet again to talk about state education because that is the government's no. 1 priority. It is steadily turning around and repairing the damage that was done by the Kennett government, and rebuilding the profession of teaching in Victoria.

It is interesting this afternoon to listen to the wild speculation of both the Liberal Party and the National Party about the Victorian Institute of Teaching and to hear it discussed in terms of its being an absolute insult, because there was no greater insult to teachers and the children of Victoria than the Liberal–National party coalition government and the way in which they wrecked state education for seven years and undermined the education of our most vulnerable people, the children in our state schools. They should hang their heads in shame when they seek to hold up their record because Victorians will not forget their legacy.

The Kennett government with its National Party colleagues removed 9000 teachers from the state education system. Removing 9000 teachers cast our

students adrift. It gagged the teachers; it was very vengeful in making sure that no teacher was allowed to speak out in regard to Liberal policies. Morale was at an all-time low. Morale was very low, and I know that because I taught in state schools when the Kennett government was in power.

Hon. R. M. Hallam interjected.

Hon. E. C. CARBINES — When Mr Hallam was at the helm morale was at the bottom. The people who are seeking to condemn the Victorian government this afternoon are the very same people who spent $300 million in removing teachers from our state education system so I say, therefore, that their legacy will not be forgotten.

The Bracks government is committed to making sure that the teaching profession is accorded very high status as other professions in this state. The Bracks government is about rebuilding the profession and is committed to education of the highest quality and it has entered into a new partnership with the teaching profession. It wants to hear from and work with the profession. Victorian teachers deserve their own voice. The Victorian Institute of Teaching has been set up to improve the quality of teaching in all our schools. It is a representative, professional body, having a strong focus on professional standards, qualifications and professional development.

Unlike the previous government, the Bracks government has lifted the gag on teachers. We have encouraged educational debate and have consulted teachers widely on the Victorian Institute of Teaching. Prior to the legislation being passed in this place we consulted widely with the educational community and principals' associations across the state, with the Australian Education Union, and with teachers in all schools, and that consultation sent a resounding 'yes' back to the government that teachers wanted a representative, professional organisation such as the Victorian Institute of Teaching.

The teachers were very clear that they supported the establishment of the institute as did all their representative bodies, such as the Australian Education Union. The consultation was wide. I know that many of my teacher colleagues talked to me about it last year and they were very pleased that our government was interested in lifting morale, focusing back on the professional development of teachers and supporting them in their profession. They very much supported the establishment of the Victorian Institute of Teaching.

The bill that went through this place last year had the support of all parties and it was clear that it had bipartisan support, so it is quite disturbing now to see the opposition parties, in a spurious attempt to cast doubt on the Victorian Institute of Teaching, raising this matter today. We have an interim council in place which is already considering the matter of the fee and one of our Geelong principals, Lauren Woolnough, who is the principal of Moolap Primary School, is on that interim council. Not only that, elections are taking place at the moment. All state teachers are in the process of electing their representatives to this body. The Victorian Institute of Teaching is going to be a very important body.

The PRESIDENT — Time!

Motion agreed to.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Education Services) — I have answers to the following questions on notice: 3002, 3014, 3015, 3017, 3098, 3156–9, 3172, 3300, 3302, 3483–6.

Hon. E. G. STONEY (Central Highlands) — In seeking answers to questions on notice in April I lodged 39 questions, 2842–80, asking about contracts between the government and Shannon's Way. At the time, in the autumn sitting, the government refused to answer the questions and when I moved a motion ordering ministers to table the answers, that failed. When the house resumed in October no answers appeared, and after it was flagged and raised that indeed the ministers could be in serious breach of house rules, all but six answers arrived.

However, the answers to the questions were inadequate and incomplete and I have written to you, Mr President, asking for you to reinstate them on the notice paper. The unanswered questions are 2873 via the Minister for Small Business for the Minister for Community Services, 2867 via the Minister for Sport and Recreation for the Minister for Planning; 2874 via the Minister for Small Business for the Minister for Consumer Affairs; 2875 via the Minister for Small Business for the Minister for Health; 2876 via the Minister for Small Business for the Minister for Housing; and 2879 via the Minister for Small Business for the Minister for Senior Victorians. I ask: when can these questions be answered properly and when can I expect a reply?

The PRESIDENT — Order! To make it clear, these are questions that have not been answered?

Hon. E. G. STONEY — Yes.

The PRESIDENT — Order! Will the honourable member again give those numbers to the minister?

Hon. E. G. STONEY — I can hand them to the minister.

Hon. M. M. GOULD (Minister for Education Services) — I will take note of those particular questions. I thought we had answered them all; obviously we have not. I am happy to give those numbers to the respective ministers in the other place, and to get the responses to those questions to the honourable member as soon as possible.

PETITION

Bunyip State Park

Hon. N. B. LUCAS (Eumemmerring) presented a petition from certain citizens of Victoria requesting that the Minister for Environment and Conservation:

(a) urgently review forestry operations in the 350 Upper Bunyip forestry block and order an immediate cessation of logging operations until a comprehensive scientific study is undertaken throughout the block to establish fully the extent of threatened flora and fauna species and other natural and social values; and

(b) initiate a review of the Bunyip State Park management plan (259 signatures).

Laid on table.

BUSINESS OF THE HOUSE

Sessional orders

Hon. M. M. GOULD (Minister for Education Services) — By leave, I move:

That so much of the sessional orders be suspended as would prevent new business being taken after 9.00 p.m. during the sitting of the Council this day.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Anderson's Creek Cemetery Trust — Report, 2001.

Ballaarat General Cemeteries Trust — Report, 2001.

Bendigo Cemeteries Trust — Report, 2001.

Cheltenham and Regional Cemeteries Trust — Report, 2001.

Falls Creek Alpine Resort Management Board — Report, year ended 31 October 2001.

Keilor Cemetery Trust — Report, 2001.

Lilydale Memorial Park and Cemetery Trust — Report, 2001.

Melbourne City Link Act 1995 — Order in Council of 8 October 2002, decreasing the Project area, pursuant to section 8(4) of the Act.

Mildura Cemetery Trust — Report, 2001.

Mount Baw Baw Alpine Resort Management Board — Report, year ended 31 October 2001.

Mount Buller Alpine Resort Management Board — Report, year ended 31 October 2001.

Mount Hotham Alpine Resort Management Board — Report, year ended 31 October 2001.

Preston Cemetery Trust — Report, 2001.

Recreational Fishing Licence — Report on Disbursement of revenue from Trust Account, 2001–02.

Templestowe Cemetery Trust — Report, 2001.

Trustees of the Necropolis Springvale — Report, 2001.

Wyndham Cemeteries Trust — Report, 2001.

Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act:

Environment Protection (Resource Efficiency) Act 2002 — Sections 34, 35, 36 and 37 — 15 October 2002 (*Gazette No. G41, 10 October 2002).*

COMMISSIONER FOR ECOLOGICALLY SUSTAINABLE DEVELOPMENT 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 to establish the Commissioner for Ecologically Sustainable Development, whom I will refer to as the commissioner, fulfils a major environmental policy commitment by this government.

The government's vision for Victoria, as outlined in Growing Victoria Together, includes a transparent commitment to ecologically sustainable development

and identifies the need to ensure that protecting the environment for future generations is built into everything we do.

This commitment to balance environmental, social and economic outcomes for all Victorians will achieve a number of goals including the protection of the environment; thriving, innovative industries; and safe, healthy communities.

The establishment of a Commissioner for Ecologically Sustainable Development supports this strong sustainability agenda. It is a clear demonstration of the government's commitment to promoting and implementing ecologically sustainable development to ensure that the total quality of life can be improved for current and future Victorians. Importantly, through this bill, the government will enshrine in legislation the nationally agreed definition of ecologically sustainable development as set out in the 1992 national strategy for ecologically sustainable development.

The government believes that it is important to lead by example in the adoption and promotion of decision making that facilitates ecologically sustainable development. In this respect the government has built environmental, economic and social considerations into its cabinet processes. The government is also committed to reducing its own environmental footprint and will implement environmental management systems throughout its departments.

Establishment of the Commissioner for Ecologically Sustainable Development further builds on the government's commitment to promoting ecologically sustainable development, as the office will be a valuable source of advice to both state and local government, industry and the community on these matters.

A key role of the commissioner will be to undertake public education programs. The objective of this role is to enhance the knowledge and understanding of the Victorian community about ecologically sustainable development and to encourage decision making that promotes the adoption of international best practice in ecologically sustainable development. Through this role the commissioner will also support state and local government in implementing measures which promote the adoption by industry and the community of practices that facilitate ecologically sustainable development.

Through state-of-environment reporting, another important role to be undertaken by the commissioner, Victorians will be kept informed about the health of their environment and whether through the combined actions of government, industry and the community environmental gains are being made.

This government is committed to improving the environmental performance of public sector work sites by tackling energy efficiency, water use, paper use and transport. Through annual strategic auditing of agency environment management systems the commissioner will keep the community informed about the rate of the government's progress in improving the environmental performance of its work sites, and how the environmental management systems compare with international best practice approaches and targets.

The state-of-environment and environmental performance reporting roles are further examples of the government implementing its commitment to being open and transparent and keeping the community informed.

I will now turn to the particulars of the bill.

Part 1 of the bill is where the definition of ecologically sustainable development has been enshrined. Until this time, no other Victorian legislation has incorporated the principles of ecologically sustainable development that were agreed by the commonwealth and all state and territory governments in 1992 under the National Strategy for Ecologically Sustainable Development.

Part 2 of the bill establishes the Commissioner for Ecologically Sustainable Development and the office of the commissioner. The objectives, functions, powers and accountabilities of the commissioner are also set out in this part.

The Governor in Council will appoint the commissioner for a term of up to five years. The commissioner will also be eligible for reappointment, as set out in clause 6. The commissioner may only be removed from office if there is a failure to carry out the duties of the office or if the commissioner demonstrates inefficiency or misbehaviour in carrying out those duties. If the commissioner is removed from office, the responsible minister must lay a statement of the grounds for the removal in both houses of Parliament.

Clause 7 highlights the four objectives of the commissioner. These are to report on matters relating to the condition of the natural environment in Victoria; to encourage decision making that facilitates ecologically sustainable development; to enhance knowledge and understanding of issues relating to ecologically sustainable development; and to encourage sound environmental practices to be adopted by state and local government.

The commissioner has three key functions to undertake in delivering on its objectives. As set out in clause 8, the commissioner is to prepare a report on the state of the Victorian environment and conduct annual strategic audits of the implementation of environmental management systems by agencies and public authorities. The commissioner will also conduct public education programs that promote an understanding of ecologically sustainable development. Through these programs the commissioner will support state and local government in implementing measures that encourage industry and the community to adopt practices that facilitate ecologically sustainable development.

As the functions of the commissioner are proactive and facilitative, the commissioner will not require powers to enter premises and seize information. It will be important that agencies and public authorities support the commissioner in the provision of information. In this respect, clause 9 provides for the commissioner to make formal requests to agency and public authority heads for information required to undertake the functions as set out in the bill.

The commissioner will also be able to establish a reference group to provide advice on the undertaking of its functions and may also appoint committees to provide advice on specific matters.

In carrying out its functions the commissioner must have regard to a set of principles including the need to integrate economic, environmental and social considerations, the need to add value, the need to develop solutions and achieve improvement, and the need to be impartial, open, transparent and accountable. These principles in clause 10 are strong principles that the government is promoting in all that it does.

This clause also sets out a process by which the responsible minister may give specific directions to the commissioner. It is envisaged that the commissioner could be asked to investigate and report on specific matters that relate to ecologically sustainable development. Given that this investigatory role is not a core function of the commissioner, it is considered that it will be used sparingly. Where specific directions are given, the responsible minister must also table the directions in both houses of Parliament. This will ensure that any directions are transparent.

The commissioner will be able to appoint its own staff under clause 12 and engage consultants as necessary under clause 13.

Part 3 of the bill refers to the reports that the commissioner is required to prepare as part of meeting the functions set out in the bill.

One of the first roles that the commissioner will need to undertake once appointed will be to develop a framework for state-of-environment reporting in Victoria. In developing this framework the commissioner will consult extensively with state and local government, industry and the community. It is expected that the framework will identify the form of the reports and a mechanism for review of the framework. As a result of house amendments in the other place, the bill requires the commissioner to prepare a state-of-environment report at intervals not exceeding five years.

As set out in clause 17, the framework must be approved by the responsible minister. Once approved the responsible minister has 10 sitting days to table a copy of the framework in both houses of Parliament. The minister is required to table state-of-environment reports in both houses of Parliament within 10 sitting days of receiving reports. As a result of house amendments in the other place, if a state-of-environment report includes recommendations made by the commissioner, a government response must be tabled in both houses of Parliament within 12 months of the state-of-environment report being tabled.

Clause 18 sets out the requirements for preparing reports on the implementation of environment management systems by agencies and public authorities. This will include an analysis of the progress of agencies and public authorities in meeting objectives and targets for implementation. In the first instance only agencies will be mandated to report on their implementation in their annual report. However, given that there are a number of public authorities that have voluntarily implemented environment management systems, the commissioner will also be able to comment on their progress as well.

The responsible minister is required to table the report on environmental management systems in both houses of Parliament within 10 sitting days of receiving the report.

To ensure that the public has easy access to directions given to the commissioner by the responsible minister and the reports prepared under the bill, the commissioner is required to publish them on the Internet.

In conclusion, this bill is evidence of the government's commitment to facilitate a greater understanding, across all sections of the community, of ecologically sustainable development and to promoting the adoption of practices that encompass this approach.

An important aspect to Victorians taking this approach and encouraging others to follow is through the greater provision of relevant information, such as the state-of-environment reports. The government is also prepared to lead by example by implementing environmental management systems and opening up its reporting on implementation to the scrutiny of the commissioner.

I commend the bill to the house.

Debate adjourned for Hon. BILL FORWOOD (Templestowe) on motion of Hon. K. M. Smith.

Debate adjourned until next day.

ROAD SAFETY (RESPONSIBLE DRIVING) BILL

Second reading

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

That this bill be now read a second time.

The main purpose of this bill is to amend the Road Safety Act to encourage responsible driving. To this end, the bill will introduce measures to deter excessive speeding. It will allow on-the-spot licence suspensions for first offender drink-drivers with high blood alcohol concentrations and for repeat drink-drivers. The bill will also set a lower threshold for demerit point licence loss for probationary and learner drivers, namely 5 points in 12 months.

Speeding

Excessive speed is a major contributor to road trauma in Victoria. This is particularly true of very high-level speeding. In this bill the deterrent against excessive speeding is strengthened by redefining it as exceeding the speed limit by 25 kilometres per hour, rather than 30 kilometres per hour, as at present. Excessive speeding incurs a minimum licence suspension of one month.

In cases where a driver exceeds the speed limit by 35 kilometres per hour or more, the bill sets a minimum suspension period of six months. And exceeding the speed limit by 45 kilometres per hour or more will now incur suspension for at least 12 months.

It is a strange thing that many people think that the risk of speeding is the risk of getting a ticket, as if they do not really understand or believe the risk of causing injury or death. Such people need to understand that there is no such thing as safe speeding. They might get away with it for a time, but it is dangerous and unnecessary and eventually they, or someone else, will pay the price.

There is a direct and proven statistical relationship between speed and crash risk. The odds are that if you continue to speed, sooner or later you will crash. In a very real sense, speeding is high stakes gambling. But it's not gambling only with money. It's gambling with lives. Drivers who speed need to hear the message: don't be a mug punter with your life.

On-the-spot licence suspension for drink-driving

Drink-driving is also a major factor in road trauma. Again, it is a statistically proven fact that drink-driving kills people. On average, only 1 in 200 drivers tested at police booze buses is a drink-driver. Yet about 1 in 4 driver fatalities are drivers who had a blood alcohol concentration of 0.05 or more. Put simply, a person who drinks and drives is not fit to hold a driver licence until he or she reforms. They are a danger to themselves and to others.

The bill contains provision for the immediate suspension of learner permits or probationary driver licences of drivers detected with a blood alcohol concentration of 0.07 or more.

The Road Safety Act already provides for the interim suspension of the licence of first offenders whose blood alcohol concentration is 0.15 or higher and repeat drink-drivers. At present, suspension can be imposed after the person is charged with drink-driving, and lasts until the case is heard, but can be appealed in the meantime if there are exceptional circumstances.

These existing interim suspension provisions have several defects.

First, it may take some time for a charge to be laid. Typically, it may take a week or more for a drink-driving charge to be laid because of the various procedural steps involved. In the meantime, the person can continue to drive. This does not sit well with the main purpose of interim suspension, which is to remove from the roads as quickly as possible a driver who poses an unacceptably high risk to the community.

Secondly, interim suspension is only an available option, at present, if the driver is charged with drink-driving under the Road Safety Act. It therefore may not be an option if a person is facing more serious criminal charges, such as manslaughter or culpable driving, arising out of driving a car whilst under the influence of alcohol. In any case, possible offences of this nature generally take even longer to investigate than simple drink-driving.

Thirdly, the 0.15 threshold for interim suspension applies to all first offenders, even though the legal limit is different for different categories of driver. In particular, learner and probationary drivers are subject to a zero alcohol limit because inexperience and alcohol is a lethal combination.

For these reasons, the bill proposes amendments to permit the police to suspend the licences or permits of drink-drivers on the spot wherever they could be suspended following charge under the current law. In essence, this is a timing change, designed to get the person off the road immediately.

To achieve this, the bill proposes that suspensions may be imposed on the basis of the same certificates of analysis that can presently be used to prove a drink-driving charge.

For repeat drink-drivers, interim suspension can be imposed for any drink-driving offence, as at present. For a first offender with a full licence, interim suspension can be imposed if the person's blood alcohol content is 0.15 or higher. Again, this is the current threshold for interim suspension.

In the case of learner drivers and probationary drivers, however, the bill proposes to lower the threshold for interim suspension to 0.07. These are inexperienced drivers, who are subject to a zero alcohol condition. A learner or probationary driver who drives with a blood alcohol concentration of 0.07 or higher represents an unacceptable risk and should have his or her licence suspended immediately.

The procedural safeguards in relation to these on-the-spot suspensions will be similar to those already in the act. As at present, a certificate of analysis can only be relied on if the sample tested was taken within 3 hours of driving. There will be a right of appeal, as at present, in exceptional circumstances and, in addition, any court hearing proceedings arising out of the incident will be able to cancel the suspension on similar grounds. The period of interim suspension will be discounted from any period of disqualification that is subsequently imposed by a court. Unless charges are laid, interim suspensions cannot last longer than 12 months, or the relevant minimum disqualification period under the act, whichever is the less.

The bill also proposes an amendment to section 49(1)(f) of the Road Safety Act. That section defines the drink-driving offence of failing a breath test within 3 hours of driving. The act already enables further tests where the first breath test does not produce a result for any reason. To remove any possible doubt on the matter, the amendment makes it clear that a drink-driver may be prosecuted on the basis of the results of these further tests.

A similar amendment is proposed to section 28 of the Marine Act 1988, which deals with corresponding offences by persons in charge of vessels.

Demerit points

The changes introduced by this bill will make licence loss a more likely consequence for persistent speeding offenders. There are a number of penalties for speeding, one of the most effective being the allocation of demerit points. Demerit points are added to a driver's record whenever the driver pays an infringement notice or is found guilty by a court of specified offences. Points remain on a driver's record for three years, and then lapse.

Because of the risks associated with inexperience, most states of Australia impose a lower demerit point cut-off for probationary and learner drivers than for full licence-holders. This bill will introduce similar measures in Victoria.

Too many novice drivers are dying on our roads. There is a need to deter high-risk behaviour, especially speeding, by these drivers.

Probationary and learner drivers will risk licence loss if they incur 5 points in any 12-month period. They will also remain subject to the 12 points in three years threshold that applies generally.

This limit of 5 points in 12 months will allow these novice drivers to learn from their mistakes but will reduce the likelihood of bad habits becoming established. If novice drivers will not drive responsibly, they will lose their licences.

To keep this in perspective, most probationary licence-holders have no demerit points. These responsible drivers will not be affected by these measures.

For any penalty to act as an effective deterrent, the driver must be aware of both the penalty, and of the consequences of reoffending. To this end, the bill amends section 92 of the Road Safety Act to allow the Victoria Police to access driver demerit point records. The police will notify a person who has incurred demerit points of the possible consequences of incurring further demerit points — namely, loss of their licence to drive. It is expected that this will have a positive influence on driver behaviour.

Conclusion

Taken together, the bill represents a significant package of measures to improve the safety of all road users. It introduces important measures to deter the highest risk speeding offenders. And it will enable drivers who flout drink-driving laws to be removed from the road sooner.

These drivers have to understand that the community will not tolerate their gambling with the lives of others as well as their own.

I commend the bill to the house.

Debate adjourned for Hon. G. B. ASHMAN (Koonung) on motion of Hon. K. M. Smith.

Debate adjourned until next day.

FEDERAL AWARDS (UNIFORM SYSTEM) BILL

Second reading

For **Hon. M. R. THOMSON** (Minister for Small Business), Hon. J. M. Madden (Minister for Sport and Recreation) — I move:

That this bill be now read a second time.

The Federal Awards (Uniform System) Bill has been developed after a comprehensive process of consultation with employer groups, unions, employers and employees. The bill is an important step in establishing a truly unitary system of industrial relations in Victoria and will help restore the balance between the rights of employees and employers that are not covered by federal awards or agreements.

The bill represents a key part of this government's commitment to fairness. Since 1996 the gap between conditions enjoyed by those employees protected by federal awards or agreements and those under schedule 1A of the federal Workplace Relations Act 1996 has steadily increased. The bill is designed to remove this artificial gap, and ensure that all Victorians are entitled to similar minimum conditions of employment. This is good for employees, and it is good for employers.

In the face of a lack of commitment from the federal government to reform the Workplace Relations Act, and on the recommendation of the independent industrial relations task force, the Bracks government introduced the Fair Employment Bill in November 2000. As honourable members will recall, the bill received significant support, not just from unions and community groups but also from employer groups, such as the Victorian Automobile Chamber of Commerce, the Housing Industry Association, the Victorian Road Transport Association and the Master Builders Association of Victoria.

Despite the significant level of support it attracted, that bill was defeated in the Legislative Council.

The bill will ensure that Victoria operates under a unitary system of industrial relations. This attempt to develop a unitary industrial relations system underpinned the 1996 referral of industrial relations powers to the commonwealth, pursuant to the Commonwealth Powers (Industrial Relations) Act 1996.

In 2000 the independent industrial relations task force identified over 561 000 employees who were supposedly covered by the Workplace Relations Act but were treated differently from other employees also covered by the act. These 561 000 employees, covered by part XV and schedule 1A of the Workplace Relations Act, are only entitled to five basic conditions of employment. Award employees, on the other hand, are entitled to a statutory 20 minimum conditions.

The schedule 1A category of employee is a result of the abolition of state awards by the Victorian Parliament in 1992.

The bill will remove the artificial barrier between those covered by awards and those covered by schedule 1A.

The need for a unitary system

As members are aware, in 1996 the Victorian government utilised section 51(37) of the Australian Constitution to refer a limited number of industrial relations matters to the commonwealth. This represented the first time any Australian state had referred an industrial relations power to the commonwealth.

In November 1996 Victoria enacted the Commonwealth Powers (Industrial Relations) Act

1996. This act then enabled the commonwealth to legislate to amend the Workplace Relations Act 1996 to include specific provisions relating to Victoria.

At the time, the then shadow spokesperson and now Premier, the Honourable Steve Bracks, said:

> The opposition supports in principle the concept of a single national system of industrial relations, and it always has. It can deliver benefits to both employees and employers by creating a uniform national framework for dispute resolution and the application of minimum employment standards that can be more easily complied with and enforced.

Despite the stated intentions behind the legislation, the Commonwealth Powers (Industrial Relations) Act 1996 did not see the establishment of a true unitary industrial relations system. A true unitary system could only exist if all Victorian employers and employees were subject to the same rules, under the federal Workplace Relations Act. This clearly was not brought about by the referral.

What the Commonwealth Powers (Industrial Relations) Act 1996 did was create a hybrid system. Victorian employers and employees, previously subject to the Employee Relations Act 1992, found themselves, from 31 December 1996, subject to a discrete part of the Workplace Relations Act 1996, part XV, as well as schedule 1A.

In its report published September 2000 the independent industrial relations task force concluded that:

> In practice and at law, the current system of industrial regulation in Victoria is not the unitary system as has been advocated by some parties. It is true to say though, that all of Victoria operates under federal industrial law. But there are two completely different systems that operate for Victorian employees and workplaces under this federal law. This has been described as a dual system of industrial relations in Victoria.

Nor is the current system fair to employers and employees. The work of the industrial relations task force exposed the disadvantage suffered by schedule 1A employees. Schedule 1A only operates with respect to Victoria and ensures that schedule 1A employees have the worst minimum employment standards of any Australian employee.

Employers too have suffered as a result of the 1996 referral. Schedule 1A employers have been disadvantaged because they lack proper information on their rights and responsibilities under the act.

Federal award and agreement employers have been disadvantaged because they have to compete against employers who may legally offer their employees lesser wages and conditions — that is, a policy premium is placed on the so-called 'race to the bottom' for paying wages and conditions.

In 2000 the independent industrial relations task force also found that, while Victoria operated under a significantly deregulated labour market after 1992, there has been no significant increase in jobs growth levels or decrease in unemployment levels compared with the national average, or in relation to other states. This runs counter to the unresearched claims by some that the deregulation of Victoria's labour market has somehow given us an advantage over other states.

In 1999, the Australian Labor Party went to the Victorian people with a firm commitment to reform the state's industrial relations system. Our policy stated in part:

> Labor supports a unitary national approach to industrial relations and will make the demand of the federal government that the Workplace Relations Act is made fair for all workers. This should include the re-establishment of national awards with comprehensive standards.

Purpose of the bill

The main purpose of the bill is to refer to the commonwealth Parliament a further matter relating to industrial relations, and to empower the Victorian Civil and Administrative Tribunal (VCAT) to make orders applying federal award conditions as common rules in Victoria.

The bill, in fact, has two stages:

Stage 1 involves a referral of further industrial relations power to the commonwealth so it can legislate to apply federal award standards (the 20 minimum conditions) to Victorian schedule 1A workers.

Stage 2 will be implemented if the commonwealth refuses to legislate to adopt the proposed referred power. It involves federal awards applying on application by common rule, under Victorian legislation. In other words, stage 2 will only be implemented if stage 1 fails due to a lack of cooperation on the part of the commonwealth.

I should take a little time to clearly articulate our government's preferred approach under this legislation. The fairest, easiest and least complex approach is for the commonwealth to accept Victoria's referral of the common-rule power. To do so would confirm the commonwealth wants a true, uniform industrial relations system in Victoria.

It is only if the commonwealth refuses the referral of the common-rule power that the remaining provisions in the legislation will be implemented.

Who does the bill apply to?

The Federal Awards (Uniform System) Bill will apply to persons whose wages and conditions of employment are not covered by an award or agreement under the federal Workplace Relations Act. In other words, the bill will only apply to employers and employees covered by part XV and schedule 1A of the Workplace Relations Act.

There is a tendency, although an erroneous one, to assume that big business is covered by awards or agreements, whilst small business is award free.

One hundred and eighty-five thousand Victorian businesses with fewer than five employees are already covered by a federal award. This represents over 39 per cent of all businesses of that size. Fifty-seven per cent of businesses with between 10 and 19 employees are covered by a federal award, and this rises to 60 per cent if you include those with both federal award and schedule 1A employees. Clearly, hundreds of thousands of Victorian small businesses are already covered by a federal award and/or a certified agreement.

The bill will have no direct impact on employers bound by a federal award or certified agreement. It should be noted, however, that the Australian Centre for Industrial Relations Research and Training (ACIRRT), which conducted research for the industrial relations task force, found that a number of Victorian workplaces continued to operate under a mixture of regulatory regimes. ACIRRT found that 2775 Victorian workplaces were regulated by both federal awards or agreements and schedule 1A. Fourteen per cent of workplaces with between 20 and 99 employees had both federal award and schedule 1A coverage. Those workplaces will benefit from this bill, as it will rationalise the industrial relations regimes they are currently subject to.

Also worthy of consideration are the conclusions of the independent industrial relations task force that:

> Victoria has, compared to other states, a disproportionately large low-wage sector. Low-income earners also tend to be concentrated in small workplaces, in certain industries, and in rural and regional parts of the state. The task force identified links between this low-wage sector and Victoria's dual system of industrial relations.
>
> Some 356 000 Victorian employees (approximately 21 per cent of the Victorian labour force) rely almost entirely on schedule 1A of the Workplace Relations Act 1996 for their conditions of employment. Schedule 1A employees have limited access to benefits that are standard among federal award employees.
>
> Approximately 235 000 Victorian employees receive only the minimum rates under industry sector orders.
>
> The geographical differences in workplace minimum rates are also pronounced. For instance, in non-metropolitan workplaces 22 per cent of schedule 1A workplaces fall in the under $10.50 wage bracket compared with 8 per cent of workplaces with federal award coverage.

When compared to standards and employment conditions applying under federal awards and in other jurisdictions, employees who rely solely upon schedule 1A of the Workplace Relations Act 1996 receive fewer conditions and entitlements than other employees. For instance:

> no personal and carer's leave or bereavement leave;
>
> no entitlement to redundancy;
>
> no entitlement to be paid for hours worked in excess of 38 per week; and
>
> sick leave benefits are prescribed at lower levels in schedule 1A than they are in many federal awards.

Referral of power allowing VCAT to determine common-rule orders

The bill provides that VCAT may make a common-rule order on application by the minister, a registered organisation, a peak body or an interested organisation in the relevant industry.

A common-rule order is an order made by the VCAT, having the effect of binding all employers and employees in the industry concerned. The order establishes and relates only to minimum terms and conditions of employment. It is not a code on other employment matters. A common-rule order is limited to the 20 allowable matters defined in section 89A of the federal Workplace Relations Act 1996.

VCAT will make a common-rule order in relation to a particular industry if satisfied that there is an award in force, and the award would be binding on an employee if he or she were employed by an employer party to that award. VCAT is also required to determine the most

appropriate award to apply, if more than one award covers the particular kind of work, subject to specified conditions.

VCAT may impose a condition, limitation or exception on a term or part of a term of an award in a common-rule order under certain circumstances. These circumstances relate to the term not being relevant to the employer/employee relationship or economic incapacity on the part of the employer.

Where the federal commission varies a term of an award, the common-rule order is varied accordingly with effect from the end of 28 days after the date of effect of the variation of the award. Notification will be generally provided to anyone bound by the common-rule order of a variation by the federal commission of an award.

The party notified may lodge an objection to the proposed variation of the common-rule order under certain circumstances. The variation is not enforceable against the objector until determined by the VCAT.

Information and compliance

There are two arms for compliance under the bill, the provision of information, and in certain circumstances, prosecutions for breach of the legislation.

In its report, the independent industrial relations task force identified a lack of information as a serious problem faced by employers and employees covered by schedule 1A. The task force report stated:

> The issue of advice and education is important in dealing with schedule 1A workplaces. Employers in this sector are less likely to belong to an employer association at the same time as employees are less likely to belong to a union. It is this group of employers and employees on which the task force has had to focus in developing more innovative ways of dealing with employment issues. The needs of schedule 1A employers and employees may well be different to that of many federal award workplaces. For instance, the vast majority of schedule 1A workplaces are categorised as small, the employees are generally less likely to be unionised, and the employers are less likely to belong to an employer association, than is the case in federal award workplaces.
>
> From the public consultations and submissions received by the task force it is apparent that a new approach is needed to information and advice in this sector. There was a particular level of dissatisfaction with the current information provided through the Office of Workplace Services (the federal department) by both employers and employees. A different approach is clearly needed to address the individual needs of schedule 1A employers and employees. In summary, information and advisory services are critical to the success of good employment and industrial laws.

In 2001 Industrial Relations Victoria established a workplace information unit. The unit provides educational and information services to schedule 1A employers and employees. However, the bill provides a more comprehensive service.

In 1996, when Victoria referred most of its industrial relations powers to the commonwealth, it also ceded responsibility for providing information and inspectorial services. The Victorian Wage Line service was abolished, and only a limited advisory service relating to long service leave was retained.

The bill provides for the appointment by the minister of suitably qualified information services officers. Their primary function is to provide information about the operation of the legislation. They also have the function of ensuring compliance with the legislation.

It is important to note that the powers and responsibilities of the information services officers are similar to or no greater than those exercised by members of the federal Department of Employment and Workplace Relations inspectorate.

Prosecutions, evidence and recovery of money

The industrial division of the Magistrates Court will hear prosecutions for breaching this legislation. A prosecution for an offence may only be brought by a person authorised by the minister, the secretary of the department or another person in the department authorised by the minister.

An employee who believes that they are owed money may take proceedings to recover money owing in the industrial division of the Magistrates Court. The proceedings must be started within six years after the entitlement arises. The court may charge interest on any money it finds the employee is entitled to.

Summary

The Federal Awards (Uniform System) Bill provides a logical step on the path to a truly unitary industrial relations system. It is important to stress that the bill does not represent the Fair Employment Bill under a different guise. The contrast between the two cannot be starker. The Fair Employment Bill sought to establish a new Victorian industrial relations system, operating separately from the federal system.

What this new bill represents is an opportunity for all Victorian employers and employees to operate under a common set of minimum conditions of employment, not the hybrid we have at the moment.

It will mean that a minority of Victorian employees have the same basic entitlements that are enjoyed by the majority, under the federal Workplace Relations Act, legislation that I need not remind you is enacted by the current coalition government.

It will mean that for the first time since 1996, all Victorian employees will have an entitlement to enjoy conditions of employment that are fair and reasonable.

The bill also means that all Victorian employers operate on a level playing field. No longer will some employers be able to undercut others, just by virtue of the fact they are bound by a different section of the Workplace Relations Act. This will help ensure business confidence by providing consistent terms and conditions.

This bill represents the best opportunity this state has ever had to provide a fair unitary system of industrial relations in Victoria.

I commend the bill to the house.

Debate adjourned for Hon. P. A. KATSAMBANIS (Monash) on motion of Hon. K. M. Smith.

Debate adjourned until next day.

CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL

Second reading

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

That this bill be now read a second time.

Victoria faces difficult challenges to ensure that the criminal law is adequately equipped to deal with new and emerging types of crime. The Crimes (Property Damage and Computer Offences) Bill will introduce a new range of criminal offences to help ensure that Victoria is prepared to meet these challenges.

The bill reflects the government's determination to provide a modern and effective Victorian criminal justice system. The government is committed to providing safe streets, homes and workplaces for the Victorian community.

The bill will introduce the following new offences into the Crimes Act 1958:

a bushfire offence directed at those individuals who intentionally or recklessly cause a fire and who are reckless as to the spread of the fire to vegetation on property belonging to another person;

computer offences directed at individuals who impair the security, integrity and reliability of computer data and electronic communications; and

sabotage offences directed at individuals who damage publicly or privately owned public facilities, with the intention of causing major disruption to government functions or public services or major economic loss.

The new offences are based on the model provisions contained in the model criminal code report entitled *Damage and Computer Offences*, which was published in January 2001.

The model offences establish the framework for a coordinated and uniform national approach to these serious crimes. There is national agreement to implement the model offences:

at the Standing Committee of Attorneys-General meeting in March 2002 all jurisdictions agreed to introduce the model bushfire offence;

at the leaders summit agreement on terrorism and multijurisdictional crime in April 2002, all jurisdictions agreed to introduce the model computer offences in 2002. Introducing the model sabotage offences is also consistent with this agreement.

This bill will implement Victoria's commitment to introduce the model offences and will ensure that there is a comprehensive and consistent response across Australia.

Bushfire offence

Every year Victorians are threatened with the possibility of bushfires spreading out of control. These fires can endanger life and property and cause significant damage to the environment. This bill recognises these potentially devastating effects by introducing a new bushfire offence into the Crimes Act.

While Victoria already has a range of offences covering the destruction of property by fire and lighting fires, these offences do not deal with the situation where a person recklessly creates the risk of a fire spreading uncontrollably to vegetation belonging to another.

The new offence will focus on people who create the risk of the spread of fire, rather than the infliction of actual harm. The offence will target people who intentionally or recklessly cause a fire and who are

reckless as to the spread of the fire to vegetation on property belonging to another person. The offence will provide a maximum penalty of 15 years imprisonment, which is equivalent to the existing offence of arson.

However, persons who create the risk of a fire, where there are legitimate reasons to do so, will not be liable. The bill specifies that a person will not be reckless as to the spread of fire where the person:

carries out fire prevention, fire suppression or other land management activity;

in accordance with a provision made by or under an act or by a code of practice approved under an act; and

they believe that their conduct in carrying out that activity was justified having regard to all of the circumstances.

While unfortunately it may not be possible to stop all bushfires from occurring, this offence is an important step towards preventing unnecessary fires that occur because of the intentional or reckless conduct of individuals. The bushfire offence will help to deter these avoidable fires by ensuring that the full force of the law will be brought to bear on these offenders.

The bill will also amend the Bail Act 1977 to include the offence of arson causing death in the list of show-cause offences in that act. This will require a court to refuse bail where an accused is charged with arson causing death, unless the person can show cause why bail should be granted.

Arson causing death is an extremely serious offence carrying a maximum penalty of 25 years imprisonment. A person should not be able to receive bail for such a serious offence unless they can show cause why it would be appropriate.

The offence of arson causing death will now be treated in the same way as other serious show-cause offences such as aggravated burglary, or stalking (where violence is used or threatened against the person stalked).

Computer offences

Victorians are among the earliest adopters of new technology and this government has taken an active approach towards growing information and communication technologies and sharing the benefits of such technologies across the entire Victorian community. World-class information and communication technology companies have been developed and nurtured in Victoria.

However, as a result of this huge growth in the Internet population and in electronic commerce, the integrity and security of computer data and electronic communications has become increasingly important. Cybercrime activities, including hacking, virus propagation and web site vandalism pose a significant threat to computer systems.

This bill recognises our growing reliance upon computers and as a result introduces seven new offences to ensure that the Victorian criminal laws are adequate to deal with the latest advances in computer technology. These laws will ensure that we can continue to nurture and share the benefit of technology within our state.

The main Victorian offence currently dealing with this type of conduct is section 9A of the Summary Offences Act 1966. Section 9A prohibits gaining access to, or entering, a computer system or part of a computer system without lawful authority. This offence is badly outdated and does not adequately cover new opportunities and avenues for the commission of computer crime.

Section 9A will therefore be repealed and replaced with the new computer offences which will be inserted into the Crimes Act. While section 9A is directed solely at unlawful access to a computer system, the new offences will cover a much wider range of conduct, including unauthorised modification or impairment of data.

The first new offence in the bill will prohibit a person from causing an unauthorised computer function. The person must know that the function is unauthorised and have the intention of committing a serious offence or facilitating the commission of a serious offence. This offence is particularly targeted at situations where the person takes action to prepare to commit another offence, such as obtaining property by deception, but the intended offence is not committed. This offence is punishable by the maximum penalty equal to the maximum penalty for the offence intended.

The second offence is directed at persons causing any unauthorised modification of data in a computer. The person must know that the modification is unauthorised, and intend to impair access to, or the reliability, security or operation of, any data held in a computer or be reckless as to any such impairment. The offence will not require that data impairment actually occur and will cover a range of situations where:

a hacker obtains unauthorised access and modifies data to cause impairment; and

a person circulates a disk containing a computer virus that infects a computer.

The offence is punishable by a maximum penalty of 10 years imprisonment.

The third offence will prohibit causing an unauthorised impairment of electronic communications to or from a computer. The person must know that the impairment is unauthorised, and intend to impair electronic communications or be reckless as to any such impairment. This offence is particularly designed to prohibit tactics such as denial of service attacks, where a web site is inundated with a large volume of unwanted messages thus crashing the computer server. The offence is punishable by a maximum penalty of 10 years imprisonment.

The fourth offence will prohibit possessing or controlling data with the intention of committing or facilitating the commission of a serious computer offence by that person or another person. This offence is akin to offences such as going equipped for stealing, although the offence will extend beyond cases where the data is in the physical possession of the offender to situations where the data is in the offender's control even though it is in the possession of another person. The offence is punishable by a maximum penalty of three years imprisonment.

The fifth offence will prohibit producing, supplying or obtaining data with the intention of committing or facilitating the commission of a serious computer offence. The offence is designed to prohibit devising, propagating or publishing computer programs which are intended for use in the commission of a serious computer offence. The offence is punishable by a maximum penalty of three years imprisonment.

The sixth offence will prohibit causing unauthorised access to, or modification of, restricted data held in a computer. The person must know that the access or modification is unauthorised and intend to cause the access or modification. Restricted data is data that is protected by a password or other security feature. Since the offence is limited to restricted data, the offence will not apply to innocuous conduct such as using another's computer game without permission. This offence is punishable by a maximum penalty of two years imprisonment.

The final offence will prohibit causing any unauthorised impairment of the reliability, security or operation of any data held on a computer disk, credit card or other device used to store data by electronic means. The person must know that the impairment is unauthorised and intend to cause the impairment. The offence is a less serious version of the offence of unauthorised modification of data to cause impairment. The offence will apply to data stored electronically on disks, credit cards, tokens or tickets, while the more serious offence is confined to data held in a computer. This offence is also punishable by a maximum penalty of two years imprisonment.

All of these offences will be supported by extended extraterritorial jurisdiction in recognition of the reality that computer crime may often operate across state and territory borders. This means that the offences will apply not only to crimes committed wholly within Victoria, but also in appropriate cases where either the conduct which comprises the offence or the target computer that is harmed is located outside Victoria.

The model offences adopted in the bill reflect the combined wisdom of computer experts, experts in criminal law and academics from around Australia. The bill has utilised the world's best experience in the formulation of such legislation and will position Victoria to keep ahead of the perpetrators of computer crime. The bill will also continue to allow e-commerce to continue to flourish in Victoria so that people can transact their business confident that the Victorian criminal law is also up to the challenge.

Sabotage offences

Tragically, as a result of recent world events, the government has a responsibility to ensure that Victoria's criminal laws are properly equipped to respond to all forms of terrorist conduct. This is a responsibility that this government takes very seriously.

Victoria currently has a number of offences aimed at those who cause damage to property. However, these offences are ill equipped to deal with conduct which is directed at the government or the community at large and which has the potential to cause massive damage and disruption to public services and facilities.

This bill creates new offences of sabotage and threatening sabotage to fill this gap in Victorian law. The offences provide for more severe maximum penalties in recognition of the seriousness of the conduct involved.

The new sabotage offence is directed at individuals who damage a public facility by committing a property offence (such as destroying or damaging property) or by causing an unauthorised computer function, with the intention of causing:

major disruption to government functions;

major disruption to the use of services by the public; or

major economic loss.

The offence is punishable by a maximum penalty of 25 years imprisonment, which reflects the gravity of the offence involved. It will not be necessary to prove that the actual damage caused involved major disruption or economic loss.

The offence of threatening sabotage is punishable by a maximum penalty of 15 years imprisonment.

The government is committed to providing a modern and effective criminal justice system that meets the needs of the 21st century. The new offences in this bill will help to ensure that the Victorian criminal law effectively responds to those who start bushfires, carry out sabotage of public facilities and commit computer crimes.

I commend this bill to the house.

Debate adjourned for Hon. C. A. FURLETTI (Templestowe) on motion of Hon. K. M. Smith.

Debate adjourned until next day.

AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL

Second reading

Debate resumed from 10 October; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. PHILIP DAVIS (Gippsland) — I rise to speak on the Agriculture Legislation (Amendments and Repeals) Bill. In doing so I indicate that whilst the opposition will not oppose the passage of this legislation, it has some particular concerns about a certain aspect that I will come to shortly.

In brief, the bill seeks to repeal two redundant acts. It aims to maintain productivity and market access for Victorian plant products, and it seeks to amend legislation to implement the government's policy in relation to right to farm. It is on that point in particular that I will make some general comments as it is quite clearly an absolutely pathetic attempt to give legislative effect to the Victorian government's policy commitment of three years ago.

The bill has a number of purposes. They include the repeal of the Wheat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993. It proposes to improve Victoria's product movement and certification measures. It amends the Plant Health and Plant Products Act 1995 with the aim of minimising the risk of exotic pests and diseases entering Victoria.

It proposes to enable the declaration of a suspected pest or disease as an exotic pest or disease. It proposes to make the reporting of suspect or identified exotic pests and diseases mandatory without delay. It proposes to define livestock and livestock products within the meaning of the Livestock Disease Control Act 1995 as plant vectors, enabling the making of orders to restrict their movement both from within and from quarantine and restricted areas where pests such as branched broomrape are present.

It proposes to place controls on the movements of plant vectors from interstate quarantine or restricted areas into Victoria and to make it mandatory for persons receiving plant vectors from such areas both within and outside Victoria to obtain the appropriate certification. It proposes to ensure consistency by requiring Victorian importers of produce from fruit fly outbreak and other pest-affected areas within Victoria to obtain certification similar to that required for produce from quarantine or similar restricted areas interstate.

It also proposes to amend the Sale of Land Act 1992 to require vendor statements to include a warning to prospective purchasers of land that commercial agricultural production could affect the enjoyment of the land.

As I said, although the opposition does not oppose the bill it has some concerns. They are that although the intent of the bill substantially is to maintain productivity and market access for Victorian plant produce by enabling more effective measures to prevent, report and respond to incursions of exotic pests and diseases such as fire ant, fire blight, branched broomrape and fruit flies, it fails to comprehensively deal with the ALP policy commitment to legislate on the right to farm.

Agriculture is a very important part of our economic wellbeing. Not only is it important to the economy as a whole, it is particularly critical to the very existence of many country communities, whether they be farming districts or country towns that provide agricultural services to farmers. To put it into context, in Victoria we are but 3 per cent of Australia's land mass with a total of 22.7 million hectares in area, of which 14.3 million hectares are private land substantially given to farming. In Victoria we have about 4 million

cattle and 20 million sheep. Victoria's food and agriculture sector has been successful and produces 35 per cent of all states' exports and at a national level agriculture accounts for 5 per cent of gross domestic product and 30 per cent of our export revenues. From that, the house will see how significant the agricultural sector is.

Therefore it is important that measures to implement effective controls in relation to exotic disease are implemented. The obvious illustration that honourable members will be familiar with in recent days is the well-publicised outbreak of foot-and-mouth disease in the United Kingdom last year and which, on any conservative estimate, has cost the British economy, indeed its taxpayers, in the order of $30 million. It would be hard to estimate the impact of that on the British economy as a whole, but certainly my observations when I was in the UK in July and August last year was that it was having a profound effect on the economy overall but also particularly in relation to the concern I raised earlier about the dependence of small rural communities on agriculture for their wellbeing.

Clearly, as a consequence of the foot-and-mouth disease outbreak there was a significant interruption to the daily lives of people, and it took the British government a long time to put a control process in place to stem, deal with and quarantine the outbreak of that disease in livestock.

I use that analogy to indicate what the consequences can be if our regulatory authorities and governments do not have the appropriate resources in place to give effect to a proper management of disease. Therefore the opposition has no difficulty in dealing with the substance of the legislation now before the house in respect of disease and pest control. It supports all those measures, and there is genuinely often a bipartisan view about these matters of moving our regulatory framework to a more contemporaneous arrangement over time as inevitably experience and new developments mean that the regulatory framework is often in need of repair to encourage and enable the officers in the Department of Natural Resources and Environment, as it presently is, to put effect to their pest and disease control programs.

On that point, though, I take the opportunity to reiterate a commitment the Liberal Party recently made to provide an additional layer of support to our officers who are responsible for these important areas of agriculture. I am alluding to the fact that the Liberal Party announced that as a matter of policy it intends to restructure the Department of Natural Resources and Environment to give a more dedicated focus to those officers and to the department as a whole to provide for dedicated opportunities to grow the economy in country Victoria by, more particularly, targeting assistance to the agricultural sector. To that end we have clearly indicated that the restructure will involve a dedicated Department of Agriculture and Resources. To put it in context I am advised that the budget of the Department of Natural Resources and Environment is presently receiving 18.3 per cent, yet only 3 per cent is dedicated to agriculture. That inevitably means the department has not been giving the focus — as a policy priority from a whole-of-government perspective — that the Liberal Party believes this important industry sector warrants.

I should say that in terms of current issues, one of the matters we need to be reminded of is the risk of the transport of pests and disease during the drought by the increased movement of livestock, grain and feed. While we are not here to talk about drought per se, it is relevant that when controlling pests and disease we need to be mindful of the vectors — that is, the carriers. In a drought, farmers destock and move livestock away from the farm to better-watered areas where there is opportunity for the livestock to graze or obtain water. However, the livestock can introduce diseases into a district that may be free of them. Similarly — and I have had personal experience of this — movements of large volumes of grain to feed livestock inevitably bring with it certain pest plant risks.

In my farming career every time I have had the joy of helping grain growers with their cash flow by purchasing grain to feed sheep in Gippsland my experience afterwards has always been that we would have a couple of years intense effort in the spring to remove those beautiful purple-flowered plants that some people in South Australia call Salvation Jane, but in Gippsland we know as Paterson's curse!

Hon. E. G. Stoney interjected.

Hon. PHILIP DAVIS — Mr Stoney just interjected that it takes seven years at least to get rid of it. I have to admit that we were never rid of handfeeding sheep for more than two years at a time anyway, so I do not know that we ever did succeed fully in eradicating it.

In relation to the aspect of the bill with which the Liberal Party has particular concern — that is, the so-called right-to-farm provisions — I say: what an act of absolute hypocrisy! Preceding the 1999 election, the sometime shadow minister for agriculture and Leader of the Opposition, now Treasurer in the Bracks government, made great play of the right to farm as an

issue. The policy commitment that was set down in August of 1999 said this:

> Victorian Labor recognises the need for legislative protection of farmers' 'right to farm' …

To expressly set out what that meant these words were incorporated in the policy:

> Provided farmers can show that the activity complained of falls within acceptable industry performance standards, they will be able to argue in defence of a nuisance action that the farm was in operation and the conditions complained of were in existence prior to the complainant coming to the area.

After three years of public process through a review committee — one of the 738 committees of review which the Bracks government has established! — what does it all come down to? It all comes down to a proposal in the bill before the house under part 3 to amend section 32(2) of the Sale of Land Act to include:

> "(cb)a warning to the following effect —
>
> 'Important notice to purchasers:
>
> The property may be located in an area where commercial agriculture production activity may affect your enjoyment of the property. It is therefore in your interest to undertake an investigation of the possible amenity and other impacts from nearby properties and the agricultural practices and processes conducted there.'".

How pathetic! A full commitment to protect the rights of farmers' ability to go about their daily business reverts simply to a statement to be attached in the transfer of land process. As the legislation sets out, it would not discriminate between a sale of land in Toorak or indeed Mansfield, Mr Stoney. So what we see here is the complete abrogation by the Bracks government of the policy commitment it made in 1999.

Some honourable members may be curious to know the issues that are of concern to farmers in considering their ability to continue their agricultural practice. There are many examples; I will recite just a few.

There are regularly complaints about people in the stone fruit growing districts and their operation of frost fans at night. Sometimes there are complaints about noise from hail cannon installed to prevent frost damage in an orchard. There are complaints about noise from audible bird-scaring devices used in vineyards. These complaints may come from a range of people who are resident in the area.

There are complaints about noise and lights on tractors laser grading irrigation on dairy farms; about irrigation pumps operating at night; and about dairy farmers making a noise in the early hours of the morning, for heaven's sake, getting cows in to milk. There have been complaints about noise and dust from a quarry on a farm; about helicopters used in the early morning by grape growers to control frost; about night harvesting of grapes; and about dehydrators used for rack drying in the Sunraysia area.

On the Mornington Peninsula there are regularly complaints about broiler chicken farms; and complaints about turkey farms for the same reasons. There are complaints about manure spreading on horticultural properties, and it goes on. In fact, from all the complaints you wonder how farmers actually get on with their jobs.

Recently there have been some particularly interesting cases. In 1999 there was the case of the Jeffrey family at Colac, who had a complaint made against them over their moving cattle between paddocks to enable them to utilise their farm effectively. A rural road connected the main farm to an out paddock and cattle were regularly moving up and down this road. Some people from the city bought what is colloquially known as a weekender in the district and took offence at the fact that cattle were walking up and down a country road and leaving some evidence of their passing. The result, after an expensive legal action, was that the Jeffrey family could get on and go about their business, but it caused them particular distress.

Recently a matter went to the Victorian Civil and Administrative Tribunal. The Rogers family at Swan Hill wanted to construct a new dairy. A neighbour, who was not a dairy farmer, caused the matter to come before VCAT when he complained that the location of the new dairy would be offensive because of its proximity to the adjoining land-holder's house. That complaint was struck out by VCAT and the Rogerses have been able to get a permit to build a new dairy.

I am reciting these examples to illustrate to the house the difficulty some farmers experience. In the Yarra Valley there have been complaints about the colour of the nets placed on vines to protect them from birds. This is as a consequence of people moving into the Yarra Valley from the city who perceive the Yarra Valley as some glorious, attractive habitat that should be managed to suit the aesthetic values of residents who move in, rather than as a recognised agricultural district with conventional agricultural practices.

Issues are now developing regularly from small lot subdivision and rezoning which is inevitably encroaching on farming districts, whether it be in the Melbourne suburban–rural interface areas or in Gippsland. Some towns in Gippsland have expanded

and are facing the same issues where the progressive small lot subdivision developments encroach on traditional farming districts, and the new residents have concerns about conventional farming practice because they might not have had any experience of that themselves.

There are other actions on the part of government in the right-to-farm category. Recently the government indicated that it was proposing effectively to remove the right for farmers to collect firewood on their own farms. The government has had a discussion paper out about that matter which has created a great deal of alarm in country Victoria. The native vegetation controls that have been proposed have caused anxiety for farmers in the context of concerns about the implications of the proposed net gain concept.

Recently some alarm has been created by the Environment Protection Authority looking at requiring much more stringent control over the use of septic tanks, which will affect farmers in such a way that they will incur a cost of anywhere between $300 and $800 a farm. What is the government proposing: a toilet tax? It seems the government has not only ignored the commitment it made to Victorian farmers at the last election by not implementing its policy in legislation, but it is also proposing by various measures to erode the rights of farmers to utilise their land appropriately.

This is not a new issue. The debate around the right to farm has been with us for some years. I can recall reading a document specifically dealing with the issue of a land-use review that was under way as far back as 1991, and that was in relation to resolving many of these complex dilemmas — and in a sense, among other things, they are social dilemmas — caused by the unrealistic expectations of people who migrate from an urban to a rural environment with no concept of the reality of rural life. Their reality is what they have seen on television about some idyllic existence, which of course is a highly dramatised bit of fiction about the way people live, work and play in country communities.

I acknowledge the work in 1998 of Mr Steggall, the honourable member for Swan Hill in the other place, in relation to trying to get this issue on the then coalition government's agenda. Indeed he was effective. After a lot of discussions with colleagues, Mr Steggall was responsible for writing a paper which was the catalyst to the then government undertaking a comprehensive review. I had the pleasure of being the parliamentary secretary for natural resources at the time and was appointed by the government to chair that review process, so I can testify that this is not a new subject or a subject new to me.

The review was effective to the extent that, by August of that year, we had identified a series of measures which needed to be implemented. We had written a draft paper — the penultimate paper I regret to say, as the final edition was due to be presented to the minister in September, but regrettably an election intervened, so the final report of that working group on right to farm never saw the light of day.

However, what was interesting to me was that coincidental with the then government working on the issue the then opposition made a policy commitment to deal with the matter, which I have read into *Hansard* and will not repeat. Clearly the evidence is that the government has failed: it has been inept in implementing its policy commitment and the issues I have alluded to still remain. It took the government some two years to even conclude a review of the issue. Another year later it has produced simply a glossy brochure and a most inadequate legislative amendment which is in its own way quite meaningless.

Honourable members should be advised, if they do not recall it, that there was a detailed and comprehensive debate on this matter on 16 May 2001. I do not propose to recite all of the issues that came out of that debate which I recall was quite comprehensive, running to 24 pages of *Hansard*. Honourable members will be relieved if I do not go over all of the ground again. I do intend to simply say that the government has failed in relation to this amendment. It will achieve little. It will be seen by the farming community for what it is, which is the minimalist approach to dealing with a policy commitment which the farming community had high expectations of. It was my view that the government would sincerely attempt to implement legislation in that respect. All I can say is that the government has failed again and it will clearly be seen as having failed.

I could make some remarks about the other aspect of the right to farm, which is economic viability, but I will save those remarks for another time. The government has failed farmers again most recently by not being capable of acknowledging the difficult circumstances which farmers north of the Dividing Range have found themselves in this year. It is the fact that the Premier had to be dragged kicking and screaming to declare a drought.

Hon. M. R. Thomson — The federal government still hasn't!

Hon. PHILIP DAVIS — Has the minister made an application to the federal government? If the minister is going to enter the debate she needs to know something about the subject. The subject is beyond her. I would be very careful. The fact is that it is a matter for the state government to make an application under the national exceptional circumstances (EC) provisions. If the state government is so incompetent as to not make an application, the commonwealth cannot do anything about it. Those agreements were signed off in 1992.

However, there is a new proposal on the table, which the minister would be well aware of if this had been discussed in cabinet. In May of this year primary industry ministers met and agreed in principle to sign off on new arrangements which would involve the state government as a joint decision-maker in making a decision about exceptional circumstances under the new EC guidelines. The fact that the Victorian government has refused to do that is an indictment because it would have expedited federal government assistance to farmers. It would have provided a timely and more efficacious response in terms of the cash that was available for it.

Hon. R. F. Smith interjected.

Hon. PHILIP DAVIS — I beg your pardon?

Hon. R. F. Smith — What do the farmers federation think of your proposal? Not much!

Hon. PHILIP DAVIS — In relation to the EC guidelines which we are talking about, it is a matter for the state government to facilitate an application.

Hon. M. R. Thomson interjected.

Hon. PHILIP DAVIS — If the government has refused to do that, then that is its problem. It should not accuse the federal government of failing. In fact the federal government has gone beyond what the states had agreed to. Warren Truss, the federal Minister for Agriculture, Fisheries and Forestry, to give him credit, has unilaterally indicated that farm family support will be available notwithstanding the failure of the states to sign off on the new EC arrangements. Further, he has similarly made a unilateral decision to provide the new farm business support in the first year without state government support, notwithstanding that the Victorian state government has been negligent in its duty to its farmers.

Hon. B. W. BISHOP (North Western) — It is with pleasure I rise on behalf of the National Party to speak on the Agriculture Legislation (Amendments and Repeals) Bill, which does three things. Firstly, it makes miscellaneous amendments to the Plant Health and Plant Products Act 1995 to improve the administration and enforcement of the act and to repeal redundant provisions. Secondly, it amends the Sale of Land Act 1962 to require vendor's statements to include a warning to prospective purchasers of land that commercial agricultural production could affect their enjoyment of the land. Thirdly, it repeals the Wheat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993, which are both redundant.

On the first issue I suspect that in relation to this particular part of the bill industry practice has led the way. That is a very good position for our agricultural sector to be in. It is a good idea to have an interim order to be able to better manage any new unidentified pest or disease that might appear in our agricultural areas. We can get these pests and diseases in a number of ways. They can slip through the net. It has already been discussed that it can happen with the movement of stock or feed, particularly in times of drought, which we are facing now, when those movements both within the state and interstate are much more prevalent than normal. I suspect we will soon hear a call for the importation of feed due to the drought, with the low production levels we are likely to see in this coming harvest. Again there will be very strict surveillance and controls on imported feed that might come into this country.

As I said, pests and diseases can slip through. That can be through products that come from other countries to Australia. A great amount of interest has been exhibited in the importation of table grapes from America into Australia and the risk of importing diseases with those table grapes. We have a huge range of situations. The minister must act quickly. It is better to be safe than sorry in these particular circumstances.

It is great that we are adding this structure to a very good structure we have in Australia, particularly in Victoria, that we have been building for some time. An example is the trace-back provisions we have in our agricultural production, so if something does happen we have a very good chance of finding out where and when it happened and how we can better manage that particular issue. We have in place and are building a very good structure to manage the influx of pests and diseases we might not know much about and also to better manage any disasters that we hope will not occur in this country. If they do, we certainly should be able to manage them quite well.

When I was thinking about the bill I thought about food safety. That is a huge issue across all countries in the world and becoming more and more so for those of us

who travel and those who take an interest in the export markets where a lot of our food products end up. Victoria and Australia are very fortunate that we have a renowned and respected reputation for having clean, green production to meet world market standards.

A short while ago I was in Japan. The group I was with met a number of members of the Diet, the Parliament, to discover their views on not only food but many issues. One of those members particularly raised the issue of food safety and asked how we were managing that. We were able to speak to him about the quality assurance programs we have in Victoria and Australia. We were able to assure him that we have in place quality assurance programs from the paddock on the farm right through to the end user, so we can cover every base. That is not only a practical requirement for our own protection — and that is important because Australia is an island and we want to protect the reputation and status we have now — but for other countries' markets as well.

The reason is that they must have absolute confidence in our food products because of competition on that export market. We must leave no stone unturned, and we cannot let our standards slip. If we do, sometimes perceptions come into play, and as we all know in the political arena perceptions are often stronger than fact. We have got to keep those standards up. I am quite sure this bill will be another part of the jigsaw that will build that structure to make it better and better for us in Australia in relation to pests and diseases.

I note that the bill empowers the minister to delegate only to the secretary of the department the power to issue interim orders on pests and diseases. We do not believe that is a problem, because full accountability still rests with the minister. We also note that the order shortens the process from seven days to two days. When we looked at that to start with it seemed a lot — a fairly sudden move from seven to two — but when you measure up the risk and the value of our production in Victoria, whichever market the product goes to, you see why it is most important that our reputation both domestically and internationally be maintained. The more crisply we can manage any outbreak of unidentified pests and diseases, the better. We support the shortening of that process as well.

There has often been concern in the past about the powers of inspectors in agricultural bills. I remember, as can a number of honourable members in the chamber today, one of our past colleagues, the Honourable Bill Hartigan, who was always interested in the powers of agricultural inspectors. We in agriculture accept that, if misused, these powers could become draconian. History shows, however, that it does not happen. If it did we would pay a very high price, because if these powers were removed our agricultural systems would be very much exposed. We need to have those very strong measures in place for our agricultural inspectors. I make the point again that over time those powers have not been abused, and we believe it is essential that they be in place. The bottom line is, of course, that we need all those powers. We also need them not to be misused, and history shows that they have not been. I am sure goodwill exists in the industry across this issue. I am also sure it that will be maintained.

Other parts of the bill tidy up the Wheat Marketing Act and the Egg Industry (Deregulation) Act by simply making them redundant and noting on the statute book that that is the case.

I now move to the complex issue of the right to farm. When trying to remember what the government calls it now I found myself struggling, so I asked my colleague Mr Stoney what it was. We thought it might have been 'Living together in rural areas' or it might have been 'Living harmoniously in rural Victoria'. I cannot remember the exact words.

Hon. E. J. Powell — It is called *Living Together in Victoria's Rural Areas*.

Hon. B. W. BISHOP — *Living Together in Victoria's Rural Areas*. I thank Mrs Powell very much; that was helpful. At the end of the day, however, it is the right to farm. It does not matter what you call it or what words you put on it, that is what it is.

This issue was not a problem years ago because we did not have the urban sprawl we have seen lately, with people moving into farming areas. People moving into farming areas is fine: they might be in search of lifestyle, they might be looking for a bit of cheaper land or they might have some other issues that make them want to move into outer urban areas. If they do move out there, however, they must understand that those areas are rural and that farming practices will be performed there, regardless of whether they moved for reasons of lifestyle or whatever.

It has come up over and over again, and we must keep putting it on the record. I recollect people who bought a house on the creek and had a lovely lifestyle until the farmer started to pump his irrigation water. He had done that for 50 years. That is one example. We had the case, as the Honourable Philip Davis mentioned, of the dairy cows on the road. It was absolutely essential that they be on the road because they had to be brought out of the paddocks to be milked. That was quite a struggle.

The court found in favour of the farmer, but the case cost a lot of money. Then there was the dairy building planned in a rural setting close to Swan Hill. The objections came in and were referred on to the Victorian Civil and Administrative Tribunal. The tribunal worked the issues through and found in favour of the people who wished to build the dairy farm. It could have been difficult and cost a lot of money.

The process is slowly coming together, but there is still a lot to do in relation to this particularly complex issue. This small part of the bill is another piece of the jigsaw as we build the right-to-farm process to its full extent.

As the Honourable Philip Davis said, when the coalition was in government we had a look at doing what we called the Right to Farm Bill, a bill on its own. Many of us were attracted to that approach because it seemed much tidier and easier to manage. But when we looked at the complexity of it we found that because it drifted across so many areas, so many departments and so many acts of Parliament it could not to be done. It had to be done in separate pieces of legislation.

Like Mr Davis I compliment my colleague in another place Barry Steggall, the honourable member for Swan Hill, who did a lot of work some time ago on the right to farm. I suggest strongly to the house that without Mr Steggall's work we would not be as far advanced as we are today. He certainly carried the argument right through when we were in coalition government, and I am sure a lot of his work has put pressure on the government to proceed as far as we have to date.

Lots of other instances show the urban sprawl running up against normal rural operations. As we have said, there are grape harvesters operating at night because they have to work at night. They cannot work in the daytime because the grapes are too hot and have to be harvested when they are reasonably cool. Piggeries are another classic example. In the Swan Hill electorate that Mr Steggall, Mr Best and I represent, we have visited piggeries where huge amounts of money have been spent solving environmental issues. They have had their effluent dams lined, they have followed the guidelines of the Environment Protection Authority to ensure there are no environmental problems and they have spent a lot of money on buffer zones to ensure there are no difficulties.

In the electorate Mr Best and I share the issue of broiler sheds involves similar problems. A farmer in our electorate has spent a huge amount of money investing in land to ensure he has absolutely clear buffer zones around his farming areas.

Hon. R. A. Best — He had to shift three times.

Hon. B. W. BISHOP — Yes, that particular operator had to shift a number of times; he spent a huge amount of money and adhered to the guidelines. He is a strong employer of people in the Bendigo area.

Orchards have scare guns, which are not there for fun, to keep the birds away. The big almond farms this side of Robinvale use aircraft to keep the birds away. All of those things must be considered in their right context, such as tractors working at night, be they land levelling or not. It is part of farming practice to enable them to get the work done to ensure it is done at the optimum time. Mr Philip Davis mentioned the colour of nets over grapevines, as well as many other issues that we run into which we never ran into many years ago.

One issue that created publicity some weeks ago was the use of wind machines to combat frost. I am sure it was in the Goulburn Valley where the particular grower had wind machines to combat the frost because he had difficulties before. He received objections and got into a position where he could not use a wind machine and lost an absolute fortune because of that. It was most unfair.

A similar situation occurred at Woorinen where one of the leading growers in the stone fruit area, Domenic Cutri, who led the industry for many years, had wind machines in place. They are very big, probably 6 or 8 metres high, are driven by a V8 petrol motor and make a noise. They are not there for fun; they are there to dissipate frost to allow the greatest volume of fruit to be formed. There are many difficulties facing growers.

We need to work through these issues and come up with a sensible and practical management process. The disclosure provision being proposed today is a further part of the jigsaw. I do not believe it is strong enough. It is certainly not as strong as that of the County of Marin in the United States of America which introduced a disclosure notice after it had experienced difficulties.

It is appropriate to put clause 30 of the bill on the public record today because it shows how weak the clause is. It certainly does not come up to the strong standards that we believe should be in the legislation. Proposed section 32(2)(cb), to be inserted by clause 30, states in part:

> a warning to the following effect —
>
> 'Important notice to purchasers:
>
> The property may be located in an area where commercial agricultural production activity may affect your enjoyment of the property. It is therefore in your

> interest to undertake an investigation of the possible amenity and other impacts from nearby properties and the agricultural practices and processes conducted there …

It is a step in the right direction but weak when you look at what the County of Marin provides. Its disclosure notice states:

> The County of Marin has established a policy to protect and encourage agricultural operations on agricultural land.
>
> If your real property is located near an agricultural operation on agricultural land, you may at some time be subject to inconvenience or discomfort arising from agricultural operations, including but not limited to noise, odours, fumes, dust, the operation of machinery, the storage and disposal of manure, and the application of chemical fertilisers, soil amendments, herbicides and pesticides. If conducted in a manner consistent with proper and accepted standards, these inconveniences or discomforts are hereby deemed not to constitute a nuisance for purposes of the Marin county code.

It is a much stronger process than we are debating today, and it is a step in the right direction. The National Party would like to see some changes made to the nuisance provisions of the Health Act to say that no agricultural activity, operation or facility conducted on a property could be considered a nuisance. The Minister for Health some time back said he would investigate those suggestions when the Health Act next comes up for amendment. The National Party urges him to move those provisions forward because it believes this particular issue is a key part of a practical resolution of the right-to-farm situation.

If we in Victoria are to achieve the $12 billion in food exports by the year 2010 to bring in new dollars and to create employment and prosperity in our country areas, we need to have some cooperation across all of the areas of government departments and the community. I said earlier that this is another part of the complex jigsaw of right to farm.

We are now in a position where about 70 per cent of people in Victoria live in the Melbourne metropolitan area. I can remember some years ago discussing these matters during the Future of Farming Exhibition, I believe, in 1998, where are a number of schoolchildren were asked whether they thought they needed farmers. Only 18 per cent thought they needed farmers. Only 55 per cent believed the food they ate came from farms. Goodness knows where they thought it came from! We are losing the link between the city and the country.

This month we had eulogies for a man we all knew well, Tom Austin. I reckon Tom Austin was one of the best links I have seen between the city and the country. He seemed to be able to bridge that gap, but time moves on. People like Tom Austin pass away and we have lost that link between the city and the country. The divide is growing. The education system needs to be closely looked at to ensure that there remains a link between productive areas in country Victoria and the city and that they work together in a cooperative way.

The National Party will not oppose the bill but it urges the government to take on board what it has said to defend, promote and support awareness of agriculture across all of its sectors.

Hon. R. F. SMITH (Chelsea) — I rise to speak on the Agriculture Legislation (Amendments and Repeals) Bill. I am pleased to note that there is no effective opposition to the bill, which is indicative that the bill is of genuine importance to not only the farming sector but also the whole of Victoria.

The purpose of the bill is to improve our capacity to deal with the incursion of exotic plants in particular, and amendments will allow for more effective reporting, prevention and better responses. These amendments will also improve inspectorial powers and enforcement provisions. Many of the amendments build on and reflect the current cooperation between states like Victoria and New South Wales in particular. I refer to the fruit fly exclusion zone in particular. A number of exotic diseases would wreak havoc on our agricultural industries and cause major environmental as well as economic and social upheaval.

It is obvious to anyone that if crops in our major agricultural areas are destroyed so too are the livelihoods and incomes of the people who work in those areas and the support groups associated with those farmers. The Honourable Philip Davis referred to the actual figures associated with industries at large and how important it is not only to the Australian economy but also to Victoria, in particular the wine industry and what a huge success story it has been for both Victoria and Australia. Currently it is of the order of $2 billion-worth of exports, a huge improvement in export dollars over the past decade. Reference was made earlier to fears that some farmers had about the importation of Californian grapes and the prospect of bringing diseases with them. That issue caused a great deal of angst, was taken seriously and is obviously an example of what can go wrong, and the flow-on effect is not worth thinking about.

Again, the bill does what it can to prevent the likelihood of those exotic diseases infiltrating and destroying the agricultural industries. Those exotic pests include fire blight, which affects apples and pears, and Pierce's disease, an insect-transmitted virus that has caused major damage to the Californian grape industry. Those

pests would have major detrimental impacts on our agriculture if they were to gain a foothold.

Early reporting is essential for effective containment of such exotic pests and diseases — for example, the cost of eradicating papaya fruit fly was over $30 million and fire blight cost at least $120 million. The application of early and effective measures would have dealt with those diseases in a more efficient and less costly manner.

The current provisions make it mandatory for landowners and persons in possession of plants and plant products to report exotic diseases, but are unclear on the reporting responsibilities of crop consultants who are the most likely to detect an exotic disease in the first place. It is a similar situation to veterinarians and their laboratories in the state who have a possible conflict. Pathologists, for instance, when working on diseased carcases may find themselves in a difficult position with their customers in terms of their obligations and reporting. Amendments contained in clause 7 of the bill clarify the reporting responsibilities of crop consultants and laboratory managers who are sometimes reluctant to report.

We know that bees and livestock are known to transmit vector plant pests such as fire blight and branched broomrape respectively. Amendments contained in clause 6 will allow prescription of livestock and livestock products as described under the Livestock Disease Control Act 1994 for the purposes of this bill.

Changes to package-labelling provisions will allow industry more operational flexibility and reduce costs. As I said last week, the global economy now being what it is means that our producers must be as efficient and productive as possible and any advantage they can obtain or we can give them will obviously be beneficial.

Clause 17 of the bill allows growers and packers with documented quality assurance systems to have the option of being accredited to use codes to denote the place of origin on packaged fruit and vegetables rather than using addresses of origin. This is designed to allow better integration into packing-shed labelling processes and the gradual introduction of bar coding for trace back and compliance in the market place.

In his contribution last week the Honourable Barry Bishop referred to the Mildura cooperative, the packing houses and the new technology that exists which allows for the delivery of a better quality assurance program. The obvious benefits to flow from that guarantee that markets — —

Hon. P. A. Katsambanis — Are you sure?

Hon. R. F. SMITH — I am sure; I have visited the place on numerous occasions. Workers in the orange-packing houses are all members of the Australian Workers Union. Thank you for that, Mr Katsambanis.

Other amendments contained in the bill provide all the necessary changes to ensure that our agricultural industry is protected as much as possible. The bill is good legislation and I commend it to the house.

Hon. E. G. STONEY (Central Highlands) — I wish to confine my remarks this afternoon to the section in the bill regarding right to farm. Honourable members will remember that in May 2001 the house debated the issue of right to farm at length and I do not think we need to revisit the detail of the need for such legislation to protect farmers. The issue was widely canvassed in the other place and again here today by Mr Davis and Mr Bishop.

This issue affects farmers in the electorate of Central Highlands that I share with the Honourable Geoff Craige. The area has an influx of people seeking lifestyle but they do not understand how farming works. They buy a weekender, I think is the way Mr Davis put it, in a serious farming area which brings with it all sorts of farming practices that people do not understand and perhaps find offensive at times.

I certainly love the phrase ‘the gambolling lambs’, and I give credit to Mr Craige who has used those particular words very effectively in the past. These people love looking at hay bales at sunset but hate the noise, the sprays and pumping at night as referred to by Mr Bishop. The Liberal Party is very conscious of supporting and protecting our farmers as they go about their legitimate business.

Honourable members will recall that on 16 May 2001 the Honourable Philip Davis moved:

> That this house condemns the government for its failure to implement its election promise of legislative protection of farmers’ right to farm.

At the time the motion was rejected outright by the Minister for Energy and Resources, who said:

> Clearly, there will be legislative changes as a result of the report, *Living Together in Victoria’s Rural Areas*, which has been much referred to in this morning’s debate. That legislative change will more than fulfil the government’s election policy commitments.

What were the government’s 1999 election policy commitments? It said:

> Victorian Labor recognises the need for legislative protection of farmers' 'right to farm'.

I point out that the bill does not give any legal protection to farmers.

Hon. G. R. Craige — None at all.

Hon. E. G. STONEY — Not a thing, Mr Craige; it is very weak in that area. All it does is make people aware in a section 32 statement that they are buying into a farming area and it is recommended that they 'investigate'.

I might comment, as have other speakers today, that the legislation is pretty mild. I am sure the farming community wanted something a lot stronger and something with teeth. This has no teeth and is slightly pathetic; it offers absolutely no legislative protection for farmers.

Earlier in the debate the Honourable Barry Bishop quoted clause 30 of the bill, and I will do so again because it is important. I am going to put a slightly different spin on the clause which states:

> 30. Statement of matters affecting land being sold
>
> In section 32(2) of the Sale of Land Act 1962, after paragraph (ca) **insert** —
>
> "(cb)a warning to the following effect —
>
> 'Important notice to purchasers:
>
> The property may be located in an area where commercial agricultural production activity may affect your enjoyment of the property. It is therefore in your interest to undertake an investigation of the possible amenity and other impacts from nearby properties and the agricultural practices and processes conducted there.'".

An argument could be made that this clause encourages prospective purchasers to investigate if there is any offensive agricultural practice around and, if so, I submit that it may imply that they could do something about it. I believe you could argue that. There are absolutely no words telling people that they have to accept legal farming operations. There are no words protecting the legal right of the farmer to farm without hindrance. The government has broken a major promise.

Much has been said about how difficult it is to bring in right-to-farm legislation which gives farmers legal protection, but it has not been explained to me why all states in America have some form of right-to-farm legislation and, again, Mr Bishop mentioned that this afternoon. It appears to be too hard in Victoria.

I would like to relate a suggestion passed on to me by the Honourable Rob Maclellan, the honourable member for Pakenham in another place, who could be classed as the father of the Parliament. As this bill was going through the other place and coming over the loud speakers in the corridor where opposition members have their dingy little offices in the basement, he wandered in, sat down and said, 'You are a farmer'. He then ran off an idea that makes sense to me — sometimes the most simple suggestions can be found to the most complex situations. Mr Maclellan said that true and genuine right-to-farm legislation could be very simple. Instead of changing bits in several pieces of legislation — which is what would have to happen — Parliament could simply provide a defence for farmers that any particular practice is fair and reasonable. He pointed out that this — —

Hon. I. J. Cover interjected.

Hon. E. G. STONEY — That could well be. Mr Maclellan pointed out that this principle could override all other requirements of legislation in all other areas including the Environment Protection Authority, which really made my ears prick up.

Earlier today both Mr Bishop and Mr Davis referred to frost turbines, which farmers use to deal with emergency black frost. A farmer might turn the turbines on 10 times a year to save his crop when a black frost comes in, but they are very noisy. Some years he might use them five times and some years he may not use them at all, but the difficulty is that you can hear them clear across the valley. They resound up the valley and are very noisy. Under Mr Maclellan's suggestion, that is just too bad. Under the circumstances it is fair and reasonable for a farmer to save his crop perhaps five or 10 times a year.

On the other hand, a farmer might have a squeaky windmill. Every night when the wind blows you can hear it clear up the valley. If anyone has ever heard a squeaking windmill they would know it is worse than a barking dog! It just squeaks and squeaks and makes your hair stand on end. It is just like running your fingers down a blackboard. It is quite easy to fix: you just climb up the old thing and oil it. It is not fair and reasonable to have a squeaking windmill.

Those are the two sides of the coin and, as Mr Maclellan pointed out, if people are unhappy they can go to a higher court. It is a great exercise in lateral thinking that the government might pick up. Then anyone wanting to instigate litigation may be talked out of it by their lawyer who may recommend caution because obviously it is not a bad excuse or a bad

defence. I hope the government considers it, although it does not believe in legislative support for farmers. It has not done anything with this legislation and has not delivered true right to farm to the farmers.

Hon. D. G. HADDEN (Ballarat) — I rise to speak in support of the Agriculture Legislation (Amendments and Repeals) Bill and have been pleased to sit here for the last hour or so listening to members of the opposition parties speak in support of the bill. The bill makes miscellaneous amendments to the Plant Health and Plant Products Act 1995 to improve the administration and enforcement of that act and to repeal redundant provisions. The bill also amends section 32 of the Sale of Land Act 1962 to require a vendors statement to include a warning to prospective purchasers of land that commercial agricultural production could affect their enjoyment of the land. It also repeals the Wheat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993 which are both redundant.

In the second-reading speech the minister made mention of the government's progress on endorsing the six recommendations of a right-to-farm working group last year. The right-to-farm working group was set up to tackle tensions that arise between urban and rural areas and people who move to rural areas seeking a better lifestyle and find that their expectations are somewhat different to the realities of living in a rural district. We, as a government, have adopted and implemented the six recommendations of the right-to-farm working group and they form the basis of our Living Together in Rural Victoria strategy.

In February the rural disputes settlement centre was improved with 20 extra counsellors to assist with mediation services for rural areas. Later we launched an education campaign, and I will speak on that shortly.

The right-to-farm working group included representatives from the Victorian Farmers Federation, the Municipal Association of Victoria and government agencies. The working group considered the value and effectiveness of a right-to-farm legislation in this state and looked at the examples in the United States of America. It considered that specific legislation does not necessarily provide protection for new farming businesses, the use of new technologies in farming and non-compliance with public health and safety or environmental protection laws.

Trying to safeguard these rapidly changing agricultural practices with one piece of legislation that is fixed in time would have its difficulties and probably be impossible to be effective. The working group, in its research, found that the US right-to-farm legislation had become less relevant over time with changing agricultural practices. The working group, which had been established with representatives across the farming communities and other relevant stakeholders, did not recommend similar legislation to be enacted in this state.

One of the recommendations of the working group, which this government has implemented, is development of a community education campaign. Having accessed the web site myself recently, I know it is a very informative and educational site on living together in rural Victoria. The web page provides clear tips for purchasing rural land. The information is set out in simple dot point form and covers topics such as realistic expectations of purchasing land in a rural environment, the factors that one should look for, managing amenity impacts and views noting, for example, that a picturesque landscape might change over time. The web page looks at the expectations of travel on rural roads and land management responsibilities and advises a potential purchaser about utilities such as water, gas, telephone and electricity services. It mentions that these are not always connected in rural areas as they are in the regional cities or in Melbourne.

The site includes a list of recommendations of people and authorities for purchasers to contact, including the Department of Natural Resources and Environment, the Real Estate Institute of Victoria, local councils and the Country Fire Authority. It is a very good way of informing prospective purchasers of rural land and educating them about what to look for, which is what we should be encouraging rather than wielding a big stick.

Clause 30 of the bill proposes to amend the Sale of Land Act 1962 by inserting proposed paragraph (cb) into section 32(2). Section 32 of the act is a very important section and it covers the vendor's responsibilities of what a vendor must set out in a statement attached to a contract for the sale of land or land with a residence. Those extensive matters are set out clearly in section 32 of the Sale of Land Act and cover things such as particulars of a mortgage, particulars of any registered or unregistered charge over the land, descriptions of any easement or covenant, any planning instrument affecting the land, the amount of any rates, taxes or charges on the land, any notice or acquisition notice under the relevant act and a list of the services that are connected. It is required to contain whether there is any water supply or sewerage service connection and so on.

Section 32(2)(ca) also contains a warning to effect an important notice to prospective purchasers which puts them on notice in respect of planning or building controls, which may require the consent or permit of the municipal council or other responsible authority. That warning goes on to say:

> It is in your interest to undertake a proper investigation of permitted land use before you commit yourself to buy.

That very important warning notice is contained in section 32 of the Sale of Land Act. It is included in the written notice that is called the section 32 vendor statement to prospective purchasers. It is an important notice and certainly is one that solicitors acting for purchasers look for and thoroughly examine for its compliance.

Clause 30 inserts proposed paragraph (cb), which is headed similarly 'Important notice to purchasers'. It states:

> The property may be located in an area where commercial agricultural production activity may affect your enjoyment of the property. It is therefore in your interest to undertake an investigation of the possible amenity and other impacts from nearby properties and the agricultural practices and processes conducted there.

That clearly will put a prospective purchaser on notice to look out for lack of amenity surrounding the property. It is in line with the warning notice to purchasers already in the act in relation to planning or building controls.

The community education material that is already available is circulated to local governments, state agencies and information centres such as the Department of Infrastructure, the Department of Natural Resources and Environment and the Environment Protection Authority in rural and regional areas. The information about what purchasers should look for when purchasing rural land is disseminated through the Law Institute of Victoria and the Real Estate Institute of Victoria. Certainly the section 32 vendor statements that are used by lawyers are published by the LIV and the REIV jointly. They will contain that new warning.

The warning provision contained in clause 30 will come into operation on or before 1 June 2003 as set out in clause 2. That date will give the publishers of the section 32 vendor statement — that is, the LIV and the REIV — time to get the new section 32 prepared, with the amendment included. It will also enable the stakeholders to be informed and educated about inclusion of that provision and what it means for vendors and purchasers.

That warning in the section 32 vendors notice is not an absolute protection. It is a warning notice, and as such it is not a bar to any legal proceedings that may be issued. For example, it is a general warning that will relieve farmers from some liability, but certainly it does not protect a farmer from committing a trespass or nuisance or other negligent conduct in farming practices that our law prohibits. Common-law rights are not abolished by this provision.

A point was made by an earlier speaker about why that proposed new section in the vendor statement does not particularly cover rural areas. The problem would have been in specifying areas within the section for that section to apply to a particular rural zone, which would be nigh on impossible, I submit, as it would be not only difficult but confusing. It is best and most practicable for such a warning to be across the board for all purchasers of land, as is the present notice to purchasers in relation to planning or building controls, which covers all property purchased in Victoria.

In relation to the amendments to the Plant Health and Plant Products Act 1995, in summary those amendments are aimed at providing more effective prevention, reporting and response to the incursion of exotic pests and diseases and to improve the powers of inspectors and enforcement provisions. I have already heard from previous speakers, in particular the Honourable Bob Smith, about the impact on our agricultural industry and the environment, as well as the social impacts, of exotic pests and diseases such as fire blight, fire ants and foot-and-mouth disease. The eradication of those diseases and pests is not only a cost on the economy but is also a cost on the environment and the social fabric of our community.

Clause 7 amends section 7 of the Plant Health and Plant Products Act to clarify the reporting responsibilities for crop consultants and laboratory managers, and the bill also improves the enforcement provisions and makes the penalties much higher. For example, clause 28 provides that it will be an offence to hinder an inspector, the penalty for such an offence to increase from 10 to 60 penalty units. As we know, a penalty unit is $100.

The bill will improve the enforcement provisions by increasing the penalties. That certainly will be a discouragement for people who might go down the track of not complying with the administration of this very important industry. I commend the bill to the house.

Hon. G. R. CRAIGE (Central Highlands) — I wish to make a small contribution to debate on the

Agriculture Legislation (Amendments and Repeals) Bill. I indicate that the opposition does not oppose the legislation.

It really is something of a shame that this Labor government promised so much to the people of rural Victoria, including Victorian farmers, but has delivered absolutely nothing. In this chamber contributions to the debate have been made by the Honourable Philip Davis, farmer, the Honourable Graeme Stoney, farmer, and the Honourable Barry Bishop, farmer. But what did the house hear from the other side? A contribution from the Honourable Bob Smith, a union heavyweight, and another from the Honourable Dianne Hadden, a solicitor. The only farmer on the Labor government side, the Honourable John McQuilten, is not even here to make a contribution on behalf of farmers and the rural community. It is a shame.

I also believe this legislation is a sham. It is a sham for a lot of reasons, but in particular it is a sham as it relates to the right to farm. The Labor Party clearly set out three years ago that its vision for the Victorian farming sector, as has been read into *Hansard* in this chamber today, was to introduce legislation on the right to farm.

I have done extensive research in respect of overseas jurisdictions and the right to farm which took many, many hours. I also looked at all the legal cases that have been challenged in respect of the right to farm in the states of the United States of America, and one thing was quite clear in my mind: the right to farm legislation was about protecting farming pursuits. It was about being fair and reasonable — which the Honourable Graeme Stoney has already mentioned — about there being a sense of fairness and reasonableness about the right of farmers to farm.

I heard a bit of a yarn — I do not know whether it is true — that the department of agriculture staff got somewhat excited when they heard this Labor government wanted to introduce right-to-farm legislation. They proceeded to draw up such exciting legislation but it did not come to fruition because the current government did not want to introduce it in the form they had worked so hard on. Their work was based on overseas experience and real right-to-farm legislation.

When I look at the issue of right to farm I immediately go to areas in my electorate, in particular the Yarra valley, and look at the pressure that continually increases day after day as people move into that very important area of Victoria. It is important for many reasons: its great rural pursuits, particularly vineyards, but also cattle grazing and other farming pursuits. It does not matter whether it is in Coldstream, Dixons Creek, Yarra Glen, Lilydale, or up the Warburton valley, we need to make sure that when people move into these areas there is a clear understanding that for those people who are there growing grapes or whatever farming they are doing, and in a fair and reasonable way, that right should be preserved.

We have had a debate in this chamber which clearly indicated that this state needs right-to-farm legislation. It is a disgrace that this Labor government has brought legislation in here and tried to put a spin on it with country Victoria and the farming community that this is very good right-to-farm legislation. It is not. We have heard other honourable members on the opposition side say quite clearly that it does not go any way at all to protect the rights of farmers, and also to give them the right to farm.

Country Victoria and the farming community face many issues. It does not matter whether you go to the Yarra valley — which has a beauty of its own and attracts a lot of people who move in and then object — or whether you go to Glenrowan where a farmer decides that for his farm's future he needs to diversify. He might spend thousands of dollars on irrigation systems and sprinklers to grow his new crop. Cockatoos might then go there in plague proportions and rip up his sprinklers every single day, yet he will get no relief at all from this government. He will get a permit — I think it is for a dozen cockatoos a year — yet it is costing him literally thousands of dollars to replace the sprinklers and try to do something about the cockatoo problem on his farm.

Whether it is cockatoos, kangaroos, land management issues, erosion, drought or whatever, the farming community must address many issues. However, all we get is legislation which in reality gives no comfort to farmers and their right to farm. The overseas experience says the legislation works. There is no reason why we should not introduce such legislation to Victoria. All the farming community asks for is legislation which is fair and reasonable and which gives them some right to farm. This bill does not give them any such right.

I will conclude by saying this: no matter how much spin this Labor government tries to put on this legislation by saying it is good legislation which protects farmers' rights, it will come back and bite them because the reality is that farmers and country Victorians will see through it. This legislation does not go far enough and it must not be seen or considered to be right-to-farm legislation.

Hon. E. J. POWELL (North Eastern) — I am pleased to speak on this bill on behalf of the National Party. I would also like to make a comment. The Honourable Geoff Craige talked about the other honourable members who have spoken on this bill. I put on the record that I am not a farmer but I do own 15 acres of land and represent a broad community of primary producers so I think it is important that members who represent the country community speak on this legislation. As other honourable members have said, while we are pleased to see the legislation come in, it certainly does not go far enough.

The bill amends the Plant Health and Plant Products Act 1995 and the Sale of Land Act 1962 as well as a number of other acts. It is known as the right-to-farm bill and like other honourable members I put on record the wonderful work of the honourable member for Swan Hill in another place, Mr Barry Steggall.

Mr Steggall did a lot of work on this, as honourable members have said, but was not able to see the bill introduced into the Parliament because an election was called and the legislation was put on hold. It is pleasing that it has now been introduced, but we would like to have seen it give a lot more protection to farmers.

Members from country Victoria understand the land-use conflicts that have occurred over many years. There is always that issue of agriculture versus urban development, and the Victorian government has acted slowly in fulfilling its election promise to protect the rights of Victorian farmers to farm.

As has been mentioned by a number of honourable members, a right-to-farm working group met over a long period and made a number of recommendations. Six recommendations were given to the government as well as a report called *Living Together in Victoria's Rural Areas*. The government accepted those six recommendations from the working party, and after three years of deliberations has only just introduced the right-to-farm provision. As I said earlier, and as other honourable members have said, it is not as stringent and does not protect or support the rights of farmers as much as the National Party would have liked.

The bill provides for a right-to-farm disclosure, which is an amendment to the Sale of Land Act 1962, and requires vendor statements to include a warning to prospective purchasers of land that commercial agricultural production could affect their enjoyment of the land. The National Party believes this provision could have been made much stronger to protect our farmers.

Those honourable members who live in country areas and those of us who have been in local government know well some of the complaints made when agriculture abuts onto urban development. There are issues such as spray drift of herbicide and pesticide and of buffer zones. The question is whose responsibility is it, the developer or the farmer? Is it the developer's responsibility to make sure the spray does not go onto the development, or does the farmer have to make sure that the spray drift is contained within his farm? Obviously the farmer has to make sure spray drift is contained, but sometimes the trees that form the buffer zones can accentuate the problems. For example, we had an incident involving a vineyard in an area in which the council had allowed development to go ahead. The council required the vineyard owner to put in a buffer of trees. The vineyard owner did not want to put in that buffer of trees, mainly because it would attract birds and that would be detrimental to his winery pursuits. Local government has to look at and consider a number of issues.

Honourable members have spoken about noise, which is a big issue in country areas. Noise is often increased because of some of the larger machines that are used these days. Often they are used very early in the morning and very late at night, and if the person living close to that farm is not a farming person they can become aggravated at the noise of that machinery. Sometimes when farmers need to get a crop in they go out early in the morning and start work, and some can still be working until 11.30 at night with the lights on their machinery. That is something farmers need to do to make sure they get their crops in.

Another noise issue involves the use of pumps on farms. While they are not noisy, the noise is constant. Some people who are not farmers and who live in non-farming areas will complain about that noise. Other honourable members have spoken about animal noises. When I was on the council some of the complaints we got about animal noises were just those involving normal animal practices such as those made by calves being weaned and so on. Sometimes that is at 3.00 o'clock in the morning, and the noise travels at that hour of the day. There have even been complaints about that. We have to protect farmers from complaints about normal farming pursuits.

The issue of hail guns has been raised and also that of frost fans. The use of such machinery seems to be incompatible with houses on the fringe of farming areas. There have been a number of complaints about frost fans being used and their noises, and also hail guns. I will tell a brief story about a phone call I had one Sunday when I was the shire president. A lady rang

me and told me she was ringing me because I was the shire president but then she was going to ring the police because she believed there was a sniper in the area. I asked her how she knew that. She said, 'If you listen' — she lived in my area — 'you will hear the sniper and the guns'. In fact it was a hail gun going off intermittently. When I explained that to her she was pleased she had not rung the police and made a fool of herself.

Some other issues that are seen to be incompatible with urban development and agriculture include dust and fumes. If a farm is down a dirt road and the traffic increases because of trucks, milk tankers, fruit trucks or school buses, then the dust issue is of great concern to the people who live close to the farm. However, it is part of farming practice and people need to use those roads. Councils often cannot bitumen those roads or construct them to a standard that will eliminate the dust.

Another issue is that of smells, such as chemicals and fertilisers, which farmers and primary producers use often and have to use to protect their plants and products from diseases. Other smells can be those of a dairy farm or of a piggery. Those of us who live in country areas become used to those smells, but if urban development encroaches on farm land people often complain, particularly to the council or the Environment Protection Authority, about the smell of piggeries or dairy farms. It has become such a concern that in some cases where piggeries have wished to expand councils have not allowed them to expand their production.

One of the other issues people complain about is increasing traffic, particularly with dairy farms and milk tankers and with orchards where trucks might be entering and exiting the orchard as well as the workers and their vehicles. That increase in cars and trucks near orchards can be a problem.

One matter that I know is a big issue for people who live close to agricultural areas is water and waste water disposal. Obviously farms need to be able to contain water, so they have channels and creeks and dams. In the road where I live there was almost a tragic accident. A young family had moved into the area. Our area is rural residential with smaller farms. The couple had moved onto a farm that had a dam. They had a two-and-a-half-year-old son who accidentally walked into the dam. His mother had turned her eyes for just a few moments. Luckily she heard the child in the dam and was able to save him. They have now put appropriate fencing around that dam. It is interesting, because there is also a channel that runs alongside. Often people just do not understand how attracted youngsters are to water, whether it be creeks, dams, streams or channels. If we put urban development close to agricultural areas, we have to be aware of all those things farmers need in the day-to-day running of their businesses.

The Honourable Barry Bishop spoke about a number of disputes and the number of authorities who have a role in those disputes. One of those authorities is local government, which has a number of difficulties in dealing with issues that arise in that urban–agricultural sprawl. One difficulty is subdivisions abutting agricultural land and another is house excisions. For example, problems might occur where an elderly farmer wants to leave the business and have his son and his family live on the farm. It might not be zoned appropriately for the farmer to stay on that block of land as well as hand over to the son and daughter. An issue occurs when the elderly farmer, who lives on the farm, passes away. The house is vacant. Somebody may shift into that house who is not as receptive to the idea of all those farming pursuits and may complain.

The other authority that has a role is the Environment Protection Authority which resolves disputes on amenity — for example, as I said, on odours, air emissions and noise. There is also a role for the Department of Natural Resources and Environment, which deals with complaints about the dust and smoke and the issues about Crown land, such as weeds, et cetera.

The other part this bill deals with are the amendments to the Plant Health and Plant Products Act 1995. Clause 5 provides that the minister may declare a suspected pest or disease to be an exotic pest or disease if the minister believes it is:

> … harmful to the growth or quality … of plants or plant products …

Clause 6 goes on to provide that a person must not move prescribed materials from an area in Victoria which has been declared to be a restricted area without an assurance or plant health certificate.

The area that I represent in the Goulburn Valley and Murray Valley is well known as the food bowl of Australia. A number of years ago we had a fire blight scare in my electorate. Fire blight was supposedly found in the Royal Botanic Gardens by a New Zealand scientist here on holidays. Goulburn Valley has the highest production of pears in Australia. Fire blight would affect my electorate substantially and could wipe out the whole pear production, which would be detrimental not just to Victoria but to Australia,

because, as I said, it has the highest production of pears in Australia.

When there was just a thought that fire blight may have come into Victoria, in the Goulburn Valley the trees and the nurseries were tested and the plants and the fruit were quarantined, which meant millions of dollars of lost sales in my area. It would be devastating for the area I represent if fire blight did get in. We need to make sure that we put very strong conditions on any plant or product that comes into Australia from a country that does have a disease.

I would like to praise the work of John Corboy, the chairman of the Australian fire blight task force, who over the years has done an enormous amount of work trying to protect the fruit industry from this disease coming into Australia. We do need to be vigilant not to allow plants or any pests to come from other countries into Australia. We do not need diseases in Victoria but more importantly in Australia, as we do have a clean, green image.

The National Party does not oppose the bill, but it is disappointed that it does not adequately protect our farming community and its right to farm and it will continue to lobby the government to provide that protection and hope the government will make changes to the Health Act.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

In doing so, I wish to thank honourable members for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

SPORTS EVENT TICKETING (FAIR ACCESS) BILL

Second reading

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

Hon. I. J. COVER (Geelong) — I rise to make a contribution to the debate on the Sports Event Ticketing (Fair Access) Bill.

Before I commence my remarks, I would like to add my own message of condolence and sympathy to all those people affected by the tragedy in Bali, particularly as a number of football clubs across Australia and Victoria have been involved in the terrible events there. Given that we are discussing a sports event, as the shadow Minister for Sport and Recreation I thought I would take the opportunity by way of introduction to pass on my sympathy.

Honourable Members — Hear, hear!

Hon. I. J. COVER — The Sports Event Ticketing (Fair Access) Bill has finally made it through to the upper house of the Victorian Parliament this evening. What a long journey it has been. Given the build-up and the expectation surrounding it, I am surprised that the minister did not invoke one of the major powers that the bill gives him — that is, to declare this an event. He could have declared the debate on the bill an event and sent a notice to the event organiser to organise a ticketing scheme. He could have granted his approval and we would have seen that there was fair access to all members of the public to come in and listen to the debate. Then again, the minister might be grateful that this is not a declared event, that it does not have a great deal of attention and that there is not a high attendance by members of the public to listen to the debate on what is a shoddy piece of legislation.

Hon. R. M. Hallam — They might actually see through it!

Hon. I. J. COVER — As Mr Hallam points out, they might actually see through this particular legislation and see it for what it is. It is a piece of political grandstanding. I will admit it is in line with ALP policy announced before the 1999 election. Going back over the history of the legislation further reveals just how the Labor Party goes about a lot of its activities in governing the state of Victoria.

First of all, we had the policy articulated before the 1999 election.

Hon. R. M. Hallam — That was the easy bit.

Hon. I. J. COVER — That was the easy bit, Mr Hallam — to actually put down on paper a policy saying, 'We will take steps to outlaw scalping and provide fairer access to members of the public to sporting events, including the Australian Football League Grand Final'. That was in September 1999, around grand final time, funnily enough.

By 2000, after the first 12 months of the Bracks minority government, the time came for a grand final to be played. Suddenly the penny dropped with the minister and the government that they had not done anything about their scalping legislation. So they thought they would, as they do in many ways, appear to be doing something. They went for one of those old chestnuts which is a hallmark of the ALP in government: they established a hotline. The hotline was established to allow people to ring in and give information about examples or incidents of scalping of grand final tickets.

I recall the house being illuminated one evening in the adjournment debate, I think, by the Honourable Cameron Boardman who actually tried the hotline. He gave it a call. I think he told the house that the hotline had a message on it saying, 'If you're ringing about AFL Grand Final tickets, please ring the AFL'. We later discovered that the hotline received 103 calls. That was in 2000. The hotline was established and some information found its way in front of the government about examples of scalping during the AFL finals series in 2000.

During 2001 the government took its next step. Mind you, it is merely another of those superficial steps the government takes, once again to give the appearance of being active and doing things. The government released a discussion paper. The discussion paper was issued in July 2001 under the title *Controlling Ticket Scalping and Improving Major Event Ticketing Practices*. Among other things it said, for example, in the executive summary at page 5:

> Overseas evidence suggests regulating ticket brokers and the pricing of tickets may not necessarily reduce the incidence of scalping or reduce clandestine ticketing distribution practices.

Not to be deterred, however, the government pushed on regardless. That was from 2001 with the release of the discussion paper in July. It moved forward to this year when, in the early part of the year — in the autumn — it held a seminar. So we have almost the full range of this government's approaches to governing: having a policy — which is interesting in itself; establishing a hotline in 2000; releasing a discussion paper in 2001; holding a seminar in 2002; followed by the introduction of a bill in the lower house where it was not opposed by the Liberal Party.

I put on the record, Mr Acting President, that we are not opposing it in this chamber either. I am, however, proposing to take the chamber into committee at a later stage this evening where we can seek some clarifications and explanations from the minister about various aspects of the bill. He may beg to differ with our view that it is a shoddy piece of legislation and, in doing so, he will be able to explain to us in committee why he thinks it is, as the second-reading speech says on the first page, a:

> bill … based on considerable research and incorporates world best practice in ticketing legislation.

World best practice in ticketing legislation! The government has come a long way from last year when the discussion paper told us that overseas evidence suggested that regulating ticket brokers and the pricing of tickets may not necessarily reduce the incidence of scalping. But now we have world best practice in ticketing legislation, according to the second-reading speech. I look forward, as do other members of the chamber on this side and in the National Party for that matter, to an explanation of how world best practice legislation works.

The bill, as I mentioned at the outset, represents political grandstanding. It is one of those things the government seems to be doing on a regular basis now: bringing in pieces of legislation so it can put a tick in a box beside it saying, 'That was in our policy in 1999' as it makes a hasty and unnecessary rush to the polls — by all indications. It will be able to stand up and say, 'Well, we have been delivering. Here is another thing we have ticked off on'.

If your policy is to legislate to do something it is pretty easy to tick it off. But it would be a lot better to be able to tick off that you have actually done something through legislation and delivered an outcome. The outcome in this case is simply to bring in some very ordinary legislation that is crude politics at its best — or worst, depending on which way you want to look at it.

The event most likely to come under the legislation is the Australian Football League (AFL) Grand Final, which has been and gone this year. It is now several weeks since the event was held and the next one will be on the last Saturday in September next year. Given that it is the prime target of the bill, it has to be declared by the minister as an event nine months before it is to be held. That means next year's grand final will have to be declared an event before the end of December this year.

There is not much time left for that to occur, and I doubt very much if it is going to occur at all. It did not apply to this year's grand final and time is running out for next year's.

Interestingly enough there has been an addition or amendment to the legislation since it was first introduced in the autumn sitting and laid over until spring — namely, a clause providing that event organisers can apply to the minister to have their events declared under the act. That is wishful thinking at its finest! I am not expecting that event organisers of major sporting events in Victoria will be forming a queue outside the minister's office asking for their events to be declared events — given that the legislation is going to impose enormous administrative burdens on event organisers.

And, accompanying those administration demands will be increased costs. Even if it is only applied to the prime target, the AFL Grand Final next year, that in itself will be a burden on the AFL and the clubs within it. We know through discussion that has occurred many times in the past around grand final time and the sale of grand final tickets — and been focused again by this legislation being before the Parliament — that one of the consequences of the legislation may well be that a major fundraising arm of AFL clubs will be reduced if not eliminated.

The AFL clubs, as we all know, particularly in Victoria, are under enormous financial pressure as it is. One has only to look at the newspapers in the last couple of weeks to see that the Western Bulldogs are set to announce a $2.8 million loss this year and that in the last 24 hours the St Kilda Football Club has found that it is looking at a $1.6 million loss this year.

We know that others are struggling, perhaps even including the minister's own former club, the Carlton Football Club. Fortunately for the minister he may have only been there in the good years.

Hon. Kaye Darveniza — Because he was playing for them!

Hon. P. A. Katsambanis — He put on another team's jumper!

Hon. I. J. COVER — That is a very good point. He gave great service to Carlton Football Club. I do not know whether there is a word to describe a Carlton life member who dons a Collingwood jumper as was depicted on the front of a newspaper. That is what the minister did at grand final time. We talk about the legislation being political grandstanding at its worst, that photograph of the minister wearing a Collingwood jumper symbolised everything about political grandstanding that comes through in this legislation. He is doing with the legislation what he did by wearing a Collingwood football jumper. Who would have thought you would ever see it! Ministerial office does strange things to people! As it turned out, unfortunately for the minister, he backed a loser, and he is backing a loser with this legislation.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Hon. I. J. COVER — I resume with my contribution to debate on the Sports Event Ticketing (Fair Access) Bill, having had the dinner break to recover and collect my thoughts after mentioning how we had all been taken aback by the photograph of the minister wearing a Collingwood jumper that appeared on the front page of the *Herald Sun* during grand final week. It is just one of many photographs of the minister, who appears to get himself into the newspaper in interesting pieces of sports apparel, but the Collingwood jumper was the most interesting.

There are many aspects of the bill with which the Liberal Party has concerns, and as I mentioned before the dinner break members of the opposition will be seeking to address those concerns during the committee stage. I put it on the record, in case it was not clear before the break, that despite that we do not oppose the legislation. The sporting public of Melbourne and Victoria should have the best opportunity available to them to get tickets to the grand final.

The intention of the bill, as set out in clause 1, is to:

> … maximise access by members of the public to tickets to certain sports events.

That is something with which we do not disagree — that is important — but it is the way the government is going about the legislation that causes us to have concerns. Since the year dot it has been a problem under both the old Victorian Football League and now the Australian Football League to meet the challenge to make everyone happy and get everyone to the grand final. As has been remarked on many occasions, you probably need a stadium that can seat 200 000 or 250 000 people to cater for all those who want to go to the grand final. That was again emphasised by this year's grand final in which Collingwood participated.

I shall mention a number of other areas of the bill in the committee stage, but before the break I expressed concern that AFL clubs that are already under financial pressure may be placed under further financial pressure by the legislation. Another area over and above AFL Grand Final considerations is other sporting events that

come to Victoria from time to time. An example is the Rugby World Cup that is coming to Australia next year, with seven games being played at Colonial Stadium in Victoria.

If the minister wanted to he could exercise his power and declare the Rugby World Cup an event under the act, which could be plausible given that it is to be conducted at Colonial Stadium, which holds about 52 000 and is more than likely to be a sell-out. The major thrust of the bill is to declare events and have ticketing schemes put in place by event organisers for events that are likely to be sell-outs. Rugby World Cup matches are also being played in Brisbane, Sydney and Canberra. This legislation applies in Victoria, not in other state jurisdictions. If the minister wanted to declare the Rugby World Cup an event under the legislation it would mean that the event organisers would have to furnish a ticket sales and distribution scheme to him in Victoria, and this would not be happening in Queensland, New South Wales and the ACT.

Hon. R. F. Smith interjected.

Hon. I. J. COVER — I am doing my best to ignore the interjections from the Honourable Bob Smith. I think he is likely to be declared something other than an event. It places Victoria at a competitive disadvantage when it comes to staging major sporting events because the organisers in an example like that would have a lot smoother and plainer passage in organising the event if they did not have to put in their ticketing scheme. The other states might turn around and say, 'Well, why bother staging some of our games in Victoria when we have got to go through this process of having to submit ticketing schemes et cetera, we will put them all on in New South Wales, Queensland or anywhere else in Australia for that matter'. Melbourne prides itself on being an events capital, a sporting capital. This legislation has the potential to place Victoria at a competitive disadvantage.

While I know this is a sports event ticketing bill, questions are being raised with members of the opposition about why the government is not seeking to introduce similar legislation to cover events other than sporting events. I acknowledge that in many cases these days sport is regarded as a form of entertainment, but this legislation is not being extended to the entertainment industry. The second-reading speech refers to working together to:

> … protect affordable spectator access to hallmark events and prevent such events from becoming the sole domain of the wealthy or the well connected.

It is interesting that a hallmark event, by the government's own announcement last week, appears to be the upcoming Paul McCartney concert. This might indicate why the government is not extending the bill to entertainment, because it is putting money into the event to help fund Paul McCartney's appearing in Victoria.

Hon. R. A. Best — But he's a millionaire!

Hon. I. J. COVER — That is an interesting point, Mr Best. You would imagine he could come and stage his own event without government support, while football clubs in Victoria, which are under increasing financial pressure as I have mentioned, are not receiving the same assistance and, indeed, will perhaps suffer under this legislation.

I will make a couple of other remarks based on the discussion paper I referred to earlier which the government put out in July last year and which seems to have driven the development of the legislation. I mentioned the administrative and financial cost pressures put onto clubs and event organisers, and in fact it was said at page 25 of the discussion paper that a disadvantage of the requirements of supervising and modifying ticketing practices was:

> … the potential increased costs to the promoter-owner of the event in respect of administrative and legal expenses.

That was something identified by the government's own discussion paper. That position was echoed at page 29 by the statement that:

> The disadvantage of legislation is that the costs of administration together with the resources required to pursue and prosecute cases may outweigh potential public benefits.

Further, among the conclusions in section IV at page 30 was the conclusion that:

> A fundamental issue in regards to scalping is ticket distribution practices. Such practices will be difficult to address through a legislative approach.

The government's own discussion paper said that 'such practices will be difficult to address through a legislative approach'!

> Accordingly, the event owners and/or the industry ideally need to develop and implement standards and guidelines for itself and its employees and ensure that these guidelines are monitored and enforced.

The major event organisers in Victoria seemed to be under the impression that that was the way things were heading in Victoria having not only read the discussion paper in July but also having attended the seminar earlier this year. They thought the way for them to go

was to develop and implement their own standards and guidelines. They were pursuing that path, and the next thing they heard a short time later was that this legislation had been introduced in the autumn sitting in the other place.

Indeed, the AFL as the main target of this legislation said through its general manager of corporate affairs and communications, Mr Tony Peek, in a letter dated 5 September this year, that:

> We believe the best method of administrating this area would be via a code of conduct. That has been our consistent view put to government.

They made a number of other points echoing some of those things I said about the potential to severely impact on all clubs in Victoria, and the revenue from finals tickets being —

> … critical to the financial viability of our clubs —

particularly those in Victoria. It is interesting that another point made by Mr Peek in his letter was that:

> Various provisions of the legislation are draconian, particularly the provision for inspectors to enter the premises of AFL clubs and seize documents and other records.

We look forward to discussing that aspect in committee this evening as well, because it is interesting that under this legislation there is provision for inspectors to enter the premises of AFL clubs and seize documents and other records, yet in June the Bracks Labor government and its union mates could not bring themselves to allow the provision for inspectors from the federal Office of the Employment Advocate to enter the Melbourne Cricket Ground redevelopment site and they rejected $90 million from the federal government. The government did not like that idea, but it is quite happy to provide for it in this legislation about the sale and distribution of tickets to major sporting events, and in particular to the AFL Grand Final.

It would be an interesting scenario, would it not, to see inspectors dispatched to the offices of the Brisbane Lions to go through their filing cabinets and see what they have been doing with their ticket distribution in Brisbane.

Hon. R. A. Best — I wonder if it is retrospective. You could go back through the Carlton files.

Hon. I. J. COVER — Mr Best raises a very good point by way of interjection about whether the legislation might be retrospective. Perhaps we can flesh that out in the committee stage, because inspectors might want to make their way up to the Carlton Football Club to see what documents might still be in the filing cabinets up there from the time when the minister actually played for Carlton, although I doubt whether there would be any record of ticket distribution at the time the minister was playing.

As I said, the Liberal Party does not oppose this legislation. Members on this side look forward to the minister clarifying a number of clauses in the bill, and we will be seeking some explanations to a number of aspects of the bill later this evening. It is important, obviously, that people have access to tickets and that the sporting public of Victoria is catered for in the best possible manner, but this legislation certainly has a lot of flaws in it. We also have doubts that the legislation will ever actually be used and we suspect that the government is merely grandstanding in order to be able to say it is doing something when in fact it is basically doing very little. On that note, I conclude my contribution.

Hon. R. A. BEST (North Western) — It gives me pleasure to rise on behalf of the National Party to contribute to debate on this legislation which, as we proceed during the evening and reach the committee stage, may prove to be hypocritical and very hard for the minister to enforce. It will also confer on a minister powers that are unprecedented in many other pieces of legislation.

I will be particularly interested during the committee stage to ask the minister how certain aspects of this bill are intended to be implemented and managed by him as minister of the day, and to ask what he intends to create by way of an environment within the Victorian sporting community for clubs to seek sponsorships.

The main purpose of the Sports Event Ticketing (Fair Access) Bill is to maximise access by members of the public to tickets for certain sporting events. It will allow the minister to declare certain sports events for the purpose of the act no less than nine months before the event is to be held; it will require the sale and distribution of tickets to declared events to be in accordance with a scheme approved by the minister, which may involve placing conditions on the sale or distribution of the tickets to the events; and it will provide offences for certain breaches of an approved ticket scheme for a declared event or of conditions on the sale or distribution of tickets to the event.

On behalf of National Party members I advise the house at this stage that we will not be opposing this legislation, but again, as I said, we will be questioning the minister extensively through the committee stage as to how this legislation will be enforced.

As we have heard from Mr Cover, the major issue is that in the lead-up to the last election the Labor Party's policy said that it would address issues associated with the sale of Australian Football League Grand Final tickets. This legislation follows the discussion paper issued in August 2001.

There are many questions to be answered in relation to the enormous powers conferred on the minister and his interpretation of the provisions of the legislation, particularly when you read the discussion paper which led to the legislation. However, before quoting the text of the discussion paper I record my belief that this is simply an attack by the government on the future viability of Australian Football League clubs.

Unquestionably we have terrible legislation before us. On the government's own admission there is a potential to force prices up. The cost of administering this legislation will be high, and it will be difficult to get convictions. It will drive scalping underground.

I now want to quote to the minister some of the text from the discussion paper he distributed last August and record the confusion among sporting clubs, especially AFL clubs, about the way they are to do future business, particularly in the area of sponsorships. The foreword to the discussion paper entitled *Controlling Ticket Scalping and Improving Major Event Ticketing Practices* says:

> In October 1999, the Victorian government made a number of policy statements related to improving the rights of spectators that included legislating to outlaw and control ticket scalping. Accordingly, Sport and Recreation Victoria (SRV), in consultation with Consumer and Business Affairs Victoria (CBAV), has proposed the development of a long-term strategy to assist in the control of organised ticket scalping and to improve consumer protection for sports spectators.
>
> This discussion paper has been prepared to canvass the broad range of issues and evidence pertaining to ticket scalping practices and the related issues of ticket distribution and allocation for major events, and in particular sports events …
>
> Preliminary steps in developing an anti-scalping strategy framework were commenced in July 2000.

It goes on to say how an automated scalping survey line was established and says:

> The survey line was advertised in the press and commenced operating on Wednesday, 30 August, and was closed on Monday, 4 September …

I will refer to that scalping line a little bit later. The executive summary of the discussion paper says in part:

> The primary purpose of the paper is to stimulate informed debate and seek opinion and feedback on a number of issues prior to forming recommendations to government.
>
> Legislation and regulation options are often put forward as remedies to scalping. Overseas evidence suggests regulating ticket brokers and the pricing of tickets may not necessarily reduce the incidence of scalping or reduce clandestine ticketing distribution practices.
>
> The costs of administration together with the resources required to pursue and prosecute scalpers are high … Inappropriate legislative responses may also drive scalping practices further underground, forcing resale prices higher and making exposure and monitoring as problematic as prosecution.

So already, on page 5 of the discussion paper, the government is setting the scene for all the problems related to introducing scalping. The discussion paper goes on to say:

> The evidence further indicates that the reselling or on-selling of AFL Grand Final tickets is the most lucrative and discordant scalping practice occurring in Victoria. The primary source of resold AFL Grand Final tickets appears to be the AFL clubs themselves.

Very early on the discussion paper flags that the AFL clubs and the grand final are the targets of the discussion paper. The executive summary concludes:

> It is concluded that consumers, and the sports and entertainment industries, would benefit from enhanced standards of conduct and disclosure as well as better industry monitoring and control of organised and commercial but unofficial ticket reselling.

The executive summary suggests that the cost of compliance will be high and that legislation often drives scalping underground, which usually leads to higher prices. It is no accident that there was a very poor response to the discussion paper. In fact the government has expressed its own disappointment in previous forums.

Going on to the overview of scalping and the experience in the United States of America and Victoria, the discussion paper says:

> Most anecdotal evidence suggests scalping in Victoria is restricted primarily to sell-out sports events, such as the AFL Grand Final and the finals of the Australian Open. In respect of the entertainment industry, the quality of seating, the level of booking fees and charges and the high (face value) ticket prices, rather than scalping, are the most frequent complaints.

It continues:

> In some instances such as the AFL Grand Final it is not possible to increase supply, so alternative measures to ration demand are needed. Price is generally considered an effective means to ration demand. Thus, for example, tickets for the opening ceremony at the Sydney Olympics and for the most popular events were substantially more expensive than for less popular events.

> With the AFL Grand Final, the need to both attract and maintain the enthusiast or fan base and concerns about negative public reactions prevent the league from establishing a ticket price at the maximum possible level which demand in the market will support. The AFL therefore employs other rationing measures — distributing tickets to clubs, sponsors and other associated groups, requiring that fans queue for tickets, restricting the number of tickets available to individual and so on.

Again we see evidence in the government's discussion paper that the AFL is the target and that is the organisation on which it is going to bring down its heavy hand. It goes on in the review section to say:

> Accordingly, the government reviewed the AFL Grand Final ticket distribution process in late 1990 … The outcome from the review was a number of suggestions that were subsequently conveyed to the AFL.

It goes on to include those suggestions:

> The review resulted in the AFL revising its ticketing system to improve its 'fairness', the most recent development being the ticket reservation requirements now placed on AFL members in respect of grand final tickets. These changes however have had a limited effect and numerous public complaints concerning AFL ticket distribution practices continue to arise during the AFL Grand Final period.

In late 2000 Sport and Recreation Victoria and Consumer and Business Affairs Victoria established a scalping surveying line to encourage industry feedback. The interesting thing about this survey line is that you would have thought that during the most hectic time of the AFL finals, with people positioning themselves to get tickets, there would have been an overwhelming phone-in of people registering their complaints. However, for that whole week between August and early September 103 legitimate messages were registered on the survey line.

The grand final is attended by almost 100 000 people, there is a multitude of club members across the AFL spectrum, and when the government establishes a survey line to allow members of clubs and the general public — the definition 'general public' is a term that I want explained by the minister — only 103 legitimate messages register! So is the government being populist? Is the government just setting out on its own agenda based on popularity because there is concern at grand final time about access? We have here a circumstance where the AFL, in conducting the grand final, is going to be the target of this government through legislative controls.

It is appropriate to look at overseas experiences. The government's discussion paper talks about the controls within the United States of America. It states under the heading 'The US experience':

> Controls in place overseas, such as in New York (USA), have included the regulation of secondary market (reseller) ticket brokers and limiting commission or 'above face value' price at which such brokers may operate.
>
> The early US scalping laws tried to control price, location and nuisance effects of scalping. Changes in regulation over the years included increasing fines and jail sentences. Some US jurisdictions turned scalping into a felony rather than a misdemeanour. However, enforcement of all types of regulations reportedly remains sporadic and arbitrary and it is apparently difficult to prosecute scalpers because most people purchasing tickets from scalpers see no reason to testify against them.
>
> More recently the US scalping laws have been amended to differentiate the street scalper from ticket brokers or agents who operate on the behalf of producers. Some US jurisdictions accordingly modified general prohibition and permitted licensed brokers to operate in the market. A number of US statutes have also legalised producers giving permission to their selected agents to sell seats above face value …

We have an acknowledgment within the discussion paper, right at the very start of this process back in 2000, that the overseas experience showed that legislating and regulating to willing scalpers did not work. The first three paragraphs of the conclusion state:

> A fundamental issue in regards to scalping is ticket distribution practices. Such practices will be difficult to address through a legislative approach. Accordingly, the event owners and/or the industry ideally need to develop and implement standards and guidelines for itself and its employees and ensure that these guidelines are monitored and enforced.
>
> In respect of events such as the AFL Grand Final, where clubs and their agents have apparently long been defacto ticket resellers, the AFL could consider developing a centralised and formal system of ticket returns and (re)sale. This would enable non-competing clubs to return any 'unwanted' internal allocations for 'authorised' resale to competing club members or the public and without the need to engage third-party brokers or agents.
>
> The need for continuing the practice of premium pricing of grand final tickets, at several times their face value, by AFL clubs (or their agents) ostensibly in order to survive financially is questionable, particularly in an era of growing broadcast and, more recently, Internet rights revenue. While the continuation of such a practice is essentially a matter for the AFL and its constituent clubs to resolve, the rights of members and consumers should not be ignored. Accordingly, the future arrangements for the reselling these allocations should be improved and need to be made both transparent and bona fide.

What I gather from that conclusion is that there is an admission in the discussion paper that in legislating we are going to cause more problems than we are going to solve. The comparisons between the text of the discussion paper and the legislation today are absolutely worlds apart, particularly the manner in which it presents arguments and suggests remedies.

This minister may not adopt a heavy-handed attitude, but I am concerned that in the future other ministers may wish to implement the letter of the law. However, the powers contained in the bill are unbelievably general and have the potential to create more problems than they solve. As I said, we intend to pursue the minister through the committee stages to spell out his interpretation of the provisions in the legislation and explain how his government intends to interpret the way in which this legislation has been written.

I am particularly interested in the minister's attitude towards AFL clubs and their relationship with their sponsors because this bill questions the legitimacy of certain business practices. It legislates the manner in which clubs and sponsors can do their business in Victoria.

This bill is potentially the new rule book for Victorian-based AFL clubs because whilst the minister over the years he participated during his football career enjoyed the benefits of match payments, he also enjoyed the benefits of sponsorship support. This bill has the potential to see a number of Melbourne-based AFL clubs disappear.

I wonder whether the minister wants that on his conscience because clearly, it is a concern that has been registered with me in my consultation process. I wrote to every AFL club, and I received responses from a number of them. There are three that I would like to refer to: one from the West Coast Eagles, one from St Kilda Football Club and the other is from Tony Peek of the AFL.

The financial difficulties that are causing Melbourne-based AFL clubs to seek sponsorship are well known. I do not believe it is unrealistic for sponsors to make arrangements that if the side makes the grand final, as part of the price they pay for sponsoring a club they have access to AFL Grand Final tickets. But the minister seems intent on driving that practice out the door.

One of the major concerns I have, particularly for AFL clubs but also because of the general message we are sending right across the sporting community is, 'If you come to Victoria you will have to be answerable to this government in any deal you do on sponsoring an event'.

Hon. R. M. Hallam — And this minister.

Hon. R. A. BEST — And the minister here has the sole responsibility for eroding the confidence of companies that sponsor sporting events because clearly, confidence is a very fragile commodity. As soon as people learn that it is not good to do business in Victoria, we will open the floodgates and provide opportunities to other states and other capitals around Australia.

Hon. I. J. Cover — That is why they are paying for Paul McCartney.

Hon. R. A. BEST — I agree with Mr Cover. That is one of the most unbelievable allocations of public money — being spent on providing a billionaire with the opportunity to come to Victoria and perform. I want to know what the general public thinks about that and how the minister will assist the general public to get access to the tickets, when I think the minimum face value of a ticket may be around $100.

One of the issues I have is the way in which AFL clubs will be able to operate with their sponsors, and the commercial arrangements and the business dealings that those arrangements will provide.

I wrote to the West Coast Eagles Football Club in early May and received a response from the chairman, Michael Smith, on 5 June. He stated:

> Thank you for consulting us on this bill. Our specific interest in this matter is the use of AFL Grand Final tickets. The bill is vague and general and while it seems to pay specific attention rightly on the idea of scalping, its general nature might also have the capacity of allowing governments to take actions which are not currently intended. Of specific concern to us, as we suspect Victorian clubs, is the ability to package grand final tickets that are allocated to clubs with other club activities.

What he is talking about there is, for instance, the famous North Melbourne Football Club breakfast, which has become an institution. Every political leader loves to be part of the head table at that breakfast, which I suggest is the biggest head table at any sporting event anywhere in the world. That very arrangement will be under threat and the viability and the sponsorship associated with the clubs will also be questioned by the government. He concludes by saying:

> If the packaging component of the ticket arrangement was attacked to the extent that it caused unbundling of packaged elements, we would face significant income implications.

Clearly, the club is saying that if it is asked to unbundle its sale of grand final tickets and the arrangements it has for packaging those, along with what may be a dinner or a plane flight over here or a whole range of different other club activities, financially it will have a severe impact on it.

As Mr Cover said earlier, on the back page of today's *Herald Sun* we note that the St Kilda Football Club has

notified the public that it is facing a $1.6 million loss at the moment. I think the club president's words were, 'And it does not look very rosy'. That is a concern. That club wrote to me on 3 June stating:

> Thank you for sending us this proposed bill to review. It is of great concern to us that the St Kilda Football Club may lose some or all of its rights to sell AFL finals series tickets. In particular, we are concerned that the minister would be entitled to publish guidelines under clause 15 of the bill that would restrict such sales without any opportunity for public comment or review. This is tantamount to a quasi legislative power without proper review or debate. In light of this, we strongly request that the bill be amended by including at least one of the following provisions …

He sets out three provisions in his letter to me.

Hon. R. M. Hallam — Did you refer those to the minister?

Hon. R. A. BEST — I think they will get a run during the committee stage.

Finally, on 5 September I received a letter from the general manager, corporate affairs and communications, of the AFL, Mr Tony Peek. He states:

> Further to our telephone conversation of this week the following sets out our position in relation to the proposed Sports Event Ticketing (Fair Access) Bill. During the past 12 to 18 months we have consistently advised the government via the minister for sport, the Honourable Justin Madden, that in our view the legislation has the potential to severely impact on all clubs but particularly the Victorian clubs.
>
> It is not inconceivable that some Victorian clubs could be forced out of the business if finals tickets revenue is significantly impacted upon by the proposed legislation. The proposed legislation is unworkable on three counts. Six of our clubs are based outside Victoria and would not be subject to the legislation. Once tickets to a major event are sold there can be no control over what the purchaser does with those tickets, and why would a Victorian club not enter into some form of joint venture with a non-Victorian club?

He raises a number of other issues that are relevant to this legislation.

I conclude on this point: one of the most hypocritical stances of this government is contained within the provisions that empower inspectors to enter AFL clubs.

What this government has done within this legislation is to provide inspectors to go into AFL clubs and open the books. This is hypocritical given the government's stance on the Melbourne Cricket Ground (MCG) and its refusal to allow inspectors onto the workplace site, and its refusal of $90 million that was on offer from the federal government. Labor's hypocrisy has cost the Victorian taxpayer $77 million.

Hon. R. M. Hallam — No, they knocked back $90 million.

Hon. R. A. BEST — They knocked back $90 million but they put in $77 million.

Hon. R. M. Hallam interjected.

Hon. R. A. BEST — In that case, Mr Hallam, if you add the two together it might be $167 million. But the point that needs to be made is that this government is prepared to allow inspectors powers to go into AFL clubs, yet it is not prepared to apply the same rules to its union mates on the job site at the MCG. And the general public, which this minister is trying to protect, has every right to ask the legitimate question: why? Why is the minister using our taxpayers' money in this way? Why is he being a hypocrite? Why has he been, during his playing days, allowed to enjoy the benefits of being paid — —

Hon. J. M. Madden — I haven't done anything wrong. It won't change anything. I am happy to answer all your questions in committee.

Hon. R. A. BEST — Very good, Minister. I am delighted. But let him answer this one question: as stated in the second-reading speech, why was the minister prepared, years after he finished his football career, to rewrite the rule book about the way in which sponsors do sponsorship deals with clubs? What is he doing in this legislation about the way in which sponsors now interact with the AFL clubs?

Hon. J. M. Madden — I am happy to respond in committee. You missed the point.

Hon. R. A. BEST — Mr Deputy President, with those few remarks I look forward to the committee stage of the debate.

Hon. KAYE DARVENIZA (Melbourne West) — It gives me pleasure to rise and speak in support of this bill. It always gives me pleasure to make a contribution on a debate over a piece of legislation that the opposition too is not opposing. This bill puts in place fair arrangements for genuine sporting fans so that they are able to obtain tickets to major sporting events in this state. The purpose of this bill is to maximise the access by members of the public to certain sporting events by requiring the sale and distribution of tickets to declared events in accordance with the scheme approved by the minister.

Honourable members know that one of the important aspects of ensuring that genuine sporting fans have access to tickets means that the government and the

community are able to enjoy the excellent regular sporting events we have here in Victoria and that we are able to maintain those events and attract new sporting events to the state. One reason we can do that is that Victorians are very much a sports-loving public. Sporting events are attracted here; this state is famous for its ability to attract new events and maintain existing events because Victorians love sport. We have the ability to fill stadiums to capacity, not just for local sporting events but also for national and international events.

Hon. P. A. Katsambanis interjected.

Hon. KAYE DARVENIZA — An example of that is international soccer which I have attended, Mr Katsambanis, with you, as well as rugby. Victoria has been able to attract international rugby. We want to be able to protect our ability to maintain these sporting events that we currently enjoy and to continue attracting new events. One way we can do that is to ensure that genuine fans and sports-loving people are able to acquire tickets. That is what this legislation is about — the genuine sports-loving public being able to access tickets so they can enjoy the many sporting events that we have here in Victoria.

Previous speakers have talked about the consultative process in which our government has been involved in putting this bill together.

Hon. R. F. Smith — We consult.

Hon. KAYE DARVENIZA — Mr Smith is right: that is what we do, unlike the opposition when it was in government. It did not understand the word 'consultation'.

This bill is another example of our government consulting with stakeholders to ensure that the bill we bring before you today has been widely canvassed with all those who have an interest. Not only did Labor consult with the community and the industry, but it put the industry on notice that legislation would be introduced and it did this more than two years ago. It was up to the industry to take the necessary steps — and the government made that clear to the industry — to improve its ticketing practices and to ensure that there was greater transparency in the ticketing and distribution arrangements that were made.

More than two years ago the government made it clear to the industry that it would look at introducing legislation, like the bill before the house today, unless it was able to demonstrate greater transparency. The government also wanted the industry to be able to demonstrate that it discouraged the unauthorised reselling of tickets. In August last year, as has already been set out by previous speakers, the government distributed and released a discussion paper for comment by both the industry and the community. The discussion paper covered a whole range of important issues including ticket scalping practices and the related issues of the distribution and allocation of tickets to major events, particularly sporting events.

As the minister pointed out in his second-reading speech, the industry response to that discussion paper was poor. In fact it was a disappointment to the government because there were very few responses and they provided little information or insight into ticket reselling and distribution practices in Victoria.

The discussion paper that was distributed by the government for consultation also outlined action that had been taken by other countries to address the unauthorised sale of tickets. As we know, that unauthorised sale and scalping practice means that people pay a huge price to acquire a ticket to attend an event. As part of the release of that paper the government thought it was important to look at the overseas experiences and to learn something from those.

One example looked at was the USA, where laws were introduced to ban scalping and to control prices. The enforcement of such a ban was problematic and was not found to be terribly effective in the USA. In some jurisdictions in the USA the street scalpers were differentiated from the ticket brokers or agents who operate on behalf of event operators or organisers. The prohibition on ticket reselling was lifted in many instances in the USA and licensed brokers were permitted to operate in the market.

The Sports Event Ticketing (Fair Access) Bill will permit the appointment of authorised agents, but in a transparent manner and without the need to formally regulate brokers. The authorised agents will be appointed by the event organisers, who must notify the minister of the authorised agents — for example, individual clubs can be authorised agents of the AFL.

If that were to occur it would stop situations such as those that we saw during the grand final where radio programs advertised for people to ring in and acquire a ticket to the grand final as well as a meal. These tickets should have been made available to the genuine fans who support the clubs. Such situations result from individuals or organisations being able to buy large

quantities of tickets and then being able to sell them on in this way.

This underhanded ticket selling practice — and we saw it in a range of ways at the last grand final — undermines the value of the bona fide corporate and hospitality packages that are an important part of the success of any event. The government knows this form of event depends on corporate sponsorship, and it recognises and acknowledges its importance. Of course corporate packages are an important part of that. Corporations do not simply want to support clubs and take advantage of the advertising. They also want the advantages of being able to entertain and to have access to corporate packages and sponsorship. The government acknowledges and recognises that that is an important part of our sporting events.

I draw the house's attention to the Australian Open, which is held in Melbourne between 13 and 26 January 2003. I bring this to the house's attention because the Australian Open is adopting a good and fair ticketing practice that is very much in line with the government's policy. Its handbook states, under 'Australian Open corporate conditions of sale':

> 4.1 … Unauthorised on-selling, advertising or solicitation will result in the cancellation of existing allocations whether corporate or otherwise, without the guarantee of refund.
>
> 4.2 Corporate packages may not, without the prior written consent of the corporate sales manager of the Australian Open, be used for any promotion, fundraising or commercial purpose (including competition or trade promotions) or to enhance the demand for other goods and services. If a ticket is used in breach of this condition, the bearer of the ticket may be denied admission or other action may be taken against the bearer of the ticket or against the purchaser or assignee of the corporate package.

That is an example of the Australian Open adopting what are very fair ticket practices.

Hon. J. M. Madden interjected.

Hon. KAYE DARVENIZA — Minister, you are right, they are transparent practices. Not only that, they are in line with the government's policy.

The bill is designed to maximise the general public's access to major sporting events by ensuring a fair and transparent process of ticketing. It is designed to entrust the industry with establishing appropriate processes and standards to ensure they maximise access to tickets for the genuine sports fan. The bill also provides penalties when that does not occur.

The bill provides scope for the government to develop guidelines for fair access to ticketing for sporting events. The guidelines will be developed in consultation with events organisers. This will ensure that those guidelines will be appropriate and relevant to each sporting event. The government's aim is not to catch out event organisers but to ensure that their ticketing processes are fair and that the opportunities for the scalping of tickets are eliminated from the process. That is what the government is about. The government wants to make sure that the opportunities for scalping are eliminated from the process.

The government has developed publications that will assist the industry. It is not just leaving the industry hanging. The government has developed guidelines that will assist the industry in putting these appropriate practices together. As I said, if these practices and processes are not put in place, penalties are provided for: offences as well as penalties are outlined in the bill. If those processes and standards are not established, the industry will face the penalties and they are dealt with in clauses 16 to 19 and clause 21.

There are offence provisions, including for the holding of prescribed events before there is an approved ticket scheme and the failure without reasonable excuse by the event organiser or an unauthorised agent to comply with an approved ticket scheme. An offence will also be committed should an event organiser without reasonable excuse fail to ensure that an unauthorised agent complies with an approved ticket scheme. There are maximum penalties of 600 penalty units for an individual and 3000 in the case of a body corporate.

The sale and distribution of tickets contrary to the ticketing conditions and without the authority of an events organiser will also be an offence. This is also outlined in clause 20, which provides for a fine of up to 60 penalty units for an individual or 300 penalty units in the case of a body corporate. The bill also provides for multiple breaches for any event holder on a particular day.

In conclusion, this is yet another good bill that the Bracks government has brought before this house — it looks to me like Mr Best is agreeing with me there. This bill goes right to the heart of what Victorians love most and that is sport. This bill is designed to ensure that Victorian sports lovers and genuine fans gain access to tickets to events and that they are able to continue to support the clubs and the sporting events they love.

We know that here in Victoria supporters of clubs are there through the good times and the bad and through

the thick and the thin. They deserve to have the opportunity to be able to access tickets to major sporting events through a transparent and reasonable process. We pride ourselves as Victorians on being the sports capital and on being able to turn out capacity crowds to a whole range of sporting events, even sporting events that we do not necessarily play generally in the state, such as rugby.

The bill is designed to protect the interests of the Victorian sports-loving public. This bill deserves the support of all members of this house. It is a good bill and I commend it to the house.

Hon. P. A. KATSAMBANIS (Monash) — This bill highlights the fact that this government has presided over a return to the nanny state in Victoria. It highlights the fact that this government wants Victorians to believe the tooth fairy exists, that the Easter bunny is alive and well and that there are fairies at the bottom of the garden. Unfortunately for this government the people of Victoria see this bill for the charade that it is. This bill is like the emperor's new clothes: when you look at it in reality and totality, there is nothing there.

This bill is a sad joke perpetrated by this government on the public of Victoria. Unfortunately, the joke is on the minister, because no-one is buying it. This is his interpretation of the old class war.

Honourable members interjecting.

Hon. P. A. KATSAMBANIS — There they are. The class warriors are getting up and slagging business, big business, corporate hospitality, people with money and everybody else — to perpetuate their class warfare. I should let them know that it is more than a decade ago that the Berlin Wall fell over because the downtrodden and the working class in socialist enclaves all over the world wanted to join the people in the Western World who do believe the fact that socialism is dead.

Hon. J. M. Madden interjected.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! Minister!

Hon. J. M. Madden — Speak to the bill!

Hon. P. A. KATSAMBANIS — Minister, you can badger all you like because the fact is you have made absolutely no attempt through this bill to legitimately provide Victorians with greater access to sports tickets.

The proof will be in the pudding. First of all, this bill is a misnomer: Sports Event Ticketing (Fair Access) Bill. We are going to give the minister fair access tonight to explain to us which sporting events this bill relates to.

Hon. J. M. Madden — Talk about the bill!

Hon. P. A. KATSAMBANIS — Minister, keep badgering. I am talking about the bill. You do not want to hear what I am saying because you know you are going to be exposed. We will continue to expose you.

Hon. J. M. Madden interjected.

Hon. P. A. KATSAMBANIS — If you keep badgering we will keep you here all night.

Hon. J. M. Madden — Get to the point!

Hon. P. A. KATSAMBANIS — I am happy to keep you here all night. I have lots of points, Minister — this is just the first of very, very many. You continue to badger across the chamber and I will pick up each and every one of your interjections. Then we will go into committee and we will keep you here until the small hours of the morning to expose what a sham you are perpetrating on this house.

Hon. J. M. Madden interjected.

Hon. P. A. KATSAMBANIS — Minister, you claim this is a sports event ticketing bill. Unfortunately, you have not explained to us what sporting events will be covered other than the Australian Football League Grand (AFL) Final. If you were being true to yourself — —

Hon. J. M. Madden — I'm always true to myself.

Hon. P. A. KATSAMBANIS — First and foremost, you would have named this bill what it is: the Minister's Attempt to Control AFL Grand Final Tickets Distribution Bill. That is what this is.

Hon. J. M. Madden — It's a bit longwinded that one, Katsa — not terribly catchy.

Hon. P. A. KATSAMBANIS — Minister, you have in a previous life done a wonderful job to ensure the financial non-viability of the 10 remaining clubs in Victoria who compete in the Australian Football League.

Hon. J. M. Madden interjected.

Hon. P. A. KATSAMBANIS — If you want, I will outline that clause by clause and word by word — I do not think you do. But tonight, by bringing in this bill, you are driving the final nail into the coffin of the existence of 10 Victorian AFL clubs.

Hon. J. M. Madden interjected.

Hon. P. A. KATSAMBANIS — The buck stops with you!

The enterprise bargaining agreement that earned the minister his trade union credentials has built the wage-price spiral in the AFL competition that is driving clubs broke. And today he is going to take away one of the last crutches of financial salvation for AFL clubs. With this bill he is presiding over the demise of much-loved, historic Victorian AFL clubs.

Hon. J. M. Madden interjected.

Hon. P. A. KATSAMBANIS — I will get to the point, Minister; I am on the point right now. It is a point the minister does not want to hear, a point the Victorian public knows full well that you are trying to hide from it.

What sporting events are likely to be covered by this bill other than the AFL Grand Final? The specifics of the bill reveal that you need nine months notice to list a sporting event, so what other major sporting events are likely to be covered? The Australian grand prix? You can walk up and buy a ticket 5 minutes before the grand prix starts. The Melbourne Motordrome grand prix, which is on this weekend? Again, you can walk up and buy a ticket a couple of minutes before the event starts.

Hon. R. F. Smith interjected.

Hon. P. A. KATSAMBANIS — The Honourable Bob Smith makes the point that there are no scalpers there. Of course! Scalpers will not exist at events where the supply of tickets exceeds demand. That is one of those capitalist economic axioms that Mr Smith probably understands quite well, but I think his colleagues on that side might not have any idea about it.

The only reason the minister is introducing this bill is that he is aware that there is one event in Melbourne that has, on a regular basis, a demand for tickets that exceeds supply. The organisation that runs the event, the Australian Football League, has implemented a system of allocating tickets to its event, an event which it has promoted over 105 years and which it has built up to be Australia's premier sporting event by a country mile, year in, year out. The AFL and its constituent clubs have built up that event and they have every right to issue tickets in the best way they see fit. Every year without fail they pack out the Melbourne Cricket Ground. Of course demand exceeds supply; they are doing their job fantastically well. Hundreds of thousands of people in Melbourne and Victoria want to go to the AFL Grand Final. That should be a big pat on the back for the AFL — it is doing its job.

Tickets are given away for many sporting events. The National Rugby League was giving away tickets to its semi-final. Sponsors were buying the tickets and giving them away. They were saying, 'If you have a New Zealand passport, come and pick up two tickets'. Do we want to see the AFL resort to begging for spectators? No, we do not.

The AFL has done a great job of building up a wonderful competition that people want to go to see. And the culmination of that competition every year has a demand for tickets that exceeds supply. I see that as a good thing. Unfortunately people miss out, but the AFL ensures that the people who support it and who have supported it through the hard times, through the whole season, get access to tickets first. I believe that is fair. It is fair in a corporate sense, where corporate sponsors get access to tickets, fair in a membership sense, where members of all football clubs get access to a small allocation of tickets, and then the two competing clubs get access to the rest of the tickets — and they distribute them as they see fit.

This year my club saw fit to reward its most loyal members and supporters, those people who are prepared to back the club through hard times and good, who are prepared to commit to the club, with first access to tickets. In an earlier interjection Mr Smith asked me whether I had queued up for tickets. Yes, I did, on the Sunday morning, in the priority allocation for Collingwood priority members. Collingwood Football Club has a number of categories of membership, and people who are prepared to back the club financially and be there week in and week out through the hard times are rewarded. We were there on the Sunday morning. We all got down there early, and it was wonderful to see the faces of all those whom I saw through the hard times, all through the 1990s, who were happy to queue up for a couple of hours to get their tickets.

In that line of a couple of thousand I knew most of the people. I tell you, Mr Smith, there are hundreds of thousands of Collingwood supporters around Victoria and around Australia. And who are the most deserving? The Collingwood fans could fill that ground on their own on grand final day. You know that; the minister knows that; everyone else knows that.

The minister was a Collingwood fan that day! He put on a footy jumper. We do not want his support, but he gave it to us. There were hundreds of thousands of Collingwood supporters who would have filled the

ground on that day. Even if every ticket was available only to Collingwood supporters the ground would have been full on that day. The minister knows that, and everyone else knows it.

But who are the most deserving? Those people who were there through the hard times. They were there week in and week out — round 1, round 2, round 3 — travelling interstate, travelling into the country, going to training sessions; the boot studders, the people who wash the jumpers, the families of the players.

Hon. M. M. Gould interjected.

Hon. P. A. KATSAMBANIS — You will have your go. The minister is defeated; he has packed up his bat and ball and gone home. This is unprecedented!

Hon. M. M. Gould interjected.

Hon. P. A. KATSAMBANIS — You would rather change the system into a lottery. Would you rather the loyal fans and the loyal sponsors not be rewarded? All those boot studders and people who wash the jumpers and man the door, the ladies who make the afternoon teas, all those volunteers in footy clubs, all those deserving people in football clubs who keep the competition alive — they get rewarded by getting access to grand final tickets.

The Hon. R. F. Smith — Some of them do.

Hon. P. A. KATSAMBANIS — That is a terrible thing, isn't it, Mr Smith? What a terrible thing that those people who put in — —

The Hon. R. F. Smith interjected.

Hon. P. A. KATSAMBANIS — Unfortunately, as I said, the MCG does not fit in all Collingwood supporters in one go. Some people miss out. But those people were fully aware — —

The Hon. R. F. Smith interjected.

Hon. P. A. KATSAMBANIS — Hang on, Mr Smith, I will get there. Members missed out, yes, but they knew at the start of the year that there were different categories of membership — some that get guaranteed grand final tickets and others that do not. Those categories were well publicised. Every single person who became a member of the Collingwood Football Club got a document that said, 'Here is the list of memberships that you can buy. One guarantees you a grand final ticket, lots do not'.

Some people chose to participate in the category that did not guarantee them access. However, many of them were still able to access tickets and were there on the day. The AFL Grand Final is the only regular event on Melbourne's sporting calendar that continues to sell out, where demand is guaranteed to outstrip supply.

I do not know what the class warriors on the other side think, but I believe that in that sort of situation the best outcome is to allow the organisation responsible and its constituent clubs to work out how best to allocate tickets to that event because, after all, they made that event. The bill is an attempt to curry favour with the voting public, to create a charade. It is a bill that purports to allow more people to access grand final tickets when in fact it is an attack on the financial viability of the AFL clubs.

The only way to increase access to those people that the minister calls the ordinary members, the ordinary supporters, is to delve into the current allocation. Who will miss out? Corporate sponsors will miss out, relatives and families of players may miss out, and all volunteers at every football club who put in to keep their club alive will miss out. Those the Honourable Sang Nguyen mentioned regarding the Western Bulldogs who are doing a sterling job to keep that club alive in extremely difficult circumstances that were made worse by the escalating salary cap increases built in by the great trade union work of the current minister, will now be denied. When the Western Bulldogs go seeking sponsorship next year they will not be able to promise their sponsors access to grand final tickets, and the sponsors will shut their doors on the Western Bulldogs. Unfortunately the Western Bulldogs may be forced to shut their door on the people of the western suburbs. That is what the bill will do, but the Honourable Sang Nguyen will vote for the bill.

At the end of the day the government has demonstrated once more that it does not listen to reason or logic. It is class warfare and an attack on those people it somehow or other sees as being more privileged or wealthy. Its attack on those people outweighs any logic that will come into the argument. It is the perpetuation of the class struggle.

When the Labor Party at a federal level runs around trying to appeal to the so-called aspirational voter, and people like the minister come in here and beat up on those who like to have a glass of wine or a meal with their game of football, as the Honourable Kaye Darveniza put to the house, then government members have a lot of things to learn about the aspirational voter and where they might want to be.

Football is no longer a matter of standing in the outer or, if you are a little kid, about piling up all the beer

cans so you can see over the heads of the drunks. Football is not like that any more. It is about people being able to sit in comfort and enjoy the game, about families sitting together, and about people being able to enjoy a meal, a drink or a snack at the football. That is what it is about. Maybe the minister has not understood it because he has not been there for a while. I know Mr Smith has. I know the minister was previously on the other side of the fence, which probably has kept him in a lifestyle that he has become accustomed to.

I queued for my grand final ticket in my Collingwood allocation. Maybe the minister's fair access regime could have started from the top. I am sure the minister was there with a glass of wine or a glass of beer in his hand. I did not see him in his new-found love for the Collingwood Football Club march down the street and find the first legitimate Collingwood supporter or member and hand his ticket to them. Fair access did not start with the minister and it did not start this year. It started with him sitting in a corporate hospitality box, most probably in the AFL's corporate hospitality box — the people he is trying to nobble. He was sitting in their corporate hospitality box and thinking about the workers! It evokes images of *Animal Farm* where all animals are equal but some animals are more equal than others.

The buck stops with the minister. I did not see the minister in the outer with the legitimate Collingwood fans watching their hopes rise, and then fall at the final siren, with everyone cheering their team for a wonderful year. I did not see the minister there; he was in the corporate hospitality box. It is the people with their snouts in the trough like the minister that he is trying to stop. Is it going to stop the minister? He will still be there next year in the corporate hospitality box.

If the minister were fair dinkum, this year he would have donned his Collingwood jumper like he did for the press and walked down the street and given his ticket to the first legitimate Collingwood supporter he came across — and the whole cabinet would have done the same thing. If we took a straw poll most of them would have been there. They did not give up their seat to the ordinary fan, and they will not do it next year.

Besides the taking away of grand final tickets, to what other events will the bill apply? We will find out in the committee stage. This is the grand final ticket bill, the minister's attempt to nobble the AFL and the AFL clubs, as Mr Best and Mr Cover pointed out, and to deny them that lifeline to grand final tickets that enables them to get major sponsorship. The minister has not thought through the downstream effects. What impact will the taking away of corporate hospitality from the grand final have on tourism in Victoria during that week?

I watched the grand final parade on the Friday with my family and observed all those people supporting Brisbane who either flew or were bused down. They stayed in accommodation in Melbourne, patronised restaurants and bars and put some legitimate dollars into this economy. There were people from all over Australia here for that event. Do not take it from me about the impact that it will have on the tourism, restaurant and hotel sector. The Corporate Hospitality Association told me that it was not consulted in this process and believes there are many bigger issues involved that have not been discussed. The association talks about the impact it will have on big events wanting to come to Melbourne if they are to be subject to this sort of silly regime, the impact on the tourism and hospitality industry, the lack of direct economic input into the Victorian economy, and the impact on employment that it will have. Those matters have not been addressed.

The minister did not bother talking to the Corporate Hospitality Association. He does not think the issue affects it. It does, and that is why we hold big events in Melbourne: because it brings people to the state. Corporate hospitality does that. People come here and stay in hotels, they patronise our restaurants and keep our economy ticking. This economy is built in large part on the tourism and hospitality industry. Did the minister think about the impact it would have on the industry if he started dishing out tickets in his way to his mates? That is what the intent of the minister is in this bill.

What other events will be covered? The bill will not cover the Melbourne Cup because anyone can walk up on the day and get a ticket. There has never been an access problem; nor is there an access problem to the grand prix in my electorate or the one at Phillip Island for the motorcycling because you can walk up and buy a ticket. What other events will be covered? With most golfing events you can walk up on the day and buy a ticket. Will the Australian Open tennis finals be covered? How about the Rugby World Cup? There will be one game involving Australia — demand will outstrip supply. Has the minister already done a deal with the organisers? Is that going to be covered?

How about the Paul McCartney concert? I know it is not a sports event, but people are going to want to go. They will be exorbitantly priced tickets, but people will still want to go. Is that going to be covered? If not, why will it not be covered? I will tell you why: because this bill has nothing to do with sports events generally; this

bill has all to do with some crazy promise made in haste in opposition by this current government to somehow or other give more of those ordinary people access to grand final tickets.

We are going to give the minister an opportunity to explain himself in committee. What does 'ordinary' mean? Who are these ordinary people? If they are members of sporting clubs, which members will miss out in order for other members to get tickets — because, as we know, demand fully outstrips supply. No matter how you cut the cake on most occasions there will be more people wanting to go to the AFL Grand Final than can go. Heaven forbid that there might be two interstate clubs playing, but even then we can fill the Melbourne Cricket Ground.

The minister has been exposed. This bill is simply a sham and a charade. It is the minister's veiled attempt to nobble the AFL — Lord knows he has done well already at that! Unfortunately the consequences will be borne by those ordinary people whom the minister purports to support in this endeavour — that is, ordinary people who love their football club, like those who used to support a club called the South Melbourne Football Club or a club called the Fitzroy Football Club, which were honourable historic clubs that were sent to the wall. I do not accuse the minister of having any input into sending the South Melbourne Football Club to the wall, but he had a fair say in what happened to the Fitzroy Football Club.

Now we will see clubs like the Western Bulldogs, the North Melbourne Kangaroos, St Kilda — and possibly others, including a strong regional club like Geelong — under severe financial threat because the minister is removing a real lifeline for those clubs. Those clubs have built up a competition over 105 years through their own endeavours, through no government assistance, and through significant government hindrance on many occasions over that whole century of AFL football. It is a competition that never puts its hand out for a handout, but a competition that has been built on the blood, sweat and tears and on the volunteers of the 12 original Victorian clubs. There are 10 Victorian clubs left, and this bill will drive another nail into the coffin of one or two more.

I congratulate the minister. By passing legislation such as this, he will be presiding over the destruction of the hopes, dreams and aspirations of more ordinary people as they live them through their Victorian-based AFL clubs.

Hon. R. F. SMITH (Chelsea) — It gives me pleasure to rise to make a contribution to the Sports Event Ticketing (Fair Access) Bill, and I will start by complimenting Mr Katsambanis on his contribution. Rarely have we seen anyone display such commitment and passion when stating the bleeding obvious.

The purpose of this bill is to maximise the number of tickets available to the general public. As we have already heard from contributions from conservatives on the other side, they just hate it because it will clearly take away some tickets that may have been available to third parties to scalp and make significant profit from. And the opposite is obviously true: it will mean that more will be available to those average, everyday Australian Football League (AFL) members, of which I am one as a proud ticket-holder who has, on occasions, stood in a queue for hours and hours in the hope of getting a ticket. In this day and age we have to be able to do it better.

Mr Katsambanis referred to the magnificent way that the Collingwood Football Club handled its ticket allocation to its members. That is interesting, because Mr Wayne Petersen from Frankston, who is not only a constituent but also a good friend of mine, is a Collingwood member with a $700 membership package. He was complaining to me tonight and asking me to make sure his comments were placed on the record. His comments were that, despite having a $700 package, he was made to queue up for 4 hours for the privilege of buying a $120 ticket that put him halfway up the Ponsford Stand where he could not see the top of the posts. His complaints are: why can't he get a better ticket from the football club, and why is it that other people are able to get their tickets through third parties who get tickets from a football club and package them up as a corporate package, including a VB and a Four 'n Twenty pie, at 550 bucks, while others sit out on the outer wing? We say that is not good enough, and we want the average punter to have better and fairer access to tickets.

In the event that the minister declares that a major sports event will come under this legislation, declaration will normally be nine months in advance, and that is to allow the organisers of such events time to establish the allocation, distribution and sale of tickets. The question was asked: what other events? Well, the legislation clearly states that it is at the discretion of the minister, so at some time in the future if the then minister decides that an event is to be covered by this legislation, then it will be. I do not understand the concern or confusion about that; it is quite clear if you read what is being proposed.

Also, the minister may revoke in writing a declaration of an event if considered appropriate to do so. We are

giving the minister of the day the capacity to deal with major events in the way that he and his department see fit. That is no different from a lot of other ministers' powers and prerogatives.

Once an event has been declared, the organisers have 60 days to furnish the minister with the detail regarding ticketing arrangements for the event. That is to ensure that transparency and fairness are maintained. The minister, having got this information, must within 28 days approve or refuse the proposal or ask for more information.

The proposed offences contained within this bill include holding a prescribed event before there is an approved ticket scheme and failure without excuse by either the event organiser or an authorised person to comply with the approved ticketing scheme, which for multiple offences can attract a penalty of 600 units at $100 a unit for individuals or 3000 units at $100 a unit for corporations. In terms of criminality, these charges are indictable and can be filed only by the department head.

There will be a process of appeal, and a number of avenues will be available in the event that organisers want to appeal the minister's decision, and that includes appeals to the Victorian Civil and Administrative Tribunal.

But let's cut to the chase. This bill is primarily designed to improve the chances of Joe Public to get access to tickets for big events, and, in particular, for the AFL Grand Final. If the other side does not understand the importance of that to mainstream supporters, there is no hope. Clearly from what we have heard tonight in the contributions from the conservatives opposite, they just do not get it. They are yet again demonstrating their inclination to back their mates in the corporate sector above all else, and they seem to think that the general public agrees with that and understands it.

In his contribution Mr Katsambanis was demanding to know why the minister did not give his ticket to an ordinary Collingwood supporter. I have to agree with him. I know I would have, because I would have wanted every Collingwood supporter possible to be at that ground to suffer. Anyone who does not follow Collingwood will know exactly what I am talking about.

The current situation is condoned by the AFL. As an ordinary supporter of my football club, I do not have a great deal of faith in the current administration of the AFL. It has made one major mistake after another, and in the government's view it is not acting in the best interests of the general public. I know that people on the other side of the fence will disagree; that is their choice. If you were to poll football supporters, I know who would have the numbers on this one!

An honourable member interjected.

Hon. R. F. SMITH — Well, you only have to look at the fiasco with television rights — we are trying to promote the game. Yet people in Queensland and parts of New South Wales cannot even see the finals until late into the night — it is a disgrace!

Hon. I. J. Cover — You had better legislate for that too!

Hon. R. F. SMITH — I have had a talk to some people at the Australian Football League about it; let's hope they are listening.

The government wants the AFL to recognise the shortcomings of the current system. It allocates x amount of tickets to the AFL clubs. Those clubs have every right to transfer or hand over x amount to their corporate sponsors. The government is concerned about what they do with the other parts of their allocation. They give them to third parties who on-sell them at significantly higher prices. As a consequence of that, the ordinary punter cannot access a membership ticket through his or her club.

The government says to the clubs, 'Look after your corporate sector. We understand the importance of that cash flow to the clubs, but be up front and transparent about it and let your members know what you are doing'. Quite clearly it is an election issue in football clubs. If clubs are more inclined and prepared to give out the tickets to all and sundry rather than their members, they are going to pay a political price for that. This is about ensuring that AFL members of relevant clubs understand exactly what their club is doing.

An honourable member interjected.

Hon. R. F. SMITH — An honourable member interjects to say that I do not know what I am talking about. If he had been here earlier, he would have heard that AFL clubs are not being up front with their members and the government is suggesting that they damn well should be!

I have spent a bit of time in the United States of America and during the course of one term over there I was in Boston talking to a couple of friends who were New England US football supporters. I asked them if they were going to the football on the Sunday, which was at Fenwick Park, and their answer was, 'Are you

kidding? Do you understand how much it costs?' And I did not. They informed me that it would be somewhere in the order of US$400, or about A$800, for this guy, his wife and two boys to go to the football, including parking and something to eat. Clearly it was out of the reach of ordinary people. We would not want to see that develop here.

There has to be a balance in the argument. The government understands the value of the corporate sector but it should not overwhelm us and take away our game. The AFL thinks it is its game: it is not. It belongs to the clubs and the clubs belong to their members. So the rank and file are very important in this argument.

The government demands that the opposition supports this bill. It asks this just once. The opposition should give up on its mates and do the right thing by the ordinary public. The government knows the opposition will not do the right thing by the ordinary public in the workplace, but it pleads that the opposition does the right thing by the average punter tonight. I commend the bill to the house.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The bill before the house is the sort of legislation that is introduced when a minister needs a press release. The Minister for Sport and Recreation has not had a good run in his portfolio over the last couple of years. He failed on his promise on Waverley Park and he is encountering some significant issues with the Melbourne Cricket Ground redevelopment — he rejected $90 million from the commonwealth government in order to preserve a union deal at the MCG. The minister took office promising to save Waverley Park for the general public, for the sports fans, for Joe Public as Mr Bob Smith refers to them and he failed. He did nothing. It is currently to be subdivided.

Honourable members interjecting.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! There is too much barracking going on from the sidelines.
Mr Rich-Phillips, without as much interjection!

Hon. G. K. RICH-PHILLIPS — Thank you, Mr Acting President. The bill is a sop for the minister. It is an opportunity for him to put out a press release and in due course I will refer to the press release he put out at the same time as the bill was introduced.

In the explanatory memorandum and second-reading speech the minister made a number of interesting references. In his press release he refers to making tickets available at face value. He said he wanted them to reach the average sports fan who follows sport week in and week out. Again in the second-reading speech reference is made to protecting the rights of sports fans. We have heard Mr Smith refer to Joe Public and sports fans. We have not yet seen who the minister refers to and means when he talks about sports fans. No doubt that is something he will be expected to expand upon during the committee stage. He referred to sports fans and their rights in his second-reading speech and I am sure the committee will be interested to know who those sports fans are and just what rights they are entitled to.

In his second-reading speech the minister also says the bill is based on considerable research and incorporates world best practice in ticketing legislation. Again the committee will be expecting the minister to produce some evidence of just what world best practice is being incorporated into the legislation.

The legislation will not work. It will be ineffective, but along the way it will cause a number of problems and Mr Katsambanis expanded upon those in some detail. They are areas that the opposition would like to explore in committee and of particular interest are clauses 17 to 20.

Clause 17 establishes the guidelines under which the minister will accept or reject a ticketing scheme for a declared event. There are suggested guidelines or examples contained in the bill of things the minister would consider. The guidelines listed in clause 17(2) refer to the distribution of tickets to various classes of people. Nowhere in that clause is there reference to the pricing of tickets.

It has been interesting listening to certain government members during the course of the debate referring to the prices of tickets. Mr Bob Smith spoke at some length about examples of the pricing of tickets in the United States of America. Ms Darveniza, in her earlier contribution, spoke about tickets being available at prices for average sports fans. The minister, in committee, will need to expand upon just how he proposes to regulate pricing — indeed, whether it is the government's proposal to regulate pricing.

Clause 17 is silent on pricing, but indications from government members are that pricing is a key factor the government will seek to control. If that is the case it will raise a whole range of issues. The minister may well like to expand upon what his intentions are on pricing.

Selling of tickets by people who are not authorised by the event management is apparently not allowed by this bill. That is a curious clause for this bill to contain. I have to ask the minister: does that mean that if a person holds a ticket, cannot attend an event and wants to sell it to their mate, they are not allowed to do so because they would be in breach of the legislation and subject to a $6000 fine? Does the minister intend to prevent people selling tickets to their mates when they cannot attend events?

Clause 28 provides the power for entry and search of premises by the inspectors who are established under this bill. Curiously this clause only allows the inspectors to enter premises of an event organiser — and these are the people who presumably are complying with a ticketing scheme authorised by the minister. It does not make any provision for these authorised officers to inspect or enter premises of third parties involved in selling tickets, and it seems to me that that would be completely at odds with the purpose of the bill. The inspectors can only look at the people who are authorised to sell tickets and have no power to inspect or enter premises of people involved who are not authorised to sell tickets.

There are a number of questions as to this bill's operation and implementation about which the explanatory memorandum and second-reading speech are silent. The opposition has indicated that it will not oppose the bill. However, it expects that the minister will provide substantial elucidation on these matters during the committee stage.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Hon. I. J. COVER (Geelong) — Clause 1 outlines the purpose of the bill, and states:

> The main purpose of this Act is to maximise access by members of the public to tickets to certain sports events …

I also heard the minister in the second-reading speech refer to the 'average sports fan', 'ordinary fans', 'wealthy individuals and companies', the 'general public', the 'well connected', and the 'general public' again on another two occasions. Are all those groups of people mentioned in the second-reading speech covered by this description of them as 'members of the public' in clause 1?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I think I get the gist of Mr Cover's question, but he might wish to clarify it again for me, if that is possible.

Hon. I. J. COVER (Geelong) — I will keep it simple: what does the minister mean by 'members of the public'?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I mean the public generally.

Hon. I. J. COVER (Geelong) — If the main purpose of the act is to maximise access by members of the public, which the minister now tells us means members of the public generally, is the minister telling the committee that currently members of the public generally do not have maximum access to tickets to certain sports events?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the purpose of the legislation is to present transparency into the ticketing distribution processes and practices of promoters and those organising the events. The point of the legislation is also to ensure that that transparency allows fair and reasonable ticket distribution.

Currently — and it is has been discussed in the second-reading speech and publicly — the key issue that this bill deals with is ensuring that the ticket distribution practices themselves are not misleading and do not mislead the general public in terms of their access, whether it be limited or quite substantial in relation to any of these major events.

Hon. I. J. COVER (Geelong) — There seems to have been a fair bit of discussion during the second-reading debate tonight about the access to tickets for certain sports events, particularly the AFL Grand Final, for people in the corporate world or those who enjoy corporate hospitality. Does the minister regard people in the corporate world or those who partake of corporate hospitality to not be members of the public?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that that is not the case. I am sure that if the honourable member bears with the explanation he will appreciate the distinction in relation to the notion of the public generally or the general public in relation to this bill.

The key issue is that this bill presents an opportunity to ensure that the conduct of those distributing tickets is as they say it is: the allocation of tickets to the corporate stakeholders, to the club members — if it is an event

where club members are involved — and then, whatever the quantum of tickets is, they are then available for the general public. It will ensure that tickets are distributed in that manner rather than under the pretence of allocations set to various types or classes of attendees or potential attendees at respective events but in fact being distributed contrary to what is generally understood by the public to be the case.

Hon. P. A. KATSAMBANIS (Monash) — In the minister's penultimate answer to Mr Cover's question on this clause the minister suggested that the purpose of this bill was to give greater transparency to tickets as allocated by promoters. That is not a direct quotation but the words 'transparency' and 'promoter' were used in his answer. If that is the purpose of this bill, why is it that the word 'transparency' does not appear anywhere in the bill, and certainly not in the purposes clause? And it appears to me — I could be wrong — that nowhere in the bill can the word 'promoter' be found, either.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Those issues relate to the approach of the bill. If I have used wording that does not actually appear in the bill, I am happy to clarify that in terms of the rest of the bill.

Hon. P. A. KATSAMBANIS (Monash) — I think I will let the minister's answer sit on the record. I would like the minister to start clarifying things in the bill starting with clause 1. The minister talks about the purpose of the bill being to maximise access by members of the public to tickets for certain sporting events. Could the minister outline to the committee events currently held in Melbourne or likely to be held in Melbourne in the near future for which members of the public currently do not have maximum access to tickets?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — In terms of the debate Mr Katsambanis would appreciate that one of the critical events is no doubt the AFL Grand Final. In respect of the transparency, ensuring that we have appropriate ticket distribution is a critical issue, and transparency is one of the key drivers behind this bill and dealing with that event and the distribution of tickets for it.

Other events where that potentially might be the case include the Australian Open tennis final.
Mr Katsambanis would also appreciate that in recent years we have had Davis Cup finals. Whilst there may be the opportunity for them to go to one country or another depending on the draw, it is generally known well in advance that there is the potential for a Davis Cup final to be held in Melbourne depending on who wins the draw. That being the case and given the demand for tickets for an event like a Davis Cup final, there is the potential to have a Davis Cup final, the Australian Open tennis final and the AFL Grand Final declared as events within the definition of this bill.

Hon. P. A. KATSAMBANIS (Monash) — By his answer the minister has doubled the list of potential events. I will specifically refer to the Davis Cup final, since the minister raised it. The minister rightly pointed out that occasionally it is known in advance whether a Davis Cup final will be held in one country or another, but the selection of the venue for the Davis Cup final is, in Australia's case, up to Tennis Australia to decide. It decides which venue among all the states and territories of Australia may host that Davis Cup final.

Given the ticketing arrangement the minister contemplates and given that a Davis Cup final is a major fundraiser for Tennis Australia — it funds it then passes funds through to the grassroots of tennis to develop sport and the sport of tennis specifically throughout Australia — is it likely that the potential existence of one of the ticketing schemes foreseen by this bill may have a detrimental impact on Melbourne's ability to compete against other cities in Australia to host the Davis Cup final?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that that is not believed to be the case. In fact it is likely to be the absolute opposite. This legislation will give security to the event organiser in relation to second or third-party ticket distribution for that event. I refer to clause 18, which gives the event organiser or promoter confidence that there can be follow-through by way of this legislation on unauthorised ticket on-selling, and particularly packages associated with unauthorised ticket on-selling.

Thereby we believe, and I am advised that it is a very reasonable belief, those promoting events and those wishing to deliver events will feel far more secure and confident about their own corporate packages. They will be confident that pirate or ambush-type packages will not be established by profiteers who might wish to obtain large numbers of tickets, package them up in an unauthorised manner and on-sell them as quasi corporate packages, thereby undermining the capacity of the event organisers to deliver their corporate hospitality packages that will ensure the viability of and substantial revenue for the event, and also allow for the offset of ticket prices to the general public. It is part and parcel of the general business planning of these events, irrespective of the sport, that the corporate packages often allow for offsetting the general costs to the rank and file or the broader community at large.

Hon. P. A. KATSAMBANIS (Monash) — Based on his answer the minister raises a number of issues that need to be pursued. The first is in relation to his suggestion that Tennis Australia might welcome the protection against unauthorised corporate sales of tickets that may be offered under this bill.

Only an hour or so ago the house heard a member of the government, Ms Darveniza, laud Tennis Australia for its existing conditions that seemed to deal very appropriately with third-party on-sale of corporate hospitality tickets. The house heard Ms Darveniza say how fantastic that sort of arrangement was, and she drew a parallel — I do not want to be unfair to Ms Darveniza, but it seemed to me she was drawing a parallel — between the wonderful way Tennis Australia currently deals with issues of third-party on-sale for major profit and the way the AFL deals with that issue.

Is the minister now suggesting that those provisions in Tennis Australia's rules for the sale of ticket packages which Ms Darveniza was lauding are in fact not able to offer Tennis Australia the appropriate amount of protection which Ms Darveniza suggested was being offered?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that whilst the ticket distribution conduct of Tennis Australia has certainly progressed in a very positive manner — given that elements of this debate, which has taken place over the last two years, have highlighted that to the sector — this bill will actually give Tennis Australia more confidence in the fine work it has done because should any of its events be declared an event under this piece of legislation it will have legislative backing and the sanctions associated with this legislation to ensure that what it is trying to establish through a code of conduct is achieved. It will have the strength of legislation behind it. A code of conduct relating to ticket distribution for events nominated by the minister will be enshrined through the legislative process, through this bill the committee is currently discussing.

Hon. P. A. KATSAMBANIS (Monash) — The minister is dealing with some sophistry here. I just want to finish this point, and one other. The minister is talking about a code of conduct. As far as that is concerned, what I heard from Ms Darveniza were contractual conditions of sale of the ticket. Is the minister suggesting that those contractual conditions do not have the force of law?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — What I am saying is that those unauthorised ticket distributors can receive the sanctions imposed on them by Tennis Australia — to use that example of Tennis Australia — but at the same time you would appreciate the sanctions — and I am happy to table this; it relates to a document that Tennis Australia has recently distributed:

> the sanctions that if a ticket is sold or used in breach of these conditions —

and they are the conditions we have previous discussed —

> the bearer of the ticket may be denied admission or other action may be taken …

While that is a fairly hefty initiative on the part of Tennis Australia, we can ensure that through the mechanism of this legislation and the sanctions contained within it action will be taken against the profiteer who has packaged or distributed that ticket in an unauthorised manner, without authorisation from an organisation such as Tennis Australia.

Hon. P. A. KATSAMBANIS (Monash) — The minister is suggesting there that the sanction of an irate purchaser of these tickets who has been denied entry may not in some way or other perturb the third-party distributor. We will beg to differ on that, but the minister talks about the sanctions available under this legislation. In the minister's third last answer he specifically referred to the protection that clause 18 would offer event organisers in these circumstances. I am most concerned because I picked up the legislation and looked at clause 18. It is a penalty provision against the organisers themselves.

Clause 18 is a provision whereby the minister or his department head would take action against the event organiser if they held an event without an approved ticket scheme. This seems to be an absolutely ludicrous answer. Either the minister is not aware of the provisions of his own legislation or he is trying to ask us to believe that event organisers will welcome the protection afforded by a provision that could have those organisers themselves penalised by up to $60 000 if they were a natural person or $300 000 if they were a corporation. This is fanciful and ludicrous. I give the minister the opportunity to correct the record.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Mr Katsambanis should be aware that we are still at clause 1. I am happy to go through the bill clause by clause and elaborate on each of those clauses as we pursue them through the committee stage.

Hon. R. A. BEST (North Western) — I would just like to go back to clause 1, which is the purpose of the bill.

Honourable members interjecting.

Hon. R. A. BEST — The main purpose of this bill is to maximise access by members of the public to tickets to certain sporting events. I have heard the minister talk about the general public and the protection that is going to be afforded to corporate sponsors, but I took note of the minister's response to Mr Cover's question about his interpretation of what was the general public. I happen to have a definition here from the *New Shorter Oxford Dictionary* which says 'people collectively; members of the community'. Is the minister now telling us in the committee stage that his interpretation of maximising access by members of the public is 'everybody in the community'?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Mr Chairman, if Mr Best wants to play semantics I am happy to continue this discussion most of the night, but what should be highlighted here is the potential access by the general public. Within this legislation we are seeking to ensure that that is not undermined or made opaque by the practices that currently exist within those organisations that distribute tickets for these major events.

Hon. R. A. BEST (North Western) — To legislate in favour of maximising the opportunity for the general public to attend or for corporate sponsorship and the events to operate profitably.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I know within Mr Best's speech he discussed what he perceived as a contradiction in relation to access by the general public and corporate hospitality. To clarify that issue for him — and I think this is where his question may be going but, if not, I am happy to revisit the question — the purpose of this bill is to ensure as many tickets as possible are available for the general public, the general community, appreciating that clubs need to be able to maintain their corporate hospitality packages to guarantee their corporate sponsorship, and the government believes this in no way undermines the opportunity for AFL clubs to do that relating to grand final packages or events.

What we are aware of, and what has come to light in the case of the practices of some AFL clubs, is that there is a pretence by those clubs that distribute those tickets to the general membership or make them available to the public, or, in a sense, both, to define them as both in this instance. We understand that there are cases where some of those clubs on-sell those bundles or packages of tickets for some profit, but the most substantial profit comes from a third party who may roll them into a package.

That package is then sold at a substantial profit to that individual or organisation outside the sport or the sector. Hence members of the general public are paying substantial premiums supplementing profits to profiteers that are in no way directly associated with the profits of the club or the ability of clubs to generate income.

The current ticketing distribution practices of some Australian Football League clubs ensure that there is no transparency in their ticket distribution processes, thereby undermining the public's confidence and also increasing the degree of public scepticism in relation to not only the AFL Grand Final but other major events with a similar format. Not only is there a degree of scepticism among members of the general public about their ability to access tickets for these events, but the lack of transparency also undermines the reputation of this state in providing those hallmark events.

Hon. R. A. BEST (North Western) — When the minister reads that answer I think he will identify that the purpose of this bill, from the explanation he has given, is that he wants to create a fairer ticketing system based on his interpretation of it and not a ticketing system that is aimed at maximising access by the general public.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised in this instance that we are confident that ensuring transparency in the ticket distribution process will mean that tickets currently being siphoned off for one reason or another — and I have already alluded to that — will no longer be siphoned off once a code of conduct is implemented for ticket distribution practices for events nominated by the minister through this legislation, thereby ensuring that the clubs, the organisations and the event managers are confident they are not competing with pirate ticket distributors.

As well as that, the general public can feel confident that tickets that are not associated with the corporate hospitality packages of those organisations will be available to the general public. The general public should and will feel confident that the tickets are available and are not being siphoned off by those in the know or those with the ability to influence the distribution of those packages.

Hon. I. J. COVER (Geelong) — I am mindful that the committee does not want to be here all night and will benefit from precise answers from the minister. I refer to the thrust of an inquiry from Tennis Australia itself. The committee has got bogged down a bit on the purpose set out in clause 1, with some discussion of the definition of the expressions 'members of the public' and 'the general public' as used on several occasions by the minister in his answers.

The definition was a concern to Tennis Australia, which on 22 May wrote to the minister, after I had sent it a copy of the bill and the second-reading speech. Given that the letter is dated 22 May and it is now October, the minister should have had time to prepare a precise answer to this. In point 5, Geoff Pollard, the president of Tennis Australia, said under the heading 'Public':

> At the forum we asked for public to be defined, as this is the clear focus of the bill, but this has not been included. We need some reassurance that we will all have the same objectives for the success of the event. For example, in the interests of encouraging tourism to Victoria, we make a reasonable number of tickets available to Qantas and selected other tourism operators, which are then packaged, but are naturally available to any member of the public to purchase and consequently should be considered public access.

Given that Mr Pollard raised that issue with the minister in a letter of 22 May, has the minister been able to define for his benefit if he cannot for the benefit of the committee, the meaning of 'public'?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised by officers of my department that after meetings with representatives of Tennis Australia it is confident and comfortable that this legislation will complement what it is setting out to achieve in terms of its ticket distribution practices.

Clause agreed to.

Clause 2

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I will make just a few concise comments on the bill — I hope they will be concise. As I have already highlighted, having worked through this over a number of years with the sector and having already indicated a number of times on record in this chamber, the first intention of the government was to lead the sector to a point of self-regulation, a code of conduct. The government put a considerable amount of time and effort into this, but it became apparent over the course of time that the sector was unable to regulate itself in a manner appropriate to the expectations of the community. The sector itself responded poorly to the facilitation of its progressing to the point of self-regulation.

As was highlighted in the discussion paper and in the debate in this chamber about that discussion paper, the legislation we have introduced is very much, from our point of view, the option we least preferred. But in fact we believe this option will put into place through regulation and legislation an industry code of conduct which will ensure Victoria's reputation as a sporting state is not tarnished, one with which we can all feel confident and one which will mean that we are at the forefront in ticket distribution practices around the world.

The discussion paper refers to other models around the world. Extensive research by the department has ensured that we have adopted the best practices in relation to controlling ticket distribution by putting the onus back on the sector to come up with what it believes is the appropriate code of conduct when events are nominated. That is the difference between this and other models around the world. We believe this will put the onus back on the sector to think more carefully about what it is trying to achieve and how to get best value out of its events, and will ensure that the distribution of tickets is transparent. In a real sense it will attack the issue at its core — the distribution of the tickets — to ensure that the process is right, so that at the end of the day the outcome is appropriate and transparent and the public can feel confident with that process.

Hon. I. J. Cover — Mr Chairman — —

The CHAIRMAN — Order! The honourable member cannot comment. Clause 2 gives the opportunity for the minister to make some comments. The only other debate relating to clause 2 is about the commencement.

Clause agreed to.

Clause 3

Hon. I. J. COVER (Geelong) — Clause 3 has a number of definitions and 'declared event' means:

> (a) a sports event in respect of which there is a current declaration under section 8.

I thought I would come in now and see whether the minister could inform us what events he will be deeming to be declared events.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I suspect that given the currency of the debate and the issues raised, it would be no surprise to

members of this chamber that it is anticipated that the AFL Grand Final will be nominated as such an event and, as I previously mentioned, consideration will be given to the likes of the Australian Open tennis championships, any future Davis Cup finals and I suspect other major events as deemed appropriate. That will be given consideration if and when this bill is passed in the form it currently sits.

Hon. I. J. COVER (Geelong) — Paragraph (b) of the definition of declared event states:

> if the event is to be replayed or re-scheduled for any reason …

If we are talking about the AFL Grand Final, it may well be a drawn grand final and would therefore have to be replayed. Is the minister saying that the ticket sales and distribution scheme which will be put into place for the grand final would apply to the replay as well?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — An event like a drawn AFL Grand Final — and they have occurred in the past, and I suppose Mr Cover would appreciate the outstanding mark taken by Twiggy Dunne many years ago — could certainly be replayed, but appreciating the differences associated with the ticket distribution practices, in consideration of the initial event there would need to be an appropriate mechanism for a transparent ticket distribution process relating to the replay of that event — à la I know that the AFL currently links its grand final ticket sales to series tickets. That would have to be different, I suspect, in the case of a grand final that is replayed, but there would have to be some acceptable generic-type arrangements for the replay of such an event to ensure that the public can feel confident that the principles for the initial event are applied should the event need to be replayed.

Hon. I. J. COVER (Geelong) — The definitions further state:

> 'ticket scheme proposal' for a declared event or a sports event means a proposal by the event organiser that sets out details of the ticket scheme for the event.

In the event there is a drawn grand final that has to be replayed, the details of that ticket scheme may not necessarily be applicable to the replay as they were to the grand final. In some cases people who came from interstate may not be able to make it the next week. We had a classic example with the Wimbledon final a couple of years ago when it was held over until the Monday and a whole different range of people were able to attend it. They might well have been classed as ordinary sports fans or members of the public generally, as the minister referred to earlier in debate on clause 1. If we have a ticket scheme proposal that the minister has accepted for the match that is drawn and then that has to apply to the grand final, the maximising of the access to the ordinary fans may not actually occur because the first scheme has to apply to the replay. What is the minister going to do about that?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — As I said in answer to the last question, those inherent principles would need to be reinforced in the method of ticket distribution for the replay, or the second event if it were a tennis event, a cricket match or something that required access because of delayed play where the length or duration of the event required that, or the replay took place.

The principles associated with the initial event would have to be replicated in terms of the second event. The specifics in relation to the numbers per se may not have the detail as they might be in the first event, but as long as the inherent principles are adhered to — and that is where the key to this is, the principles in the legislation, the code of conduct and the method of ticket distribution — there is the opportunity to feel confident through this mechanism and the legislation and in the hearts and minds of the public that that ticket distribution process is one that is fair and transparent.

Hon. I. J. COVER (Geelong) — I appreciate that earlier the minister told us that he had looked at international guidelines for this and no doubt in doing so he picked up the expressions 'à la' and 'per se'. What happens in the event that the grand final has been played at the MCG between, say, Melbourne and Sydney and it is drawn and the AFL decides, as part of its expansion of the national game — it is a national game — that it will give the Sydney people an opportunity to host the grand final replay the following week? What if the AFL announces that it could be played at Telstra Dome because it has a similar capacity to what the MCG will have when the redevelopment works are under way? If the AFL announces it is moving the grand final to Sydney, what happens to the minister's ticket scheme then?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Appreciating the hypothetical case, it is my understanding that in the foreseeable short and long-term future the AFL Grand Final is contracted to the MCG and I would expect that it would not be the case for it to be transferred in that manner.

Hon. P. A. KATSAMBANIS (Monash) — I just want to pursue the definition of 'declared event'. If we are going to have to extract it from the minister event by event, I guess we will. The minister has already

talked about the AFL Grand Final as being one event he is likely to declare under this scheme, with the potential — if I heard correctly — of including the Australian Open men's tennis final and any possible Davis Cup events. Some other sporting events that are held in Melbourne are also quite popular. If the minister wants it this way I will go through them one by one. I am happy to take yes or no answers. We will start with the Anzac Day football match between Collingwood and Essendon. Is it the minister's intention to declare that event under this scheme?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am yet to consider the complete range of events. As Mr Katsambanis mentioned, potentially that could be the sort of event that might come under this category, but there is a whole range of events. We are able — and this has taken place under respective governments — to attract major events to this state. As part of the attraction of that major event market there might be the potential in the long term to nominate events or in the short term have them ask to be contained under this legislation, within some of those provisions. That could cover a whole range of events. We could speculate on what they could be, acknowledging that they could be any of the events that the honourable member might suggest: events like the wrestling that has taken place recently at what is now Telstra Dome. We had significant numbers of international visitors come to the wrestling because it was a unique event. Some might not necessarily define the event completely as sport, but it was an event that was able to attract substantial numbers and no doubt tickets were in huge demand.

It could be the likes of any international soccer matches that have taken place in recent years or international rugby-type games. Some of those would need to be considered, but only in the light of what is fair and reasonable, and what they currently display in their own ticket distribution policies and the way in which the public and the government can feel confident in relation to those practices.

Hon. P. A. KATSAMBANIS (Monash) — There have been a number of events that produce unique challenges and could really go to the heart of Melbourne's ability to continue to attract these events.

Let us start with the wrestling the minister mentioned. The minister may or may not be aware that through the early 1990s the McMahon Family, who own the World Wrestling Entertainment trademark and brand worldwide, were engaged in several hearings with the New Jersey Sports and Exposition Authority to find that wrestling was not a sport. They pursued this quite vigorously because if it were found that wrestling was a sport they would continue to have to comply with medical examinations of their athletes as required for boxing and other martial arts. They wanted to avoid that for cost reasons.

So it has been found in other jurisdictions that wrestling is not sport. Is the minister telling honourable members that, despite the findings of authorities like the New Jersey Sports and Exposition Authority and the insistence of the McMahon Family and the World Wrestling Entertainment enterprise that wrestling is not a sport and is in fact entertainment, that he classifies it as sport?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank Mr Katsambanis and am very impressed with some of the detail of his wrestling knowledge. I appreciate, too, that within the context of his question — and I do not want to get caught up in what he believes is or is not a sport — a capacity under other legislation can determine what is or is not a professional combat sport. That may overcome those issues, but I am not going to speculate on that.

Rather than go into it sport by sport I think I have made it clear that generically there could be a number of sports. I would only be speculating because they would have to be given full, thorough consideration and appropriate advice from within the department.

Hon. P. A. KATSAMBANIS (Monash) — The minister raised these issues. He raised wrestling; and I will get on to international soccer in a moment. He raised wrestling, and yet when he is questioned on the specifics of that issue and questioned directly on his ability to list it as an event or declare it as an event under this legislation he tells us he does not want to speculate! I find that extraordinary. I will just leave that on the record. I do not want to invite him to expand any further on that one.

I will get on to international soccer. The minister raised international soccer. This is extremely important. We have held two World Cup qualifiers in Melbourne in recent years, and they were very well attended. One was, I believe, an official sell-out and one went pretty close to being a sell-out. That is the sort of event that may become a declared event.

The minister may or may not be aware of very specific requirements of the Federation of International Football Associations regarding its selection of venues for hosting such events. One of the requirements of FIFA is that it be presented with what it terms a clear ground: no markings of any kind. FIFA will determine who

advertises, and it is strict policy that no-one advertises on the playing field itself, unlike regular practice here in Australia where all sporting events tend to have advertising logos on the playing surface. It is FIFA policy that there is no advertising on the playing surface. It is also FIFA policy that it is able to choose which advertisers can do perimeter advertising. Another condition is that no conditions be imposed on its own ticket allocation for the event.

If in the future — and I ask this as a direct question — there is a conflict between the imposition of the minister's declared events under this bill and international soccer or any other similar event, and the ability of Melbourne to host an event is at stake because of a direct clash between the requirements of a promoter or federation, will he choose to still declare the event under this legislation or will he choose to exempt that event from the legislation and still have it held here in Melbourne — or in Victoria?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I think Mr Katsambanis does not appreciate that I do not need to exempt any event under this legislation. Rather, the minister determines which events occur under the legislation. Should advice be received that it is not appropriate to determine or nominate an event as a special event under the legislation, that advice would probably be adhered to, given any specifics in relation to any specific international sport or international agreement.

At the same time it is also appropriate to appreciate that the sport has outstanding facilities, an outstanding ability to attract events, and outstanding support from the general community. Many event organisers seek to hold their event in Victoria because of its outstanding reputation, which has transpired over many years — hence the provision within this for event promoters wanting within a shorter space of time to have their event deemed a special event within the meaning of the act. It can do so on shorter notice by providing a code of ticket distribution practices.

All things considered, they would have to be considered in relation to which events are or are not determined as events falling under the discretion of this act and the minister's discretion.

Hon. P. A. KATSAMBANIS (Monash) — I thank the minister for that answer and will paraphrase it as 'I do not know'. That is what I got out of his answer. But I will move on.

We are talking of declared events, but we will not worry about wrestling or international soccer that the minister mentions; I will move on to some events that are within his direct purview. I hope the minister has addressed those. The first event he will have put his mind to very quickly is the Rugby World Cup, which will be held here in October–November next year. Is it the minister's current intention to declare any or all of the games to be played in the Rugby World Cup in Melbourne under this legislation?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that Rugby World Cup ticketing processes reflect very much the principles of this legislation and that at the summit held with the promoters or event organisers that took place earlier this year Rugby Union Australia made recommendations that adhered to the legislation to add value to what those organisers do.

Having already discussed the issue with John O'Neill, I would expect that it is not necessarily the case that that event would need to come under this legislation, because it has quite a transparent ticketing process and a fairly open policy in relation to the way ticket distribution processes are conducted.

Hon. P. A. KATSAMBANIS (Monash) — That is all the more reason why the minister would probably want to declare that event under this legislation to actually indicate a success. Again, I think the minister's answer speaks for itself. This is wholly a piece of legislation where he has sole discretion. In this particular case he is going to exercise his right not to list the Rugby World Cup as one of these events. That is his choice.

I will move on to the Commonwealth Games, another area that is within the minister's purview. Does the minister have any intention at all to declare any or all Commonwealth Games events under this legislation? The minister should be careful how he answers because I am happy to forensically pursue this event by event.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The extent to which this may be implemented with the Commonwealth Games will have to be considered in relation to aspects of specific events within the Commonwealth Games and whether there is a need for this to be introduced for the games.

Clause agreed to; clauses 4 and 5 agreed to.

Clause 6

Hon. I. J. COVER (Geelong) — Clause 6 appears to have been added to the bill since it was first introduced in the autumn sitting, perhaps as a response to concerns that state legislation could not have

jurisdiction over national competition. Perhaps the minister will explain that, but I am interested in the fact that the act operates both within and outside Victoria. Will the minister explain how it operates? Does that mean it can be enforced outside Victoria?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that within the capacity of the Australia Act that that would be the case.

Hon. R. A. BEST (North Western) — Could the minister explain what the Australia Act does? Does it act in a way that allows reciprocity between states?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that it contains aspects of extraterritoriality which will allow for that. Also, in relation to specific events, those organisations which organise the events would be — and I suppose in respect to national competition a national competition would need to ensure that they were — implementing this legislation, particularly if they were registered in the state of Victoria, but also if they were conducting the event within the state of Victoria. It would relate to the way they establish that event and the way they ensure they conduct the ticket distribution practices in line with their own. Honourable members should remember that the code of conduct in relation to the nominated guidelines and the ticket distribution plan that comes back would ensure they are able to make sure those involved deliver what is expected to be delivered.

Hon. R. A. BEST (North Western) — I ask the minister to reflect on that and come back and judge whether he has in actual fact misled the house. Is he suggesting to me that other states are going to introduce template legislation so that in cases where investigators and inspectors can enter premises, legal rights and responsibilities attributed within this legislation will be able to be enforced in other states?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Mr Best, I did not say that.

Hon. R. A. BEST (North Western) — It says in proposed subsection (2):

> This Act operates outside Victoria to the extent that the legislative power of the Parliament permits.

What does that actually mean? Does it mean that the act is unenforceable? Does it mean that the inspection powers within Victoria are okay for the Victorian club, but the inspection powers and the powers for the inspectors to go into premises in other jurisdictions where they may need to seek a search warrant are unenforceable?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the powers within the bill that are deemed to be outside the boundaries of this state cannot be undermined by any subsequent legislation in any other state.

Hon. R. A. BEST (North Western) — I would love to know what that means. What does that mean?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I ask Mr Best to clarify his question, please.

Hon. R. A. BEST (North Western) — The minister has given me an answer that is totally — —

Hon. G. B. Ashman — Incomprehensible.

Hon. R. A. BEST — Incomprehensible is a very good word; I thank Mr Ashman for his help. I asked the minister a simple question. Are the legislative powers that are provided for inspectors within this act to enter premises interstate, where a search warrant may be required from a magistrate within that state, able to be enforced, or is that where this act becomes unenforceable?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the extraterritorial powers of the Australia Act allow that to occur.

Hon. R. A. BEST (North Western) — If that is the case, given the minister's previous answer, what are the areas where this act does not cover extraterritorial issues?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I think I have just explained myself. If Mr Best wants me to tell him where the act does not exist, I can tell him about every other country around the world, but if he just tries to rephrase that question in a way that is a bit more specific, it might help.

Hon. R. A. BEST (North Western) — One thing I remind the minister is that this is his legislation and his portfolio. He is responsible for understanding every interpretation within this legislation.

Hon. I. J. Cover — They have worked on this for three years!

Hon. R. A. BEST — Exactly, Mr Cover. The issue for us in Victoria, and for the interstate clubs that are part of the AFL competition, is this: are all the measures contained within this act totally enforceable

on the interstate clubs as to their involvement in the AFL as a national competition and as to the way in which they package their potential grand final tickets for sale?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I believe I have answered that question.

Hon. R. A. Best — What is the answer?

Hon. J. M. MADDEN — The extraterritoriality within the Australia Act allows for that.

Hon. R. A. BEST (North Western) — Allows for what? I express surprise that we do not need complementary legislation to allow for the enforcement of this act. I sought legal advice over the dinner adjournment about whether this act can be implemented as it has been expressed in the bill or whether template legislation is required from other states. The legal advice I received from a solicitor who is no longer practising but who is fairly well informed was that there would have to be supportive legislation from other states. Does the minister not support that view?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I think I have already highlighted that so long as another state does not have legislation to undermine this legislation, this legislation has the capacity to be implemented in other states.

Hon. R. A. BEST (North Western) — If there is no legislation to impede, how is the minister going to enforce the provisions of the bill?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — There are quite a number of provisions in the bill. Is Mr Best talking about all the provisions or about specific provisions?

Hon. R. A. BEST (North Western) — I will be specific: how is the minister going to enforce the provisions for inspectors? Quite clearly there are very heavy provisions within this legislation that allow entry of inspectors by force. Are they the same provisions that are available in Queensland, Western Australia, South Australia or New South Wales?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I do not think the legislation says that entry by force can take place. Force is not mentioned in the bill. I think, if you read it carefully, it relates to getting a court order to access either documents or a particular location.

Hon. R. A. BEST (North Western) — My question still remains: how are you going to enforce the provisions of this legislation interstate?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I believe I have already answered that on a number of occasions.

Clause agreed to.

Clause 7

Hon. R. A. BEST (North Western) — Clause 7 states that the minister may, no less than nine months before an event is to be held, give written notice that the minister intends to declare the event for the purposes of this act. Mr Katsambanis, being a soccer fan, would appreciate that sometimes a draw occurs during World Cup events. What will happen if we only find out eight months before an event is to occur that we are going to host the event? Does the minister still retain the opportunity to declare it an event?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The minister only retains the capacity to declare it an event within the nine months if the organisation conducting the event seeks to have that event nominated as an event under this act. It must be done unilaterally, through nomination of the event organiser. I also point out that, although that reduces the influence of the minister in determining that event, given that the period is less than nine months, it is often the case that the event has been sought by the Victorian Major Events Company. It is anticipated that where an event such as an international event is acquired within the nine months some sort of ticketing arrangement would be part of the agreed conditions under which the event would be conducted. Hence, such an event may not need a declaration because the ticket distribution practices may be part of an agreement formulated to enable all parties to feel confident about the conduct of the event and as part of the acquisition of that event.

Hon. P. A. KATSAMBANIS (Monash) — Just a couple of points on this, since the minister wanted to go down this line. Is he suggesting that he is going to instruct the Victorian Major Events Company, or has instructed it, to include the ticket regimes this bill imposes as part of its negotiations for the ongoing strategy to attract major sporting events to Victoria?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — As I mentioned, it would most likely be in the event organiser's interests to feel confident that pirate corporate hospitality packages would not be permitted if an event were deemed a special event under this legislation.

So it might well be in the event organiser's interest to have an event nominated if it falls within less than the nine-month time span to be nominated as a special event under this legislation, for their confidence, but also to ensure that members of the public are confident about the delivery of the ticket system for the event. Then there is no public scepticism and the event organisers know their corporate hospitality arrangements cannot be pirated and have the full force of the legislation.

Hence some of the provisions make it attractive for those event organisers to seek to have their event deemed under this legislation within the space of nine months. It would be appropriate for the Victorian major events committee to seek to have events with fair and transparent ticketing procedures, but it may not necessarily be the absolute mandatory case to have that implemented. Certainly it would be a key priority in order for the public to feel that the attraction of the event complemented the state's event history and event reputation.

Hon. P. A. KATSAMBANIS (Monash) — I find that answer clearly contradictory. On the one hand the minister is saying that event organisers might welcome this legislation because it enables them to sell more corporate hospitality and more expensive corporate hospitality and to cut out the middle man so the event organiser milks the event for all it is worth, rather than some third party. I have heard government members yell and scream about those horrible, nasty people milking sports events. The minister is suggesting that should the event organiser milk the event for all it is worth rather than some third party, that is a good thing.

On the other hand the minister is saying that members of the public are going to feel really confident because they will get more tickets. He is telling us that the organisers are going to sell more corporate hospitality and the public is going to get more tickets. That is incongruous, contradictory and crazy but it is basically the nub of the legislation. There is no need to continue down that track because honourable members know that the legislation is a mess.

I want to stick to the nine-month notice period and the declaration of events. Earlier on the minister mentioned the Davis Cup and how, although we might not necessarily have confirmation that it will be held in Melbourne, we can know some time in advance so that potentially he can declare the event. I ask the minister to turn his mind to his own legislation and a potential event — not an event, there are plenty of definition clauses — that might or might not be held and whose date or venue we do not know — we do not even know whether it will be held in Melbourne — like the potentiality of hosting a Davis Cup final should Australia end up playing the right country, because one country might host a match in their country and then Tennis Australia might choose to have it in Melbourne. Does the minister have the power to issue a notice under clause 7 for a potential event rather than an actual known event?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — While the honourable member highlights the difference between a potential event and a known event, the likes of a Davis Cup may well be defined as a Davis Cup final in a particular year conducted in a particular location within the confines of the legislation. If that is what the honourable member believes to be a potential event, I believe that is relatively specific. But the finalised date may not be known. I understand there is the possibility for that to take place.

Hon. I. J. COVER (Geelong) — As I understand the legislation, once the minister declares an event, it is declared for all time anyway. Would it not be possible for the minister to declare the Davis Cup final in Australia? It might take 5 or 10 years to get into the final, but the minister has already declared it. Is that correct?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I understand that I can define an event either specifically for a specific year or an event in perpetuity until it is disclaimed as an event or altered in terms of its nomination.

My understanding is that it can be either one specific event or if the event takes place over a number of years that could also be defined as an event. So there is a degree of difference in terms of the way in which a nominated event can be defined. Given that a Davis Cup could take place in any number of years, and that might well be the case, it would be prudent to only nominate in relation to specific years that being the case rather than forecasting too far in advance. In this place we all know that it is not necessarily good practice to forecast too far in advance.

Hon. I. J. COVER (Geelong) — If you want to give certainty to the organisers and to the fans that they are going to get access to the maximum number of tickets I think everyone would be better off if they knew where they stood. If the Davis Cup final were to be played in Australia, more particularly in Victoria and, because this bill now has extraterritorial powers, if the minister said, 'I, the minister, declare it an event,' everyone would know where they stood. The minister would

fulfil the purposes of the bill by maximising or doing the right thing by the ordinary fans. They would know that there will be certainty about the Davis Cup. Would that not be the better way to go?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — It is certainly worth considering, Mr Cover.

Hon. P. A. KATSAMBANIS (Monash) — Given the discussion of extraterritoriality and this clause relating to notice of intention to declare an event, could the minister advise the chamber whether he believes he has the power — and I am not suggesting that this is something he would do — under this bill to declare an event not being held in Victoria as a declared event under this legislation?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Mr Katsambanis, while we all have grander visions, I am quite happy to just nominate events within this state.

Hon. I. J. COVER (Geelong) — The event organiser is based in Melbourne and I imagine it would be doing its ticket distribution from Melbourne. So there might be a possibility for Tennis Australia, as the event organiser for the Davis Cup final. This would make tennis officials, organisers and the like in other states a bit nervous thinking that down here in Victoria we have a minister who has an act that allows him to operate both within and outside Victoria to declare an event. The goalpost has shifted a bit since this bill was introduced in the autumn sitting.

Hon. R. A. Best — We are worried about the world now.

Hon. I. J. COVER — Yes. Given the event organiser is based in Victoria the minister has actually said he will concentrate on events in Victoria, but the organiser being based in Victoria operates in an environment where it knows the minister has an act at his disposal and has enunciated it to the Parliament tonight, I think, that he has extraterritorial powers auspiced to him under the Australia Act — did I get that right? — where he can declare an event and have some control over it at his whim. The minister is extending his powers here. Would the minister agree that he might make people involved in various sports that are conducted across the nation very nervous?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Mr Cover and Mr Best should appreciate that this is the state Parliament of Victoria. We are interested in issues related to Victoria, and those events that are conducted in Victoria are the events that we are talking about. We are continuing to talk about them. Mr Best can carry on all he likes about the elements of the extraterritoriality of the bill, but given commonsense this bill is about Victoria.

Hon. R. A. BEST (North Western) — I thank the minister for his advice, and it is very helpful, but I do not accept it. In clause after clause we have asked how the minister is going to be able to manage the powers within this bill and within the events that he has declared as events and how he is going to enforce the provisions of this legislation.

Clearly the minister has said that under clause 6 of the bill he has extraterritorial operation of the act because of powers under the Australia Act. The issue for us is in clause 7 where there are a number of events that may be held on a national basis that are exposed to national competition, the same as the Australian Football League. Why does the minister not have jurisdiction over declaring them an event and why does he not have a ticketing control system that allows him to approve a ticketing system in Victoria or interstate?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I believe I have just answered Mr Best's question.

Hon. R. A. BEST (North Western) — That is the most appalling abuse of this chamber and legislation that the minister has supposedly worked on for three years. The minister is supposed to know every provision of this bill and he is supposed to understand every interpretation and every intention of this legislation. This is not only sloppy, this is abrogating his responsibilities.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I suggest that Mr Best read the bill in detail and give himself time to comprehend it. In the conduct of every committee that I attend — and I do attend many of them — I try to conduct myself in the best possible way in order to give the fullest and frankest answers to every member of this chamber. I think I go to great lengths to conduct myself in the most appropriate manner, I have respect for all members of this chamber in every circumstance and I hope Mr Best takes that on board.

Hon. R. A. BEST (North Western) — The minister is a minister of the Crown and as such must accept the responsibilities that that involves, which means that he has responsibility for legislation. I have simply asked the minister questions relating to certain provisions in this legislation which I believe he should be on top of as part of knowing his portfolio. I am disappointed

because the answers that the minister has given tonight are not only confusing but are in a lot of cases contradictory and are not leading the committee to understand how he will interpret the act and, as I said in my second-reading speech, how ministers in the future will interpret their act. My question specifically referred to clause 7 of the bill and how the minister intends or how future ministers intend to use the powers that he says will apply to the declaration of an event under the bill.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The bill clearly defines that there is a nine month provision for notice of any declaration of intention to declare an event. There are also mechanisms for appeal in relation to the notice of the potential declaration of the event and also to accepting the ticketing distribution mechanism supplied by the event organiser. I think that is relatively clear in relation to this bill and I am happy to give the honourable member more specific answers in relation to that as we move through it.

Clause agreed to; clauses 8 to 10 agreed to.

Clause 11

Hon. I. J. COVER (Geelong) — We have skipped past clauses 8, 9 and 10. I thought we would come to clause 11 and ask the question here. Many of the clauses relate to the powers that the minister has and the decisions he has to make and this is a good point to ask a question about the minister's abilities or expertise to make decisions.

This one is in relation to decisions on whether a ticket scheme is approved. Clause 11(1) states:

> If an event organiser gives the minister a ticket scheme proposal for an event, the minister must —
>
> (a) approve the ticket scheme for the event set out in the proposal (with or without modifications); or
>
> (b) refuse to approve the ticket scheme for the event set out in the proposal —
>
> and notify the event organiser accordingly …

What expertise does the minister have in setting up the sale and distribution of tickets for sporting events to be able to make decisions about approval or refusal of ticket schemes?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — To assist those presenting ticket distribution schemes there would be a series of guidelines presented to those event organisers, and it is based on those guidelines and the advice received from the department and those officers with expertise in this area that would assist the minister in making a determination in relation to approving or refusing any new ticket scheme.

Clause agreed to.

Clause 12

Hon. R. A. BEST (North Western) — I have one question about this clause. Clause 12(2) states:

> If the minister considers it appropriate to both —
>
> (a) declare the event for the purposes of this act; and
>
> (b) approve the ticket scheme for the event set out in the proposal (with or without modifications)…

Who will set the price and who will approve the face value of the tickets?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The event organiser will determine the ticketing price and the face value of those tickets, but it is also important to recognise that they must be legitimate in terms of the pricing and that, as we have mentioned previously, the bill seeks not to allow tickets to be sold over and above the face value of that particular ticket.

If the face value is what the promoter or event organiser believes is an appropriate price to ensure the viability of the event, that would no doubt be an appropriate ticket price allocated on that ticket and appreciating, too, the earlier comments in relation to corporate hospitality, it would be expected that those tickets would highlight that they were associated with that corporate hospitality package, not just the standard ticket that may appear to be of the ilk of a standard ticket to the general public.

Hon. R. A. BEST (North Western) — Will the minister have to approve the price of a ticket?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — It will be something I will not be involved in — that is, approving the price of the ticket.

Hon. P. A. KATSAMBANIS (Monash) — I understand the minister will not have a role in approving the price of a ticket. If the minister believes prices of tickets for a particular event are unreasonable or — he used the word 'legitimate' — illegitimate, would he then be at liberty on that basis not to approve the ticketing scheme under this bill?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised the answer is no, and that I have no power over the pricing of tickets.

Clause agreed to; clause 13 agreed to.

Clause 14

Hon. I. J. COVER (Geelong) — This relates to authorisation to sell or distribute tickets. At the risk of again overworking the committee, it would be advantageous to get a definition of the word 'distribute' from the Minister for Sport and Recreation. I take 'distribute' to mean that if I have a grand final ticket and I hand it to someone who has paid for it and everything is above board, that is distribution. The attendants here distribute copies of second-reading speeches and bills around the house. I have given the minister my definition so he knows where I am coming from. The clause says:

> If there is an improved ticket scheme for a declared event, the event organiser must —
>
> (a) ensure that any authorisation to sell or distribute tickets to the event on behalf of the event organiser is given in writing; and
>
> (b) notify (in writing) the Minister of the name and contact details of each person who is, from time to time, given such an authorisation.

Does that mean that the event organiser advises the minister of the names of all the people who have been given tickets to sell or distribute? In the case of the Collingwood Football Club, which has had a few mentions tonight, before the grand final this year tickets would have been distributed at the club through perhaps the football manager, who would have given an allocation to each of the players playing in the senior side; they get some for their wives or parents or brothers and sisters. Suppose Nathan Buckley receives a couple of tickets and distributes them to his fiancée so she can go to the game and perhaps give one to her parents. Would this mean that Nathan Buckley's name and that of his fiancée and anyone else distributing tickets in that family have to be furnished to the minister?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the member for the question. That is not the case. It is those who are distributing tickets through a commercial arrangement. In that instance it would be the likes of the club and then any other relationship it might have with somebody else who may distribute tickets on a commercial basis. If the club had an arrangement with either a sponsor or a radio station for a competition in terms of who could continue to distribute those tickets, there would need to be some notice of the likes of that arrangement, indicating why that was the case.

Hon. I. J. COVER (Geelong) — If, for example, Ticketek is authorised to sell or distribute tickets to an event on behalf of the event organiser, being the AFL in the case of the grand final, would it only be Ticketek as the seller or distributor of those tickets that would have to have its name as a company provided to the minister or would each of the individual telephonists on the end of the phone who take the calls when people ring up to buy a ticket have to have their names provided?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Just the organisation, the likes of Ticketek.

Clause agreed to.

Clause 15

Hon. P. A. KATSAMBANIS (Monash) — I have a quick question. There are very elaborate schemes for the approval of these ticketing arrangements yet clause 15 provides a very simple way in which an event organiser, with the written approval of the minister, can vary a scheme after it has been introduced. Why go through such an elaborate charade if the event organiser and minister can get together and change the scheme anyway?

Hon. J. M. Madden — Can I ask the honourable member to repeat the question?

Hon. P. A. KATSAMBANIS — We have a whole bill here telling us how the government is going to set up this scheme and then in one fell swoop in clause 15 it can actually change — 'vary' is the word in the bill — that ticketing scheme simply by agreement between the event organiser and the minister. Why are there not more specific guidelines as to how and why a variation can be effected?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — You would appreciate that there are guidelines in relation to the general form of the ticket distribution practices. They would be expected to be part of the general ticket scheme. The details might be the issues that need to be altered or amended, such as who the ticket distributors are.

Should the company change from Ticketek to the next distribution company for some reason, or they enter into some other arrangement à la distribution in relation to a sponsors competition, those would be the details that may need to be altered in relation to the scheme, but there may be more substantial elements as well.

Hon. P. A. KATSAMBANIS (Monash) — If the intention was and is that such variations will be in line

with the draft guidelines issued by the minister, why is it not spelt out in the bill that such variations will only be approved if they are in accordance with the guidelines? Given that it is not spelt out, how is it going to be read that way?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I expect that would be the case because at the end of the day the ticket scheme must continue to be approved by the minister, and should the minister no longer wish to have that scheme approved it would be in everyone's interests to maintain a ticket distribution scheme that was appropriate even with potential changes that may be made and that would conform to the requirements of the guidelines and the expectations of the minister.

Clause agreed to.

Clause 16

Hon. I. J. COVER (Geelong) — Clause 16(1) says that the minister may cancel the approval of a ticket scheme for a declared event because:

> (c) the approved ticket scheme is not operating adequately in practice …

Has the minister got guidelines or benchmarks for how to determine if something is not operating adequately?

Hon. J. M. Madden — Can Mr Cover highlight which clause he is referring to again?

Hon. I. J. COVER — This is clause 16(1)(c). It says, for example, that you could cancel the approval of the ticket scheme because the approved ticket scheme is not operating adequately in practice. How would the minister determine that it is not operating adequately?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I would anticipate that would be either on the advice of a representative of the department or potentially from representatives of the community. It may well be associated club members or it might well be the event organisers themselves who wish to make alterations to elements of the way in which the ticket distribution process is conducted.

Clause agreed to.

Clause 17

Hon. R. A. BEST (North Western) — The question I have relates to clause 17, which is about the guidelines. Subclause (2)(a) says they may require that an approved ticket scheme:

> … provide that a specified minimum proportion of tickets to the event must be made available for sale or distribution to the public generally or to particular classes of persons …

Will the minister outline for the committee what his definition of 'classes of persons' is? Is it social, financial, indigenous, blonde, short, tall, old or young? What is a class of person?

Hon. J. M. Madden — Can I ask Mr Best to refer to that clause again? I think I have strayed from the clause he is referring to.

Hon. R. A. BEST — It is clause 17(2)(a), which states:

> (2) The guidelines may, for example, require that an approved ticket scheme for an event —
>
> (a) provide that a specified minimum proportion of tickets to the event must be made available for sale or distribution to the public generally or to particular classes of persons …

What is the definition of 'classes of persons'?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I think in that instance that may well refer to the likes of club members in the context of an Australian Football League event.

Hon. P. A. KATSAMBANIS (Monash) — Clause 17(2)(c) will require certain information to be printed on tickets for the event. The information could be quite voluminous. Are we likely to see a gigantic ticket produced, or are we likely to see the information in such small print that it requires a magnifying glass to be read?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I think it would be appropriate to have it so that it is readable, but not inappropriately so that the ticket cannot fit into the automated ticketing systems that are often used at events like these.

Hon. I. J. COVER (Geelong) — I refer the minister to the letter he received from Tennis Australia back in May. Geoff Pollard, the president of Tennis Australia, in commenting about the guidelines said:

> This clause specifies that the minister must make written guidelines setting out the requirements for ticket scheme proposals.

He said:

> We hope that these guidelines are established in consultation with industry (including the Australian Open) as mentioned in the government's forum.

Is it the intention of the minister and the government to establish those guidelines in consultation with the industry?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that some draft guidelines based on discussions with the industry have been circulated and that the industry has been given the opportunity to comment on those draft guidelines. I understand they have been generally well received, and that has also assisted event organisers to understand more clearly the mechanism by which they can ensure that their ticketing schemes are appropriate in terms of the legislation.

I also understand that today was the final day for responses from the sector on those draft guidelines. I am advised that up until earlier this evening no objections to or comments about those draft guidelines had been received from the sector. Based on that, I would expect that they have been relatively warmly received.

Hon. I. J. COVER (Geelong) — Is the Australian Football League part of those discussions and consultations?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I understand that to be the case.

Hon. I. J. COVER (Geelong) — The minister is aware that the AFL has been doing its own work on self-regulation processes, including having a grand final ticketing review working party attempting to deliver more tickets to members of the competing clubs, particularly with the redevelopment of the Melbourne Cricket Ground coming up over the next few years. Am I to understand that those talks with the AFL include taking into account what its grand final ticketing review working party has been doing?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I understand from a number of discussions that have taken place, either between myself and representatives of the AFL or between officers from the department and representatives of the AFL, that the grand final ticketing review conducted by the AFL relates more specifically to the number of tickets distributed to individual clubs and the need to make tickets available to the competing clubs in that particular grand final. Whilst we are supportive of that review, it may not get to the core of the problem, which has been highlighted on a number of occasions and which relates to on-selling by some AFL clubs.

What we are setting out to achieve is to complement what the AFL is doing in relation to the numbers of tickets et cetera allocated to either member clubs or competing clubs in a way that ensures that club members and the general public feel confident that the distribution of those tickets by those clubs is transparent and fair.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Clause 17 is the crux of this bill. It requires the minister to make guidelines with respect to the distribution and sale of tickets for declared events. A number of the provisions that are included in subclause (2) as possible examples of requirements which will be imposed on event organisers provide that the sale and distribution of tickets will in one way or another be restricted — that is, the organisation, the event organiser and potentially other operators in the market for tickets are restricted in the way in which they can distribute and sell tickets.

I listened to the second-reading debate and the contributions of government members, and it would appear it may be the government's intention that the pricing of tickets also be restricted in the operation of these provisions in the guidelines. Given the examples that are listed in subclause (2), it would appear there is a potential breach of the commonwealth Trade Practices Act, specifically part IV relating to restrictive trade practices — for example, subsections relating to exclusive dealing.

It is my understanding that under the commonwealth legislation, specifically section 51, actions in accordance with an act passed by a state Parliament, or regulations made under that act, are exempt from the requirements of the commonwealth Trade Practices Act. My concern is that what the minister is doing with this provision is not making a requirement under an act, or regulations under the act. The minister is imposing on event operators a requirement according to guidelines. I seek the minister's assurance that in imposing a requirement under guidelines, people who comply with those guidelines will in fact be exempt under section 51 of the Trade Practices Act.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that those who come under this act should not feel in any way concerned in relation to the Trade Practices Act as mentioned by Mr Rich-Phillips because, as I have mentioned previously, this does not specifically relate to ticket pricing but rather the ticket distribution mechanism, and not nominating the ticket prices or the pricing of tickets would mean that we have alleviated the honourable member's concerns.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Those provisions of the Trade Practices Act relate not

only to pricing but also to the supply of goods and services, and thus restrictions on the distribution of tickets may well be a factor that is picked up by those provisions of part IV of the commonwealth Trade Practices Act. I again seek the minister's assurance that an exemption under section 51 of the commonwealth Trade Practices Act will apply to event organisers operating under the bill.

Hon. J. M. Madden — I ask Mr Rich-Phillips to repeat that question.

Hon. G. K. RICH-PHILLIPS — The commonwealth Trade Practices Act relates to the supply of goods and services as well as pricing of goods and services. As such, operators under this act would require an exemption under section 51 of the commonwealth act. I seek the minister's assurance that event operators will be entitled to an exemption under section 51 of the commonwealth act.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that I cannot give an exemption within this act, but I am also advised that the High Court has confirmed what is set out in this act in previous cases in relation to ticket distribution practices by the Australian Rugby Union. In a court challenge in relation to issues associated with the ARU, I understand somebody else was selling tickets and the ARU took that up with that organisation. Hence that has already been dealt with through that decision of the High Court.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The provision will not apply with respect to this act?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I understand that to be the case.

Clause agreed to; clauses 18 and 19 agreed to.

Clause 20

Hon. P. A. KATSAMBANIS (Monash) — This clause goes to the heart of the ability to prosecute so-called scalpers. During the AFL final series the minister made a point of distinguishing between what I will colloquially call the garden variety scalper and what he termed corporate scalpers.

Can the minister clarify once and for all whether this provision, clause 20, will apply to all scalpers or only that category of persons that during September he referred to as corporate scalpers, who are not defined in any way in this legislation?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — For clarification, I appreciate the question being asked by Mr Katsambanis. The garden variety scalper, as I have previously referred to him, is the bloke in the pub with the scarf and the beanie. The key focus of this bill is the broader, more structured and organised form of ticket scalping which might be loosely known as corporate scalping. I think I have used that term publicly on a number of occasions and it is where large blocks or banks of tickets are made available to a third party who then sells them at fairly substantial prices.

Both those types of scalpers would potentially be committing an offence but within the confines of the act it is likely that a report of a situation related to scalping and the breach of the ticket distribution practice would be more readily recognisable and likely to be filed by the department in relation to the broader corporate-type scalping.

Hon. P. A. KATSAMBANIS (Monash) — I do not know how the minister is going to draw that distinction, and I will give him a real-life example. During the finals series this year, the preliminary final, an entire batch of tickets which was purportedly part of the West Coast Eagles finals series allocation — the whole group series of tickets — was made available through various premises in Melbourne suburbs. The people scalping these tickets made it very clear the tickets were part of that West Coast Eagles allocation. As for the grand final tickets — do not even talk about those as they will be dealt with in another way. These tickets were distributed to that scarf-and-beanie-variety fan that the minister likes to refer to in what seemed to me to be a fairly organised manner. That is not necessarily corporate scalping. It is not selling, as Bob Smith said before, a pie and a can of beer with the ticket; it is selling the ticket itself at an exorbitant price because of the demand for the tickets. Would that be caught?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Potentially within the confines of the guidelines and the legislation that could be caught. Probably the key element in breaching the guidelines in that instance would be the club which had taken the bank or the block of tickets and not made them available to its members or the general public but had sought to have them sold or scalped in that manner. So, while those individuals might not have charges filed against them the club might for breaching the mechanism through which it should distribute the tickets in a fair and transparent manner.

Clause agreed to; clauses 21 to 30 agreed to.

Clause 31

Hon. I. J. COVER (Geelong) — This clause relates to seizure of documents under the order. An authorised officer can seize documents, inspect them, et cetera — and make copies and take extracts. I just want to know from the minister whether that action, if it was being undertaken prior to, say, the AFL Grand Final taking place, would also include the seizure of the grand final tickets themselves.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised there would have to be fairly substantial evidence that there was a breach of the act in that instance for that to take place. I would expect it would be more likely in that instance that those tickets would be made available back to the AFL in some form or other, rather than having them just go wanting.

Hon. I. J. COVER (Geelong) — That is absolutely where I was leading. If the tickets were seized as part of some action that is having to be taken because of some problem, that might lead to the fact that the tickets were not being maximised then for members of the public because some were being held by the minister's enforcement agents or whoever seized them. The minister would seek, would he, to get them back to the AFL to distribute them for the maximum benefit?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Yes, that is the case.

Clause agreed to; clauses 32 to 40 agreed to.

Clause 41

Hon. R. A. BEST (North Western) — This clause relates to a requirement to publish or produce information. Can the minister advise the house of the amount of budgetary allocation this financial year for the implementation of this legislation?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that in this financial year those anticipated costs will be delivered within the operating costs of the department. In relation to future years, that will be a matter for government to determine.

Hon. R. A. BEST (North Western) — Could the minister give us an amount that has been set aside within his departmental budget for the implementation of this legislation this year?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — As I previously mentioned, those costs associated with the implementation of this requirement will be and have been to this date absorbed within the operating costs of the department.

Hon. R. A. BEST (North Western) — Has there been an estimation of the costs by the minister's department?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — It is anticipated that there will be an ongoing cost once the legislation is further established. Those costs are being more fully determined within the department based on the experiences of the administration of this system and what will take place over the next few months.

Hon. R. A. BEST (North Western) — Are inspectors likely to be appointed before the end of the financial year or will the department have to wait until after the end of the financial year to appoint inspectors?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that inspectors do not necessarily need to be appointed on an ongoing basis and would expect if and when the need arose those inspectors would be appointed when those instances occurred.

The CHAIRMAN — Is the honourable member on the same clause? I cannot find anything about inspectors in clause 41.

Hon. I. J. COVER (Geelong) — I see the words 'Department Head or an authorised officer' in clause 41, which concerns the requirement to publish or produce information. Clause 41 says:

> (1) For the purpose of monitoring compliance with this Act, the Department Head or an authorised officer may require a publisher of a publication to produce specified information which has been published by the publisher in the form in which it is kept by the publisher.

Is that not the same as just cutting it out of the newspaper? Is that what the minister is saying? He may require them to produce it, but he could do it for himself in the office by getting a pair of scissors and cutting it out of the paper.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Can I confirm which clause Mr Cover? Is it clause 41?

Hon. I. J. COVER (Geelong) — It is clause 41(1), which states:

> (1) For the purpose of monitoring compliance with this Act —

are you reading along with me? —

> the Department Head or an authorised officer may require a publisher of a publication to produce specified information which has been published by the publisher …

I take that to refer to stuff in the newspaper. As I am saying, rather than the minister's department head or an authorised officer requiring the publisher to produce the information, the minister could get a pair of scissors and cut it straight out of the newspaper in which it has been published, could he not?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I appreciate what Mr Cover is saying. I suppose you could well do that, but it might only be relevant in the case where a certain instance is brought to your attention after it has been published and you may need to access it through the publisher, not being in possession of those papers or publications that you need to refer to.

Hon. I. J. COVER (Geelong) — Yes, but it is information that has been published. If such information comes to the minister's attention in, say, the library here at Parliament House, in newspaper archives or on the Internet — newspapers are archived these days — is this actually suggesting that the minister is looking for more information than is actually published?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Yes. I think the imperative there is 'in the form in which it is kept by the publisher'. That might be an account record that relates to particular advertisements by a particular scalper.

Hon. I. J. COVER (Geelong) — So it might just be a telephone number. The minister might want to see when the advertisement was lodged and that it had a name and address so he could get his authorised officers on to them.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I think it is worth highlighting, too — and this might be of interest to honourable members generally — that often an instance of, say, two tickets being for sale in the paper, or a ticket being for sale, or even a ticket being offered, may also be a front for a much more substantial operation. That number may really be the equivalent of 20 or 30 tickets in the hands of a scalper who apparently has only an individual ticket. It might represent substantially more tickets in large blocks than are overtly advertised. That person might have been hoping for a quite substantial number of telephone calls so they could offload those tickets accordingly.

Hon. I. J. COVER (Geelong) — What the minister has just said in answering the question about clause 41 is, as we get to the end of the bill, an admission that all that has preceded it is not going to work, given what the bill is designed to prevent and stop. The minister is going to have ticket schemes put to him, and he is going to approve them and therefore seek to serve the first purpose of the bill, which is to maximise the number of tickets available to the general public.

The legislation says in clause 41, and the minister is saying it by his response here, that there is still the likelihood that people will be advertising perhaps only a ticket or two in the newspaper when really they have got lots and lots of tickets in their possession. And they could only have them in their possession if the minister's legislation had failed to crack down on the scalping and to put in place an approved ticketing scheme that puts an end to the practices the government is trying to outlaw. Will the minister admit that he is saying that the legislation will not work?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I appreciate at this late stage of the evening the route into which Mr Cover is attempting to lure me. Whilst any piece of legislation seeks to ensure compliance, the advent of that law does not necessarily ensure that the law is complied with. There must be mechanisms to ensure that if there is not compliance with that law there are means to seek out those who have not complied with that law and that they are dealt with appropriately. Therefore penalties within this bill are applicable to those who are found to be in breach of what this legislation seeks to achieve.

Clause agreed to.

Clause 42

Hon. I. J. COVER (Geelong) — My final question relates to part 7, headed 'Other matters', and the Victorian Civil and Administrative Tribunal (VCAT) review of certain decisions. Mr Best sought to discover what this legislation was going to cost and whether it has been budgeted in the minister's department or elsewhere. I have a similar question in relation to VCAT having the responsibility to review certain decisions. Will VCAT be given extra resources now that it is likely to have to play a role in the conduct of this legislation? If so, what are those extra resources going to cost the Victorian taxpayer?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I understand that at this point in time the Victorian Civil and Administrative Tribunal will absorb the cost within this financial year and that in future financial years it may be appropriate to make

appropriate allocations on the basis of need in relation to the implementation of any review mechanisms under this bill.

Hon. P. A. KATSAMBANIS (Monash) — On that answer, if such an allocation in future years is made to the Victorian Civil and Administrative Tribunal budget, will it be made from the minister's department or from the Department of Justice? Also, which division of VCAT will hear these matters and on what grounds will people be permitted to make application for review to VCAT?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the allocation would not come from my department or the Department of State and Regional Development; that allocation would be made within the budget of the appropriate department or division. I understand that would be determined by the head of VCAT, but it is most likely to be more appropriately placed in the general division.

Hon. P. A. KATSAMBANIS (Monash) — In the last part of my question I asked the minister: on what grounds people would be able to seek a review of the minister's decision at VCAT?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — My understanding is that it is if they believe they have legitimate cause to seek a hearing in relation to determinations that they believe are not acceptable because of the manner in which they want to implement their events.

Clause agreed to; clauses 43 to 45 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That this bill be now read a third time.

In so doing I thank the Honourables Kaye Darveniza and Bob Smith. I thank the Honourable Ian Cover for the arm wrestling and the Honourables Ron Best, Peter Katsambanis and Gordon Rich-Phillips for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

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

That the house do now adjourn.

Helmeted honeyeater

Hon. N. B. LUCAS (Eumemmerring) — I raise a matter with the Treasurer in relation to the helmeted honeyeater which, together with Leadbeater's possum, is one of Victoria's fauna emblems. I refer to the great work being undertaken by the Friends of the Helmeted Honeyeater at Healesville, Yellingbo and in the Bunyip State Forest to ensure that the bird continues to exist.

Sadly the state government is trying to blame the federal government for a funding shortfall in relation to the ongoing work with the helmeted honeyeater. It is a great shame that the spin the government is attempting to put suggests that the federal government is responsible, but it is the state government that is responsible. The works I have mentioned are deserving of great support and further funding. It is upsetting to me — and I am sure to people such as the Friends of the Helmeted Honeyeater, of whom I am one, as are, I think, the Honourable Dianne Hadden and the Honourable Geoff Craige — that while $90 million has been forgone by the state government at the Melbourne Cricket Ground, works on the helmeted honeyeater and other worthwhile projects could have been undertaken.

Given that the government can evidently afford to forgo $90 million of commonwealth funding for the MCG redevelopment, I ask the Treasurer to give consideration to making further funding available for the helmeted honeyeater captive breeding and release program.

Seniors: travel concessions

Hon. E. J. POWELL (North Eastern) — I raise an issue with the Minister for Senior Victorians in another place. I received a letter from the president of the Victorian division of the Association of Independent Retirees (AIR), Mr Ralph Neylan. The same issue was raised with me by members of the Goulburn Valley AIR. The issue is that the Goulburn Valley AIR is frustrated at the lack of the Victorian government's response to funding of $25.5 million over four years from the federal government to provide reciprocal

interstate concessional travel for Seniors Card holders on public transport.

I raised this issue in the adjournment debate in June this year and asked the Minister for Senior Victorians when the reciprocal rights for seniors travelling around Australia would be implemented. The minister responded in August and said that the rights have not been implemented because the Victorian government believes the funding is inadequate and that the minister was also writing to the federal Minister for Family and Community Services, Amanda Vanstone. On 30 August I wrote back to the Minister for Senior Victorians again urging her to implement the subsidy as soon as possible and to talk to the federal government about redressing the shortfall if there was any. I still have not received a reply.

The Western Australian government has already implemented the concessions. The Queensland government and the federal government are negotiating, and members of the Goulburn Valley AIR have raised concerns that the funding will disappear if agreement is not reached. I again ask the minister to come to an agreement with the federal government to implement the reciprocal interstate travel concessions for Seniors Card holders so that our Victorian seniors are not disadvantaged when they travel throughout Australia.

Manningham Road, Bulleen: traffic control

Hon. C. A. FURLETTI (Templestowe) — I raise with the Minister for Energy and Resources as the representative of the Minister for Transport in the other place an issue of concern to the City of Manningham and to residents of Bulleen. The Bulleen Plaza shopping centre on Manningham Road is a very heavy traffic area and the council has sought assistance from Vicroads to move the traffic lights to overcome current traffic management problems.

The area has high traffic flows, with traffic from local schools and the shopping plaza entering onto a major road — namely, Manningham Road. The area needs one-way flow management, but Vicroads has told the City of Manningham that because the area has no accident history it has a low priority. However, the council believes because of the current traffic flow management in the area it has high potential for serious accident and, of course, it does not want to wait for a serious accident to occur before Vicroads will be convinced of the need to allocate the funds necessary to fix the problem.

I call on the Minister for Transport to direct Vicroads to reassess its earlier determination, to accept the expert opinion of a responsible council and to take steps immediately to resolve the traffic flow problem at that intersection.

Royal Exhibition Building: World Heritage nomination

Hon. M. A. BIRRELL (East Yarra) — I raise for the attention of the Minister for Planning in another place a matter relating to the Royal Exhibition Building. I congratulate the Howard government on the announcement on the weekend that the Royal Exhibition Building will be nominated for World Heritage listing, and I particularly welcome the following comments of the federal Minister for the Environment and Heritage, Dr David Kemp:

> Australia is world renowned for its natural and indigenous World Heritage sites. I hope that the Royal Exhibition Building will be the first in a series of significant Australian buildings to be recognised by the world for their built heritage value.

This is a very important step and will hopefully mean that at long last Australia will get its first piece of the built heritage on the World Heritage list and that, in particular, that first achievement will be our great Royal Exhibition Building. I also welcome the support of the state government for this nomination and record the fact that this bipartisan initiative should be very strong.

The Royal Exhibition Building is a marvel of 19th century design and engineering excellence, and along with its surrounding gardens it certainly deserves the international recognition that is part of being put onto the World Heritage list. It is grand in scale, it is visually stunning and it is now beautifully restored. It also has significant cultural value, having a celebrated role as the birthplace of our Federation and, of course, the home of the first Australian Parliament. It was also the place where the Australian flag was flown for the first time.

This long and rich history saw the Royal Exhibition Building get registered on Australia's register of the national estate many years ago, and it has the highest level of protection from the National Trust.

I call on the state government, consistent with its support for this project and its public statements of support over the weekend, to form an officer-level alliance with the relevant commonwealth government offices to progress this nomination and effectively establish something of a battle group to ensure that we do everything we can to influence the often

European-centric World Heritage Committee to take up this nomination.

I do not think we should be under any illusion as to the difficulty of the challenge and the fact that it may take well over a year to get this nomination up. The bipartisan effort is welcome, as I said before, and I hope we can marshal resources within the commonwealth and state public services to get the outcome we all want.

Narre Warren–Cranbourne Road–Fleetwood Drive: traffic control

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to raise a matter for the attention of the Minister for Transport in the other place. As usual, it relates to the provision of roads infrastructure in Eumemmerring Province. As I hope the minister is aware, the City of Casey in the centre of Eumemmerring Province is now the third-fastest growing municipality in Australia, and the Narre Warren South area is the fastest growing suburb in Australia with, at peak, 80 families a week moving into the area, which implies about 160 to 200 cars a week moving in, putting enormous strain on the roads in the area, which were built as country roads and are now required to carry metropolitan traffic.

One of the key roads in need of upgrade in that area is the Narre Warren–Cranbourne Road. Under the previous administration the section north of the Princes Highway was upgraded, and it is now the section south of the Princes Highway — from Narre Warren to Cranbourne — that is in need of upgrade. There are a number of key intersections along that road needing upgrade — some of which have in the last 12 to 18 months been the site of fatalities.

I have received a letter from a constituent, a Mr John Laughton of Narre Warren, specifically raising for my attention the intersection of Fleetwood Drive in Narre Warren and Narre Warren–Cranbourne Road. Mr Laughton has indicated that this intersection is a particular problem for traffic turning right into Fleetwood Drive and attempting to turn across traffic while there is traffic from behind coming from Cranbourne, heading towards Narre Warren. Mr Laughton has indicated that this intersection is in need of upgrade, that the whole road needs to be increased to dual carriageway and that the possibility of the installation of traffic lights at that intersection should be examined.

I seek from the Minister for Transport his undertaking to look into the issue of the Fleetwood Drive and Narre Warren–Cranbourne Road intersection with a view to upgrading that intersection with the installation of traffic lights.

Bright Futures programs

Hon. ANDREA COOTE (Monash) — My question is for the Minister for Education and Training. It is in regard to the Bright Futures programs, which were implemented under the previous government as part of its Bright Futures policy.

The Bright Futures policy implemented various programs for children considered gifted and for professional development for their teachers, to help them nurture these gifted students. It was the first time the Victorian government had recognised the needs of gifted students.

An evaluation of these programs was carried out in 1999, and it found that the Bright Futures programs were a:

> … watershed in the history of gifted children in Victoria.

However, under the Bracks government it looks as if the programs have totally disappeared. There is no mention of the programs on the department of education's web site, for example.

I have been contacted by the CHIP Foundation — CHIP stands for Children of High Intellectual Potential — which is based in my electorate. It is very concerned that these programs have been scrapped by the Bracks government. I ask the minister: what is the current status of the Bright Futures programs, including the Horizon programs, in Victoria?

Housing: eastern region

Hon. W. I. SMITH (Silvan) — The matter I raise is for the Minister for Housing in the other place, and I must say that I have raised a number of issues with this minister and it is because I am having a lot of constituents come to me at the moment with issues in that area which are not being attended to and which are causing serious problems.

The matter I wish to raise is in regard to a Ms Debra Porter, who lives in Ringwood and came to see me on Friday. In 1989 she applied for rental housing in the eastern region. I rang the Ringwood housing office to find out where that particular application was and was told that in the eastern region it used to be an 8-year waiting list, but it is now a 12-year waiting list for housing.

I will not go into the plight of Ms Porter. It is like that of many people who need public housing — their plight

is desperate and they have a whole range of issues, both personal and social.

The Office of Community Services was extremely helpful. It was also concerned that the waiting lists had blown out to 12 years. I would like to know from the minister why people on waiting lists in the eastern region are now waiting for 12 years for public housing, particularly when this government has announced $100 million to be spent on public housing. I understand it has not been spent but has stalled.

Possums: control

Hon. C. A. STRONG (Higinbotham) — I raise the issue of possums for the Minister for Environment and Conservation. Now that spring is here, the possums are happily devouring the new buds in the gardens of Melbourne. It is absolutely ludicrous to think that possums, which are a protected species, are in any form of danger. It is a joke because they are in plague proportions. I have raised the issue with the minister on several occasions, as have other honourable members. The minister's response to me and many of the other people who have raised the issue with her has been to refer us to *Living with Possums*, a publication of the Department of Natural Resources and Environment.

It transpires that that publication is in considerable error, and perhaps I might outline where. It says that one is able to capture and trap possums under certain circumstances defined in the booklet. In this trapping arrangement one is allowed to release the possum nearby or, in extreme circumstances, take it to a vet where it can be put down — and it is wonderful to think that vets would be doing such a job. However, the key issue is under what statute possums are protected. They are protected under the Wildlife Act 1975, but to be able to deal with them in this way they have to be declared unprotected.

Three species are declared unprotected under the act: the common wombat, the long-billed corella, the sulphur-crested cockatoo and the galah, and the common brushtail possum, all of which can be trapped and under certain circumstances destroyed by owners or licensed wildlife controllers. The guidelines are in error because there are two types of possum — the ringtail possum and the brushtail possum. Certainly in the Bayside area, the ringtail possums do all the damage. People believe they can trap those possums legally, but they cannot. I call on the minister to investigate the guidelines and correct them — —

The PRESIDENT — Time!

Planning: Narre Warren North land

Hon. M. T. LUCKINS (Waverley) — I refer the Minister for Planning to an advisory committee established to advise on the proposed rezoning, use and development of land at 127–137 Belgrave–Hallam Road in Narre Warren North. Two applications for separate places of worship were rejected by the City of Casey, a decision upheld by the Victorian Civil and Administrative Tribunal in 1999 after significant community objection. The land in question is currently zoned part low density residential and part urban floodway, where development is prohibited.

The City of Casey rejected a subsequent reapplication in 2001, which prompted the former Minister for Planning, the Honourable John Thwaites, to appoint an advisory committee — formerly known as planning panels — to consider the application for rezoning. The terms of reference for the advisory committee were signed off on 17 August 2001. Nothing happened for almost seven months until 4 March when a three-person advisory committee was appointed. Public hearings were held over five days in May this year. Under the terms of reference the advisory committee was to report within two months of the final hearing — in this case 16 May.

The current Minister for Planning was provided with the report of the advisory committee on 2 July. Ordinarily the minister releases the recommendations and the decision within 28 days, but almost four months have elapsed since the report was tabled and a recommendation has not been released. That is of concern to the applicants and the objectors.

The Narre Warren North Community Association has raised from the community and spent in excess of $15 000 on a planning consultant, legal advice and representation on this matter. On 13 September the association wrote to the minister and said:

> We request that a decision be made without further delay and at the latest by 30 September.

Not only has the minister failed to release her decision, she has failed to even acknowledge, let alone reply to, this letter.

On 24 September on 3AW the president of the association raised this issue with the Premier, who agreed to follow it up. Following an email from the association a reply was received from Tim Pallas on 11 October stating that the matter had been referred back to the Minister for Planning. The community association and the applicants are back to square one.

I call upon the minister to immediately release her decision on this matter so that the applicants — in this case two church organisations — and the Narre Warren North Community Association have some closure and the matter is finally put to rest.

Rail: South Gippsland line

Hon. K. M. SMITH (South Eastern) — On reading through a document entitled *The Public Sector Assets Investment Program 2002–03*, which was released last Thursday, I was delighted to see reference to the restoration of the passenger rail service to Leongatha in South Gippsland. The document shows that $5.6 million is supposed to be spent on that track. No money was allocated to 30 June.

People should be aware that the Minister for Transport and the honourable member for Gippsland West in another place have promised that this track will be up and operational and that the train will be running at the end of 2004. The government has allocated $5.6 million under estimated expenditure in 2002–03. Half of that financial year is already as good as over. I know of no tenders that have been let. I know of no works that have been done for this rail service apart from some bridges which are being built between Korumburra and Leongatha which were not part of the original $5.6 million.

I would like to know from the minister when he is actually going to get fair dinkum with the people and stop trying to con them about this rail service going ahead. It cannot go ahead, and it is not supported by the Department of Infrastructure, which has put out a report saying that for the service to be feasible the line needs to have freight moving on it. As I explained to the house at about this time last week, there are no people or businesses down there that are even remotely interested in putting freight on this train line.

I would be pleased to know if the minister could inform me and the house — and I will let the house know when I do get a response from him — of when he is going to stop trying to con the people down in Gippsland. He has no intention of ever putting this train back on the track, and no idea as to why he would do so.

Buses: eastern suburbs

Hon. D. McL. DAVIS (East Yarra) — The matter I raise for the attention of the Minister for Transport in another place concerns the provision of a bus service between the families in the south-eastern area of the City of Boroondara and the schools in the Kew region in the north-west of the City of Boroondara. I have raised this matter, and the Honourable Mark Birrell and others have raised this matter in various ways, in this place and other forums, for the attention of the Minister for Transport in the other place.

In our region there is a good deal of transport of various types, but not much that actually moves from the south-east corner of the City of Boroondara to the schools in the Kew corner of the municipality. I have a submission from a group of about 30 to 40 local people that points to the fact that around 3208 students move between these regions every day.

I note that the Minister for Transport has written to the bus committee that has been working assiduously on this matter. I was concerned about his comments on page 2 of his letter dated 13 September 2002, where he said public transport from the Glen Iris area, specifically around the location of Summerhill Road and Toorak Road, can provide a path to schools in Kew. For example, students travelling to school around the Kew junction can travel into the city via tram 75, or on the train from Burwood to Hartwell station and then transfer to tram 109 or tram 48 for the journey to Kew. I have to say that most of the families in the area that I have spoken to are disappointed that the minister would take the approach that young students, often at the age of five or six and some into the early teenage years, should be prepared to catch public transport into the city and back out again. This is clearly inappropriate.

I also note that although the honourable member for Burwood has taken very little interest in this project, the Liberal candidate for Burwood, Di Rule, has been very active in pushing for an appropriate bus service from the south-east of the City of Boroondara to the north-western region where the schools are based.

I call on the minister to reconsider his opposition to this proposal. It is clear that some accommodation needs to be made here. I am not being prescriptive in this, but I ask him to reconsider the situation with regard to the proven safety needs of students, very young students in many cases, in finding appropriate transport and their need for public assistance to do so.

Belgrave–Gembrook and Selby–Aura roads: safety

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister of Transport with regard to improvement to the safety conditions at the intersection of the Belgrave–Gembrook and Selby–Aura roads, Menzies Creek. My colleague the honourable member for Monbulk in another place, Mr Steve McArthur,

recently presented a petition in the lower house from almost 500 local residents calling for safety improvements at this intersection. The petition states:

> … construction of a roundabout and lowering of the speed limit to 50 kilometres per hour to achieve safety improvements is required as an urgency for this arterial road and intersection to reassure the safety concerns of the community.

The shire council has tried its best with the limited funding provided to it by installing two traffic mirrors west of Selby–Aura Road, but additional works are most necessary and should receive urgent government moneys. I call on the minister to provide these moneys to the Shire of Yarra Ranges.

Fishing: East Gippsland licence

Hon. PHILIP DAVIS (Gippsland) — I raise a matter for the attention of the minister responsible for fisheries, the Minister for Energy and Resources. It concerns a matter which has been brought to my attention by the East Gippsland Estuarine Fishermans Association concerning the consequences of the department and the government agreeing to implement a new regulatory regime which overrides what was a ministerial directive pertaining to consolidation of licences. The minister will recall that subsequent to the voluntary buy-out there was a ministerial directive requiring consolidation of licences for transferability.

A problem has arisen in relation to a particular licensee who has suffered a serious injury which now means that he is unable to undertake the normal activities of estuarine fishing. This means that not only is he without income, he is unable to dispose of his licence. There is effectively a cap on the number of licences in the fishery, which means there is no financial incentive or benefit to anybody in consolidating a licence and there is therefore no market for his licence. He cannot exit the fishery formally. He wants to exit the fishery because he has no capacity to generate an income.

What is of great concern about this is that while he was in negotiation with Victorian fisheries he was not aware that regulations had been introduced that dealt with that ministerial directive but there was no regulatory impact statement. Now that the regulations are in place it is not possible for him to treat with this licence in any way whatever.

I ask the minister to deal with this matter sympathetically. I am aware that the East Gippsland Estuarine Fishermen's Association has written to the minister seeking an opportunity to discuss the matter with her. I would be grateful if the minister would ensure that members of her staff facilitate such a meeting or at least investigate and brief her promptly about this particular circumstance, because I think there is a question of natural justice in relation to the way the regulations have been introduced.

Responses

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Neil Lucas requested that the Treasurer in the other place consider making further funding available for captive breeding and release programs for the helmeted honeyeater. I will refer that request to the Treasurer.

The Honourable Jeanette Powell requested that the Minister for Senior Victorians in the other place implement reciprocal travel concessions for seniors. I will refer that request to the minister.

The Honourable Carlo Furletti requested that the Minister for Transport in the other place require Vicroads to reassess an intersection in the City of Manningham. I will refer that request to the minister.

The Honourable Mark Birrell called on the Victorian government to form an officer level alliance with commonwealth officers to maximise the resources brought to bear on the task of achieving World Heritage status for the Royal Exhibition Building. I will refer that request to the minister.

The Honourable Gordon Rich-Phillips requested that the Minister for Transport undertake to examine the upgrade of the intersection of Fleetwood Drive on Narre Warren–Cranbourne Road to include traffic lights. I will refer that request to the minister.

The Honourable Andrea Coote requested that the Minister for Education and Training in the other place advise her regarding the future of certain programs following an approach from the Children of High Intellectual Potential organisation. I will refer that request to the minister.

The Honourable Wendy Smith raised the matter of a constituent and their needs in relation to access to public housing and sought information regarding the availability of public housing. I will refer that request to the minister.

The Honourable Chris Strong raised a matter for the attention of the Minister for Environment and Conservation in the other place regarding possums devouring Melbourne's gardens and requested the minister to review guidelines in relation to protection of certain types of possums — or at least that is what he

was getting around to. I will refer that request to the minister.

The Honourable Maree Luckins requested that the Minister for Planning in the other place release her decision on a planning matter of concern to the Narre Warren North Community Association. I will refer that request to the minister.

The Honourable Ken Smith requested that the Minister for Transport respond to certain transport matters regarding rail freight in his electorate. I will refer that matter to the minister.

The Honourable David Davis requested that the Minister for Transport consider a bus proposal in the interests of safety in his electorate. I will refer that matter to the minister.

The Honourable Andrew Olexander requested that the Minister for Transport consider an intersection raised by the Shire of Yarra Ranges for consideration. I will refer that matter to the attention of the Minister for Transport.

In relation to the matter raised by the Honourable Philip Davis for my attention concerning the particular circumstances faced by a constituent about ministerial directives and regulations, I will consider that matter and advise him accordingly.

Motion agreed to.

House adjourned 12.32 a.m.