

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**18 September 2003
(extract from Book 1)**

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By authority of the Victorian Government Printer

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(*Assembly*): Ms Beard, Mr Hudson, Mr Lupton and Mr Maughan.

Library Committee — (*Council*): The President, Ms Argondizzo and the Honourables C. A. Strong, R. Dalla-Riva and Kaye Darveniza. (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson.

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(*Assembly*): Mr Harkness, Mr Langdon, Mr Mulder and Mr Trezise.

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Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Ms G. Dunston

Joint Services — Director, Corporate Services: Mr S. N. Aird

Director, Infrastructure Services: Mr G. C. Spurr

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Leader of the National Party:
The Hon. P. R. HALL

Deputy Leader of the National Party:
The Hon. D. K. DRUM

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Bishop, Hon. Barry Wilfred	North Western	NP	Lovell, Hon. Wendy Ann	North Eastern	LP
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Buckingham, Hon. Helen Elizabeth	Koonung	ALP	Mitchell, Hon. Robert George	Central Highlands	ALP
Carbines, Mrs Elaine Cafferty	Geelong	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Coote, Hon. Andrea	Monash	LP	Olexander, Hon. Andrew Phillip	Silvan	LP
Dalla-Riva, Hon. Richard	East Yarra	LP	Pullen, Mr Noel Francis	Higinbotham	ALP
Darveniza, Hon. Kaye	Melbourne West	ALP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Davis, Hon. David McLean	East Yarra	LP	Romanes, Ms Glenyys Dorothy	Melbourne	ALP
Davis, Hon. Philip Rivers	Gippsland	LP	Scheffer, Mr Johan Emiel	Monash	ALP
Drum, Hon. Damian Kevin	North Western	NP	Smith, Mr Robert Frederick	Chelsea	ALP
Eren, Hon. John Hamdi	Geelong	ALP	Somyurek, Mr Adem	Eumemmerring	ALP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Strong, Hon. Christopher Arthur	Higinbotham	LP
Hadden, Ms Dianne Gladys	Ballarat	ALP	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hall, Hon. Peter Ronald	Gippsland	NP	Thomson, Hon. Marsha Rose	Melbourne North	ALP
Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

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Thursday, 18 September 2003

The PRESIDENT (Hon. M. M. Gould) took the chair at 9.34 a.m. and read the prayer.

BUSINESS OF THE HOUSE**Adjournment**

Mr LENDERS (Minister for Finance) — I move:

That the Council, at its rising, adjourn until Tuesday, 7 October.

Motion agreed to.

PETITIONS**Collingwood Children's Farm**

Hon. D. K. DRUM (North Western) presented petition from certain citizens of Victoria praying that the Collingwood Children's Farm and the adjacent areas be kept intact and that no residential development be allowed on this site (11 signatures).

Laid on table.

Kew Residential Services: site development

Hon. D. McL. DAVIS (East Yarra) presented petition from certain citizens of Victoria praying that the draft urban design framework for the Kew Residential Services site be withdrawn and redrawn (1160 signatures).

Laid on table.

Ordered to be considered next day on motion of Hon. D. McL. DAVIS (East Yarra).

Melbourne 2030 strategy: urban growth boundary

Mr SCHEFFER (Monash) presented petition from certain citizens of Victoria requesting that the government defer the finalisation of the Melbourne 2030 urban growth boundary until their properties in the Shire of Nillumbik are included within its border (6 signatures).

Laid on table.

Housing: loan schemes

Hon. J. H. EREN (Geelong) presented petition from certain citizens of Victoria praying that the state government-sponsored home loans schemes under the flawed new lending instrument called capital indexed loans be made illegal in Victoria and that —

1. the existing loans be recalculated from day one
2. home ownership be achieved within 25 to 30 years from date of approval
3. payments be set at an affordable level
4. past borrowers be compensated for losses
5. any further government home ownership schemes be offered in a way as to be easily understood by prospective loan recipients and
6. the internal rate be set at an affordable rate.

(26 signatures)

Laid on table.

Vagrancy Act: witchcraft

Ms HADDEN (Ballarat) presented petition from certain citizens of Victoria requesting that the Victorian government preserves and retains the provision of the Vagrancy Act 1966 that makes witchcraft, sorcery, enchantment, palmistry and conjuration an offence (18 signatures).

Laid on table.

MEMBERS STATEMENTS**Member for Monbulk: conduct**

Hon. A. P. OLEXANDER (Silvan) — On Friday, 29 August I met with youth ambassadors from across Victoria in Queen's Hall as part of Youth Week Victoria celebrations. Young people between the ages of 12 and 17 years of age came to the Victorian Parliament to submit their policy ideas. I responded on behalf of the opposition, James Merlino, the member for Monbulk in the other place, represented the youth minister, and the Honourable Damian Drum did the same on behalf of the National Party.

During the proceedings Mr Merlino stormed over to me, my colleague the Honourable Wendy Lovell and a large number of youth ambassadors and began to shout loudly using obscene four-letter words the likes of which — —

Hon. T. C. Theophanous — On a point of order, President, this is a disgraceful attack by this member.

Honourable members interjecting.

Hon. T. C. Theophanous — And you should be ashamed to be supporting it. He is using the forms of the house which he knows he cannot use. I ask that you,

President, inform him that if he wants to make accusations about a member in another place, he should do so by substantive motion.

Hon. A. P. Olexander interjected.

Hon. T. C. Theophanous — I also request, President, that you ask him to withdraw the outrageous comment he just made.

Hon. Philip Davis — On the point of order raised by Mr Theophanous, President, the fact of the matter is that the member is simply describing an event. It is not a matter of issue on a point of order as to the accuracy of an event that is described in any way by a member in this place — it is up to the member to describe an event that they have complete cognisance of. Mr Theophanous has no point of order. The fact of the matter is that he is the pot calling the kettle black.

Hon. T. C. Theophanous — Further on the point of order, President, yesterday you made a ruling on comments that I made which were based on describing a factual situation — that is, that a particular member had \$42 000 worth of shares.

The PRESIDENT — Order! Minister!

Hon. T. C. Theophanous — I am not naming the member, but I was asked to withdraw, and it was on the basis of a factual statement. It is an absolute nonsense to suggest that the slanderous way this member has interpreted events is acceptable in this house. I ask that you ask him to withdraw his comment.

Hon. R. Dalla-Riva — Further on the point of order, President, the honourable member has just alleged that these matters had not occurred. In fact, I was there and was quite offended as well by these comments. They were absolutely outrageous comments.

The PRESIDENT — Order! Mr Dalla-Riva, you should make a point with respect to the point of order rather than making a statement to the house. I hear what you say, but I ask honourable members to desist from interjecting.

On the point of order, I ask the member to be mindful of rule 9.17 — no member will use offensive or unbecoming words in reference to any member of either house. I ask the member to continue, but he should be careful with the words he chooses.

Hon. A. P. OLEXANDER — Mr Merlino stormed over to me, my colleague Wendy Lovell, MLC, and a large number of youth ambassadors. He began to shout

loudly, using obscene four-letter words, the likes of which — —

Hon. T. C. Theophanous — On a point of order, President, this is an attack on another member, and under the standing orders of this house it is not allowed except by substantive motion. It is clearly an attack on another member, and you should not allow it by any circumstance except by substantive motion. I ask you to rule the member out of order.

Hon. Philip Davis — On the point of order, President, I suspect you do not need any help with this given the ruling you just made under rule 9.17 that this matter is within the competence of the member to describe. He is not using offensive words against another member; he is simply describing a fact.

The PRESIDENT — Order! I do not uphold the point of order, but Mr Olexander knows the rules about making comments about members of this house or other members and the ruling regarding substantive motions. I ask the member to continue, but once again I caution him to ensure that he is careful in the words he chooses.

Hon. A. P. OLEXANDER — Mr Merlino used obscene, four-letter words the likes of which I will not repeat in this Parliament. Ms Lovell intervened, asking Mr Merlino to stop as we were in the company of young people and his behaviour was entirely offensive. Mr Merlino then shouted his obscenities — —

Hon. R. G. Mitchell — On a point of order, President, the member is clearly reading; he is not — —

Honourable members interjecting.

The PRESIDENT — Order! Yesterday I ruled accordingly. There is no point of order.

Hon. A. P. OLEXANDER — He then shouted his obscenities once again. Mr Merlino's behaviour and language intimidated, shocked and embarrassed those present. I call on him to apologise.

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

Moreland: home energy program

Ms ROMANES (Melbourne) — The Moreland Energy Foundation was established by the Moreland City Council as an independent, locally based organisation devoted to reducing community greenhouse emissions. Its development grew out of the

forced sale of council-owned electricity retailers by the former Kennett government.

Last Sunday it released an evaluation report of its Home Energy Star program. The stars are those Moreland residents who sign up to a program designed to reduce greenhouse emissions. Participating households receive a thorough home energy audit as well as support and advice over the following year to achieve potential energy savings.

The Home Energy Star program is designed to produce behavioural change, and it appears to be having some success. Seventy-five per cent of those participants made small changes to their behaviour to reduce their energy use and 13.6 per cent had made major changes. Those main behaviour changes were made by turning off power points, turning off lights and using less hot water and less heating.

This is a very important initiative to find ways to get local communities to consider the ways in which they can reduce their own greenhouse emissions, and I congratulate the Moreland Energy Foundation Ltd on this initiative.

Member for Monbulk: conduct

Hon. W. A. LOVELL (North Eastern) — On Friday, 29 August, I attended the Youth Week event in Queen's Hall as part of the Youth Week Victoria celebrations. I listened to young Victorians from all over the state present their policy agenda for the future. I was very proud of the way these young people conducted themselves and of their commitment to the future.

I was personally shocked and appalled when the minister's representative, Mr James Merlino, MLA for Monbulk, began an abusive and obscene tirade — —

Honourable members interjecting.

Hon. T. C. Theophanous — On a point of order, President, I raise a point of order again because I believe that an important precedent is being established here today. I would like the Chair to reflect very carefully before making a ruling in relation to this matter. There have been now two members of the opposition — —

An honourable member interjected.

Hon. T. C. Theophanous — Are you going to listen? This is a very important issue, because it might affect you tomorrow or the next week.

The issue comes down to this: there is plenty of precedent in *May* which talks about the conventions of this house and of similar houses in relation to accusations about members of this house or the other place.

What *May's* practice and convention says — and I am happy to try and find it for you, President — is that if you are going to make substantive accusations against a member in another place or in this place as to their behaviour or character then that has to be done by way of a substantive motion in this house.

There is no substantive motion before the house in relation to this matter. If we are going to stay here and listen to opposition members getting up constantly, one after another, and making a series of accusations about a member using the 90-second statement forum to do that, that will establish a precedent that I do not think the members of this house want established, and I do not think that the Chair should allow it to be established.

I urge you, President, to rule out of order what is obviously a theme of a consistent attack on another member of another place, which should be done by way of a substantive motion coming before this house so as to allow a defence of that member by members on this side of the house. That is what the convention and the practice of *May* establishes.

It is inappropriate to allow this to continue with member after member making 90-second statements about somebody in another place without the opportunity being afforded to members on this side of the house to defend that particular member. The opposition should do it properly; they should put up a substantive motion. The Leader of the Opposition should be ashamed of putting it up in the way that he has.

Hon. Philip Davis — On the point of order, of course one could contemplate the hypocrisy of the remarks coming by the mover of the point of order, but what I would like to say is that as I understand it, having listened to the remarks so far by the honourable member speaking, she is simply describing a set of events that occurred in the parliamentary precinct, indeed in Queen's Hall.

My understanding is that she is trying to put into context some comments that she found offensive at that event, and in relation to that she does not want to be in any way associated with those offensive words. She is therefore disassociating herself from the remarks which were made in Queens Hall a couple of weeks ago.

Mr Lenders — Further on the point of order, President, I draw your attention to standing order 9.18 which quite clearly states that any personal reflection on a member will be regarded as highly disorderly. Regardless of what else has been said in these points of order, this is undoubtedly a very powerful personal reflection on a member in another place, and I ask you to rule it as highly disorderly.

Hon. B. N. Atkinson — Further on the point of order, President, the provision that the Leader of the Government has drawn the President's attention to is associated with opinions being cast by members — in other words, members reflecting on another member by way of opinion or comment on that other member. The provision does not apply to a situation where behaviour by a particular member is being discussed and, as has been indicated, where a member is simply seeking to disassociate themselves from that behaviour.

Mr Gavin Jennings — Further on the point of order, President, I would build on Mr Atkinson's argument to support my leader's proposition. I think that a careful analysis of Mr Olexander's contribution would show that he said that he was expressing an opinion on what he thought of the behaviour. Precedents are being set this morning about opinions that have been expressed about behaviour and interpretation of behaviour, and while in context it can be argued that it is being established by the ongoing contributions of people who rise to their feet to support a single accusation in the style of an Alcoholics Anonymous meeting, it contains opinion on that circumstance and cannot be described as a factual situation because inherently it relies on opinion, interpretation and a recollection of the members involved.

The PRESIDENT — Order! The point of order was initially raised by the minister, and was followed by further points from both sides. The relevant standing orders are 9.17 and 9.18. At the moment the member is relaying her version of what events took place. I remind her about casting personal reflections on members in the other place, and ensuring that there are no imputations of improper motives, which would be considered highly disorderly and would be ruled out of order. I will ask the member to continue but ask her to be very careful of the words she chooses, because she is getting close to casting reflections on a member in the other place and if that continues, I will have no option but to rule her out of order. But at this point I will allow the member to continue with her statement.

Hon. W. A. LOVELL — Thank you, President, as I said the member for Monbulk in the other place,

Mr Merlino, began an abusive and obscene tirade against my colleague Mr Olexander in front of the youth ambassadors. Mr Merlino used language, the likes of which I never expected to hear in this Parliament. Mr Merlino's language was foul and utterly crude — —

Mr Gavin Jennings — On a point of order, President, the member has clearly expressed an opinion and I ask you to rule her out of order in accordance with standing order 9.18.

The PRESIDENT — Order! I uphold the point of order under standing order 9.18. I rule the member out of order and call the next member.

Victorian Parliamentary Friends of Tibet

Mrs CARBINES (Geelong) — On Tuesday night the Victorian Parliamentary Friends of Tibet had the honour of hosting a dinner here at Parliament House for two special guests — the Dalai Lama's representative in Australia, Tenzin Atisha, and Mr Sandup Tsering, representing the Victorian Tibetan community.

As chair of the Victorian Parliamentary Friends of Tibet I am proud that we comprise representatives from all the political parties — Labor, Liberal, National and Independents — of the Victorian Parliament.

I would like to congratulate Tenzin Atisha on his appointment to Australia and Mr Tsering for his work with the Victorian Tibetan community. The Victorian Parliamentary Friends of Tibet look forward to working with Tenzin Atisha and Mr Tsering to promote the interests of the Tibetan people in the Victorian community.

Australian Football League : salary cap breaches

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to raise the serious issue of the player payment scandal which has made headlines in the newspapers this week. All Victorians will be concerned at headlines like 'Tax probe on AFL star' and 'Footy rort revealed'. All Victorians can be concerned at allegations of fraud and allegations of false accounting and reports of under-the-table player payments of \$200 000. But Victorians must also be concerned at allegations that this involves Amigo Constructions Pty Ltd, of which the Victorian Minister for Sport and Recreation was a director at the time of — —

Ms Broad — On a point of order, President, clearly members of the opposition are determined. Not content with attacking members in the other place, they are now

intent on using members statements to attack members in this house. It is quite clear where the member is headed with this particular attack on my colleague. President, I ask you to again reflect on the rulings that you have been making on these matters and to not allow this abuse of members statements and to put this member back in his place before he goes any further in the direction he is clearly determined to head.

Hon. Philip Davis — On the point of order, I think it is extraordinarily presumptuous for the minister to get into high dudgeon on this issue when yesterday she was supporting another minister making allegations against a member of the Liberal Party in the other place. It is about time members of this place understood that there is a consequence for actions. The reality is that if the standards are good enough for members of the government, they will be applied equally in this house. The fact of the matter is that the minister has presumed what Mr Rich-Phillips was about to say, with no knowledge of what was in his mind. The point is that there is no point of order.

Mr Gavin Jennings — President, I will address my point of order to you. It is on the way in which points of order should be raised and dealt with in this house. Points of order should not be used by any member of the house, including the Leader of the Opposition in this place — —

Honourable members interjecting.

The PRESIDENT — Order!

Mr Gavin Jennings — Points of order are designed to ensure that the procedures of the house are orderly, and in fact provide advice to the Chair from the perspective of members on the way the debate should be maintained. They should not be used to maintain a dynamic of personal assaults within the chamber. I refer the Chair to the substantive issue that has been raised by the Minister for Local Government: that matters that have been raised during the 90-second statement period this morning should be dealt with more appropriately by substantive motion or not at all.

Hon. G. K. RICH-PHILLIPS — Further on the point of order, I point out that Amigo Constructions is a matter the Minister for Sport and Recreation has placed on the record. It is not my intention to make an allegation against the minister, and I am aware of the convention of the house.

The PRESIDENT — Order! On the point of order raised by the Minister for Local Government, members statements in this house have quite a broad scope and allow issues that are not directly related to government

business to be expressed in the house. However, the parliamentary rules apply. Mr Rich-Phillips is well aware of my rulings on previous 90-second statements made by members.

If the member proposes to cast aspersions on any member of the house then I will rule him out of order. He has a little way to go. I will listen very carefully to his next set of words, and if I find them offensive, I will rule him out of order.

Hon. G. K. RICH-PHILLIPS — Amigo Constructions Pty Ltd is a company of which the Minister for Sport and Recreation has admitted in this house to being a director at the time these allegations were made. It should be a matter of concern to Victorians that this company has been implicated in these allegations of fraud and false accounting.

It is appropriate at this time for the minister to place on and to clear the record as to his involvement with this issue. Previously in the house the minister has said as a director that he had no knowledge. That is not good enough. The people of Victoria have a right to know what the minister knew about this issue and what his involvement in the issue was. The company of which the minister was a director has been implicated. The minister must — —

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

Access for All Abilities program: Darebin

Ms MIKAKOS (Jika Jika) — Recently the Minister for Sport and Recreation visited All Nations Park in Northcote to announce that the City of Darebin, which is in my electorate, will be funded \$109 300 annually for the next three years to deliver the Access for All Abilities program until 2006.

The grant is part of a total \$9 million allocation over three years to support the development of sport and recreation environments that are inclusive of and accessible to all members of our community, including people with disabilities.

The program is a shining example of the Bracks government's commitment to building stronger and more inclusive communities as is evident by the Victorian state disability plan 2002–12.

I extend my congratulations to Darebin council which will link in with key local agencies in providing more leisure opportunities for people with disabilities to enhance their self-esteem, health and wellbeing and enjoyment of life. This is an important local initiative

that shows that this government is getting on with the job of governing for all Victorians.

Planning: Bayside height controls

Hon. C. A. STRONG (Higinbotham) — Earlier this week I received a letter from Bayside City Council which said in part:

Council at its meeting of 8 September 2003 adopted the following motion:

That Bayside City Council immediately write to all local state members of Parliament seeking their support for amendment C2 incorporating residential development and height controls that limit high density development and prevents high-rise development across Bayside.

Amendment C2 was adopted by council in 2001. Since then it has been caught up in Labor government procrastination. Amendment C2 is Bayside's only protection from the ravages of Labor's Metro strategy, or Melbourne 2030 plan, which will impose high-rise, high-density development on Bayside.

I am on the record as supporting C2 and opposing 2030. I call on Mr Pullen, as the other member for Higinbotham Province, to put on the public record his opposition to 2030 and his support for his constituents and Bayside City Council. Come on down, Noel!

Honourable members interjecting.

The PRESIDENT — Order! Mr Pullen! It has been 20 seconds since the last member sat down. The house is unruly. Hansard is having difficulty hearing. Other members are also having difficulty hearing. I ask members to reduce the level of noise in the house and stop the barrage across both sides of the house.

Bendigo: speed limits

Hon. D. K. DRUM (North Western) — A couple of weeks ago I was in Queen's Hall and had a great time — but that is not what I am talking about.

I have had a lot of constituents come to my office expressing displeasure with the current speed limits that exist in the Bendigo region. If you drive from one end of Bendigo to the other, which is not a long journey, you now go through 11 different speed limits. We now have a situation where most drivers are totally confused about what speed they are supposed to be travelling at, because no sooner do you hit a 50-kilometre-an-hour zone than you are back into a 60-kilometre-an-hour zone, and then again into a 50-kilometre-an-hour zone.

It is not that people are getting fined that is the biggest issue; it is the fact that as they are driving along they

simply do not know what speed they are supposed to be travelling at. This is further compounded on the drive to Melbourne when you go through the Carlsruhe section, which has been open for approximately three months. It also has speed limits which go from 80 kilometres an hour to 100 kilometres an hour, back up to 110 kilometres an hour and back down again.

We are asking to have more clarity of signage to give confidence to the drivers so that when they are driving through the streets of Bendigo they have an absolute knowledge of the speed they are supposed to be travelling at.

Ballarat: ABC radio station

Ms HADDEN (Ballarat) — I very proudly represented the Premier at the opening of the ABC 107.9 FM radio station in Ballarat on 28 August last. It is the 51st and the largest regional radio station in Victoria. I was warmly welcomed and acknowledged by the ABC state director, Murray Green, the chairman of the board, Donald McDonald, and other ABC dignitaries. Senator Richard Alston also received a very vocal welcome from the Friends of the ABC who turned out in their strength and numbers to show the federal communications senator their support for an independent and fully funded ABC.

It is said that a picture says 1000 words, and Senator Alston appeared in a photograph in the *Ballarat Courier* the following day, 29 August, hanging his head.

Hon. D. Koch — Shame!

Ms HADDEN — That is right, Mr Koch — shame — hanging his head that the new ABC radio station only has federal funding until 2005. Given the huge level of support for the ABC and its independence in Ballarat, Senator Alston and his federal Liberal ministers should forthwith guarantee funding to the ABC beyond 2005 and not treat Ballarat people like country hicks.

Rural North West Health: funding

Hon. D. KOCH (Western) — The Warracknabeal, Hopetoun and Beulah communities, which are serviced by Rural North West Health and centred in Warracknabeal, continue to agonise as to what health services will be retained in this regional district. Resignation of the board of management earlier this year and the appointment of a sole director was quickly followed by the suspension of the operating theatre and obstetrics in May. This has left the Wimmera

community uncertain of what services will be available in future.

Currently the service has a \$2.8 million deficit, a small amount by state global standards. Although the sole director has been in place for five months, there is still no definite program in place to buoy the confidence of those in the service catchment area. The closure of the Hopetoun kitchen at a cost of eight permanent positions has sent a scare into many community leaders that worse may come. Although a \$500 000 upgrade of the Warracknabeal Hospital has been touted, with meals being delivered from this centre, concerns continue.

Until such time as the Bracks government, and in particular the Minister for Health, meets with this rural community offering a clear indication of health services for the north west, anxiety will remain. I support the challenge from the shadow health minister, the Honourable David Davis, that Minister Pike meet with the Warracknabeal community instead of Mr Ken Taylor, the sole director of Rural North West Health, and adviser, Ben Hart, doing the minister's bidding.

Australian flag: commemoration

Hon. ANDREW BRIDSON (Waverley) — I wish to report to the house on a recent significant historical event which occurred on 3 September and which passed unnoticed. In April 1901 the first commonwealth government held a national flag design competition that attracted over 32 000 entries from men, women and children in the new nation. There were five finalists with identical designs: Ivor Evans, a 14-year-old schoolboy; William Stevens, a merchant ships officer from New Zealand; Leslie John Hawkins, Sydney teenager and optician's apprentice; Egbert John Nuttall, an architect with the Melbourne Metropolitan Board of Works from Bright; and Annie Whistler Dorrington, who was a recent immigrant from England.

They all shared the magnificent sum of £200. On 3 September 1901 the new Australian national flag flew for the first time from atop the Royal Exhibition Building. It was not until 3 September 1996 that that day was officially designated Australian National Flag Day. Unfortunately the Royal Exhibition Building has a policy of not celebrating this day nor does it have a permanent monument or exhibit marking this historic event. I call upon the Museum Victoria to do two things: firstly, to create an exhibit marking this historic event; and secondly, to conduct an annual celebration at the birthplace of our national flag.

Hon. T. C. Theophanous — President, I wish to raise a point of order. It relates essentially to what has

occurred today during the 90-second members statements. I would like the Chair to reflect and to come back with a considered response.

I do so somewhat regretfully, because I do not believe the points of order I raised during the course of the debate were fully addressed. Having had the opportunity to look through *May* and compare the practices and conventions in other houses, I draw your attention to the substantive issue which I raised by way of a point of order — that is, the question of whether the 90-second statement opportunity for members can be or should be used to make reflections on the character of a member in another place.

I refer you to page 332 of *May* and I quote from the heading 'Matters which may be raised only on a substantive motion'. It states:

Certain matters cannot be debated, except on a substantive motion which allows a distinct decision of the house. Amongst these ...

It goes on to indicate a range of people who are included in the persons where such substantive motions are required. It includes:

Members of either house of Parliament and judges of the superior courts ...

It states further:

Such matters cannot, therefore, be raised by way of amendment, or an adjournment motion. For the same reason, no charge of a personal character in respect of these categories of person —

that is, members of Parliament and judges —

can be raised, except on a direct and substantive motion. No statement of that kind can be incorporated in a broader motion ...

I put to you, President, that *May* is absolutely clear about the fact that reflections on character are involved — a charge of a personal character. I put to you that what has been done today during the 90-second statements — notwithstanding the advice that the Clerk has given you on this occasion which I believe to be incorrect — has clearly been a personal attack under any definition. There has been an attack, a charge of a personal character. It fits squarely within the definition of *May's Parliamentary Practice*.

I ask that you, President, reflect on this issue and come back to the house; otherwise in the future people in this house will begin to use the opportunity of the adjournment debate and the 90-second statement to make substantial attacks of a personal character against

members in a way which should be done by way of a substantive motion.

It is one thing to make a comment and then have that comment withdrawn, which happens in the cut and thrust of debate in this house, and I have had to withdraw on a number of occasions myself. But it is a different matter to allow the making of substantive charges as to character, as identified in pages 332 and 333 of *May*, and to allow that to continue in a way which is not in accordance with the custom and practice either in *May* or in this house. I suggest that if you go back and look at previous rulings on a number of occasions by a number of presidents, you will find that this kind of thing has been ruled out under this very same convention and practice of the house.

Hon. Philip Davis — On the point of order, President, I will not take issue with your rulings about what has just gone before us. In relation to this point of order, my understanding is that the minister is alluding to *May* in the context of adjournment debates specifically. I do not believe *May* covers the concept of members statements such as we have just dealt with this morning. Therefore there could be no convention alluded to in *May* that could contradict the ruling you have already made in this matter.

The PRESIDENT — Order! The minister has raised an issue about my previous rulings. As the Leader of the Opposition has indicated, members statements are a new procedure. I will look into the reference in *May* that the minister has raised and report back to the house.

EASTERN HEALTH

Annual report

Hon. D. McL. DAVIS (East Yarra) — I move:

That the Council take note of the report of Eastern Health 2001–02.

In doing so I want to make a number of points about our health system at this point. What we know about the Victorian health system is that it has slid from crisis to crisis over the last three to four years under the Bracks Labor government.

The government inherited a system that was working reasonably well, but that system has begun to decline significantly, and that is shown in the figures that are published in the Department of Human Services quarterly *Hospital Services Report* for March 2003.

If you look at key places like Box Hill Hospital in the Eastern Health region there has been a significant decline. The number of people waiting in emergency departments for more than 12 hours on trolleys has increased from 72 people in March 1999 to 282 people in March 2003, a massive increase. The number of people waiting on lists for semi-urgent elective surgery has gone from 430 to 675.

There is also a brewing financial crisis in Eastern Health and in our general hospital system across Victoria. We have seen a massive increase in the budget deficit of that organisation increasing from \$2.8 million in 2000–01 to \$5.27 million in the 2001–02 annual report we are discussing today.

The chief executive officer of Eastern Health, Mr Chris Fox, who has now resigned, admitted on television that Eastern Health was looking at a deficit of between \$10 million and \$14 million in the period to 30 June just gone — it was prior to that date that he made those comments.

I make the point that a \$14 million deficit would be devastating for Eastern Health. Government mismanagement and financial incompetence is forcing cuts to services. We have seen that in the form of the government's ill-fated plan, as Ms Hirsh will know, to close the Angliss coronary care unit — the plan that she and James Merlino, the honourable member for Monbulk in the other place and other Labor members supported out there until the community rose up as one and said, 'We will not have this closure; we are not happy to have these sorts of closures'. But the question as to the final deficit will be — —

Hon. C. D. Hirsh — It is not enacted!

Hon. D. McL. DAVIS — Yes, but it was your ill-conceived plan with your hospital closure specialists, Clearview, who were out there closing hospitals as they are doing in rural Victoria.

The PRESIDENT — Order! Mr Davis, through the chair!

Hon. D. McL. DAVIS — President, I became agitated by the lack of knowledge of Ms Hirsh about her own local region and the lack of concern she has expressed and has been prepared to express.

What we need is Labor members to stand up to the Premier, the health minister and the Treasurer and say, 'We are not going to cut hospital services in our area. We are not going to let waiting lists blow out. We are going to do something about this'.

Ms Hadden interjected.

Hon. D. McL. DAVIS — Yes I did, and things have got much worse at Ballarat.

Ms Hadden interjected.

The PRESIDENT — Order! Ms Hadden, please stop interjecting so much.

Hon. D. McL. DAVIS — I am very interested to know how much money was pumped into Eastern Health care network in the last two weeks of the financial year. The practice developing under this government of bailing out some networks that are in financial crisis at the last moment and pumping in tens of millions of dollars directly reflects its poor financial management. The outcome of that mismanagement is the cutting of services and the growth in waiting lists around the state.

We are seeing that in Eastern Health. Eastern Health needs to be looked at. We need to get to the bottom of what has gone wrong in the eastern region of Melbourne. We need to have the health minister explain why there are no inpatient palliative care beds east of Caritas Christi in my electorate and why she has not been prepared to properly fund many of the services out there. I understand there are now problems in getting aides and appliances to help patients at places like Maroondah Hospital, where there is a growth in the waiting list. I understand the government will over the next period try to explain and put every bit of responsibility on the federal government, but it is about time the minister stood up, accepted responsibility and fixed the problems in health.

Hon. C. D. HIRSH (Silvan) — The Eastern Health care network report shows clearly that the Bracks government's commitment to health care in the eastern region is very worthwhile, and patients are now being treated. The mission of Eastern Health, which was created after the Bracks government came into office, is to dismantle the enormous bureaucracy the Kennett government, which was unresponsive to local needs and to the local community, had created. The major item in the mission statement of Eastern Health is to be responsive to the needs of the local community, and with the expansion of the Angliss and Maroondah hospitals this responsiveness is showing.

Members on the other side will recall that the Kennett government was going to build a massive private hospital in Knox and wind down and then close the Angliss Hospital, which looks after patients throughout the Dandenong Ranges. The government is now building up the Angliss and Maroondah hospitals,

keeping the Healesville health care centre running and providing services for the outer east.

While I am speaking about this report I want to briefly acknowledge the work of two of the community advisory members throughout the years of the Kennett government. Glenys Freeman has worked and worked for Maroondah Hospital. I want to acknowledge her work, because she does a great job in ensuring that Eastern Health continues to respond to the community's needs. Cr Robert Chong, another activist in the eastern suburbs, has also responded very well as a member of the community advisory committee to the needs of the eastern suburban community. They are both wonderful local people.

There has been great expansion of the Angliss and Maroondah hospitals. Stage 1 of the development at the Angliss Hospital, the 30-bed ward for rehabilitation and geriatric services, has started. Stage 1 of the Maroondah Hospital development, the expansion of the emergency department, is absolutely required as the Howard government winds back Medicare so that people can no longer afford to go to doctors in the eastern suburbs. Hardly any doctors in the outer east bulk-bill anymore. People throughout the Dandenong Ranges are obliged to attend emergency departments of the public hospitals because they can no longer afford to go to the doctor since the Howard government wound back Medicare and is trying to destroy it.

At the same time the Howard government no longer provides nursing home beds in an adequate number in the outer east. As the community is ageing, more and more nursing home beds are required, and the Howard government has ceased to provide adequate funding for nursing home beds. There are many patients in both the Angliss and Maroondah hospitals who require nursing home attention, but the beds are not available.

As far as nurses go — my daughter is a nurse who has worked in both Maroondah and Angliss hospitals — the Bracks Labor government has increased the number of nurses in the Eastern Health region from 1256 EFT in June 2000 to 1799 EFT in June 2003, a net increase of 503 nurses in the Eastern Health service providers at the same time as the federal government has reduced domestic undergraduate pre-registration nursing commencements in Victorian universities from 3500 in 1992 down to only 1500 in 1993. Despite this, the Bracks government is able to provide extra nurses.

I want to show the house my little grandson, who was born at the Angliss Hospital a few months ago.

Hon. B. N. ATKINSON (Koonung) — Happy Families! I also have concerns about the trends in the Eastern Health care network region. I note from the report the many significant initiatives that have been undertaken by the hospitals and health professionals in the eastern region.

Indeed, the opposition has a great admiration for the men and women providing health care in the eastern suburbs and in hospitals which are of very good standing, which endeavour to provide world-class health care to people of the eastern region.

The problem is, however, that this government refuses to recognise that the number of facilities in this area is inadequate to cope with the demand from the population, and the demographics of that population, of the eastern suburbs. As the Honourable Carolyn Hirsh mentioned, the opposition — both when it was in government and in opposition — has supported the development of a new hospital at Knox. Whilst it was described as a private hospital by the Honourable Carolyn Hirsh, that is not true. It was to be a public hospital; it was simply to be built and operated by a private operator. There is a distinction between the two terms as to how we understand the provision of health care.

The government's position on the Knox hospital was that it was not needed, because the existing hospital network, including Maroondah Hospital, Box Hill Hospital and William Angliss Hospital would be able to cope with the health needs of that area. Given that sort of statement by the government, I am alarmed at some of the trends in terms of the number of people who are waiting for surgery in that area and the number of people who are stuck for more than 12 hours in emergency departments in the existing hospital network.

More importantly, I am concerned about the lack of palliative care beds east of Springvale Road, where there are more than 500 000 people. In fact, the region of the eastern suburbs east of Springvale Road equates to the city of Adelaide, and the health service provision for those people is simply not adequate in terms of the number of beds and the facilities that are available.

As I said, the government said, 'We can match that need by extending existing facilities'. I think the Parliament would therefore be very surprised at the government's approach to coronary care at the William Angliss Hospital earlier this year when the government moved to actually reduce the amount of coronary care available, which stood in marked contrast to the government's comment that it would improve health

services and that Knox was not necessary because the existing hospital network would be able to provide the range of services that were needed.

Of course, for coronary care — which is an acute situation — the prospect of people who were struck with heart attacks travelling for significant distances to other hospitals, such as Maroondah or Box Hill, from the foothills region was a prospect that the opposition and indeed the community in that area was very concerned about.

From March 1999 to March 2003, which is the period for which Human Services quarterly health services reports are currently available, we have seen the number of people on waiting lists for elective surgery at Box Hill Hospital balloon from 430 in 1999 to 675 now, the number of semi-urgent cases on waiting lists for longer than the ideal time grow from 23 to 97 and the number of people in the hospital emergency department for more than 12 hours grow from 72 people in March 1999 to 282 people now.

The same thing applies to Maroondah Hospital's emergency department: 26 people waited for longer than 12 hours in March 1999, but now, after this government has pumped in so much money and apparently put so many more nurses back into the system — and I acknowledge that there are more nurses in the system; I acknowledge that there is more money in the system — the outcomes are not there. In March 2003 at Maroondah we had 257 people sitting or lying in those emergency departments for longer than 12 hours compared with just 26 in 1999.

Mr VINEY (Chelsea) — Here we go again! Not content with the misinformation and disinformation perpetrated by the opposition yesterday and the day before on the great things that are happening in Victoria's health system, it is using the opportunity of taking note of reports to continue this ridiculous campaign that will have no resonance in the community, because the community knows that it was this government that has reinvested back into health, including into Eastern Health.

The figures in this very report that the opposition is refusing to even look at show that in Eastern Health we have seen substantial growth in the number of people attending emergency departments. Yesterday in my contribution on the health legislation I went through some of the reasons for that, which go right to the heart of the federal Howard government, its destruction of Medicare and removal of bulk-billing. Those are the reasons we are getting this growth in people attending emergency departments.

The report goes on to detail what Eastern Health has been doing about this. It talks about the developments that have occurred in short-stay units, in the appointment of care coordinators, the establishment of a transit lounge for patients awaiting final discharge and transport home, the establishment of an emergency medical unit at Maroondah Hospital and Eastern Health's established relationships with various residential facilities for residential interim care placements. Another reason it is having to do that is because of the failure of the Howard government to adequately fund nursing home positions in Victoria. Despite the Howard government's failure, the Victorian government is investing in this. We are accepting the responsibility, we are accepting the fact that the Victorian people need services

Hon. D. McL. Davis interjected.

The PRESIDENT — Order! Mr Davis has had his turn. Mr Viney, through the Chair!

Mr VINEY — And the Victorian government is funding those services despite the fact that the Howard government is not doing its fair share. It is cutting us \$350 million short in the Australian Health Care Agreement.

It is very clear in this report that ambulance bypasses have gone down from more than one episode per day to fewer than five per month. We well remember what was happening when the other side was in government, and thank the Lord that there was a change of government in 1999, because goodness knows what state Eastern Health would be in had it continued.

It was not Eastern Health then. It went from the Dandenong Ranges to the Alfred hospital.

Hon. D. McL. Davis interjected.

Mr VINEY — That is the network the former government had established, a massive bureaucracy, incredible mismanagement, where the hospital system were having to sell the silver to keep operating.

We inherited a system where the assets of our hospital system, including what is now Eastern Health, had been completely depleted. When it was in government what was the opposition's solution to that massive problem of assets being sold in order to fund recurrent expenditure — because that is what they were doing? That was identified in the review of our health services when we came to government. What were they doing? They were sneakily privatising our health system, that is what they were doing.

There is no better example of where they were doing that than in Eastern Health, where their proposal for a new hospital at Knox was in fact to have a private hospital. The Americanisation of our health system was well under way under that government. They were going to establish a private hospital at Knox, and they sang loud about this as some great achievement which under their plan was going to have no Victorian funding in it at all. It was going to be a private hospital, run for profit and paid for by the taxpayers of Victoria through the health system. That was their plan, and that was what was exposed. What they were doing was running down the assets of our hospital system.

I congratulate Eastern Health on this report, because it shows clearly that it has been addressing the increasing demand on our health services in an effective and creative way, particularly in the area of emergency.

Hon. D. McL. Davis — It has got worse.

Mr VINEY — You say it has got worse; it has not got worse. What has got worse is the increasing demand because of — —

Honourable members interjecting.

The PRESIDENT — Order!

Mr VINEY — That is what has got worse, and this report shows that the Victorian government and Eastern Health and its staff have been doing a fantastic job to provide a decent service to the people of the eastern region.

Honourable members interjecting.

Mr VINEY — You should be ashamed of this — —

The PRESIDENT — Order! Mr Viney's time has expired.

Hon. C. A. STRONG (Higinbotham) — It has been very interesting to listen to the debate on the Eastern Health report. Unfortunately the debate from the other side has not been really about the good effort Eastern Health has made to do its best against significant odds. We need to look at those odds, which include a budget that is insufficient to cover what has to be done. Quite clearly the deficit for Eastern Health continues to go up. This year it is anticipated to be something like \$14 million. You only have to put together two things — funding that is being reduced and an increase in throughput for patients, which is unfortunately something that has been going on for generations — to understand what is happening.

The truth of the matter is that as a society we use more and more hospital and medical services every year as our population ages and as people become more health conscious. These services are becoming more and more available and more people use them. So if more people are using these services and the government cuts back the amount of money available to provide them, the outcome is quite clear: a decrease in the level of service to patients. That is what we are seeing, and that is totally the responsibility of the government.

The government cannot stand there and say that, because there are more patients going through the health system, it is not their fault. The government is there to provide services to the community. Just because people want to use those services, that is not an excuse for the government to say they are not going to provide them. But that is what they are saying; they are saying that more people want to use the services, so they are not able to provide the services and that is not their fault.

People opposite are the government; they have the responsibility to provide those services. They cannot be forever like Pontius Pilate, washing their hands and saying it is not their fault, it is somebody else's fault, there is not enough money, there are too many patients and so on. This litany of excuses goes on and on while the service continues to fall. To see that we only have to look at the level of service, and as I have said before, the benchmark on service for this government is the March 1999 figures of the Kennett government. This government should try to reach that level of waiting lists and that level of bypass. That was achieved by the Kennett government, ploughing huge amounts of money into the hospital system. It took its responsibility seriously and set out to meet the demand of increasing numbers of patients.

At Maroondah Hospital, for instance, looking at how many patients stay in each hospital emergency department for longer than 12 hours, we find there has been, would you believe, a 900 per cent increase from the Kennett years to March 2003 — a 900 per cent increase in those waiting for more than 12 hours. The number of people on waiting lists for emergency elective surgery has gone up 22 per cent. At the Angliss Hospital how many patients stayed in each hospital emergency department for more than 12 hours? In March 1999 there were none; now there are 85. How often are emergency departments going on hospital bypass? In the Kennett years, once. Now, in March, six times — a 600 per cent increase — while the number of people on waiting lists for elective surgery has also gone up 100 per cent.

These figures are indisputable. This is the level of service that this government is offering, and it is a demonstrably lower level of service than was delivered under the previous government. I repeat, the benchmark for this government is to achieve the same level of waiting lists, the same level of bypasses that the Kennett government achieved — and there is no use blaming anybody else because it is the government's responsibility.

Hon. H. E. BUCKINGHAM (Koonung) — Eastern Health is just three years old. It was created in 2000 and is a service that I use. The Honourable David Davis said that we inherited a system working reasonably well and I dispute that. I was a board member of the Box Hill Hospital from 1992 to 1997, and rather than use my time this morning being negative, as the opposition has, I wish to talk about the positives of this report.

I congratulate Alister Maitland and the acting chief executive officer. Eastern Health services over 20 per cent of the population of metropolitan Melbourne and covers an area of 3000 square miles. It does it well and its 6000 employees do it well.

How does it do it? I would like to quote the hospital's figures. It has treated over 103 000 patients in the emergency department, 447 000 in the outpatient department and had inpatient attendances of 92 000. In fact, it operates at 95 per cent capacity at all times. This means that in the reporting period, Eastern Health looked after 642 000 people.

It has done that by increasing the numbers going through the emergency department and has put on more specialist emergency help to assess patients. It has reduced the number of times ambulances have gone on bypass. It has performed over 10 000 elective surgical procedures. It has increased the number of surgeons who now work not only during the day but in the evenings.

Eastern Health has an admirable reputation. It is not into just a bandaid approach to health; it is into looking after the community and encouraging wellness. It goes out into the community with many admirable programs. It has increased the support to general practitioners who, we all know, are under increasing time constraints through the attack on Medicare. It has helped manage people with drug and alcohol addictions out in the community by offering over 650 secondary consultations with general practitioners through its alcohol and drug service. It also supports mothers and families in places like the Birralee maternity centre which has had 10 000 births in four years of operation.

It goes out into its community, it offers advice, it puts out fact sheets in the many languages of the community.

Eastern Health has also seen an increase in the demand for its services and to its credit, the management and hardworking staff have gone on to treat a record number of patients.

Why has there been an increase? The facts are inside the report, if members choose to read it. In the next 15 years the population aged over 65 will increase by 15 per cent. This will have a huge impact on the delivery of services by Eastern Health because an ageing population has more complex needs, they repeatedly use the hospital and its facilities and require greater use of technology and medications. The cost of health is increasing particularly with ageing populations, and those figures cannot be disputed.

Eastern Health has had an 11 per cent increase in the number of people who stay on in hospital and a 13 per cent increase in the number of outpatients. It is to be commended for its cardiac catheterisation facilities. It is the only public hospital in the east that offers angioplasty.

It has also expanded its renal dialysis service under the very able directorship of Dr Peter Lynch at the Peter James Centre. It has implemented a comprehensive interim care program called the Eastern Health emergency demand strategy, which has helped over 480 patients in nursing homes. That is incredibly important because one of the biggest problems faced by Eastern Health is the number of patients who should be in nursing homes, but who are in acute beds that should be supplied by the federal government — beds that could be taken up by people on waiting lists.

I congratulate Eastern Health on the level of health care, both acute and preventive, that it provides to the residents of the east.

Motion agreed to.

AERODROME LANDING FEES BILL

Second reading

Mr LENDERS (Minister for Finance) —

I move:

That the bill be now read a second time.

Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):

I am pleased to introduce the Aerodrome Landing Fees Bill into the house.

The Bracks government is introducing this bill to assist aerodrome operators recover fees for aircraft using landing facilities, and to provide a legal framework for aerodromes that have deemed the collection of fees as too difficult to be feasible.

The need for this legislation was established by the Victorian Aviation Strategy Committee and has strong support across the industry. The Victorian Aviation Strategy Committee comprised aviation and industry representatives, and they have provided the government with a range of invaluable strategic advice about the future development of aviation in this state.

The development of an Aerodrome Landing Fees Bill was a key recommendation of this committee. When passed into law the government will ask the Victorian Aviation Strategy Committee to monitor the impact of the legislation to ensure it is effective in providing for a more efficient and fairer aviation sector.

We are taking this step of introducing legislation because for far too long fee avoidance has been a concern for Victoria's airport operators. There is a strong belief that greater certainty in relation to landing fees collection will give airports in metropolitan and, more particularly, regional Victoria, greater flexibility to continue maintenance and upkeep of airfield and airport facilities. There is an obvious link between access to regional areas for aircraft and social benefit in local communities, and one that this bill intends to foster.

The Victorian government has been active in addressing and resolving issues for aviation. The ongoing development of Melbourne's main airport precinct, Tullamarine; the Victorian government's submission to the commonwealth in relation to the sale of Point Cook; the future usage of Essendon and Moorabbin airports; and the fostering of a favourable environment for aviation in this state are all examples of the Bracks government's commitment to seeing a strong aviation sector emerge from the array of national and international challenges that currently face it.

I wish to emphasise to the house that the bill will neither impose nor set fees. The bill does not specify fee levels, rather it provides a legal framework for the existing rights of aerodrome operators to set fees and ensure that their fees are sufficient to cover the costs of providing the service. Nor will the bill create any unnecessary burdens for users of aviation facilities. It simply aims to ensure that aerodrome operators have a clear legal mechanism by which they can recover fees due to them, and in doing so, redress a culture of fee avoidance that is widespread in the industry. It is estimated that aerodrome operators miss out on an estimated 25 per cent of their potential income from landing fees every year. For smaller regional airports this represents a significant amount of revenue that could be directed towards the maintenance of airfield facilities, thereby lessening the financial burden on local councils.

Aerodrome landing fees apply to any aircraft movements, including take-off and landing as well as practice landings for trainee pilots.

Victoria is following other states in providing this legislative basis for enabling the collection of fees. South Australia and

Tasmania have implemented similar legislation and have found that compliance rates have improved as a consequence and that fees have not risen.

This legislation shows that we are serious about supporting the operation and maintenance of Victoria's aviation infrastructure.

The bill:

enshrines the right of aerodrome operators to charge landing fees;

gives legislative force to the pursuit and recovery of fees incurred by airfield users; and

provides avenues for recovering these funds without resorting to costly common-law remedies.

Through this bill the government particularly aims to strengthen our commitment to regional Victoria by reinforcing the viability of regional airports.

I commend this bill to the house and encourage the house to support the continued development of Victoria's aviation industry and infrastructure.

Debate adjourned for Hon. G. K. RICH-PHILLIPS (Eumemmerring) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

SUPERANNUATION ACTS (FAMILY LAW) BILL

Second reading

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):

The primary purpose of the bill is to amend the various acts governing Victoria's public sector superannuation schemes.

These amendments are necessary to ensure that changes to the commonwealth's family law and superannuation regime are efficiently and effectively applied to Victoria's public sector superannuation schemes — the Emergency Services Superannuation Scheme, the Parliamentary Contributory Superannuation Fund and the State Superannuation Fund.

Changes to the commonwealth's Family Law Act 1975 came into effect from 28 December 2002. These changes make superannuation arrangements more certain for couples in the event of separation or divorce, in that the superannuation of married couples that have separated or divorced can now be divided either by agreement or court order. Obligations are imposed on superannuation fund trustees to give effect to these changes.

The commonwealth changes are important, as previously, superannuation interests could not be divided or transferred to the other party to the marriage. The Family Court has, in the

past, had to take existing superannuation into account by adjusting other property when dividing a couple's assets on the breakdown of marriage.

The amendments contained in this bill will facilitate the splitting of superannuation in Victoria's public sector superannuation schemes on the breakdown of marriage.

The bill provides that, at the time a splitting order or splitting agreement is served on the trustees of these schemes, the non-member spouse's entitlement will be immediately paid to the non-member spouse on satisfaction of certain requirements, or transferred to another superannuation fund nominated by the non-member spouse.

The member's benefit will be accordingly reduced to take into account any payments made to, or on behalf of, a non-member spouse. This reduction will be in line with a methodology approved by the Minister for Finance on advice from the fund's actuary.

The bill provides that the trustee will have discretion to determine whether to immediately transfer and payout the spouse's entitlement where the member is in receipt of a disability pension.

This approach has been adopted in view of the fact that many disability pensions are subject to a continual review process, and there is a possibility that the disability pensioner may return to gainful employment.

In such cases, immediate transfer or payout to the spouse may result in inequities between the parties to the marriage, and trustee discretion in these circumstances mitigates this risk.

The bill contains provisions to ensure that the existing pension commutation rights and lump sum conversion options of current members are not affected by the family law changes.

Further, the bill provides that the trustees of the Emergency Services Superannuation Scheme, the State Superannuation Fund and the Parliamentary Contributory Superannuation Fund will have the discretion to impose reasonable fees on members and their spouses in relation to requirements under the family law regime. Any such fees will be subject to a maximum level approved by the Minister for Finance.

It is proposed that the administrative detail relating to family law matters be contained in specified standards established by order in council. This will provide a simpler and more flexible mechanism for outlining administrative details and requirements with respect to Victoria's public sector superannuation schemes.

Finally, the bill makes a number of miscellaneous administrative or technical amendments. These amendments are consistent with the government's broader objectives in relation to Victorian public sector superannuation.

If Victoria fails to implement the family law changes in the bill, the default methodologies contained in the commonwealth's Family Law Act will continue to apply to this state's public sector superannuation schemes. These default methods have generally led to less than optimal outcomes for members, spouses, trustees and the state.

Until the bill is passed, the State Superannuation Fund, the Emergency Services Superannuation Scheme and the

Parliamentary Contributory Superannuation Fund will be unable to immediately split superannuation benefits when a marriage breakdown occurs. As such, no payment to the spouse can be made out of the fund until the member is eligible to receive their benefit, which could be up to 20 or 30 years later.

Further, without enactment of the proposed amendments, the trustees will incur additional administration expenses. Not only will a notional account need to be maintained for the spouse until such time as the benefit is paid out, existing pensions will need to be split between the member and their spouse.

Passage of this bill to allow splitting of superannuation on the breakdown of marriage will facilitate a 'clean break' and provide more certainty for both the member and non-member spouse.

The proposed 'clean break' approach is also administratively simpler and less costly for the trustees of Victoria's public sector superannuation schemes.

I commend the bill to the house.

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

CHILD EMPLOYMENT BILL

Second reading

Debate resumed from 17 September; motion of Mr GAVIN JENNINGS (Minister for Aged Care); and Hon. PHILIP DAVIS's amendment:

That all the words after 'That' be omitted with the view of inserting in place thereof 'this house refuses to read this bill a second time until key stakeholders are consulted on options to address the needs of the community and ways to properly protect children'.

Mr SMITH (Chelsea) — Let me read to the house, and the Deputy Leader of the Opposition in particular, the examples that I spoke of yesterday that relate to the incidence of child deaths and serious injuries on farms in particular. I am reading from a document of Farmsafe Australia, a national program funded by the current federal government. That opposition members in this place know nothing about this is disturbing to me. The document states that children are hurt and killed in the workplace. Some recent cases are briefly presented, but for reasons of confidentiality, names and complete details have not been provided. It speaks of a 13-year-old boy, John, losing four fingers on his right hand and having his forearm mangled in a mincer when left unsupervised with another 14-year-old boy in a butcher shop. He was left to clean the old mincer with no safety guards et cetera.

A case identified by the Media, Entertainment and Arts Alliance was that of twin babies being used in a film: when one was disturbed or could not handle it, they just swapped them over. I think that constitutes child abuse by any standards.

Another example is of a 14-year-old boy, David, who lost several fingers while working during the holidays. He was cutting firewood without supervision. After a training session of only 20 minutes his hand got jammed in the splitting machine before breaking free. I dare say it is a fair assumption to make that this splitting machine was not in Brighton or Toorak, but was more likely to have been out in the regions somewhere, more than likely with a timber-getter, farmer or the like.

By way of background, Farmsafe Australia's national strategy for child safety on farms also states — contrary to the comments made by the farmers lobby over here, whose members obviously do not know what is going on out there — that in December 2002 the federal government launched a three-year program. The purpose of the national strategy is to reduce the incidence of the farm-related injury and death of children aged between 0 and 14 years. We are talking here about children in the workplace, not just recreation. One child dies every 10 days in Australia through farm-related incidents, and more than 10 children are presented to hospital each week due to injuries sustained on farms. That is unequivocal evidence. What are the national farmers representatives doing in opposing, or not supporting, this bill in its entirety? It is a disgrace.

There is a national strategy associated with this. It has been formulated by the Victorian Farmers Federation — don't the members here talk to the farmers lobby?; the National Farmers Federation; the Australian Workers Union (AWU), which is a fine body and a great union, and in fact Dr Yossi Berger, whom I know personally, has spent years formulating a working — —

Mr Lenders interjected.

Mr SMITH — As a matter of fact he is a member of the AWU; as a matter of fact I hired him. The bodies I have mentioned and the National Occupational Health and Safety Commission have all formulated and put together this particular policy, which I think is highly commendable.

You have to ask why the opposition and in particular the National Party are not supporting this bill in its entirety. In my view they have not produced any

rational reason to date as to why. Let us hope that after the examples I have read out to the house today they will have some semblance of conscience and change their minds.

Mr Forwood raised the issue of permits and gloated about the fact that not one permit for under-age or under-14-year-olds has ever been issued in 40 years. I say that represents a dereliction of duty by all governments in the past. We are addressing that; we care about young people in the workplace.

The opposition parties have made much of three issues. They include access to fishing on Gippsland Lakes for under-14-year-olds working on fishing boats and police checks on grandparents in particular. Members of the opposition parties seem to be extraordinarily offended that some immediate or extended family members will actually be checked by the police.

Hon. P. R. Hall — The grandparents are the ones that are offended.

Mr SMITH — It is a sad fact that children are more likely to be abused by their own family and extended family. That is quite a sad statistic, but one that we cannot ignore. We ignore it at the children's peril. The government is not prepared to do that.

The opposition parties also raised the question of what is employment. So, what did this government do about it? We did what good governments always do: we consulted; we went out into the public arena and we consulted with society. We asked all the relevant people to come together in round-table meetings — there were six around the state — and we listened, we heard exactly what they had to say. We have now taken on board those comments, ideas and views, and we have amended our bill to allow those issues to be addressed, including the fact that permits will now no longer be required for grandparents to hire their grandkids.

Hon. P. R. Hall — No, permits will still be required, Bob.

Mr SMITH — I stand corrected: the permits will be required, but the police checks will not be required for grandparents, and the definition of employment is quite clear and categorical. As I said earlier, the government listened and assessed. It has come to this house with what it believes is good legislation. It is well thought out and it is timely. I therefore commend this bill to the house.

Hon. E. G. STONEY (Central Highlands) — Firstly I wish to put on record my absolute disgust at the thrust of this bill. Mr Smith says we do not know what is

going on. I take particular umbrage at that, being a member who represents a country area. After listening to Mr Smith's contribution I certainly do not understand any more about how permits will reduce accidents on the farm.

My opinion is that this bill unfairly hits at the heart of the family unit, and it especially affects farming families in Victoria and indeed families that live interstate. One of the sad but inevitable things that has happened is that families are now two or three generations away from the land. Originally a lot of people had a connection with the land here in Victoria in one way or another, but as the country has grown and people have moved away to become involved in other professions and jobs the link with the land has been lost.

Very often now just the grandparents run the farm and the children come up to see mum and dad and bring their children to see their grandparents to enjoy some of the experiences on the farm. They come up for holidays, often on very short notice, and often there are nephews and nieces involved; they bring their friends up. It is often quite deliberate, because parents who have been exposed to country life want their children to become exposed to country life. They want their children to retain a link, however tenuous, with the land. Really it is not about work as such, but in that process work does take place, and it is very good for children to learn how to work. It is really about giving city kids, town kids and interstate kids who have a link with Victorian farmers a taste of the land; it is about giving them experience; it is about getting dirty; it is about feeding the chooks; it is about looking after poddy calves and pet lambs; and it is about learning about and loving animals and learning how to interact with animals on the farm.

Mr Smith interjected.

Hon. E. G. STONEY — I will get on to that, Mr Smith.

It is about teaching city kids about things that country kids take for granted, and it is about giving them a rounded education. In my opinion country kids are very lucky indeed. It is no novelty for country kids to see calves born; it is no novelty for them to use machinery under supervision; it is no novelty to catch lambs to have them marked, which I am sure even a lot of city people would faint at the sight of.

Mr Lenders interjected.

Hon. E. G. STONEY — I reckon Sir Henry Bolte would have marked thousands and thousands of lambs

in his time. That is why he had a rounded education, and that is why he was one of the most successful premiers of this state. Country kids are used to not having a lot of cash, they are used to poor television reception and they are always used to having jobs after school, such as getting the wood, shutting up the chooks and jumping on the trail bike to shut the front gate so the neighbour's horses do not get in.

Mr Smith interjected.

Hon. E. G. STONEY — I am building a case. If Mr Smith does not mind I will finish and then if he does not like it he can tell me in the next round of debate. The point I make is that country kids work and learn the value of money. When their city cousins come they pass that on. Why then is the government placing barriers in the way of the process I have just outlined, which gives a lot of city children a rounded education? This bill is putting in place and reinforcing an impediment that should not be in place.

If the bill is so good, then why have shockwaves gone out through Victoria? It has even affected the tourism industry. On 10 September I received a phone call from Mrs Joan Hamilton who lives at Emerald Park host farm, Licola Road, Jamieson. She was questioning the situation in relation to hobby farms or host farm situations. She said that it is not very clear with respect to her grandchildren and it would impinge on her business with visiting children who will be with their parents. She said that the bill is limiting the future for her children and her business because of the children who come up and help on the farm.

The interjections of the Leader of the Government are criticising a 76-year-old widow who is trying to run her own business to maintain an income. She told me that she did not think the government had thought through the implications for hobby farms, host farms or pony farm situations. I hope the Leader of the Government is listening to this. She said to me that the insurance crisis has already ended her ability to offer pony rides. This, she said, was just another impediment to her livelihood. This 76-year-old widow is offering a rich farming experience which will be curtailed by the bill.

A well-known and highly respected grandfather in the Mansfield community, Mr Jack Pollard, who is a neighbour of the Stoney properties at Mansfield and lives just off Stoney's Road — I have known Jack all my life — is a second generation farmer and has been on the same farm as his father. He has numerous grandchildren and numerous relatives who live in the area. He takes absolute umbrage at the fact that he has to get a permit to have his grandkids visit his farm. He

was apoplectic when he thought he had to have a police check. He still takes great umbrage at having to get a permit.

He says kids are better supervised when they are with him because parents often take their kids for granted. He has not done it for a while and he says he watches them like a hawk. He says that they are in very good care when they are with him. He feels that the bill is alienating him from his grandkids, and he says that it will be very hard to tell the kids that perhaps they cannot come and visit him because his permit is out of date. He does not think the grandkids will understand. Jack Pollard's daughter-in-law is also incensed.

I have a copy of a letter from Mr Brian Wailes to Sophie Panopoulos, the federal member for Indi which states:

Dear Ms Panopoulos,

I refer to your letter 'Worthy of protest' published in the *Weekly Times* on 10 September on this important matter.

I must say that the letter by Ms Panopoulos hit the mark. The letter continues:

As a farm forester I occasionally employ the neighbour's children for two associated reasons, continuity and security.

From a commercial perspective the proposed Bracks government legislation simply adds costs to farming operations for little apparent benefit to the community.

Here we have a neighbour employing the neighbour's kids. They obviously know each other well. The parents are comfortable with the kids going over to do light work, yet they are caught up.

What really brought this home was a cartoon by Rule in the *Weekly Times*. It is a funny cartoon that hit the spot. There are four drawings based around the grandfather, the kid and the big heavy-duty inspectors. I have to say that one of the inspectors has a remarkable likeness to Mr Smith! The grandfather ends up being bullied by the inspectors. As he is dragged off he says:

... but ... Timmy always collects the eggs when he visits the farm ...

Poor old Timmy is left their holding the egg basket. That cartoon was inspired by the exposé of the Honourable Philip Davis in his contribution when the bill was introduced. I congratulate Rule for his perceptive analysis on this particular issue.

Mr Lenders — On a point of order and clarification, Acting President, is that a *Weekly Times* cartoon from 1970 or 2003?

Hon. E. G. STONEY — I believe Mr Rule was born around 1970 so it was 2003. I apologise that I do not have the date of the cartoon.

Mr Lenders — I thought it might be a Bolte era cartoon!

Hon. E. G. STONEY — I do not think so. I believe Sir Henry Bolte would totally understand why the Liberal Party and the National Party are very upset about this bill, especially the introduction of police checks. It has not helped much with the amendments.

This issue has been widely debated in rural Victoria. There has been a lot of rural press on outlets such as ABC Rural, and Win and Prime TV. The regional newspapers have also weighed in. I understand it has done the government enormous damage in the bush. I wish to quote from the *High Country Times*, a fiercely parochial newspaper that stands up for rural issues. It takes great interest in how government decisions affect real people in the bush. The editorial on 10 September states:

There is a saying that it takes a village to raise a child. And so a community should also ensure the safety of all children.

In yet another attempt at feel-good but ill-considered legislation the state Labor government has introduced a Child Employment Bill that will probably hurt more children than it can ever help.

The editorial goes on to talk about its own case which is not about a farm; it is about a country newspaper. The article continues:

In our own case for over four years the *High Country Times* has employed young children to fold the newspaper. Now all those under 13 will be barred from this work. We have always had the option to have this work done by our printers (many times at less cost to us and certainly without police check supervision) but we have enjoyed the interaction with the young and the dedication of many to earning their pocket money. Will Mr Bracks replace their pay packets with a form of kids dole?

The following is the punchline:

Undoubtedly the architect of this legislation is depriving a village somewhere of an idiot.

There are quite a few speakers on the bill and it will be a long day, but I believe, while attempting to solve some issues which were quite rightly raised and outlined well by Mr Smith, the bill has gathered up and insulted the wider family unit in Victoria. It certainly makes no provision for emergency situations where, for example, overnight grandpa is taken to hospital, it is school holidays and grandma needs someone as company in the house, to feed the chooks and do like work around the farm while grandpa is in hospital. The

parents could have brought the child up to stay with grandma for company but all of a sudden the parents and probably the grandparents are in breach of the law. I therefore support the reasoned amendment as proposed by the Honourable Philip Davis and urge the house to support it.

Mr SCHEFFER (Monash) — I speak in support of the Child Employment Bill. I accept there is a deal of good faith in the house both on the part of Mr Philip Davis and Mr Baxter in opening both for the Liberal and National parties respectively that no-one in this house doubts that children should always be protected against exploitation, not only in the workplace but everywhere. On the other hand, there has been a lot of confusion on the part of the opposition. Indeed, there is a simmering moral panic when it comes to regulation.

The basics of the bill are clear, at least in my mind. Firstly we are talking about children — that is, children under the age of 15 years and over the age of 13 years, or 11 years for delivering newspapers, pharmaceuticals or pamphlets and suchlike.

The bill very clearly defines employment. It is taking part or assisting in any business, trade or occupation carried on for profit. It includes paid and unpaid work. There is no ambiguity there. The opposition has given some examples of grey areas, and I accept that we cannot legislate in every situation, but we can assess each situation against criteria that help us as a community to decide on a consistent way forward. We have to look at the intention and the duration of such activities. The bill also defines light work, and the intention of that is to make sure that children are not harmed by overexertion. The bill gives some examples relating to farming chores and so forth. It seeks to protect children against danger and harm.

The bill also says that a child can be employed either by an employer obtaining a permit or in a family business. This also has caused some concern amongst members of the opposition. I think that applying for a permit is a good thing to do. It makes people think what they are about. It formalises the kind of relationship that you enter into when a child is doing the kinds of activities defined in the bill as employment. It also serves the purpose of facilitating a general social understanding about what child employment is.

Mr Stoney has spoken about grandfathers or family members welcoming the children of relations onto farms and the kinds of activities that kids enjoy on farms, and everyone accepts and understands that these are important parts of growing up and that they are intrinsically valuable. But there are also potentials there

for bad practice. Not everybody has the same high moral standards that perhaps the people in this house have. Applying for a permit and working through that permit is in one sense a way of communicating and understanding what community standards are around these things, so applying for a permit is also educative. I stand by permits; I think they are good and strong.

Very importantly, the bill also sets out that a child cannot be employed when he or she should be at school. There would be no argument with that. Education is important, and it takes precedence. Work and work-related activities take second place.

Under the bill children cannot be employed to sell door to door, and they cannot be employed on fishing boats, where it is dangerous, or on dangerous construction sites. I do not think anyone in this house would have any difficulty accepting that.

Parents and guardians, as I have already said, need to apply for permits. With the exception of parents and guardians or extended family members, the bill says that a prospective employer and the relevant supervisor need to undergo a police check to determine suitability to employ a child. I think that is proper. We need to make sure that people who have power and responsibility over children — and we are talking about children between the ages of 11 and 15 — need to be of reputable character, and my parliamentary colleagues have indicated some of the abuses that can happen in situations that are unregulated.

The bill also sets out the factors that must be taken into account when assessing an application for a permit: making sure that the child's wellbeing is protected, that the child is fit to do the work, that the child will not be exploited and that the child is of a suitable age. That is fair and reasonable as well. The bill goes on to set out the working conditions for employed children, such as the hours of engagement. Children who are employed in family businesses are exempted from the provisions of the bill, provided all the other conditions are met. The bill also requires the minister to prepare a mandatory code of practice for children in the entertainment industry, and there cannot be any disagreement with that either, I would have thought.

Finally the bill sets out the functions and powers of child employment officers to provide information about the act and to make sure the provisions of the act are complied with. This has also caused some stress among opposition members, who see this regulation and the function of the child employment officers as being an unnecessary invasion of people's private relationships. I do not think employment is a private relationship; I

think it is a formal and public relationship, and it should be open to scrutiny. The provisions are good, and they make me rest easier knowing that children in employment are working in regulated and safe environments.

I do not automatically trust adults with children. There has been too much abuse. I have worked in the school system, and I have experienced how easily children are abused by adults in power. There is the argument that somehow families are protected from these kinds of abuses, but we know that is not the case. As a child the abuse that I received at the hands of people in my own family was far worse than any abuse I sustained in the school system or society in general. Homes are not protected; they are not sacrosanct. Children are not automatically defended by their parents, and they are certainly not automatically defended by employers or people who have control over them.

The government recognises that working is an essential part of human experience, that many children want to work and that we should encourage this. I remember as a young teenager having my first paper round and the excitement and thrill that brought me as I rode my bike in the early morning delivering newspapers. It is a great experience. It was good; it was collegiate, and it was character building. But I also know the shadow that was cast over my mind very recently when my nephew arrived home after doing his paper round. He said that the boss was taking pictures of the kids who worked there. That was probably absolutely fine, but I thought, 'Why is he doing that?'. These things occur in the workplace, and we need to be vigilant about them. This bill goes a long way towards providing some public protection and some framework so that we can think about protecting our children in a better way.

In summary I think the opposition is overly concerned about regulation. In general groups who are weak depend on the rule of law and regulation to guarantee their rights. This is all they have. The empowered do not have to worry so much about their rights because they are, by definition, less likely to be deprived of them. I like regulation that protects the vulnerable from possible abuse and exploitation. I commend this bill to the house.

Hon. J. A. VOGELS (Western) — This bill is just another example of a Labor socialist party hell-bent on control and regulation. They are not happy unless they know where you are, who you are or why you are anywhere. They love permits, police checks, fines and penalty points — the big stick approach. On this occasion they have gone a bit too far.

I have here an article from Warrnambool's *Standard*, which is headed 'Farm Fury. "I'll go to jail," says grandma'. The article states:

Maria Cameron is prepared to go to jail before paying a permit to allow her 14-year-old grandson to feed the chooks and working dogs on her Codrington property.

Knowing Maria, she would go to jail. This socialist government has amended the legislation so that the extended families no longer need police checks; however, they will still need permits — for example, grandparents, uncles, aunties and other siblings. However, cousins, neighbours and family friends will still require both police checks and permits.

An honourable member interjected.

Hon. J. A. VOGELS — You did not get one when you were around!

I will give you a rundown of my childhood experience, and what a healthy and great experience it was too. I arrived in Australia at the age of six and went to a farm at Pyramid Hill. It was a sheep property. I loved to help the neighbours yard the sheep at shearing time. I remember that the owner of that property would lift me up into the wool bale and I would trample the wool down as the shearers threw more in. I helped sweep up the dags — Bob!

Mr Smith interjected.

Hon. J. A. VOGELS — It was all a great experience, and the best part of it was sitting around at cuppa time when the shearers had their break and listening to the yarns and stories and all that sort of stuff. It was a great learning experience. It was fantastic.

Then we moved to a property at Bunyip in Gippsland, which was an orchard. As kids we helped pick the fruit. At weekends we helped sort the fruit. I even sat along the Princes Highway with a box of fruit as cars drove by. We would sell the fruit to passers-by.

All that, of course, would be highly illegal under this proposed system in the bill. I think I was eight years old at the time, and I learnt the value of money. We then moved to Woodend, and I helped neighbours milk their cows and feed the calves. I also helped feed pigs. I remember my uncle coming out from Holland and getting a job with the forestry department at Woodend. At weekends he would go in there and chop up some wood and I would go and help him, and we would then go to Melbourne — my first trip to Melbourne ever! — and we would sell that firewood in the city.

Under this government all that would be illegal. You would not be allowed to chop the firewood any more, and you would not be allowed to have your nephews or nieces or anyone give you a hand to do what were all great learning experiences.

In 1956 when I was aged 11 we were once again on the move and we moved to Glenormiston in the Western District. I was a big lad for 11 so the neighbours used to pay me 5 bob an hour to roll bales into line. At harvesting time you would roll two into one and do a bit of straightening of bales so when the trucks came along with the elevator it was much easier to pick them up. Another great job, and fantastic fun with it. The only disappointment I used to have in those days was that I used to have to give any money I earned to my parents. No doubt they had to use it to keep the whole family going; I did not keep much of it but I used to sometimes hide a bit and tell them I did not earn it.

In Glenormiston where I grew up — I was there for about eight years — I lived in Wallis's Lane. There were probably about 12 families in that lane and each had 5, 6 or 7 kids; I think the largest family had 10 kids. We all helped each other when necessary. If the mother of one family was having a baby or there was sickness or something was wrong, we all chipped in and helped. Nobody needed police checks, nobody needed permits. It was a great learning environment and a fantastic place to grow up. It is interesting that over the years — this is now over 40 years ago — when we get together in those groups we still reminisce about those good old days.

The other day when we were getting a briefing I asked how many officers are going to police this legislation. I think at the moment there is one in Victoria, but I might be wrong. I am not sure how many they are going to put on to police this, but I would say that we will find hundreds of thousands of Victorians will now be classed as criminals because they will not get permits and they will not get police checks. You should never bring in legislation you cannot police and which people will not accept. It just makes criminals out of honest people. This is a load of rubbish.

It is interesting to read the media release of the Minister for Industrial Relations in the other place, who is the master of spin. He said that the Bracks government had consulted extensively with the community before drafting this legislation, but the issue of police checks for family members was not raised as a concern until recently.

What a load of rubbish that was! If the government had really been out there consulting, it would have heard

this screaming from the rooftops 6 or 12 months ago, but thanks to people like Maria Cameron and others who have been mentioned, the government has gone to water on this legislation. It has improved it, there is no doubt about that, but it is a sham, especially in rural Victoria. I do not believe anyone will take any notice of it.

We already have the Department of Human Services, occupational health and safety, and Workcover; we already have organisations out there with the specific role of making sure that farms, businesses or whatever are safe and that things that happen on those premises and properties are all above board.

In conclusion, this bill is a sham. I cannot believe that this government would have brought this in. I should not say that — because I can believe this government brought it in. As a typical socialist government it is about control, regulation, permits and fines. It is all about, ‘where are you, who are you, why are you there? We want to know everything’. It wants to know everything so it can get another bit of money in from the side.

This bill will go down in history, as the Henry Bolte bill probably did 30 years ago — as something that no-one took absolutely any notice of.

Hon. P. R. HALL (Gippsland) — I would like to start my contribution by thanking the government for the long hop it has just bowled down the leg side. This has been a tremendous issue for us in the National Party and, I suspect, for the Liberal Party as well. We have scored runs already on the board with this issue, and I suspect we will get a lot more runs out of this before the end of the day. I am absolutely delighted to have this legislation before Parliament because this is the best gift we in the National Party, and those in the Liberal Party, have had for some time.

Out there in the constituency people cannot believe how dumb the government has been in way it has handled this Child Employment Bill. What a shemozzle! The government has had to back-pedal a bit now. Yesterday in this house the minister indicated the government was going to back-pedal a bit, but nowhere near enough to gain any of the ground it has lost out there in country Victoria.

The government has been totally naive in this issue. I give this government a bit of credit; it has been politically smart for most of the time, but on this occasion it has dropped the ball, and we will dine out on this for years to come.

I cannot believe that Labor members have not been reading the *Weekly Times* in recent weeks. I would have thought the Minister for Agriculture would have been one who took the *Weekly Times* into cabinet every week and read what it has to say about the bill because over the last three weeks the *Weekly Times* has been absolutely full of issues related to this particular subject.

Let us look at some of those comments in the *Weekly Times*. I go to the issue of Wednesday, 10 September, when three pages were almost totally dedicated to this subject.

Mr Smith interjected.

Hon. P. R. HALL — Well, the *Weekly Times* covers a lot of interesting subjects of relevance to people who live in country Victoria. It chose on 10 September to donate almost three full pages to this particular issue. One letter to the editor is headed ‘Child bill chops family link’ and was written by Linette Treasure, one of my constituents from Buchan. I quote:

Some of the most significant times of my life came when I worked cattle as a child with my grandparents and aunt.

I absorbed their ways and wisdom as children have learnt from their elders since time immemorial.

Now all this has changed with a most insidious act by the Bracks government.

And the letter goes on. They are typical comments of the electorate I represent. Another letter, this one from another constituent of mine, Tess Coleman in Maffra, is headed ‘Law insults grandparents’ and expresses similar sentiments. Tess is a great community-minded person. She organised the blood bank in Maffra for 30 years before they closed that and moved it into Sale. Tess is one of those genuine, heart-and-soul people who deserves to be listened to because she is elderly and with great wisdom, and her views are expressed there in the letter to the *Weekly Times*.

That newspaper of 10 September also carried a lengthy article covering most of one of its pages, under the heading ‘Overboard on children’. Its author, Xavier Duff, mentions among other things:

The idea that farmers would not ensure young relatives were safe from harm is ludicrous. Subjecting grandparents to police checks when they have care of their grandchildren is downright offensive.

And just how filling out a form will automatically make the farm a safer place remains to be seen.

Indeed, it does. The article quotes the Minister for Industrial Relations, and reports:

... the legislation is intended only for formal working arrangements for an extended period.

What is the definition of 'an extended period'? Is it going out for one weekend and staying with the grandparents? Is it going out for every weekend — is that an extended period? Is it going out for the two weeks of school holidays, which most kids start next week? Is that an extended period? There are absolutely no definitions whatsoever on this.

That is why people in country Victoria are so concerned. The issues are vague and the government has not nailed exactly what will be required for these people in respect to a definition of 'employment'.

It is the same with another article headed 'Child permit plea to upper house', which appeared in the *Weekly Times* of 10 September. We are in the upper house now, and the National Party is listening to that plea from the Victorian Farmers Federation and others out there in country Victoria. The Liberal Party is listening to that plea, but the government is not listening at all.

Mr Lenders interjected.

Hon. P. R. HALL — I will come back to that point. I will talk about the 1970 act. This week, the *Weekly Times* of 17 September dedicated a full page to letters with headings such as 'A stupid piece of legislation' — Hear, Hear! — 'Kids right to heritage', 'Life experience will be denied', 'It's just a money grab', 'Bill a public service ploy', 'This deserves strong protest', 'Child bill has to be a joke', 'Instil the will to work', 'The most stupid thing', 'Bill should not pass', and 'What next? Baking a cake?'. That summarises the sentiments of some of those people who have been strongly expressing their views through the *Weekly Times* over the last couple of weeks.

I will relate my personal experience. Last Friday I went to the Bairnsdale saleyards where there was a special store sale of about 3700 head of cattle, so it was a pretty big sale. I went there just to tell people that this bill was before the Parliament, and I asked them, 'How do you want me to approach it? What is your reaction to it?'. I had the opportunity to address those people before the start of the first sale on the day. I did not have to explain to them what the bill was about because they all knew well and truly about it before I got there. I spent 2½ hours at those saleyards and spoke to as many people as I possibly could. I gave them the flyer I have in my hand. I will give the Leader of the Government a copy of it so he knows exactly what I said to these people. It summarises some of the contentious issues of this bill.

The flyer concludes by indicating to people that the National Party will be moving an amendment to this bill — and it will during the committee stage. It provides a space at the bottom for people to sign to send directly to Mr Hulls, the Minister for Industrial Relations in the other place, if they want to protest about the bill and send a message to the government. It simply says, 'I want you to amend the Child Employment Bill to exempt extended family from the need for police checks and a permit to employ grandchildren, nieces and nephews'. As the minister is leaving, he can take these with him and pass them on to his colleague, because that is what the people have asked for. Additional ones will come from Dimboola, because people heard me on the Country Hour radio program last Friday and rang my office to ask whether they could get a few flyers. I sent a few of them to Dimboola gladly.

Before I left the saleyards at Bairnsdale people gave me 163 signed forms and said, 'Please take them back to Minister Hulls for me', and I dutifully did that on Friday. When I got back to my office I sent them in an overnight mailbag to Mr Hulls. They are the views of the people. A lot of other people wanted to send them directly with their own comments, and they will do so. Not one person at the saleyards in Bairnsdale refused to take and sign one of those leaflets. They all shared the common view that it was a ridiculous piece of legislation and that, moreover, it would inhibit the opportunity for young children to go and learn about agriculture and to participate in some of the activities on farms. The fact that people resent the government so much for attempting to put this in place has been an absolute gift to us in the National Party, and people will not forget. They are bitter about it. They feel insulted about it, and consequently you can bet your life that in three years time when we go to the polls again this issue will be revisited. We will ensure that they are reminded of this government's blatant disregard for the people who live in country Victoria.

I have received a multitude of letters and phone calls about this bill from people like Patrizia Neven from Tubbut, which is a small place near the New South Wales border. If you jump in your car now and drive there, you will be lucky to get there by dinner time tonight. It is a 7-hour drive away from here — that is, if you do not mind travelling on a few windy dirt roads before you get there. Even the people up in Tubbut are incensed about this proposal.

Another constituent, Bill Henry of Tinamba, rang me and was most upset. He said, 'If my grandchildren cannot get on the ute and help me round up the cows, they start bawling. It is not fair to them. They want to

come and help. They want to learn a little bit about the basics of agriculture'. He told me how his grandson was delighted that he was learning to whistle the dog. Something as simple as that strikes at your heart. Yet Bill Henry, for fear of litigation and the child employment enforcers, will now be less likely to allow his grandchildren to take part in those different activities as they have over the past few years.

Yes, the government has done a backflip on this issue, but it has only gone 90 degrees — it has failed to go the full 180 on this. The fact that now grandparents and extended families will not be required to undergo police checks does not completely camouflage the fact that they will still have to go through a permit system, and they will need a permit every year. They do not need just a single permit like the 1970 act stated had to be achieved in theory — every year they will have to get a child employment form and stipulate what sort of work is involved, the hours of the intended work, whether it will be during school term — which I presume includes weekend work — and, if so, they will need to get the signature of a school principal and the parents.

So they are rightly upset that this is a cumbersome process. They do not yet even know how to get hold of the forms. Even I have not been able to get hold of the child employment forms. I do not think they have even been printed yet, so we do not know what they look like. They are concerned, because they do not know what to expect with all the information required on these forms.

I want to make one comment about this issue and put on the record my appreciation of the contribution made by Mr Scheffer. He spoke sincerely and from the heart. He thoroughly believes that a permit process imposes a certain level of discipline on extended family members. He said requiring permits should be part of the process because it makes them think about the employment situation of one of their family members. He spoke sincerely about that. He also reiterated some comments made by Mr Smith on the child abuse that can occur within the family structure and how we have to be very careful. I agree with that. I know that is a fact in the matter. But if you take that argument to its logical extension, you would have to require police checks for parents as well. You cannot safeguard against it simply by going through a process of police checks and having permits. You cannot guarantee that there will not be child abuse. I understand the arguments. I listened intently to Mr Scheffer, and I appreciate his sincere view on this, but it is predominantly a work safety issue rather than a child abuse issue as such and involves work safety and child exploitation rather than physical

or sexual abuse. So I do not believe a permit system will achieve anything in this instance.

In summary — because I only have a couple of minutes left in which I am allowed to speak on this bill — this is an issue country people feel strongly about. They have told the National Party how they expect members to vote. We are going to try to change the legislation, and if the government had agreed to adopt the National Party amendments we would have been here supporting the bill. However, we cannot do that because our people out there, who we represent, have said this is bad legislation — unenforceable legislation, as the comment has been made.

We in the National Party will attempt to put our amendment but if that is not accepted we will have no choice but to vote against the bill in its entirety. That is a bit disappointing, because we would be the first to support sensible legislation that prevents child exploitation. That is an intent we support wholeheartedly. But in our own conscience we cannot allow poor legislation to pass through this Parliament when it will impact severely on people who want to learn something about agriculture and will impinge upon families to the extent that it does. So we will be voting against the bill if the government is not prepared to accept in full the amendments we propose.

Hon. ANDREA COOTE (Monash) — I fully support the reasoned amendment brought down by the Honourable Philip Davis on the Child Employment Bill. I want to put on record at the outset the sloppiness of this bill. We started a debate on a mistake in the second-reading speech. A pattern is developing here, and it is totally unacceptable for proper, professional drafting in this place. It is just not good enough.

I do not believe the people of Victoria will be too impressed when they start to see this pattern coming through. I go back to the constitution reform bill, and the debacle that happened there with the legislative drafting. I urge the government to make certain it gets it right — it cannot be all that hard. The Deputy Leader of the Government said this issue was a typo — that is just not good enough and shows its cavalier attitude to the whole process.

The introductory comments to this second-reading speech on this bill say that:

Governments and communities throughout Australia accept that children under the age of 15 should be engaged in compulsory education.

I think all of us would probably agree with that, and this goes to show what a civilised country we live in and

what a good education system in comparison with so many countries in the world we have here in Victoria and indeed in Australia. Everybody in this chamber would agree that we want our children to be well educated, because they are our future. I would also argue that teaching children to work and to have the soft skills in a working situation is also part of their long-term employment prospects and indeed their ongoing education.

We have heard a number of examples, particularly from our country members, about children working on farms and working with families, grandparents and older siblings. We have looked at these very good examples of how children work in these areas. These are not children who are going to be exploited; these are, in most cases that have been discussed or quoted to date from letters and newspaper articles, children who are going to their grandparents' farms or helping on their parents' farms and enjoying it. They are learning skills, but are enjoying it as well. We are not talking about the Dickensian age here; we are talking about 2003, and children being responsible, working and assisting their families in their family businesses, particularly within the farming area.

The second paragraph of the second-reading speech says:

... we acknowledge that children under the age of 15 do work. And this work is not limited to babysitting and paper rounds. The growth in part-time and casual work in the retail and service sectors has meant that children are being employed in a wider range of jobs than ever.

As shadow Minister for Tourism, I have seen across this state numerous examples of children working very closely in the tourism industry and being a very good and integral part of it. It is very pleasing to see that children are learning these skills at first hand.

However, going across to the purpose of this bill in the second-reading speech we see the moralistic, Big Brother overtones this bill has. It goes back to being regulatory — the government is watching you; Big Brother is out there looking at you, prying into your family, looking into what your business is doing — and it is a pattern we are seeing through so much of the legislation this Bracks Labor government is bringing in.

It is interesting to reflect upon the speech given last night by Mr Smith. I am sad that he is not here, because he was talking about 14-year-old's arms and legs being dragged off. I am not sure how many members have seen that on a regular basis, but it would have to be a very rare occurrence. He was going to be bringing me some examples of this, but to date we have not seen any

copies of this. Once again, if you listen to him you would think we were back in the Dickensian era when children were being abused. They were being 'ripped to pieces', was what he said. I find it quite extraordinary.

Under the purpose of the bill, the second-reading speech says:

The bill retains the current definition of employment — that is, employment occurs when a child takes part or assists in any business, trade or occupation carried on for profit. This participation can be paid or unpaid and the child may be engaged as an employee or as a contractor.

That particular part of the purpose is, once again, draconian and does not reflect the nature of what is happening at this time in this century. I do not think it takes too much imagination to see how children are assets in the tourism industry.

Looking at clause 9 of the bill itself, the explanatory comments at the beginning talk about clause 9 making:

... it an offence for an employer to employ a child, or a parent to allow their child to be employed, without a permit.

This is also draconian, and has a moralistic overtone — this overtone is that parents do not care for their children properly and will be under surveillance to make certain that they do. This is the overtone of this entire bill, and I do not think it is at all appropriate.

Part 2 goes on to deal with permits. It is interesting to see what has to be put on a permit: it has to be in an approved form by the secretary; it must include the name of the child, the name of the school the child attends, the name of their prospective employer, and the name of each person who will directly supervise or control the child, together with their signed consent. It must show any applications made within the previous 12 months. It must detail the nature of the workplace, the businesses carried on there and the child's intended duties. It must be signed by the applicant, the employer and the school the child attends.

That is a lot of information, and this government has been seen to be not very good with the use it makes of information. We do not have to go much further than having a really good look at the police files. We have a system here where police have files on a number of people, but we saw in the last election a very grubby example of what this government is capable of, through the accessing of the police file on a Liberal candidate, Matthew Guy. The file was accessed and handed on to the government in the most unsavoury manner. This sort of surveillance is very concerning.

When I look at these permits I am concerned at what the Bracks government is going to be doing with the information it is gathering about businesses and about children. Where is it going to lead? Who are they going to pass it on to? How can we be certain that this is not going to be abused and that children do not have information registered against them to be used at some other time? I do not trust this government, and I do not think the people of Victoria will trust this government to deal sensitively with this information and make certain that it is kept confidential and not used inappropriately. I do not believe they can keep their grubby fingers off people's information, and I think this bill is going to be just another example of that.

In the last Parliament I was a member of the Economic Development Committee (EDC). We were looking into youth unemployment across Victoria and looking at a number of cases overseas. We went right across the state and had a very good look at some of the real issues that are affecting youth unemployment in this state.

One of the most astounding and surprising aspects of that report was the fact that children do not have what are commonly called soft skills. Soft employment skills are where the child realises they must turn up to work on the second day. They might have had a heavy night out the night before but their employer insists that they attend, so they front up again the next day and put in a full working day. They do not access the Internet, they do not spend time on their mobile phones, and they do a decent day's work as part of the organisation that employs them. These are the skills that young people today presenting for jobs just do not have. Employers who want to offer apprenticeships and a whole range of jobs are very concerned that these soft skills are not available.

Where can young people today learn these soft skills? In the city it is perhaps a little easier: they can possibly get a job at McDonalds and learn what these skills are. But in country areas, especially in more remote parts of Victoria, it is not so easy to do this. So where do these children learn their work ethics? Where do they learn what those soft skills are — to have to turn up on a regular basis, to meet their commitment, that they have a responsibility?

They learn them on the farms of their parents, the farms of their adult siblings or their grandparents. Children in country areas who are able to earn a few extra dollars are very pleased and excited to get work, and it is very good learning exercise. I think that aspect has been ignored in looking at this bill as a whole. It is a great pity that people have not realised the importance of the skills that young people learn in this way. People are

now going to be very hesitant to employ anybody, they are going to be looking at them and saying, 'Gosh, I have to get a police check' or, 'I have to have a permit and I have to fill in 200 forms and I have to make certain that it is all above board and there is a mass of paperwork, so I am just not going to bother'. I think that is what we are going to see.

There are some very interesting developments for the tourism industry specifically. In Victoria most people are time poor — that is, they do not have the time to take long-term holidays. What we find is that people are opting for short stays of two or three days away. At the high end of the market we are seeing people who want to go to bed and breakfasts, they want to go and have an experience with wine and food in one of the many excellent Victorian regions. When they get there they want to have a certain experience. They want to go to bed and breakfasts and they want to know that they can have a really nice experience.

At the other end of the spectrum we find that a number of city children have never had a farming experience. We have all heard many times the joke about these city children not quite understanding where the milk comes from — they think it comes out of a carton. The reality is that a lot of people are going to home stays on farms to experience first-hand what happens on those farms. So at both ends of the spectrum — the luxury getaway market and the home-stay market — people are offering services from their homes, and doing it extremely well.

However, we will now hear from someone who owns a B & B. I refer to an article published in the *Age* of 16 September — just a couple of days ago. It talks about Geraldine Wogan-Browne, a woman who runs a B & B. I ask members to keep in mind when talking about a B & B that a number of these young people want to go and stay with their grandparents and learn how to run a B & B, to learn how to help and assist. That is part of what they enjoy.

The article states:

Escalating costs are turning the humble getaway into an expensive and difficult venture.

...

Who's going to feed the chooks? Geraldine Wogan-Browne wants to know. She has a conference to attend next week but can no longer ask her grandchildren to scatter some feed. She'd have to undergo a police check before she could employ the children, according to new regulations governing her modest bed and breakfast.

'It's a terrible insult to the community' says Wogan-Browne, one of Victoria's founding bed and breakfast operators.

You will find comments such as that being made right throughout this state and indeed these are the real implications of this bill. It is just not good enough, and this is a great pity.

Another area that has been inadvertently tainted and become a cause for concern is the entertainment industry. You have to wonder what will be the ramifications for the children in the Flying Fruit Fly Circus. It will be interesting to see how that unfolds.

The inspectors themselves represent big brother at its worst.

The inspectors will have powers of entry — that is like something out of the gulags. The bill states that:

On exercising a power of entry under section 42, a child employment officer may —

Who are the child employment officers going to be? There will be more Labor mates out there with new jobs. We will have another 2000 public servants. The officers may —

- (a) inspect any work, material, machinery, appliance, article, facility or other thing;
- (b) take samples of any goods or substances ...
- (c) interview any employee ...

This is Big Brother at its very worst. As has been said before, it shows that this government wants more and more control through its permits, its inspectors, its moralistic approach, its regulation and its Big Brother approach. Beware Victoria because it is watching us all!

Hon. J. H. EREN (Geelong) — I rise to speak in favour of the bill. Accidents do not discriminate: they do not care whether or not a person is a relative. I do not think that any member in this chamber can tell me that no child has been injured on the family farm or indeed in the family place of business — of course they cannot. If anything, families may get complacent because a child is a relative and they may not be as careful as with a stranger's child. If laws are in place people have to be careful, and that is a good thing for children. The opposition should support this bill.

I do not seriously believe there is a member in this house who would wish harm on any child. A lot of misinformation about the bill is being spread by the Victorian Farmers Federation (VFF) and fuelled by the opposition, instilling fear into the community that the bill will somehow take away a grandparent's right to have their grandkids visit them on the farm. That is absolutely not true. These new rules are not going to

affect parents or grandparents. We have listened to the community and ensured that this legislation not only protects children but is workable for their families.

The current act requires permits to be obtained for children to work, with some limited exceptions. The bill extends those exceptions to allow children to work in family businesses, including farms, without a permit. The permit system remains straightforward and inexpensive, the only cost being \$24 for the police check.

This is an outstanding improvement to the old system under the Community Services Act. I find it disappointing that the VFF and the Liberal and National parties are criticising legislation intended to look after the health and wellbeing of children. There have been no serious changes to child labour laws in this state for nearly 30 years, and it is high time something was done to protect children in the work force. I was a child the last time these laws were changed, and now with children of my own I understand how important it is to ensure that they are protected at work. I understand how eager young people are to get out and find jobs. They want the freedom that earning money can bring and sometimes they are not that choosy when it comes to taking on a job. Unfortunately, there are employers out there who are prepared to exploit the eagerness of young people trying to get their first job. That is why it is important that we have laws to protect children.

According to Workcover statistics, about one child under the age of 15 years is seriously injured in the workplace every two weeks, and that is very concerning. Considering farms can be some of the most dangerous workplaces, it is important that rules are put in place to ensure the safety of children there. We cannot escape the fact that one child under 15 years of age is seriously injured at work every two weeks — and I imagine that does not mean they are getting a paper cut. I imagine it means their lives are possibly under threat. No responsible government would stand back and watch that happen. The Bracks government has stepped in and taken this tough decision, and I congratulate it. It is a shocking statistic and one we cannot ignore. That is why the government has worked with the community, including regional and metropolitan round tables, to review child labour laws and bring them into the 21st century.

The whole idea behind the bill is to balance a child's right to work with the obligation to protect them from injury and ensure they get a proper education. Education is the key. We well know that on occasions children are eager to work and the obvious benefits of working are that they get an income which they can

spend. That can hinder their education because they may be working after school at any time from 4 o'clock to 10 o'clock at night. Obviously there is no time for homework. That can have a detrimental impact on their education and as time goes on they will quickly — —

Hon. G. K. Rich-Phillips — On a point of order, Acting President, I have been observing the member since he commenced his speech and it is quite clear that he is slavishly reading his contribution. He has been looking at his notes non-stop and every word has come directly from them. That is not in accordance with the forms of the house, and I ask you to draw it to his attention.

Hon. J. H. EREN — On the point of order, Acting President, I am not slavishly reading from my notes; I am referring to them. I will show the member as soon as I have finished my speech that what I have been saying is not word for word from the notes I have in front of me. On this occasion he is obviously out of order himself.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! On the point of order, the member has indicated that he is not reading slavishly from his notes but is referring to them, and I ask him to continue.

Hon. J. H. EREN — Thank you, Acting President. As I said, the children are too eager to earn money, obviously to spend on their leisure, and sometimes they forget that schoolwork and education are vitally important to their future. Those occasions occur when they work long hours after school and they have no time to do their homework and concentrate on their studies as they possibly should. Therefore, in terms of this bill it is quite reasonable that certain parameters are set to encourage children to further their education. Obviously working is a big part of their learning curve, and I would encourage the view that some children should actually get out there and do some work because it will do them some good, so long as it does not have an impact on their further education and their future. So from that perspective this bill is spot on.

The whole idea behind this bill is to balance a child's right to work with the obligation to protect children from injury and to ensure they get a proper education. We understand that if we went too far with this legislation we could hurt the family business.

Hon. P. R. Hall interjected.

Hon. J. H. EREN — I hear the interjection from Mr Hall, 'How does it protect them?'. It makes people who employ children much more careful about what employment they actually give these children.

Hon. P. R. Hall — Do you think family members are not careful enough?

Hon. J. H. EREN — Of course family members are careful, and they are exempt. I said earlier in my speech that families may get complacent at times with their own children as opposed to a stranger's children, and Mr Hall knows that is right. You would be much more careful with a stranger's children than you would be with your own. That does not mean you do not love your children — of course you do — but parents do get complacent.

Hon. P. R. Hall — We're not talking about parents; we're talking about extended families.

Hon. J. H. EREN — Families and extended families, and parents and grandparents. I am talking about extended families. So Mr Hall knows that is true.

We understand that if we went too far with this legislation we could possibly hurt family businesses, and that is why they are exempt from this bill to a certain extent. This is a good bill that is overdue; therefore I support it. I had hoped the opposition parties would support it wholeheartedly. Unfortunately politics is at play, and that is their decision.

Hon. R. H. BOWDEN (South Eastern) — This bill is cause for concern. At the outset I would like to say that the fundamental sentiments and approach of protecting children in our community is, of course, absolutely important, very supportable and something we do without reservation — we must protect our young. As a matter of fact, one definition of a good and successful society is how it takes care of its less advantaged citizens who need care and assistance, and our older citizens and younger people do need care and assistance. Of course the party I am privileged to be a member of has those sentiments, and it shares those sentiments with every member of this house.

Having said that, I also have some very real concerns about certain aspects of this bill. In my electorate, which is quite large, there are thousands of family businesses such as farms, horticultural businesses, vegetable growers and all sorts of primary producers. Most of those businesses are family businesses where young people are able to experience the closeness of their families and make a contribution to the family as they grow up and develop and acquire their sense of values for their future as citizens.

But certain aspects of this bill are cause for very real concern. One of the things that makes me feel a little uneasy is that it presumes that almost all adults are suspect and potential perpetrators of child abuse. When

you legislate through this proposed legislation a situation where almost all adults at large in the community become suspect and potential child abusers in their relationships with younger people — those are the inferences in the permit and police check requirements, which are automatically necessary under the legislation — you presume that our society is sick. I do not believe our society is so fundamentally sick and flawed that we need a widespread, automatic legislative approach in this heavy-handed way.

It is indeed a sad fact of life that there are unfortunate experiences and there are people in this community who do things which we would all consider to be totally reprehensible and actions that cannot be tolerated. But I believe those people represent a very small percentage, fortunately. Therefore to imply through this legislative mechanism that almost all adults are potential perpetrators of child abuse is an insult to the community and all Victorians at large and certainly to members of families who appreciate, love and care for their younger members.

I do not think this bill is about protecting children at all. I think it is the product of a philosophy which is very much out of step with modern Australian and Victorian thinking. In my opinion this bill has characteristics about it which take us back to socialist thinking and the worst type of social engineering for social engineering purposes. It is about government intrusion.

I suggest to honourable members that clause 40 of the bill should send a very clear warning about the philosophical intent behind this bill, which I think is completely unacceptable. If we look at clause 40, we see that a child protection officer can call on the police. If a young person is carrying out a minor, long-established and completely justifiable activity on their grandparents' dairy farm the potential for a child employment officer to go through this inspection process and bring in the police is to me completely out of step with community values as I understand them. It gets worse than that.

If we look at clause 43 of the bill, I think the powers of entry are extremely dangerous. If there is an abuse situation, of course we already have existing laws and mechanisms to take absolute notice and corrective steps. But clause 43 is a major warning signal to the community at large of some, as it were, unfortunate thinking that the government has been exercising. For instance, I do not believe clause 43 should contain the ability to interview any employee. I also believe the inspectors should not have the power to inspect any work, material, machinery, appliance, article, facility or other thing. It is not possible to define 'other thing'. So

when these inspectors go in it seems that they have the right to just run rampant if they want to through a facility, a home, a place or a business enterprise and examine any 'other thing'. This is legislation without definition, and I think it is very dangerous.

It all comes back to intimidation, which is very worrying. It could easily happen that a young person visits their grandparents' vegetable farm, flower farm or whatever and does some hosing or minor activity and for some reason a vindictive neighbour or person in the area contacts the inspectors under this legislation, and suddenly the grandparents have a problem. It could very well be that an officious inspector could lay allegations and charges against the grandparents, who have done nothing wrong whatsoever. If a summons is issued those grandparents could find their names splattered across the local press, which would ruin their reputation in the community, under unfortunate headlines such as 'Grandparents accused of child abuse' when there was absolutely no substance to that claim. Sadly we have seen in the media over recent years that such allegations are the titillation of the day, but there is absolutely no justification for those headlines when the matter has not proceeded to court. I can see a dangerous situation where intimidation, vindictiveness and spite in the community could result in use of the bill. That is dangerous.

Child abuse is a serious matter; it occurs and is unfortunate. Child abuse will not be tolerated by any member of this house, and child abuse at any stage should never be countenanced and cannot be supported. I make that clear. But it is possible under this bill for an inspector to make an allegation and a complaint against a grandparent or an extended family member that is not justifiable. Once that allegation is made it can be reported in the press. You can have honest, decent people inappropriately persecuted where the case has not come to trial but they are the subject of media treatment that would be considered horrendous under the heading of child abuse.

I suspect that this is completely out of step with community values as we exercise them. I repeat: no honourable member of this Parliament would countenance or support child abuse, but it is possible for vindictive and malicious allegations that would unfairly ruin the reputation of loving members of an extended family to be made and reported prior to any proceedings. It is dangerous and unacceptable. The potential under various aspects of the bill to intimidate people through their children is reprehensible.

The other matter which is cause for concern is the definition of 'material welfare' per the International

Labour Organisation. I do not believe the ILO sitting in Europe, comprising some countries whose own standards fall far short of what is acceptable Australian community performance, has the right to influence this Parliament and legislation in this house. We were elected as Australian citizens and members of the Victorian community to represent our community and Australian people.

I am not comfortable with the idea of the government accepting overseas definitions, and quite frankly definitions on which we, as members of Parliament representing our communities, have no say. That is not acceptable. That is surrendering the sovereignty of the state to an unelected body overseas. We should not accept and impose foreign definitions of community performance when talking about such a sensitive subject and community standards in this state. That to me is totally unacceptable.

The government should rethink having foreign, overseas, unelected committees decide community standards that are prosecutable in Victoria. That is a dereliction of duty by the government. If we are to have standards and definitions, then let them be standards and definitions arrived at by the democratic process within Australian — and within Victoria if it is to be Victorian legislation.

If you examine ILO performance on many things over the years you will find that it is way behind where it should be. To suggest that honest, loving extended family members in the Victorian community can be prosecuted on the basis of a definition arrived at by foreigners who have no influence — they are not elected by or accountable to the citizens of Victoria — and supported by the state government through this legislation is completely offensive. How can the people of Victoria influence a definition of the ILO? They cannot. It is completely unacceptable to have ILO standards — foreign, unelected committees — deciding prosecutable offences in this state. If anyone takes exception to that, then that is their problem, but that is my view.

The sentiment of the bill is supportable. The concept that we have to protect the aged and the young is important and very much to the forefront of every honourable member's intention, but the potential for malicious use of the bill as it is drafted is high. The inference that adult members of the community in the main are potential child abusers is offensive.

The definition of the employment requirements of the child inspectors is not as complete as I would like to see. If we are to have these inspectors going about, then

I would like to know a lot about them, because there is the possibility that the inspectors themselves might not pass muster if one did a complete check. I do not know, and I am not referring to any individual, but if we are to have such draconian legislation which is extremely sensitive and which has the ability to destroy and disrupt the life and reputation of tens of thousands of Victorians, then I want to be sure that each and every inspector who is appointed is absolutely pure and fully able to support a complete investigation. If the inspectors are not above reproach — I repeat, if the inspectors are not above reproach — then the sensitive subtleties of the consequences of the task they have been given will make a mockery of the intent of the legislation.

I do not believe the bill is adequate in the material welfare definition and the setting of standards for the employment of inspectors. I suggest to members that this is an important factor, because if these inspectors are to have the ability to decide who is or who is not an acceptable person to be among the younger folk of our community, then that is cause for real concern. I want to be certain that these inspectors, each and every one of them, are above reproach. If they are not able to pass that test, then they are unable to do it.

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! The member's time has expired.

Hon. B. W. BISHOP (North Western) — It is often with pleasure you rise to speak on a bill, but it is not with pleasure that I speak on the Child Employment Bill.

Hon. P. R. Hall — Not much interest from the government members anymore!

Hon. B. W. BISHOP — And also not much interest from the government. You are quite right, Mr Hall, which is a great pity when you saw the fervour with which some of the contributions were made.

Whilst I think we all understand perhaps the intent of what the government's bill is directed towards, we in the National Party are tremendously concerned about the impact that would have on many innocent families — not only farming families but families involved with businesses right across the state of Victoria.

I believe the amendment has been forced upon the government by what I believe has been the biggest uprising of people, predominantly from country Victoria, against the absolutely bureaucratic and invasive processes that this bill puts in place. I do not

think the government has done a backflip, as we often say in this house. As my colleague Peter Hall said, government members have done a 90-degree turn. They have not quite gone far enough. They could not quite bring themselves to make that 180-degree turn, so what they have put forward is unacceptable to the National Party, and it is certainly unacceptable to our constituents in rural, regional and country Victoria.

As Mr Hall said, it is interesting to note what our constituents know about this bill. Mr Hall talked about going to a store cattle sale. A large number of people there all knew what the bill meant and that it would impinge on their normal processes as families going about their business.

Certainly stuff has been pouring into my office. There have been phone calls, letters and people calling in. Whatever engagements I go to people say, 'This is ridiculous! This bill has no logic', and they say to us that it appears to them it has no real reason. There is no doubt — and again I am a bit surprised by its introduction — that this legislation will be well remembered by all Victorians who believe this government, whilst its members say they listened and may have listened, has not acted in this case in response to the concerns of people around Victoria, and particularly in country Victoria.

I make the point that this is not only about farmers; it is about businesses per se, and particularly small businesses. This will impact on them right across the whole sphere.

It is most important to note that I am sure every member in this house who is speaking for the National Party will not stand for exploitation of children — not one bit. Like my leader, Peter Hall, I was impressed with Mr Scheffer's contribution. I thought he spoke with great passion, and he really believed what he was saying, and we take that on board. We understand the issues, and the same applies to Mr Bob Smith, who spoke earlier in this debate. They have a view that permit systems would make a lot of difference in relation to one particular issue that they concentrated on — namely, farm safety. If it was that easy, we would probably agree, but it is not. We believe the impact of the permits provided for in this bill will solve nothing.

The days are past when children were exploited in businesses — and let us concentrate on farms. Children are not sent down the mines, Mr Eren, that is way past. It is a sad part of our past in employment. The other thing I thought about when I heard the contributions of other members was their absolute faith that permits would fix it all. I am a grandparent, and I work with my

grandchildren in our business on our farm. I suggest to the house that I am overprotective of them.

Hon. P. R. Hall — You are a doting, cuddly grandfather!

Hon. B. W. BISHOP — I do not know about being a doting, cuddly grandfather, Mr Hall, but I believe all grandparents and families are overprotective of their children. So it is drawing a long bow to suggest that a permit system would make that much difference. We in the National Party do not believe it would, but in my short contribution I hope to be able to offer some positive ideas about how we can address this very vexed question of farm safety, particularly for children.

Mr Hall quoted a few excerpts and referred to a few cartoons. I can remember one, which I am sure was in the *Weekly Times*. It was of a young grandchild who had been collecting eggs, which I reckon every grandkid has done on a farm; I used to do it. Although I did not particularly like getting the eggs or milking cows, I did and that taught me a work ethic which I hope has endured throughout my life.

In this cartoon the poor grandchild is there with a couple of buckets of eggs. The grandfather is being dragged off by the enforcers, and the grandchild is saying to his grandfather, 'But what am I going to do with the eggs?'. That probably typifies the ridiculous situation we find ourselves in as we discuss this bill today.

We in the National Party believe that this bill challenges an important aspect of family life. Family life involves working together in a business or on a farm, which teaches children a work ethic that they can understand very readily. I am sure that that work ethic will stand them in good stead during the rest of their lives. It also gives them that early stage of developing management skills and managing their time as best they can.

I would suggest, as did my good friend and colleague Mr Baxter, that the government does not want this to happen because it does not want a successful private enterprise system. The government would sooner have a strong control element in relation to any labour. Let us get it straight! These inspectors will not wander around amongst businesses and farms — they are enforcement officers. Unless the amendments put up by the Liberal and National parties are agreed to during the committee stage, I am sure that businesses will be driven under through the simple fact of the bureaucracy involved in having children working on family farms or in family business.

I also raise the issue of supervision. I am dashed if I know how you can do that. When I was a kid I would go off and do jobs, and I was not always supervised when I did them. Part of my work ethic training was how I managed to work out how to do those jobs. I cannot understand how that provision can be applied.

Let me go to a point I am quite passionate about. It is nonsense to talk about farm safety in this context. Farm safety is a real issue, and we in the National Party understand that. It is a real challenge, but I believe the government, if its members are concerned about farm safety — and every speaker from the government ranks has talked about farm safety — should go to some practical demonstrations across the state.

Let them do what the Ouyen Farm Safety Expo does. The expo has taken place three times, and has expanded to a three-day expo. The first day deals with secondary students. The other two deal with children about eight years old. Each time they put on this expo they handle about 500 students. It is held at the Hastings family farm near Ouyen, at a place called Timberoo. There are 21 workshops held during those three days, and they teach young people everything about farm safety, whatever it might be.

I make it quite clear that it is supported by government. Workcover has been quite generous in its support with money and sponsorship, and others have been involved: municipalities, hospitals, the Victorian Farmers Federation, the National Bank, Bidgee Finance and many others. The Ouyen Club, for example, supports this particular innovative program, and we certainly support it out of our office in Mildura. The expo even got some money this year that was left over from the rain dance in Ouyen, so it is a great community effort, and the Victorian Farmers Federation and its branches around the area play a great part in it. They draw children in from up to a 100-kilometre radius, so if we did that across the state, rather than worrying about enforcement officers, permits and fining innocent people perhaps up to \$10 000, we would be far better off in relation to farm safety.

I would like to talk a bit more about family businesses that have been built up over the years. Quite often they are handed on. I think it is a good result if a child in a farm business can do a bit of work on the farm and find out about it. If they then want to go away and have a look at the world, that is fine too. They may not come back, but at least they have had a good chance to work out what that family business is about.

As I have said before, I would like to speak about our family business. Our children and their friends have

enjoyed time on our farm during school holidays, and our grandchildren and their friends have enjoyed their experiences on our farm as well. It is a great reward, not only for the family members but also for those kids. They get experience and satisfaction across all aspects of a family business, and it teaches them a work ethic. I do not mean to say they are going to work 18 hours a day; I am not talking about that. It is just that they might help shift some sheep, or work in the shearing shed for a couple of hours, help to shift the machinery around the farm and get that basic teaching in farm safety. They may build things — it is very practical experience. I have been able to build things with my son and my grandson without a permit, and it was, I believe, a quite rewarding experience for all of us.

We in the National Party cannot really understand why the government cannot do a full 180-degree turn in relation to this particular bill. It is interesting that I can pick up my grandchildren and their friends and drive them to our farm without a permit. But when they get to the farm, under these circumstances it is more than likely I will have to get a permit. So there does not seem to me or to the National Party to be much logic in relation to the proposal before us today. It makes a judgment on people.

In the limited time I have left at my disposal, I confirm that we in the National Party will support the Liberal Party in the reasoned amendment it will put up. If that is not successful we will attempt through the committee process to change the legislation, to try to correct bad legislation and make it somewhere near workable by using the definition of family as it appears in the Duties Act. The National Party was quite instrumental in bringing that definition to the Duties Act in relation to transferring the family farm business from one family to another, and it has worked magnificently. It is there now; it has a precedent and it works quite well. So we believe that whilst that might not completely fix bad legislation it would make it more acceptable. Sadly, if that is not achievable, we will vote against this bill. We would do that with a heavy heart because we fully support the care of our children and in fact the National Party is based on the family unit, so we understand that. But we cannot and will not support flawed legislation that is unworkable and has been rejected across every area of our communities, which we do our very best to represent.

Hon. D. KOCH (Western) — I would like to open my part of this debate in total support of the reasoned amendment. I certainly support Mr Bishop's closing comments in relation to the bill in its current form.

I do not wish to speak for long on the bill. The folly of what is currently before us has had been clearly demonstrated by many members on this side of the house, and I think we are only trampling already covered ground. However, I bring to members' attention some of the very pertinent comments raised by the Victorian Farmers Federation in relation to regional Victoria and the businesses which operate in that environment. I quote from a press release from the VFF which states:

The Victorian Farmers Federation has called on Labor's seven country upper house MPs to take a stand against the Child Employment Bill, which will force grandparents, aunts and uncles of minors to obtain a child employment permit if their relatives wished to help out on the farm.

The VFF president, Mr Paul Weller, also said that the legislation would mean that grandchildren coming to visit their grandparents on the farm would on many occasions not even be able to help with the collection of eggs, unless their grandparents have obtained a child employment permit prior to their arrival so that they can help out on the farm. The press release goes on:

Further, Mr Weller said that if the grandparents had not obtained a permit, and a roving departmental enforcement officer found the grandchild helping out on the farm without the grandparents having a permit, fines ranging from \$1000 to \$10 000 may well apply.

I have always cited this bill from our first viewing of it as short sighted. It takes away the opportunity for children of all ages to gain experiences in family businesses or in extended family businesses right across the board. One of the learning processes and training opportunities we have with offspring and grandchildren is to introduce them to the floor of our many and various sorts of family businesses across the state.

I do not speak only of the family farm to which I had the great fortune of being introduced in my working life and where I certainly helped my father and my grandparents — as my children have helped me and have certainly helped their grandparents — in many jobs, be it dipping sheep, being involved in the shearing shed, raking hay on a seasonal basis, even loading livestock transports, which were all a great opportunity to gather some experience, assist our parents and feel that we were playing an important role in our own family business. It was a learning opportunity and an experience that many children never have.

I also think of many of my friends who used to come and help us, as we went and helped them. They came from various walks of life. I had friends who helped parents who had service stations and tyre-changing facilities, friends who helped parents who were green

grocers or butchers — butcher shops are seen as a dangerous environment. I have no recollection of any of my friends losing limbs or getting their hands caught in mincers, as seems to have happened in the cases Mr Smith spoke of. He had a great array of stories where limbs were literally ripped off children in the process of helping their parents in their own family environment.

We also had children helping us whose parents were involved in the hardware industry. I was fortunate to have grandparents on the maternal side who ran a furniture business in Elsternwick. I thought I was fortunate to join them on my school holidays, assisting with the handling and repair of furniture, lifting furniture in and out of furniture vans, moving furniture around the floor for sale and generally assisting my grandfather operate his business. I learnt many things and gained many opportunities from mixing with a different part of the business community, and I think that assisted me in the growing up process of gaining experience and independence.

There has been much traffic through my office in relation to this bill. It has given more concern to regional Victoria than any other bill since I have been in Parliament. In the initial stages it came from the immediate family, certainly the grandparents, not so much the uncles, aunts and cousins. The grandparents felt most aggrieved about what they were confronted with. In fact most of them felt insulted that legislation like this would even get a hearing in the state of Victoria. From that traffic I learnt that little consultation was undertaken on the drafting of the bill — to my knowledge none was undertaken in regional Victoria. No community groups have indicated to me that they have been contacted in relation to the production of this bill, so I have been left with the assumption that most of this was undertaken within the metropolitan area.

I noted earlier that I was disappointed in the way the bill was drafted. I believe it is very poorly drafted and full of anomalies. I cannot for the life of me follow the reasoning where the second-reading notes indicate, and I quote:

The bill also takes the step of making it an offence to engage in particular forms of employment. Children are prohibited from working in door-to-door sales, in deep-sea fishing —

'deep-sea fishing' is very broad. I am not sure whether we are talking about working on a boat far off the coastline assisting parents or the extended family in the running of a business or whether that pertains to assisting in a processing factory back on the mainland preparing the catch for market.

Turning to the next page we learn that it should be also noted that the government will make an exception in relation to the employment of a child on a fishing boat on the Gippsland Lakes or any other inland lake, which will not fall within the definition of prohibited employment. It is drawing a very fine line when you distinguish between whether a child is assisting a family in fishing on lakes or in deep-sea fishing. When listening to weather reports, which we get daily, we appreciate that on many occasions the water is far rougher on our lake system in Victoria than on the open ocean, so I bring that one to the government's attention. I hope we have the opportunity to look at the situation further in committee or, as earlier indicated, with the bill being taken away and redrafted and then brought back to the house.

Importantly I would like to thank our regional press houses, particularly the *Weekly Times*, *Stock and Land*, the *Wimmera Mail Times*, the *Hamilton Spectator*, the *Warrnambool Standard*, the *West Wimmera Advocate*, the *Colac Herald* and the *Ararat Advertiser*, to name but a few in my province whose editorials have kept this bill in front of our communities. I thank them for adding to the groundswell that has obviously brought to the attention of the government the folly and stupidity of this bill, leading to the earlier amendment being made. I hope commonsense prevails and the reasoned amendment is supported.

Hon. R. DALLA-RIVA (East Yarra) — I have pleasure in debating the Child Employment Bill, and in doing so I would like to make it clear that I support the reasoned amendment moved by the Honourable Philip Davis. I would like to thank the members who have made their contributions to this bill, because it affects the vulnerable within our community.

I have to say very clearly at the outset that I am generally concerned that in my portfolio of corrections we seem to find a fairly high number of prisoners entering the system who have come from a background where the family has broken down. I see this bill as part of the process of continual breakdown of the family unit, and for that reason it is to be totally and utterly exposed for what it is.

We heard earlier from the Minister for Finance, Mr Lenders, who kept referring to the great Sir Henry Bolte in relation to the Community Services Act 1970, so I decided I would review that act. I have to say I feel sorry for the draftspeople who had to put together this bill. I am sure they are very well versed in the Community Services Act 1970 and in particular in division 9, entitled 'Employment of children'. It is important to put on the record that they would have

been forced to draft this Child Employment Bill with the clear knowledge that within division 9 of the Community Services Act 1970 — which the minister seemed to indicate was some draconian act, but he would have known this if he had studied it — there is quite clearly sufficient power already within Parliament and within the state to ensure meaningful oversight of the employment of children.

I will refer to some of the issues in that act, because it is important to put on the record exactly where I am going in relation to this debate. Section 75 states:

"employment" means —

- (a) assisting in any business, trade or occupation carried on for profit;
- (b) any form of entertainment —

et cetera.

Section 76, which is about the issue of allowing children to engage in employment, states:

Any person —

this is important —

who causes or procures or, having guardianship thereof, allows any child who is not the holder of a permit or licence for the purpose in force under this division to engage —

- (a) in employment (whether for reward or not); or
- (b) in street trading —

shall be guilty of an offence.

So in the current legislation in Victoria, which has been in operation for 33 years, there is a clear outline about children not being allowed to engage in employment. The Child Employment Bill is a draconian impost by the current Bracks administration when quite clearly — and for the record — there is already an act of Parliament that is in operation in Victoria. To suggest that we are creating some new regime of managing child employment in Victoria is an absolute furphy. We should tip our hat off to Henry Bolte for his foresight in dealing with children who are in engaged in employment.

If there needed to be any changes, it is quite clear the Bracks government could have made them by amending the Community Services Act 1970. It could have made minor amendments. We have heard about the increases in the penalties, and the government says \$100 is not too much, but why did we not get an amendment to the Community Services Act to increase it to \$1000 or \$10 000 or 10 penalty units or whatever

you may wish to have. That seems very logical in my view, yet we have to go through this whole charade of forcing down, dumbing down, the family unit because we want to have a form of control — the socialists always have to do better, they always know better, for the community!

That is not the fact; the fact is that the legislation has been in operation in Victoria for well over 33 years, and it is disappointing that we have to now go through this whole charade, this spin doctoring, on this matter. It is important to put on the record that the Community Services Act 1970 is already in existence, and we are really just going through the motions with the Child Employment Bill.

I move on to another issue that was raised by Mr Smith. He ingratiated himself a lot when he said this bill will reduce the severity of injury to and rate of death of children in the workplace. I will now present the evidence — and evidence it is — to refute those claims. It was said in the second-reading speech that this was one of the major causes of child death in our society. Unfortunately I have to put this on record — it is difficult for me to talk about this today, and it is difficult for people to accept this — but there are children in our society who die because of accidents. But if we are going to debate this issue within the confines of this Parliament, we must do so honestly. It is important not to allow this draconian bill go through without countering some of the misnomers and mistruths the government wishes to put forward.

The Australian Bureau of Statistics (ABS) in a document entitled *Australian Social Trends 1996* reported that accidents were the most common cause of death among children aged between 1 and 14 years. This bill deals with children under the age of 15, so they are within this age group. I refer to some of the issues. It says that 13 per cent of child deaths were caused by accidents. In other words, the other 87 per cent were causes of death other than accidents. Of the children who died from accidents, 48 per cent, almost half, were aged between 0 and 4. Having three young children of my own, I have to put on the record that I cannot imagine a child of 1, 2, 3, 4 or a couple of months working in any environment! Yet 48 per cent of all accidental deaths involve children in that category. It is interesting to note from the records I have extracted from the ABS that Victoria has the lowest death rate.

An honourable member interjected.

Hon. R. DALLA-RIVA — No, it is not what Mr Smith says! This is a serious issue. It is difficult to talk about this particular issue, but I will go into more

depth on this. The most common cause of accidental death — and we need to put this into some perspective — is motor vehicle traffic accidents. The second-most common cause of accidental deaths among children under the age of 15 is submersion, suffocation and foreign bodies, and 76 of those deaths were due to drowning. We all know the danger of children being around pools. The report examines in quite a bit of detail how the death rate from drowning among children has significantly decreased. But that is not because of enforcement provisions, it is because of education. It is not because of compliance officers, it is because of education. It is not because of permits and the like, it is because of education. Yet nowhere in this bill do we see anything about the process of education. This is about using a sledgehammer to crack a nut — a minor issue.

I will go further on this very sensitive issue. As I said, the common cause of accidental deaths of children is motor vehicle accidents. Mr Smith raised this as a significant issue and it is. We would all like to have no deaths, but the reality is that close to 48 per cent of deaths among children under the age of 15 are caused by motor vehicle traffic accidents. I am referring to a table which shows that 29 per cent or thereabouts of accidental deaths are caused by submersion, suffocation and foreign bodies. The other categories are accidental deaths caused by fire and flames, which account for 8.6 per cent; motor vehicle non-traffic accidents — we know they are often pedestrian matters where children are unfortunately knocked down and killed on their way to or from school— which account for 4.8 per cent; accidental poisoning, which account for 1.7 per cent; accidental falls, which account for 1.4 per cent; and other causes, which total 11 per cent. They should total 100 per cent

The government says this legislation will substantially decrease the number of deaths of children, and we would like that to occur, but we do not see that the bill now before the Parliament will actually deliver on that, given the Australian Bureau of Statistics figures in the document entitled *Health — Causes of Death: Accidental Death of Children*. It is important to put on the record that this is a sensitive issue to talk about, but in the context of the debate it knocks out Mr Smith's argument, rhetoric and hype that he was unfortunately trying to put forward on this particular issue.

The third issue I would like to draw to the attention of the house very briefly in my remaining 3 minutes is the issue of compliance. You have to feel sorry for this government: it cannot think of anything creative, so what it has done — —

Mr Viney — You are misleading the house; you do not feel sorry for the government.

Hon. R. DALLA-RIVA — I do not feel sorry for this government, Mr Viney. I feel sorry for the Victorian community that voted it in, but hopefully it will have an opportunity in a number of years — —

Honourable members interjecting.

Hon. R. DALLA-RIVA — The member should not say that.

I was going through part 4 of the bill and thought, 'This looks very familiar'. That provision is very similar to one I spoke about during another debate a couple of months ago on the bill dealing with supposed improved protection for outworkers. All of a sudden the words started to appear very familiar, and I thought the government had hit the 'copy' button on its computer and copied that outworkers bill into this Child Employment Bill. Lo and behold, that is what it has done!

During debate on the outworkers bill the government got slammed about calling people information services officers. In one of his speeches the Minister for Aged Care, Mr Jennings, said that the role of the 'enforcement officers' — and then it was brought to his attention that he had used the word 'enforcement'. This government has now said, 'We will not use the term 'information services officers'. It is too vague; we will call them child employment officers'.

Hon. D. Koch — Or union mates.

Hon. R. DALLA-RIVA — Maybe union mates, but we hope there is a process in place.

It is important to put on the record that this government is so bereft of new ideas that it cannot even think about what to do with a bill as important as this. So it has gone back, copied and pasted from the outworkers bill — —

Mr Viney — Do you realise you are sitting in a red chamber? Commies are everywhere!

Hon. R. DALLA-RIVA — Mr Viney says there are commies everywhere, and I would have to agree with him. There are a lot of commies everywhere, and if he is referring to communists, I think they are on the government side. That is the reason why we have this Child Employment Bill, because as members know, communists love to control; socialists love to control, and this Labor government loves to control.

That is what this bill is about. It is not about improving employment opportunities for children; it is about a further level of control. It is about a further outcome — a dictatorship, if you wish — in relation to this government's utter control of and contempt for the Victorian community.

Sitting suspended 12.59 p.m. until 2.02 p.m.

Business interrupted pursuant to sessional orders.

ABSENCE OF MINISTER

Mr LENDERS (Minister for Finance) — President, I take this opportunity to advise the house that the Minister for Small Business is still with her sister, who is in labour.

Hon. Philip Davis — On a point of order, President, I thank the minister for the advice, but I wonder if it would be possible as a matter of course for the absences of ministers to be advised at the commencement of the day. It is a little hard to walk into question time without having that knowledge.

Mr LENDERS — President, when I am aware that a minister will not be around at question time I will certainly advise party leaders at the start of the day.

QUESTIONS WITHOUT NOTICE

Wind farms: government policy

Hon. PHILIP DAVIS (Gippsland) — I direct my question to the Minister for Energy Industries. Does the backflip by the government yesterday as to the location of wind farms along the Great Ocean Road have anything to do with the location of the minister's home at Tenth Avenue, Anglesea?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I can assure the honourable member that the way that I am dealing responsibly with the question of wind in this state has nothing to do with any properties that I might have. I might say that it is a disgusting question coming from — —

Hon. Philip Davis — On a point of order, President, the minister was asked a question. I think he has partly answered it, and I do not think it is appropriate for him now to be starting to debate it.

The PRESIDENT — Order! Under sessional orders the minister has 4 minutes to answer the question; he has only taken 45 seconds. The member asked a

question and the minister is in the process of answering it.

Hon. T. C. THEOPHANOUS — We put in place some time ago — in fact it was August 2002 — policy and planning guidelines for wind energy development. They were introduced by my colleague in the other place the Honourable Mary Delahunty so that this government could ensure that the assessment of wind farm proposals considers such things as the impact on views from major roads, walking tracks and tourist routes. That was part of considering the visual amenity.

We said in this house yesterday, and I continue to reiterate it today, that we believe the proper application of those guidelines — and they are relatively new guidelines because the previous planning scheme made no mention of landscape values or the assessments that I have just indicated — will ensure that the government's commitment to protecting the Great Ocean Road is met.

We are making that statement on the basis that we believe there are significant values associated with the Great Ocean Road. That is why we introduced the planning guidelines back in August 2002 to ensure that where there are important tourist issues or values involved, where there are important views involved; the impact will be taken into consideration.

I would have thought the opposition would have welcomed that. Instead what we got from it was the idea that we should impose a moratorium, not on one part of the industry, not even on the bits along the coast, but on the entire industry — that we just stop it, full stop, and that the industry ends for 12 months. Yesterday's opposition motion said that the whole industry should be put on hold for 12 months, and all of that investment will go out of this state into other states. That was the opposition's proposal. The only thing that I can conclude is that other motives are underlying that which were discussed by — —

Hon. D. K. Drum — By you!

Hon. T. C. THEOPHANOUS — They were discussed by me, and I am happy to reiterate them for Mr Drum if he wants. We have acted responsibly in this instance to ensure that the important landscape values are protected under our policy for the future of Victorians.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — Given that the decision on the Great Ocean Road directly impacts on property values at Anglesea and Point Roadknight,

what is the current market value of the minister's house at that location?

The PRESIDENT — Order! That question is out of order.

Hon. PHILIP DAVIS — It directly relates — —

The PRESIDENT — Order! It has nothing to do with ministerial responsibility, and I rule it out of order.

Public liability: government action

Hon. R. G. MITCHELL (Central Highlands) — I refer my question to the Minister for Finance. What action has the Bracks government taken to ease the current crisis in public liability insurance, and what has been the effect of this action?

Mr LENDERS (Minister for Finance) — I thank Mr Mitchell for his question and his ongoing interest in finding solutions to what has been a very difficult and technical problem for the government and the community. Recently he accompanied me to Mansfield and Mount Buller where we talked to some of the stakeholders who had issues and difficulties with insurance. His particular interest and enthusiasm to find solutions is something that I commend him on. Together with him I am very pleased to be a part of finding the solutions.

One of the things that has been happening with public liability insurance is a scarcity of insurance; price was also an issue. So on the issues of availability and affordability, this government has been listening and acting to get solutions in those areas.

Hon. D. McL. Davis — Late!

Mr LENDERS — Unlike Mr David Davis and other opposition members who go around talking down the state, whingeing, whining, complaining and identifying problems, this government has been listening and acting. This government is serious about sound economic management so that business and community groups in this state can operate in a safe environment where risk mitigation is to the fore. This government has dealt with the twin issues of affordability and availability of insurance. We have forensically gone through to find some of the things that have a cause and an effect. As I have previously reported to the house — —

Hon. D. McL. Davis interjected.

Mr LENDERS — Mr David Davis is clearly not interested in finding solutions to insurance. He comes

into this place and carries on about medical indemnity and a whole range of other issues, but he does not listen. It is not surprising that the Liberal Party report into the last election said that one of the problems was that it had disengaged with the community and was not listening — and we are seeing evidence of that today.

We have introduced two pieces of legislation to deal with the specific issues of availability and affordability. The Department of Treasury and Finance has assisted more than 400 groups to find solutions to their insurance issues. Many have said, 'Will this make a difference? What is the impact of it? When is it going to work?'. In response to Mr Mitchell's question I advise the house of a number of areas.

Page 17 of the *Australian Financial Review* dated 12 September contains an article headed, 'Fringe's insurance costs come in for quick trim'. The article goes through some of the difficulties that the fringe festival has had with insurance, and I draw member's attention to paragraph four where the director of the fringe festival says:

Tort reforms, which take effect on October 5, curtailing 'trip and slip' claims, were one of the big reasons for the cut in premiums.

So the fringe festival had a cut in its public liability insurance, and the director of that festival has said that it was the state government's legislation that was starting to have an effect on the issue of affordability. That is one area that we have been questioned on for a while. People have asked, 'Will this make a difference? What is being proposed?'. That is one instance of affordability.

But clearly for us to bring insurance into Victoria we have to have a regulatory regime in place which gives people confidence about some of the issues they lost confidence in around the time of the collapse of HIH and the 11 September tragedy, so that there is some sense of confidence for people to come back into Victoria. It has been a big ask from the government to say to the community, 'We have these solutions and they will make a difference'. We have listened, we have acted in legislation and I am pleased in this particular instance to report that insurance is now available for the fringe festival and that it directly acknowledges the state government for that. But, President, there is more. Suncorp Metway has made some very important announcements —

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

Supplementary question

Hon. R. G. MITCHELL (Central Highlands) — Could the minister tell the house what new groups are getting insurance?

Mr LENDERS (Minister for Finance) — I thank Mr Mitchell for asking the question. I just happen to have in front of me a list of 47 groups that will get insurance under the new program being announced by Suncorp Metway today. The 47 groups to which Suncorp Metway is extending insurance cover a range of areas that were either not covered before or had only limited or narrow coverage, so the affordability and availability issue is being partly addressed. Suncorp Metway is saying that this is as a consequence of the change in legislation in Victoria.

Some of the groups which will now have choices in insurance or insurance for the first time include Neighbourhood Watch, licensed sporting clubs, unlicensed sporting clubs, health care centres, childcare services and playgroups, business and professional associations, bible study groups, animal training groups and aged care services. As we see from this list, this is the start. There is a lot more to be done; we need more companies to come into the state. But the government has listened and acted and has results.

Wind farms: Nirranda

Hon. PHILIP DAVIS (Gippsland) — I direct my question to the Minister for Energy Industries and I refer to what Channel 9 news described as the minister's bungled attempt to divert attention from the government's backflip on wind farms, and I ask: will the minister guarantee that the Nirranda wind farm at the beautiful Bay of Islands will not go ahead?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — This opposition leader is showing himself to be more incompetent than any of his predecessors. The fact of the matter is — he obviously does not have the neurons in his head to understand, but I keep saying to him — there has been no backflip by the government.

Hon. Philip Davis interjected.

Hon. T. C. THEOPHANOUS — Do you understand the words 'no backflip'? The only people doing backflips in this house are you people!

Honourable members interjecting.

The PRESIDENT — Order! The Leader of the Opposition has asked his question. I ask him to lower

his voice so that Hansard can record the minister's answer to his question.

Hon. T. C. THEOPHANOUS — So he grasps at any straw that he can find in relation to whatever anyone else might have said. The fact of the matter is that I have indicated to this house on a number of occasions that we did change the planning requirements, we brought in new policy and planning guidelines in August 2002, and under those planning guidelines there are a range of things which have to be considered during the planning process.

There is an environment effects statement process in progress for the Nirranda site. It is absolutely inappropriate for me as a minister to come in and make a comment about that process. What I can say is that the guidelines which were brought in by the government in August 2002 are designed to ensure that landscape and tourism values are protected. That application for Nirranda would have to be considered under those guidelines. Those guidelines would have to be taken into consideration during the course of that.

I have said before, and I say again, that we on this side of the house believe that the proper application of those guidelines will ensure that our commitment to the protection of the Great Ocean Road is met. I cannot make it any clearer than that. But it is not new; it is the application of the guidelines which we brought in in 2002. So rather than the Leader of the Opposition coming in here and making silly and outrageous comments about what might be happening with wind in Anglesea and other places around the state — I might say in passing that the only thing that is causing land prices to go down in Anglesea is the coal-fired power station that is down there, but it has nothing to do with wind — —

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — The fact of the matter is that this desperate man, who is trying to prop himself up as the opposition leader because nobody takes any notice of him — I mean, he has lost the support of his own backbench — comes in here with this kind of approach; he tries to use 90-second statements to bring up grubby politics and he will not address what is an important issue. That important issue — let me explain it to him again — is the need for us to have a balance in the energy requirements of this state, and that balance involves allowing wind development in appropriate locations. It is not about having a moratorium, which would kill off the whole industry and would drive investment out of Victoria

and into other states. We are not going to be doing that; we will act responsibly.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — The minister has just refused to rule out — —

The PRESIDENT — Order! I assume you are directing your question to the Minister for Energy Industries.

Hon. PHILIP DAVIS — It is a supplementary question, President. Strike! For heaven's sake!

The PRESIDENT — Order! I ask the Leader of the Opposition to show some respect to the Chair. I was just asking a question. It is an exciting question time. I have the leader's name down on a list on a number of occasions, and I did lose track of where we were up to. So when I do ask the Leader of the Opposition something, I ask him to at least respond to me in a respectful manner.

Hon. E. G. Stoney — On a point of order, President, I respectfully point out to you that through noise and then the confusion over who had the call, Mr Philip Davis lost 10 seconds of the time available to him.

The PRESIDENT — Order! That is not a point of order. The Leader of the Opposition, to continue his supplementary question.

Hon. PHILIP DAVIS — The minister has refused to rule out this totally inappropriate development at Nirranda, and as such, can I ask the minister to confirm that the government is backing away from yesterday's rhetoric of wanting to protect Victoria's sensitive coastline, especially the Great Ocean Road?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Philip, Philip! Do you know what question you are asking? Is it about a backflip, or the backflip on the backflip? Which question is it that you are directing me to?

I do not know how many times I will have to repeat this for the opposition leader. I have told him this before, and I will tell him again in single syllables — listen carefully and you might understand — we have brought in the guidelines; they are new guidelines. The guidelines are designed to protect areas of high landscape and tourism value. The Great Ocean Road is such an area. As a result we are confident that those guidelines will lead to the fulfilment of our commitment to protect the Great Ocean Road.

Adventure tourism: safety and environmental standards

Mrs CARBINES (Geelong) — I direct my question to the Minister for Sport and Recreation. Will the minister advise the house of what action the Bracks government has taken to improve safety and environmental standards for the adventure activities sector in Victoria?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — A number of months ago I had the great pleasure of launching a package of safety and environmental standards that are an Australian first for adventure providers. This signifies what Victoria had done in taking a leadership role in the adventure activities sector. Do not underestimate the importance of this in relation to ensuring that those providers out there, whether they be commercial or non-profit operators across the state, have been able to ensure their continued benefit to hundreds of participants out there in the adventure activities area.

These new standards set out to achieve some key outcomes: to support safe and fun indoor and outdoor adventure activities; to provide clarity for adventure operators; and to help ensure — this is most important and vital — a consistent approach across the sector.

That is particularly important in terms of risk management issues and to ensure that those providers can further develop the industry to ensure there are constant standards across the industry and that those requirements do not change.

Already the standards have become part of Parks Victoria's licensing agreements for adventure providers using public land, and they will be used in accreditation programs run by the Australian Camping Association and the Victorian tourism industry.

It is a great example of the Bracks Labor government working with industry in partnership to produce appropriate standards, in this case adventure activity standards. We have provided \$85 000 to the Outdoor Recreation Centre to coordinate the development of the standards with input from a range of stakeholders, including sporting agencies, education bodies, emergency services, insurers and risk management specialists.

We have seen not only the development of those but a commitment to a further 11 adventure activities which we look forward to being completed within the next 12 months. The standards in particular help address those public liability insurance issues that many in the

community, particularly those in the adventure activity area, have been acutely aware of. It means that we are complementing the outstanding work that the Minister for Finance has been doing and continues to do up to this point.

We have seen that the other states are enthusiastic about the model we have adopted which was presented to the recreation ministers conference last week. All the states well and truly endorsed the work we are doing. They endorsed an approach where we seek to have the federal government commit financially to the contribution, coordination and the development of national standards across the board.

We are looking forward to not only each of the states implementing standards but, in particular, a national approach which will see risk management standards across this important outdoor adventure sector, which complements the sport and recreation sector throughout the state and country.

Commonwealth Games: shooting venues

Hon. D. K. DRUM (North Western) — My question without notice is to the Minister for Commonwealth Games. In question time on 20 March this year I asked the minister if he had made a final decision on the venue for the small-bore and pistol events for the 2006 Commonwealth Games. In his answer the minister mentioned that two sites were possible venues — the Yarra Pistol Club and the Melbourne International Shooting Club. Since the Yarra Pistol Club has never had any intention of hosting the shooting events and its own feasibility studies have come up with MISC as the preferred venue on nearly every criteria, is the minister now in a position to officially endorse MISC as the venue that will host the small-bore and pistol events at the 2006 Commonwealth Games?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I appreciate the member's question because it is an important one in relation to the preparations for the Commonwealth Games. As the member mentioned, the shooting venues for the small-bore and pistol shooting disciplines have been assessed in the study not only with the Melbourne International Shooting Club but also with the Yarra Pistol Club. A number of other venues have been assessed for other shooting disciplines.

The study reviewed current facilities at the venues and outlined the necessary improvements on both a temporary and permanent basis, appreciating that there will need to be some upgrading on a permanent basis

but also to ensure that the overlay is appropriate for games of this magnitude and to ensure that these venues comply with the international standards for hosting the 2006 shooting disciplines.

I appreciate the member's concern to ensure that those international standards are complied with sooner rather than later. I am happy to inform the member that although a decision has not been made in relation to those venues, an announcement will be made on which venues will be utilised for the games following formal ratification of the preferred venues by the 2006 board and the Commonwealth Games Federation general assembly. While we may have particular venues in mind, the final say in relation to accepting those venues is at an international level with the Commonwealth Games Federation general assembly. That assembly meets in November, and we would seek to have some ratification or at least some level of endorsement in relation to those venues at around the time of the general assembly of the Commonwealth Games Federation later this year.

Supplementary question

Hon. D. K. DRUM (North Western) — I thank the minister for his answer. The minister would be aware that the Deaf Olympics are only 15 months away, and the commonwealth shooting championships will follow shortly after. With so much work to be done prior to the test events, if it is to be the MISC site, which is the preferred site on so many of the criteria on which the feasibility studies have been based, is the minister aware of the time lines and does he realise that he is running out of time because the work should have started by now? Will the minister guarantee that the shooting venue will be ready for the Commonwealth Games?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question. All venues will be ready for the Commonwealth Games. It is very important, and worth recognising in this instance — it does not only relate to the shooting venues but to all venues in relation to the Commonwealth Games — that work is required to upgrade these facilities on a permanent basis, but there will also be aspects that need to be presented on a temporary basis in terms of the overlay requirements for each and every one of the Commonwealth Games venues.

It is worth appreciating that many of the sports would dearly love highly advanced and specialised permanent overlays in relation to these facilities. We would like to see that also but appreciate that the cost of the games is

something that we are managing very closely. In many cases the dream would be to make all the overlay requirements permanent, but we have to be very cautious and prudent in getting the balance right — —

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

Energy: infrastructure security

Mr SOMYUREK (Eumemmerring) — I refer my question to the Minister for Energy Industries. Victoria's energy industry provides thousands of jobs and is crucial in maintaining a competitive and expanding manufacturing base. Can the minister inform the house how the Bracks government is ensuring the security of Victoria's energy infrastructure?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question. It is true that Victoria's energy industry is a very important industry which employs some 10 000 people directly and many thousands more indirectly. The provision of low-cost energy in the state through this industry is one of the things that helps us maintain a competitive edge both in terms of our manufacturing industry and our broader industry and commercial requirements.

Continued investment in the energy industry directly and in the broader economy depends in part on ensuring the security of those important pieces of infrastructure. When dealing with the threat of terrorism in our community — it is a very real threat which has been brought home to us each night on our television screens, and more directly through such things as the Bali tragedy — it is important that our infrastructure is protected. This is of the highest priority for the Bracks government and for me as a responsible minister in this area.

We are committed to protecting Victoria's essential assets to ensure the security of Victoria's energy supplies. The industry is fuelling impressive growth and employment. Under this government we have seen unemployment drop to 5.5 per cent against the national average of 5.8 per cent, with 167 000 jobs created in the economy since October 1999.

These are impressive economic outcomes by the government. That is what separates us from opposition members, who have absolutely no idea about economic management. They are economic vandals as evidenced by the fact that they want to kill stone dead an important industry and associated investment in the state.

As part of providing confidence and security in this industry new measures are being introduced through the Terrorism (Community Protection) Act to ensure that owners and operators of energy infrastructure have in place a sound risk management framework to protect Victoria's critical energy infrastructure.

These businesses will be required to develop security risk management plans to deal with the threat posed by terrorism and to conduct exercises to test the effectiveness of their plans on an annual basis. Dealing with the threat from terrorism requires a coordinated approach between the owners and operators of critical energy infrastructure in this state and the relevant government agencies that take part in this process. Therefore I have also initiated a review of security risk management practices for owners and operators of critical energy infrastructure in the state. The review will provide the government with a clear picture of the critical elements of Victoria's energy infrastructure and of current security risk management practices.

The Bracks government is continuing to act and remain vigilant in the interests of the protection of our essential energy assets, which are a foundation for continued investment in this state.

Wind farms: Logans Beach, Warrnambool

Hon. PHILIP DAVIS (Gippsland) — I direct a further question to the Minister for Energy Industries.

Hon. T. C. Theophanous — Are you going to give anybody else a guernsey on your side? Just because the television people are here you want to hog it!

The PRESIDENT — Order! This question is directed at Mr Theophanous, so I suggest he listen.

Hon. PHILIP DAVIS — Will the minister confirm that there is currently a wind farm application being prepared by Skygen Pty Ltd for Logans Beach, Warrnambool?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — A range of wind proposals have been put up around the state. I have indicated before to the house that we have currently in place 92 megawatts of wind capacity, and that is in Stawell.

Hon. P. R. Hall — I put that to the house yesterday, not you. I knew the facts.

Hon. T. C. THEOPHANOUS — Thank you for your assistance, Mr Hall. I am glad that your figure of 92 megawatts concurs with mine.

We have some 550 megawatts of capacity in various stages of application or planning, so we are still some way from achieving our target, which was put up before the election, of 1000 megawatts. Wherever an application is made — irrespective of the one that the honourable member has raised in his question or the earlier question in relation to Nirranda South or indeed any of the other applications or proposed applications that are made in respect of wind in this state — it will now be subject to the government's policy and planning guidelines. Those guidelines establish, for example, the government's policy that the proper siting and design considerations must be developed for all wind farms.

Hon. P. R. Hall — There is nothing new; nothing new whatsoever.

Hon. T. C. THEOPHANOUS — They are new, Mr Hall. That is listed on page 16. If you read the guidelines on page 21, you see they clearly spell out that the visual impact of any wind farm proposal must be assessed.

A range of considerations is now built into these guidelines. The guidelines were brought in in August 2002. They are in the process of being implemented and will lead to the consideration of every single one of those proposals involving that 550-odd megawatt hours of proposed electricity, and those guidelines will be used to make those assessments.

So the answer to the honourable member's question is that any proposal from any person or business will be considered appropriately under those guidelines, and that is because the government wants to make sure that it achieves the target that it has set itself of bringing in renewable energy as an alternative source in order to deal with our greenhouse gas obligations. We want to achieve that target. We do not want to stop investment in this state, but we want to do it in an absolutely responsible way that preserves our landscape and tourism values.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — Is the minister aware that the Logans Beach area is the southern right whale's calving area and the whale tourism centre of Victoria, and as such will the minister advise what action he will take to guarantee its protection?

Hon. C. D. Hirsh — The whales are in the sea!

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I should take up the interjection from my colleague, because I can tell you that there are no plans

that I am aware of to put any wind turbines in the sea. I should say, however, that wind turbines have been installed in the ocean in such places as Holland, but I am really grasping to try to understand the connection the honourable member wants me to make between his new-found interest in whales and the question of wind farms. As I understand it no applications have been made to put wind farms in the sea. So Mr Davis's question — —

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

Housing: asset management

Mr VINEY (Chelsea) — Can the Minister for Housing advise the house of how that Bracks government is continuing to ensure the responsible financial management of Office of Housing assets?

Ms BROAD (Minister for Housing) — I thank the member for his question. The government is responsible for almost \$10 billion of Office of Housing assets, and Bracks government members take the strategic management of this stock very seriously, because we are responsible economic managers and we are very serious about responsible financial management.

As my colleague the Minister for Finance is always happy to remind the house, risk management is a key component in any strategy to deal with minimising the exposure to loss. Risk management is a vital part of good governance, business planning and management practice. It is a systematic approach to identifying and managing the risks associated with owning \$10 billion of government assets. The Bracks government is ensuring that there is continual progress in the development of risk management. Of course the Bracks government is — —

Honourable members interjecting.

The PRESIDENT — Order! The minister is on her feet responding to a question from the government side. There is a lot of noise on my right. I ask honourable members to desist.

Ms BROAD — The Bracks government is implementing a series of fire safety measures in all Office of Housing properties. The government invested some \$7 million in the last financial year towards this and will build on this in the current financial year with an additional \$9.5 million.

In addition, the physical maintenance and condition of this \$10 billion of assets is vitally important to

responsible asset management. In the last financial year alone the Bracks government targeted \$70 million on the upgrade and maintenance of this high-rise stock and will invest that much again in these assets. This is a significant investment, and it is not only good for social outcomes but is something that any responsible financial manager should and would do. However, it was something the previous government refused to do and failed to understand the consequences of.

Their lack of policy at the last election, recognised in their own election document, indicates that they still have no idea — none whatsoever — when it comes to this question. I remind the house that they spent a miniscule \$7 million over the seven years of their time in government on maintaining and upgrading the ageing family high-rise and walk-up estates in Melbourne, in contrast to the \$9 million they spent on doing up 1 Treasury Place to suit themselves. They left this government an appalling \$170 million black hole in public housing across the state of Victoria, which we in government are fixing.

Risk management and responsible asset management are key components in the Bracks government's successful strategy for responsible financial management of Victoria's public housing asset base. This is part of our wider commitment to the ongoing financial management of Victoria.

Commonwealth Games: athletes village

Hon. R. H. BOWDEN (South Eastern) — President — —

Honourable members interjecting.

The PRESIDENT — Order! To ensure that the clock is stopped, and I note there was some discussion going on about the last question from the opposition, I will ask the member to start his question from now.

Hon. R. H. BOWDEN — This question is directed to the Minister for Commonwealth Games, the Honourable Justin Madden. Will the minister inform the house where P. J. Scott and Associates is registered and operates from?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question. That particular shipping broker provided a quote in relation to what would be the cost if cruise liners instead of a games village were used. I understand it is an Australian business, and I also understand that that particular consultant provided consultancy services to the Olympic Games. I also

understand that it provides services to Athens in its preparation for its Olympic Games.

I am confident that whilst we are building the village in Parkville, that we have explored all — and I reinforce ‘all’ — possible options, whether it be cruise ships, alternative sites or alternative government sites. We have assessed all those and we have the best possible value in having the net benefit coming from the games and the games accommodation by having the games village located in Parkville. We will make sure that we have not only an environmental initiative, not only public housing and a new suburb but the best possible financial value to this state as part of the great games legacy we will see as part of the 2006 Commonwealth Games.

Supplementary question

Hon. R. H. BOWDEN (South Eastern) — Will the minister present to the house a copy of the advice from P. J. Scott and Associates he referred to yesterday.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member’s question again. The advice I have indicated to the house is very much the advice which was provided to us, so there is nothing much that is newer in relation to the information that has been provided to us, which is that the cost of having cruise liners in this state during the Commonwealth Games is in the order of \$50 million. That does not include the infrastructure required — of which we have made an assessment — to bring all the services, all the transport services and appropriate elements onto Station Pier to service those ships as well as the staff that would be required on those cruise liners. You would have to accommodate not only the 6000 athletes but also the 2000 staff as part of that. It is an enormous amount of servicing and an enormous amount of cost but at no net benefit to this state.

Professional indemnity: availability

Hon. J. H. EREN (Geelong) — My question is directed to the Minister for Finance, Mr John Lenders. Can the minister outline what action the Bracks government is taking to resolve the current crisis in professional indemnity insurance, and what is likely to be the effect of this action?

Mr LENDERS (Minister for Finance) — I thank Mr Eren for his question and his ongoing interest in this issue. As Mr Eren and the house know, there have been a number of major issues in insurance that have deserved the attention of all governments over the last two years. There was a building warranty issue, a

public liability issue which I have already addressed, and then there was the particular issue of professional indemnity insurance which is still well and truly on the national agenda.

At the ministerial council on insurance a lot of thought and effort went into finding solutions for something which has resulted in accountants, engineers, architects, lawyers, consultants and various others having great difficulty in finding insurance. Members of the opposition are not necessarily interested in the hard economic issues involving risk mitigation, insurance and a range of issues. They do not listen very often on these things, and perhaps there is a lesson for them on page 84 of their review, which stated they had disengaged the community and they were no longer viewed as superior in economic management.

It does not surprise me that the Liberal Party’s own review said that. When we in the government talk of risk mitigation and serious financial management issues, the opposition disengages. It does not listen, and it does not care. Mr Eren does care, and the government cares about fixing the issue of professional indemnity insurance.

The ministerial council tried to identify it, and I have spent a lot of time talking to the various professional associations, to say ‘There is a problem, we know there is a problem. What do we need to do to fix that problem?’.

That request has been made not just of the Victorian government; all governments have been trying to find answers. The insurance ministerial council has come to the conclusion that there are four particular things that need to be done. First and foremost is the issue of proportionate liability for economic loss, and we have already carried that through into our legislation which was passed by this Parliament.

A secondary issue, which is in our hands, is professional standards legislation which this government has announced it will be introducing coming out of the ministerial council. Two areas which the ministerial council agreed that the commonwealth needed to act upon were through amendments to the Trade Practices Act which would enable professional standards legislation applying in two states at the moment to have effect across the country and through amendments to section 54 of the Insurance Contracts Act.

While section 54 of the Insurance Contracts Act is probably not something that leaps to the mind of most of our constituents as being at the forefront of areas that

need addressing to fix the idea of our professionals finding insurance, it is of critical significance to Lloyds and other syndicates who have abandoned the Australian markets. The Victorian government has led the way in this area by insisting that the commonwealth deal with the issue of a High Court decision made two years ago in *FAI vs. Australian Hospital Care*, which broadened the definition of section 54 to such an extent that insurers walked.

I have drawn it to the attention of the commonwealth and my ministerial colleague Senator Coonan — I will probably give her the kiss of death by saying that she has actually been very cooperative and worked well in trying to address these areas. However, the commonwealth government does not listen and does not act, because Senator Coonan's colleagues have been very slow on bringing this forward.

Labor ministers would not normally quote an editorial in the *Australian Financial Review* but I shall do so. As to what is the solution, we say this should be repealed so that a review can happen and restore some confidence.

I quote from page 62 of the *Australian Financial Review* of 15 September:

That should be enough time.

We are talking about the time factor here:

The solution to the section 54 problem is easy —

as it is being provided by Victoria!

The commonwealth is slow to act, but Senator Coonan is trying. I call upon the Prime Minister, Parliamentary Secretary Campbell and others to get a move on, to listen, to act and to bring professional indemnity insurance back to this state.

The PRESIDENT — Order! Question time has expired.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 567, 568 and 573.

CHILD EMPLOYMENT BILL

Second reading

Debate resumed.

Hon. C. A. STRONG (Higinbotham) — I rise to make a short contribution to the debate on the Child Employment Bill. I must say that I do this rather sadly because I think this bill is a classic example of good intentions which have very seriously miscarried. Everybody is concerned about any misfortunes that may fall upon young people while they are at work. But this bill is enormously counterproductive. The times when we had a child employment problem as Mr Smith loves to talk about, referring to children down the mines and all that type of thing, are long gone. In fact the times when the predecessor of this bill was brought in over 30 years ago have long gone.

Providing some level of employment for young people is not necessarily or generally about exploiting them for profit. It is about much more, or equally it is about a form of education. It is about equipping young people with a work ethic and some knowledge of the workplace by the practical example of having them do it themselves.

I can think of no-one who has not excelled or been successful in life today who has not at a very young age taken on some sort of part-time work to give themselves a bit of life experience of what the workplace is like, to discover what they need to do to succeed and how they need to relate with people, and so on.

For young people to get some part-time paid work or some partly paid work, or even some unpaid work, is an enormously important part of them growing up. It is an enormously important part of the work ethic that our society thinks is so important — and it certainly is important for our economic future. It is really part of their education.

I think it is extremely unfortunate that the bill places impediments in the way of that because the life experience that a young person gets for some part-time or partly paid work is enormously important in their growing up process. It is enormously important in a successful and progressive society. I must say it is an overreaction in the extreme to put in place all these impediments, such as police checks and permits and all those types of thing.

I have heard it said in the debate on this bill already today that this is no different from the bill that was brought in in the 1970s, but I would argue that that is

no excuse. A good government would look at legislation that was brought in during the 1970s; see that it is part of redundant legislation; expunge it from the statute book as redundant legislation, and perhaps replace it with something that is more appropriate today than it was 30 years ago. So those arguments do not ring true to me in any way.

As a consequence I would very strongly support the reasoned amendment that has been moved — that this bill be withdrawn and be looked at again with a view to making it more appropriate to today, to making it more appropriate to creating an environment that encourages young people to go out and get work experience and that encourages particularly close and relatively close family members and friends to provide that work experience to young people, because that is just so important to the growing-up, learning and maturing process. Any impediments that will be put in the way of that will be very counterproductive to our society, so in the strongest possible terms I support the reasoned amendment.

House divided on omission (members in favour vote no):

Ayes, 22

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Ms	Mitchell, Mr
Carbines, Mrs	Nguyen, Mr
Darveniza, Ms	Pullen, Mr
Eren, Mr	Romanes, Ms
Hadden, Ms	Scheffer, Mr (<i>Teller</i>)
Hilton, Mr	Smith, Mr
Hirsh, Ms (<i>Teller</i>)	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Viney, Mr

Noes, 16

Atkinson, Mr	Hall, Mr
Bishop, Mr	Koch, Mr (<i>Teller</i>)
Bowden, Mr	Lovell, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL. (<i>Teller</i>)	Strong, Mr
Davis, Mr P. R.	Vogels, Mr

Amendment negatived.

House divided on motion:

Ayes, 36

Argondizzo, Ms	Lenders, Mr
Atkinson, Mr	Lovell, Ms
Bowden, Mr	Madden, Mr
Brideson, Mr (<i>Teller</i>)	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Ms (<i>Teller</i>)	Nguyen, Mr
Carbines, Mrs	Olexander, Mr
Coote, Mrs	Pullen, Mr

Dalla-Riva, Mr	Rich-Phillips, Mr
Darveniza, Ms	Romanes, Ms
Davis, Mr D. McL.	Scheffer, Mr
Davis, Mr P. R.	Smith, Mr
Eren, Mr	Somyurek, Mr
Hadden, Ms	Stoney, Mr
Hilton, Mr	Strong, Mr
Hirsh, Ms	Theophanous, Mr
Jennings, Mr	Viney, Mr
Koch, Mr	Vogels, Mr

Noes, 3

Bishop, Mr (<i>Teller</i>)	Hall, Mr
Drum, Mr (<i>Teller</i>)	

Motion agreed to.

Read second time.

Ordered to be committed next day.

CONFISCATION (AMENDMENT) BILL

Second reading

Debate resumed from 16 September; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Confiscation (Amendment) Bill, I would like to commence by indicating that the opposition will be supporting this bill, and also that it has been a long-held principle that criminals should not be rewarded for their crimes. This principle has been in operation in this state for quite some time. That property that is used in a crime or property or goods that are derived from the commission of a crime should be forfeited to the Crown is a principle we have had in place in Victoria for quite a few years. However, this bill significantly extends the scope of crimes that fall under this forfeiture regime. I will be going into that shortly, but first of all I would like to deal with some key issues.

What we see — and all the statistics indicate this quite clearly — is that the commission of crime is big business. There are billions and billions involved in criminal activity, particularly in the areas of drugs, money laundering and other types of fraud, robbery, et cetera. Many cartels are involved in the stealing of cars — all this is quite big business.

Therefore if our law enforcement agencies are acting appropriately and apprehending these criminals and these goods are forfeited, then there is potentially a vast amount of money being held. Basically, the regime says these goods, assets et cetera, are forfeited and before a person is convicted of the crime the goods are taken

into custody. The whole legal process of finding somebody guilty may take one or two years to run its course through our legal system and then if a person is found guilty the goods are forfeited. If not then the impounded goods are returned.

In many cases these confiscated goods are held in trust and can be, and often are, returned if the perpetrator of an alleged crime is found not guilty. So there is also the question of how these goods are held for the duration of the legal proceedings involved in finding somebody guilty or innocent.

This is potentially quite a serious issue because there can be large amounts of money involved. In fact the Auditor-General in his report of May 2003, entitled *Report on Public Sector Agencies — Results of Special Reviews*, Part 2 Asset confiscation scheme, looked at this whole process. Before we turn to the detailed clauses of the bill it is important for me to address the issues that the Auditor-General raised.

The Auditor-General says that this whole process of dealing with confiscated goods is not performed very well. He says that many areas need significant improvement and that the government, typically I guess, while having good intentions has failed to manage the whole process properly. It has all these goods but it has not dealt with them properly.

The Auditor-General's report highlights — and this is also an appropriate introduction to the bill — the fact that, and I quote:

The assets confiscation scheme in Victoria involves four agencies within the Justice portfolio — namely, the Department of Justice through the Asset Confiscation Office; the Sheriff's Office, the Office of Public Prosecutions; and Victoria Police. Each agency is required to apply the legislation at various stages of the confiscation process while having regard for the civil rights of individuals suspected of criminal activity.

That is an appropriate background to the bill.

The Auditor-General goes on to say that the way this whole process is carried out is in need of very significant improvement. He highlights that in many cases forfeited property has been incorrectly returned. We need only read the media reports of the last couple of days to see the significant court cases taking place with regard to police who are being charged for taking — stealing if you like — forfeited material. As I said, in many cases, this forfeited material has very significant value. The Auditor-General goes on to say:

The Asset Confiscation Office maintains a register of all forfeiture orders and is reliant on Victoria Police to notify it in

all circumstances where assets have been returned to the owner or a subsequent disposal order ...

has resulted in their disposal or destruction. The Auditor-General notes that:

At the time of our review, the Asset Confiscation Office was seeking information from Victoria Police in order to identify the status of property associated with over 1300 forfeiture orders dating ...

back to 1999. So quite clearly the whole mechanism by which these forfeited goods are held and dealt with is in a considerable amount of disarray and it is absolutely incumbent on the government to bring this process up to scratch. The Auditor-General goes on further to say:

Given the significant volume of aged outstanding orders, the Asset Confiscation Office believes that the majority of forfeited assets have either been returned to owners or destroyed.

But all this is in the absence of the appropriate documentation for these 1300-odd outstanding orders. Nobody knows where they have gone. So there has simply been an assumption that these things have been destroyed or returned to their owners, or they could have just simply been lost or taken from storage. This is highly inappropriate behaviour in respect of these goods which are either the property of somebody else if the persons from whom they were confiscated are found to be not guilty, or alternatively they are the property of the state. As I said, 1300 of them have just, as it were, disappeared into the ether, and we have no knowledge of where they have gone.

The second-reading speech makes great play of how this asset confiscation will be or is a deterrent to crime. In theory that is correct.

But, as in so much that this government carries out, the theory and the good intentions are often quite different from the reality. As I said in my initial remarks, there are literally billions of dollars involved in the whole criminal process. But how much money are we talking about here? The Auditor-General says that since 1998, following the introduction of the Confiscation Act 1997, which is the one this bill amends, and the establishment of the Asset Confiscation Office, approximately \$10.6 million in revenue has been raised from assets confiscated from criminals and that this equates to a revenue average of \$3.2 million per annum. When you consider the amount of money that is involved in crime and when you think that over the past four years the average that has been raised by the Asset Confiscation Office is \$3.2 million a year, you have to ask how effective this is as a deterrent. A lot more needs to be done to make sure it is effective.

The Auditor-General goes on to say that the total cost of administering the asset forfeiture procedures is likely to be equal to or greater than the \$3.2 million a year that is being collected. So, based on current performance, this thing is hardly a deterrent to criminals, and it is not even cost neutral to the government. Clearly what the opposition believes, while supporting the bill and the good intentions and principles of the whole regime of ensuring that criminals forfeit their goods, is that a lot more needs to be done to ensure that this works properly. On the evidence to date from the Auditor-General it hardly seems to be.

Finally, the Auditor-General goes on to make the point that very significant volumes of goods are involved in this process and that confiscated assets are held at police stations, where they are held as evidence until a case is heard, at the central property management branch of Victoria Police and at the Sheriff's Office. He further highlights that many of the goods related to crime that could be confiscated are not confiscated simply because there is no place to put them — there is no storage available.

So we have this regime that allows the goods obtained from criminal activity to be confiscated, but in the first place not all of the goods that could be confiscated are confiscated by any means, because there is no place to store them; and in the second place when they are confiscated nobody really knows where they have gone because the whole process of recording them — whether they are returned or not — is not well managed. There are very significant problems with the process of dealing with the outcome of the existing legislation on the confiscation of criminal assets.

What this bill does is to very significantly extend the scope of the current legislation. If it does extend its scope to all these problems which are currently being experienced in the whole process — not confiscating everything that can be confiscated; losing it; not knowing who is taking it; not having it appropriately stored, so that it is subject to possible theft, as we have seen from recent court cases — a great deal more will have to be done if this bill is to work effectively.

I call on the government to make sure that by the time the processes of this bill are in place the procedures to deal with the goods that are confiscated are also in place. Otherwise it is simply a travesty; it is certainly no deterrent. The figures as presented by the Auditor-General lead me to believe there is no great deterrent if we are confiscating only some \$3.2 million worth of property a year from what is a billion-dollar crime wave, particularly in all forms of drugs. So how effective is this process anyway? As I said, no-one can

argue with the principle. I think the principle is correct, it is just that the implementation of it, like so many things which fall to this government, is not effectively done.

I turn to some of the main provisions of the bill. There are two main areas that significantly toughen up and harden the existing provisions of the legislation. The first change relates to restraining orders and what is called automatic forfeiture. What happens is that when a person is brought to be charged for a crime the police can apply for a forfeiture order, and depending on the type of crime, that order allows for what is called automatic forfeiture — in other words, the goods are impounded — and if the person is found guilty at the end of the court process, those goods are automatically taken over by the government. That restraining order can be taken out by the Director of Public Prosecutions before the conviction. The current act allows the DPP to make an application within 48 hours of a charge being laid to restrain the assets of the accused. As I said, if a conviction takes place, those assets will be automatically forfeited.

This option is available only for certain crimes. I intend to deal with that in a bit more detail later, but they are currently major crimes like trafficking in drugs of dependence, serious drug crimes and so on. The bill very significantly increases the scope of those.

It also needs to be noted that this forfeiture applies to all of the assets of the convicted person, not just the property that was used in the commission of the particular crime for which the person might be at the hearing before the court. It applies to all the assets of that person, the assumption being that if he is the sort of criminal defined by the provision allowing the application of the automatic forfeiture regime, it is probable that he is a serious criminal and most of his assets have also come from crime, so they will all be automatically forfeited. However, it goes without saying that the accused person is able to apply to the courts to demonstrate, if he is able, that some of the assets had been accrued by legitimate means; and if he can prove that to the court those particular assets will not be forfeited.

It is all very well to say a particular criminal can come to the court and an order can be made to restrain his goods and assets under these provisions. But as we all know, in many cases criminals have a fair degree of knowledge that the law is getting close to them or they are about to be charged, and so, zip, suddenly all their assets have gone, have been transferred or have been moved to other places for this 48-hour period in which

the Director of Public Prosecutions can issue a notice to get their goods.

In many cases the assets have been lost to the process before the potential criminal comes before the court. The bill introduces a new measure called a freezing order. It attempts to get its foot on the assets of the criminal activity before charges for the criminal activity are laid and therefore before the criminal has a chance to move assets overseas, out of the way or whatever.

A freezing order is a new measure added to the bill. The order is a draconian measure because it will simply freeze all assets. A freezing order can be applied for in a low level of jurisdiction within the legal pecking order. It can also be applied for in a simple way by telephone or fax to a magistrate without any affidavit as to why it is to be granted, so long as the affidavit is presented in due course.

Any police officer who is authorised by the commissioner to do so can apply to a magistrate for a freezing order. As I said, it can be applied for over the telephone or by fax, and if it is urgent no affidavit is required as to why it is sought on the understanding that such an affidavit will be prepared and given to the magistrate in due course. It can be applied quickly, although on balance it cuts across many of the normal legal safeguards that exist in our system. Given the need to ensure the assets of crime are not whizzed away through Internet transfers or something like that, that speed is appropriate.

A freezing order stays in place for 72 hours. However, applications can be made to extend freezing orders, and once again those are made by the appropriate police officer, and such orders can be extended for further periods. The freezing orders will freeze all the assets of the appropriate individual, not only the assets which are presumed to be used or the result of a particular criminal activity. However, freezing orders can note, for instance, that a husband and wife might need to have some access to a joint account for day-to-day living. Freezing orders can put various conditions on the extent to which the account is frozen.

A freezing order does not apply to payments that must be made from an account to the government, such as debits tax and the like. Regardless of whether an account is frozen the bill ensures that the government can still get its due from the account even though nobody else can.

There are further provisions to a restraining order which are new to the legislation which say that when a restraining order is placed on a particular account or

over particular assets, the police must give notice to every other person they believe has an interest in the Australian property so that they are well and truly aware. For instance, a house might be included in a restraining order that has a mortgage on it or associated debts. Previously there was no requirement for police to notify mortgagees and other people with an interest that a restraining order had been put over the property which, not surprisingly, had the potential to cause some difficulties. Now all people who the police believe may have an interest in those restrained assets have to be informed. Further, those people are obliged to advise the police of anybody else they believe may also have an interest in the property. It is a process by which the police can find out more about who might have an interest in the restrained property.

Further to the process of trying to get to the property of the criminal as early as possible is knowing what that property is. There is a new part to the bill which allows for what is called information gathering — a mechanism that enables the police in carrying out their investigations in relation to forfeitures to determine the amount of assets that the particular accused person may have. A new division 3A provides for information notices which can be served on financial institutions by law enforcement agencies. That financial institution is then obliged to inform police of information about the particular account held by the individual, such as how much money is it, the number of transactions and so on. The financial organisation is required to provide to the police all information of transactions that may take place in a particular account clearly with a view to knowing how much money is in it, what the movements are and so on so when a notice is issued to get that money then there is a knowledge of what it is, or if it has been transferred to another account, what that other account is so there is a chance to get to those assets if they are moved around.

There are other amendments of a more minor nature. There is an amendment to the definition of 'financial institutions' to include casino operators within the meaning of the Casino Control Act and also to holders of a wagering licence under the Gaming and Betting Act. So authorities will also be able to get to money that could be held on account with, for example, the TAB, Crown Casino or the like.

At the moment warrants for the seizure of goods can only be issued for particular premises, but in many cases certain assets may not be on premises. For instance, motor cars, caravans and things like that can be parked on a roadway or in a public place, so there are amendments to allow for the seizure of goods in a

public place. Once again that simply widens the net and the scope.

There is also another very interesting amendment which goes to what is called 'tainted property substitution'. Any so-called tainted property which is a result of or used in a criminal endeavour can be seized under the act. If we look at the case of a bank robbery, or something like that where there is a getaway vehicle, we know the criminals will steal a motorcar to rob the bank. They will not use their own motorcar. Or if they are making some sort of drug deal they will probably do it in a rented house rather than their own house. What tainted property substitution allows is, for instance in the case of a crime committed with a stolen car, that the criminal's own car can be substituted in place of the hired car used to commit the crime. Alternatively if some drug deal was made in a rented property and the criminal has his own house, his own house can be substituted for the rented property. Tainted property substitution orders can be issued to further expand the net and to see that criminals do not avoid the reach of the act by using somebody else's property.

There is a change to the definition of 'law enforcement agencies'. Earlier in my submission I talked about how the whole process between the police, the Asset Confiscation Office and the Director of Public Prosecutions and so on, did not work particularly well. A problem has been identified; in fact it was identified by the Auditor-General. There has been a reticence or a refusal, whichever you like, by the Victoria Police to share some of its information with the Asset Confiscation Office because Victoria Police held that the office was not a law enforcement agency under the act. This amendment fixes that so that it is a law enforcement agency, therefore there can be a much better sharing of information and management of seized and restrained property.

I mentioned at the outset that one of the key things the bill does is extend the scope of the crimes which are subject to the automatic forfeiture provisions. Members will recall that those provisions essentially do two things. Firstly they mean that property can be restrained at the outset, or now with freezing orders even before the commencement of any legal events. Secondly those provisions mean that all the criminal's assets are subjected to forfeiture, not just those that were deemed to be involved in that particular crime. Those provisions are very significant. The crimes that were subject to this automatic forfeiture provision were originally largely related to the provisions of the Drugs, Poisons and Controlled Substances Act, because these forfeitures

were originally in place for major crimes, particularly drug-related crimes and so on.

The current regime allows for automatic forfeiture in relation to heroin where the person is accused and convicted of a crime relating to trafficking more than 300 grams of heroin, which of course is a substantial amount. There is a whole schedule of other amounts involved in that, which I will turn to in a minute, but if we can look at the heroin example: it was 300 grams of heroin, but this bill reduces that limit to 30 grams of heroin. So one can see quite clearly that there will be a very significant increase in people who will be caught in the net.

The extent of that is set out in a schedule, which it would be interesting for members to look at. It is located on page 96 of the bill and inserts a new part 3 into the Drugs, Poisons and Controlled Substances Act. Column 2B is an addition to this table. It sets out the amount of a particular substance under the act under which automatic forfeiture takes place. For cocaine, for instance, the quantity is 30 grams. For heroin, as I said, it is down to 30 grams, and so on. There is a significant reduction, and many more people will be caught up in these automatic forfeiture provisions. That further goes to the whole issue of there being a clear need for the back-office processes of dealing with the forfeiture of goods, such as storage and so on, to be significantly overhauled.

As I said at the outset, the Auditor-General said that already at the minor end of existing crimes forfeiture does not take place because there is no room for the goods to be stored. This bill reduces that threshold even more and so one has to say also the extent to which the process will work unless there is a very significant improvement in the mechanism to store and deal with these goods.

Other new non-drug-related crimes are added to the automatic forfeiture area, such as extortion, the threat to kill, armed robbery, obtaining property by deception, blackmail and handling of stolen goods. These additional crimes are now included in the automatic forfeiture provisions. If they are applied, which they should be because this is the law, then all these goods will have to be taken in and stored somewhere waiting for the outcome of the trials of the individuals. As I said, it is a massive increase in the number of crimes where automatic forfeiture will take place, and that means a massive increase in the requirement to store this stuff and a massive increase in the infrastructure to support it and manage it.

So there are problems with the effective use of this bill, and they will have to be dealt with. The government needs to apply itself not simply to the passing of this bill, the principle of which one cannot argue with and with which the opposition agrees, but it will all be for nothing unless these back-office processes are in place, because these forfeitures on the new scale will not take place if there is nowhere to put the stuff and no way to manage it.

With those remarks I wind up my submission on the bill. Once again I indicate that the opposition will be supporting the bill.

Hon. P. R. HALL (Gippsland) — It is not with a high level of excitement that I approach my task this afternoon, because who would want to be a lawyer? Under consideration by the chamber this afternoon is a bill of 100 pages in length containing 50 amendment clauses. In addition to that there are 37 pages of explanatory memoranda and 5 pages of index — all of that to make what are probably relatively minor changes to the Confiscation Act 1997.

Ms Mikakos — Very significant.

Hon. P. R. HALL — Ms Mikakos thinks they are very significant. Well, they might be minor but it amazes me that it takes 100 pages and 50 amendment clauses to achieve the outcomes of this bill this afternoon. As I said, who would want to be a lawyer?

My task is to give a layman's interpretation of the contents of the bill, and if I cannot do that in 10 minutes then I do not deserve my place in this chamber.

Ms Mikakos — We are timing you now!

Hon. P. R. HALL — I am timing myself too. I do not want to be here all night.

First of all the National Party will not be opposing this bill. Some concerns have been expressed to us in the National Party by the Criminal Bar Association and the Victorian Council for Civil Liberties, and we have given careful consideration to the issues they have put before us. But after consideration and on balance of the issues for the reasons I have outlined in my 10-minute contribution to this debate, we have come to the conclusion that we will not be impeding the passage of this piece of legislation.

Essentially this bill expands and strengthens the current regime relating to asset confiscation by various amendments to the Confiscation Act 1997. By way of background, it was the former coalition government that introduced the Confiscation Act 1997 and the

provisions within it essentially came into being in July — —

Ms Mikakos interjected.

Hon. P. R. HALL — Yes, I know. Well, it was a new act at that time, wasn't it? It was 1997. That is what I said. So it was the coalition that overhauled the existing act at that time. Ms Mikakos might make me go over 10 minutes if she keeps interrupting me. Then her leader will not be very happy, will he?

Honourable members interjecting.

Hon. P. R. HALL — I said I'd earn my place but if you keep interrupting me then I won't hold myself to just 10 minutes, so be patient.

Ms Mikakos — Broken promises already.

Hon. P. R. HALL — I shall seek the attention of your leader if I have this continual barrage of interjections from the people on my left.

Essentially the bill strengthens the provisions contained within the Confiscation Act 1997. We need to do that because over a period of time invariably the crooks of this country have got smarter in the way in which they do things. They seem to be able to avoid confiscation more readily and hide the proceeds of their criminal deeds. So we certainly support any measures to strengthen such provisions and bring people to account for their actions. The amendments are in four essential areas: automatic forfeiture, planted property substitution declarations, a section on investigation and information gathering and management of seized, restrained and forfeited property.

Let me go to the first of those — automatic forfeiture. One of the great benefits of being a member of this house is you get to learn so much. I have learnt a bit by reading through the contents of this bill this afternoon. Automatic forfeiture applies to all property belonging to a defendant, even though that property may not be a direct outcome of the exact offence for which that person is charged. That is sensible because these criminals are indeed involved in multiple criminal activities. I note from the provisions in the bill that the Director of Public Prosecutions can initiate automatic forfeiture by applying to the court for an order to restrain property within 48 hours of the expected laying of criminal charges.

In the area of automatic forfeiture this bill makes some changes to the level at which automatic forfeiture can apply to drug trafficking and, as the second-reading speech explains, whereas the minimum amount for

automatic forfeiture was for trafficking in quantities of 500 grams of diluted heroin, that has now been reduced to 30 grams. Also, in the area of obtaining property by deception, those levels have now dropped from \$100 000 to property to a value of \$50 000 if there is just one offence, and \$75 000 if there is more than one offence.

In respect to those amendments I say I have no sympathy whatsoever for drug traffickers in our society and therefore even though some may argue that those minimum levels are too small, I do not. I do not care what level we go down to. I think automatic forfeiture provisions should apply to drug traffickers. We need to be as tough as we possibly can on them, and so I have no hesitation in accepting those levels where automatic forfeiture will apply.

Business interrupted pursuant to sessional orders.

Sitting continued on motion of Mr LENDERS (Minister for Finance).

Hon. P. R. HALL (Gippsland) — It will be doubly difficult for me to get through in 10 minutes, but here goes.

It is the same for the issue about property deception. Once again I have no sympathy for criminals involved in that area. Provisions relating to tainted property are also worthwhile and reasonable. Property used in the commission of a crime is called tainted property, and the second-reading speech contains an example where someone might have used a stolen vehicle to commit a crime. In that case it is difficult to embark upon a forfeiture procedure when the vehicle itself belongs to somebody else, from whom it was stolen, and therefore in those instances if the criminal has a car of their own it could be substituted. It is appropriate that we have what we call substituted tainted property which may, at the discretion of the court, be forfeited by those committing such a crime. Again, that is a fair and reasonable proposal.

There is also a series of amendments concerning investigation and information gathering. Some of the provisions under that heading are that there is an expanded definition of financial institutions. Currently financial institutions are defined as banks, buildings societies and credit unions. We are now including such things as casino or TAB accounts as areas in which the proceeds of crime may be concealed. We have no problems supporting that. Police can now issue information notices to financial institutions asking whether a person under confiscation investigation has an account and also the balance of the account for the purpose of potentially confiscating that asset.

There is a section 85 provision in the bill which provides protection for officers from financial institutions providing that information. Again, that is a sensible provision. I also put on record that the previous government got criticised all the time for using section 85 — but this government uses it just as much.

The issue of freezing orders was fairly well canvassed by the Honourable Chris Strong. He made the point — and it was an excellent point, too — that money can be moved around the world now in just the time it takes to make a quick telephone call. So law enforcement officers should be able to freeze assets, which they will be able to do under the provisions contained in this bill — again by a simple phone call or a fax message.

Again there is an excision of court orders over this particular matter. I suppose that comes to the point that I want to summarise because I do not want to go through all of the seized property management issues. The Honourable Chris Strong covered those fairly extensively and also put on record some of the Auditor-General's comments in respect of that matter.

In conclusion I simply want to say that many of the provisions in this bill can be carried out only under the order of a court. As such the integrity and fairness with which many of these functions are applied will be decided not by the individuals concerned but by the courts of this land. The National Party is confident that our courts are capable of exercising fair judgment in these matters and as such we believe that the new powers available to law enforcement officers will be exercised very responsibly. For the reasons I have outlined in my 9½ minute contribution, the National Party will not be opposing the bill.

Ms MIKAKOS (Jika Jika) — It is with great pleasure that I rise to speak in support of the Confiscation (Amendment) Bill. During its last term and its current term the Bracks government has been and will continue to be committed to making Victoria the safest state in this country. I am very pleased that our many energies are going towards achieving this aim. This piece of legislation is only one part of our multifaceted approach towards reducing crime in this state.

It is important to quickly touch upon the fact that this government has put more police on the beat. It provided 800 additional police in its first term in government and has funded this year's budget for 600 additional police over the next four years. In addition, this government is getting on with the job of building or rebuilding 135 police stations across Victoria, which is 40 per cent of Victoria's police stations. I am very pleased that two

of those stations also happen to be in my own electorate: the Preston police station, which is due for completion very shortly, and the Northcote police station which is under construction at the moment. We are getting on with the job of representing the needs of people in the northern suburbs, and we are also focused on reducing crime and making sure that members of our community feel secure in their homes.

It is for that reason in particular that I am very pleased that the crime rate has dropped 6.8 per cent across Victoria — a drop that comes on top of a 3.4 per cent drop last year — which shows that the additional police we have put into our community are making a real difference. For example, in my electorate the additional police have resulted in drops in the crime rate of 7.7 per cent and 11.3 per cent in the municipalities of Darebin and Whittlesea respectively. I am very pleased for my local community that we are getting on with the job of making Victoria a safer community to live in.

This bill is significant because the asset confiscation regime which the Cain government put into place and which was subsequently amended by the Kennett government has been about ensuring that criminals do not profit from their criminal activities. I note that the May 2003 Auditor-General's *Report on Public Sector Agencies* found, on page 36:

Since 1998 ... with the establishment of the Asset Confiscation Office, approximately \$10.6 million in revenue has been raised from assets confiscated from convicted criminals. About half of this revenue has been generated through the seizure of cash with the balance from the sale of assets such as real estate, motor vehicles and personal effects.

The important thing to emphasise is that we are not seizing goods in order to put those processes into consolidated revenue; the focus is on making these assets available to victims of crime and to the broader community.

For example, I was very pleased in our first term of government to participate in handing over to my local State Emergency Service a grinding machine that had been used by criminals to cut a hole in a factory roller door to gain entry into the premises. I am sure the SES would put that to very good use in assisting people who, for example, are trapped in their vehicles in motor vehicle accidents. It just goes to show that the confiscation regime is an important one.

I want to acknowledge that some issues of concern were raised in the report. The Auditor-General commented on the need for better communication between the relevant agencies and a range of other issues.

This bill forms part of the government's response to the issues raised by the Auditor-General. It is designed to improve information sharing, property management and information gathering tools operating under the confiscation regime in response to some of these issues raised in the Auditor-General's report.

It is important to put on record that the government is also supporting an IT platform to connect the key agencies so as to improve the coordination of confiscation processes. It is considering a high-level executive committee to improve cooperation, coordination and outcomes from the compensation scheme. In addition to that as part of this year's budget, additional funding of \$6.5 million was approved over the next four years to support this and related initiatives. Obviously the Bracks government is very much committed to strengthening its confiscation regime and ensuring that criminals do not profit from the proceeds of crime.

The bill seeks to make some significant amendments to the automatic forfeiture and tainted property substitution provisions in the current confiscation scheme. Currently automatic forfeiture is available when an offence involves drug trafficking, or a commercial quantity of drugs such as 500 grams of diluted heroin, or dishonesty such as obtaining property by deception where the value of the property was \$100 000 or more. The bill reduces those thresholds to drug trafficking involving an automatic forfeiture quantity of drugs, and a new definition is being inserted. For example, an automatic forfeiture quantity of drugs could include 30 grams of diluted heroin.

In addition to that, white collar crimes have also been extended to include dishonesty offences where the value of the property involved was \$50 000 or more when one offence is charged and \$75 000 or more when more than one offence is charged.

In terms of the automatic forfeiture quantity of drugs, I note that there is a reference in the second-reading speech to 30 grams equating to 300 street-level deals. So we are not talking about people who are dealing in drugs to maintain their own drug habit and who could be diverted out of the criminal justice system through initiatives such as the drug court, which the government is piloting; we are talking about people who are clearly committing criminal offences for profit.

The government believes that white-collar crimes are serious offences, and the bill seeks to extend dishonesty offences under the Crimes Act to include theft, extortion and blackmail and also to include offences under the Prostitution Control Act, such as receiving

payment for sexual services provided by a child and carrying on business as a prostitution service provider without a licence. In addition, bribery offences under the Casino Control Act and the Gaming and Betting Act are being included.

The bill before the house also makes a number of significant changes to tainted property substitution declarations. As has already been indicated by the Honourable Chris Strong, criminals are getting smarter in the way they conduct their criminal activities and they frequently use rented or stolen premises and vehicles to conduct their activities in order to avoid confiscation of those assets.

Tainted property substitution involves a court that is satisfied that the tainted property — that is, property used in the commission of an offence — is not available for forfeiture, ordering that any property of the same nature or description in which the offender has an interest is to be substituted for the tainted property. This is obviously designed to ensure that criminals are not able to find loopholes and other devices to protect their assets from forfeiture.

The bill also has a number of provisions relating to information notices, which enable the police to obtain information from financial institutions and also from organisations such as the TAB and the casino to determine whether an alleged criminal has an account with them and the balance of that account. There is a section 85 immunity provided to ensure that those institutions are not liable for a breach of confidentiality.

There is also a strengthening of the freezing order provisions to enable the police to apply to the Magistrates Court for a freezing order directing a financial institution to freeze an account for a period of 72 hours or until a restraining order is obtained. There will be protection for innocent third parties with the court being able to have due regard to any hardship that may be caused to any other individual.

The bill also strengthens the provisions relating to information sharing between Victoria Police, the Office of Public Prosecutions and the Asset Confiscation Office. I will not go into that in any detail as I touched on it earlier when commenting on the Auditor-General's report.

The bill also strengthens the provisions relating to property management, which is an issue raised by the Auditor-General in his report. The bill seeks to address these issues through a number of means, including transferring responsibilities for property seized and

restrained from law enforcement agencies to the Asset Confiscation Office.

The bill also requires a person who is served with a restraining order to provide police with the details of every other person known to have an interest in the restrained property. This is intended to ensure that innocent third parties' interests are protected.

This is a very significant piece of legislation. It adds to the many measures that the Bracks government has already implemented to provide a safer community for Victorians. The bill has taken a very balanced approach by ensuring that criminals are unable to profit from the proceeds of their criminal activities while also ensuring that innocent third parties' interests are protected. I commend the bill to the house.

Hon. R. DALLA-RIVA (East Yarra) — I have great pleasure in contributing to the debate on the Confiscation (Amendment) Bill, and in doing so I will be supporting the bill. Before getting into the debate, I would firstly like to respond to some of the contributors thus far, in particular the Honourable Peter Hall, who referred to the amount of detail in the bill and the fact that it has a lot of information.

I put on the record that it is a rarity to get bills that contain much detail from this government, and I commend the drafters of this bill on the detail. Some of the bills that come before the house are fairly light on detail, so it is important to recognise and acknowledge that there has been some sort of contribution in that regard.

I also have to put on record that I agree with Mr Hall's comments on the bill wholeheartedly. Ms Mikakos made a number of interesting comments at the start of her contribution relating to the performance of the Bracks Labor government. We almost saw the wheels start to spin! Wherever there was a wheel, it started to spin — it had to get in line with the spin doctoring that was going on! While government members may be saying that this is a corollary to the Crimes (Confiscation of Profits) Act or the Confiscation Act, to draw a nexus between this bill and the police and the reduction in crime is drawing one of the longest bows we have seen for a long time in this house.

If we are going to go down that path, it is also important to put on the record that if, as the government states, we have the lowest crime rate, why do we have a prison system that is absolutely overcrowded and out of control? But that is for another day.

Honourable members interjecting.

Hon. R. DALLA-RIVA — I just put it on the record, because we are talking about the police records.

This bill before the house is about the maturing of confiscation of profits, of assets, from those who commit crime in Victoria. I am very fortunate to have been one of the first detectives to be seconded to the newly formed asset recovery section, as it was known then. It was an offshoot of the fraud squad, where I was a detective. In the first team that was set up I was one of the first detectives.

It is a real privilege to sit here as a legislator and talk about the maturity of this legislation, because when I first started as a young detective — I am still a young man, I hope — in the fraud squad and was given the opportunity to join the asset recovery squad, we had to work with the confiscation of profits act. We had no resources — all we could do was rely on the goodwill and the good nature of the fraud squad to provide us with a little area outside. We started the difficult process of trying to uncover and understand the issues associated with criminals acquiring assets. It was diverse, it was varied. I remember chasing down assets from various criminals, and it is good to see that this amending bill before the house today goes to addressing a number of those areas.

I recall chasing down the assets of armed robbers who sold property or used the cash they received from the armed robbery of an Armaguard van on their wife or partner. I also remember the difficulties we had in dealing with financial institutions, because firstly they would say, 'Who are you? You have no power; you have no authority', and it was really a process. A lot of these issues have been addressed now in this bill. I commend the fact that this has occurred.

I was also — and I will be brief because I know I only have a short time in which to speak — asked to conduct a review of the asset recovery section. I remember saying that this unit ought to be external; it ought to be within the Department of Justice. I wrote a detailed paper on it. I remember the variety of different departments that had their fingers in this area, because you would have court orders that were made by the Supreme or County courts and they would be sitting in the bottom drawer of the prosecutor and not being acted on. I am very pleased to read within this bill that those issues will be addressed. I am very pleased that, as Ms Mikakos has indicated, one of the recent reports shows that the Asset Confiscation Office — as it is now known under the Department Of Justice — has acquired about \$10.6 million in revenue since 1998.

I will not go into the detail of the bill other than to say I am very pleased, as one of the very few detectives who started in that office, to now stand here as a legislator. It is a privilege to do so, and I really commend the bill to the house.

Ms HADDEN (Ballarat) — I am very pleased to follow in the footsteps of the Honourable Richard Dalla-Riva in support of this bill, listen to his experience and hear his support and good wishes to this government, because we do listen and we do act. That is evidenced by the bill before the house.

It is, as Mr Hall noted in his contribution, a lengthy bill with a very lengthy explanatory memorandum — —

Ms Mikakos interjected.

Ms HADDEN — It is an excellent explanatory memorandum, Ms Mikakos, because it is explanatory for non-lawyers as well as for lawyers.

The bill amends four major pieces of legislation: the Confiscation Act, the Crimes Act, the Drugs, Poisons and Controlled Substances Act and the Sentencing Act. This bill contains quite groundbreaking amendments in the area of confiscation.

The Bracks government also welcomes the Auditor-General's report on public sector agencies of May 2003. The recommendations made by the Auditor-General have been assessed and certainly align with this government objective — to improve the confiscation regime in this state. Already, of course, we have acted on the Auditor-General's report by bringing this bill, which amends the confiscation regime, into the house. We have also given support for an IT platform connecting the key agencies to enable information and asset sharing, as well as additional funding of \$6.5 million over the current term of government to support these initiatives.

There is a need for a more effective asset compensation regime, and this bill covers the field on that. Asset confiscation is not a minor matter — it is to ensure that anyone in this state who engages in criminal activity is brought to account and that they simply will not profit from their activities. The harder we come down on that, the more our crime rate will be reduced. We have already seen a big reduction — I think it has fallen in the last 12 months by 6.8 per cent. The Minister for Police and Emergency Services in the other place and this government are to be commended for their policies and for putting 800 extra police back on the streets in our first term of government and committing to an extra

600 police officers on the street in our current term of government.

This bill will act as a deterrent to crime, especially big-money crime such as drug trafficking, car racket schemes and white-collar crime.

Of course there will always be criminals who have the money and the time to look at ways to hide the profits obtained from their criminal activity, but we can be one step ahead of them with this bill.

The bill makes significant amendments in the area of automatic forfeiture, investigation and information-gathering for confiscation proceedings and management of seized, restrained and forfeited property. With regard to automatic forfeiture, the bill changes the definitions related to drug trafficking and other offences of a commercial quantity down to an automatic forfeiture quantity and it slashes the definition of 'quantity' from, for example, 500 grams of dilute heroin down to 30 grams of dilute heroin.

I think, quite frankly, that magistrates who hear the cases put forward for sentencing these types of criminals are sick to death of hearing people say in their defence that they are using the drugs only for their own purposes. With my experience as a criminal lawyer, I do not believe that for 1 minute. If they have committed an offence, especially a drug offence, they should receive the full force of the law upon conviction. If that also means confiscation of assets and cash derived from their criminal activity, then so be it. If you do the crime, you do the time! I have no sympathy for them whatsoever. With the trauma and the ramifications of the drug activity in our state I do not think anyone else would give them sympathy either.

The other provisions in the bill relate to tainted property substitution declarations. The tainted property sections mean that where a court is satisfied that tainted property — that is, tainted property used by the offender for the commission of an offence — is not available for forfeiture, then the court may substitute that person's vehicle. As we have heard in previous contributions, the offender generally does not use their own vehicle, house or boat for the commission of a crime. So the court has the power, under the provisions of this bill, to substitute the tainted property of the offender.

The bill also allows the police to require financial institutions to provide information about whether an individual who is the subject of a confiscation investigation holds an account with that institution. This is covered by the 'information notices' section in the

bill. What it does is provide the police with a powerful investigatory tool to check where cash assets may be held. The chief commissioner, of course, must authorise a member of the police force before that police officer can issue an information notice, so checks and balances are provided in the bill.

The bill also provides for freezing orders. These are aimed at preventing the asset from being removed from the jurisdiction. The bill creates a process for the interim freezing of bank accounts before a restraining order is obtained from the Magistrates Court. I think that is absolutely essential because it freezes the bank account and that period of 72 hours could possibly mean the difference between the bank account being emptied or not emptied. That is an improvement on the current system.

The bill also allows information-sharing between law enforcement agencies such as Victoria Police, the Office of Public Prosecutions, and the Asset Confiscation Office (ACO), and that is where the bill picks up on the recommendations of the Auditor-General.

The bill provides for declarations where a person is served with a restraining order. This declaration will provide police with details of every other person who may have an interest in the restrained property. This is important and in my view it addresses the question of natural justice and knowledge, so that innocent third parties have an opportunity to put their case if they are innocent third parties in relation to the restrained property. The bill also introduces property management provisions; that, again, was a recommendation of the Auditor-General.

A section 85 statement is provided in the bill and proposed new section 118L, to be inserted by clause 29, alters or varies section 85 of the Constitution Act 1975 by limiting the powers of the Supreme Court. That is necessary to assist the state in investigating and enforcing matters under the Confiscation Act, so that financial institutions and their officers are not exposed to significant liability for breach of obligations to account-holders, such as the obligation to maintain confidentiality.

This bill produces a comprehensive strategy for confiscation of assets derived from criminal activity in this state. I believe it introduces significant new powers and simplifies procedures. It will certainly bring the message home to potential criminals in this state that confiscation is a powerful deterrent and that the profits which they believe they might derive from their criminal activity will be removed from them. The

purpose of the bill is for those responsible for crime, particularly drug traffickers and white-collar criminals, to be dealt with severely.

In my view the bill will act as a deterrent to crime in this state, especially big crime. I commend the bill to the house.

Hon. R. H. BOWDEN (South Eastern) — I rise to support this bill and believe that it is a further and very valuable tool in the fight against crime. From time to time many of us in this state have been proud to say that Victoria is open for business. Victoria is open for business, but it is not, never has been and never will be open for criminal business or criminal activity. One of the difficulties, particularly in combating the damage to our community and fighting the illicit drug trade, is that it is like the weather — everyone complains about it, but what can you do? I am very pleased to see the details listed in the bill. They are practical, and in my personal opinion are quite well thought out. It is a very supportable bill.

I was particularly pleased to see clause 38, which contains a very clear and precise list of automatic forfeiture offences appearing on pages 70 to 78 of the bill. The forfeiture principle is one that all legislatures, including this one, have to approach with caution, because it is a two-edged sword. In forfeiting people's property we, as legislators, assume a big responsibility, but I am quite satisfied that it is a weapon that we must bring to the armoury of the justice system to make sure that those who do such dreadful damage to our young people — and often even our older people in the case of white-collar crime — pay the price.

I would like to suggest to members that the message this Parliament is sending to people throughout Australia and around the world is: do not come to Victoria to carry out criminal activities, because bills such as this and previous legislation will mean you will not profit by it. And if that is a message we can get out beyond our own borders and within our own society, I think it is absolutely great and is long overdue. As a legislature we have a responsibility to give our law enforcement agencies all the sensible, practical and well-thought-out tools that we can.

The section 85 provision in the bill enables financial institutions to cooperate with law enforcement agencies. Too often in the past we have heard that some sections of the financial industry have been less than cooperative. This bill makes it very clear that they are required to cooperate, they are expected to cooperate and indeed if they do they are protected from any responses that may come their way from the persons

charged. They are protected, and therefore they are expected as financial institutions to play their part in the matrix of measures that is being brought forward, and I think that is a good thing.

One of the difficulties we have had in the past is that we have all had to watch and tolerate — although I do not like that word in this context. We have had to see people profit from crime because it was done by others and the masterminds have escaped with their profits and have been able to benefit from outrageous behaviour and misery. It is good to see that this legislation provides a mechanism where people high up in the tree can, through very careful police work and investigation, at least be brought to account. The tainting property provisions have been well covered by previous speakers, and I support those.

In conclusion, I am pleased to see this legislation. I wish it well, and I hope it is implemented at the earliest possible date and vigorously used throughout the community, because over many years now we have seen the death, the misery and all the very severe results of unacceptable criminal behaviour, and in many cases those criminals have profited enormously. This bill will help to send the message: 'If you want to be a criminal in Victoria, you will not profit from it'.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

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

The DEPUTY PRESIDENT — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. As there is not an absolute majority present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in the chamber:

The DEPUTY PRESIDENT — Order! In order that I may ascertain whether a required majority has been obtained, I ask those members that are in favour of the question to rise in their places.

Required number of members having risen in their places:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL

Second reading

**Debate resumed from 16 September; motion of
Hon. J. M. MADDEN (Minister for Commonwealth
Games).**

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I am pleased to say on behalf of the Liberal Party that it will be supporting the Commonwealth Games Arrangements (Governance) Bill. It continues the long support of the Liberal Party for the Melbourne 2006 Commonwealth Games, which started with the bid process in the mid-to-late 1990s and has continued through to date. I have to say that were it not for the Liberal Party support for the Commonwealth Games throughout the 1990s, Melbourne would not be hosting the games in 2006. If we were waiting for the Bracks government, we would still be waiting on a decision whether to bid.

There can be no doubt that the Liberal Party is a strong supporter of the Commonwealth Games, and it is the focus of the party and my role as opposition spokesman to ensure that the games are delivered in a professional manner, on time and in a way which the Victorian community can afford.

It is not without some concerns that I talk this afternoon on the Commonwealth Games, because already in the process of preparing for the Commonwealth Games we have seen a few problems develop with the schedule for delivery, particularly of the infrastructure program. I have specific concerns with some venues that we see running behind schedule — the training velodrome at Olympic Park, which was reported in the budget papers as being behind schedule; the stage 2 construction of the Melbourne sports and aquatic centre, which is behind schedule; and of course the Commonwealth Games athletes village, which is to be developed in Parkville. Regrettably that is also behind schedule.

I noted that in question time this afternoon the Minister for Commonwealth Games indicated he is confident that all infrastructure will be ready on time for the games. I hope this house can have confidence in the minister's assurance and that in giving that assurance

the minister is not indicating to the house that those projects will be delivered at a cost beyond that budgeted for and beyond what the state can afford. I hope we will not see projects allowed to slip behind schedule and then attempts made to bring them back on schedule by massive escalations in the costs to Victorian taxpayers.

A second area in relation to the delivery of the Commonwealth Games which needs to be more fully explored is the assessed economic impact of the event. The government has now given us three different figures for what it assesses the economic impact of the Commonwealth Games to be. The Minister for Tourism said the games would contribute \$700 million to the economy. The Minister for Major Projects said they would contribute \$800 million to the economy. The Minister for Commonwealth Games quoted a different figure, \$2 billion. This matter needs to be clarified.

The Minister for Commonwealth Games has said on occasions that he has based his figure on the benefit cost multiplier which applied to both the Sydney and Manchester games. In the case of Manchester that was roughly a 2 to 1 benefit-cost ratio, and in the case of Sydney it was about a 2.5 to 1 benefit-cost ratio. It disturbs me that the minister is simply applying that multiplier to the budget he has for the Melbourne Commonwealth Games of \$1.1 billion and saying that is the benefit we can expect to get from the games in 2006. If you follow the minister's logic, if you had a blow-out in the budget that cost \$2 billion the economic impact would therefore be \$4 billion. Therefore, I do not give any credit to the methodology the minister has applied in coming up with that figure of \$2 billion.

I note the minister has said at the Public Accounts and Estimates Committee hearing that the government will undertake a proper economic impact assessment this year. I look forward to that being completed and released so we can see what the true impact of the games will be.

The Commonwealth Games must be kept in context. It is not an Olympic-sized event and in terms of local impact with media and audiences it is not an Olympic-sized event. The minister has quantified the size of the games as roughly a third of the Sydney Olympics. Certainly that quantum needs to be kept in consideration when we are looking at the budget surrounding the Commonwealth Games.

Earlier in the year the government announced a Commonwealth Games budget of \$1.1 billion, and this is roughly double the bid budget. Unfortunately to date

we have not received a clear explanation for that. The minister indicated that between the bid budget being prepared in 1998 and the announcement of the headline figure earlier this year approximately \$50 million to \$60 million could be attributed to inflation. What was not made clear were the reasons for the other escalation in the Commonwealth Games budget.

Given the scale of the event and the as yet unclear estimation — that is probably the charitable way to put it — of its economic impact it is very important for the people of Victoria that these matters are explored and disclosed fully. The people of Victoria have a right to know what they will gain from the Commonwealth Games and how much it will cost them. I look forward to that full disclosure as we move towards the games in March 2006.

The Commonwealth Games Arrangements (Governance) Bill has two primary purposes. The first is the establishment of a statutory corporation to act as the organising committee for the Commonwealth Games and to replace the current organising committee, which is Melbourne 2006 Commonwealth Games Pty Ltd, a company regulated by the Australian Securities and Investments Commission (ASIC).

The Liberal Party supports the government's move in implementing this measure in creating a statutory corporation, because it has a number of benefits to the Victorian people with respect to delivery of the games. Most importantly, it brings the organisation of the games closer to government and makes the minister more responsible.

Under the legislation before the house, the minister will have the right to issue directions and get information from the board. We expect that with this increased power given to the minister he will be in a position to more fully address and disclose what is happening with the preparation of the Commonwealth Games.

The basis of the legislation, as I understand it, is the existing Commonwealth Games M2006 Pty Ltd's constitution, as well as the contracts which underpin its relationship to the Commonwealth Games Federation and the Australian Commonwealth Games Association. A number of those matters have been codified in this legislation.

The bill provides, as expected, for the transfer of staff and assets and liabilities from the ASIC company to the statutory corporation upon its establishment. One of the key changes between the current structure as an ASIC-regulated corporation and a statutory corporation is that this bill will provide the directors of M2006, the

statutory corporation, with indemnity if they are acting in good faith. From the Liberal Party's perspective, I believe that is appropriate because these directors are undertaking duties involving significant funds, they are acting for minimal remuneration and, as such, it is appropriate that the state provide them with indemnity if they act in good faith on behalf of the state in delivering the Commonwealth Games.

What the bill also does in establishing a statutory corporation is take the directors of M2006 out of the oversight of ASIC and away from the existing commonwealth corporations legislation. As honourable members will know, and indeed the minister as a former company director will know — or maybe he does not know, and perhaps Amigo suggests that he does not know as much about directors duties as perhaps he should, or perhaps might wish — M2006 Pty Ltd as an ASIC company is regulated by the Corporations Law, and the directors are subject to the provisions which impose a number of duties upon company directors.

This legislation removes those directors of the organising company from the oversight of ASIC. It is a concern of the opposition — and I look forward to the minister addressing this issue — that the provisions in the act which impose duties upon directors are substantially less than those duties imposed upon the current directors of the proprietary limited company under the Corporations Law.

At the same time as relieving those directors from some of the burdens imposed by the Corporations Law, this bill will also give indemnity when they act in good faith. So on one hand, we are relieving the burden and we are also indemnifying them. I seek from the minister an explanation as to why the government has chosen to put in place a regime of duties for the M2006 directors which is less than that imposed currently on them under the Corporations Law.

The second part of the bill creates a regime to protect the intellectual property, if you like, of the Commonwealth Games. The background, as I understand it, is that it will provide protection for Commonwealth Games sponsors. I look forward to the announcement of those sponsors. It is my understanding that such an announcement is imminent. The opposition stands ready to support the attraction of responses to the Commonwealth Games and to provide assistance in that process where necessary.

We appreciate the need for sponsorship revenue to underpin the Commonwealth Games, as was the case in Manchester and in Sydney. The reason for establishing

the intellectual property protection provisions is to protect the value of the investment that sponsors will make in signing on as sponsors for the Commonwealth Games. However, the mechanism used to do that gives rise to certain concerns for the opposition. In particular I draw attention to proposed section 56O to be inserted in the principal act.

That provision provides protection for what is defined as images or indicia. It makes it an offence for a person or a company to use those images or indicia for commercial purposes, for promotional advertising or marketing purposes or in a way which would suggest a sponsorship arrangement which does not exist.

On the face of it that is reasonable — you cannot use a Commonwealth Games logo or image for a commercial or promotional purpose or to suggest you are a sponsor if you are not. However, the proposed section is very broad in what it provides. For example, as well as the expected references to the Commonwealth Games, Melbourne 2006 and so on, included among the references which will be prohibited from use if you are not a sponsor are references to the terms ‘gold’, ‘silver’ and ‘bronze’.

These are commonly used terms in advertising. You have gold-medal specials from all sorts of companies promoting their product, and that has been a legitimate use. However, when the bill is enacted it will be an offence for a firm to use in its advertising the terms ‘gold’, ‘silver’ or ‘bronze’ if it is not a sponsor. It would be an offence for a company like Qantas to advertise airfares to the Commonwealth Games if it is not a sponsor. If it makes reference to the Commonwealth Games it will be breaking the law. Firms which are involved as sponsors in the Athens Olympic Games next year will be breaking the law if they refer to gold-medal deals or promotions or make any references to gold, silver or bronze. The opposition has significant concerns with the way the provision will work and its potential impact beyond that which was intended.

I seek from the minister some expression which will provide comfort to those corporations which will legitimately be using those references, particularly the references contained in the definition of the Commonwealth Games references, because there is and will be legitimate use of those phrases and terms particularly with reference to Athens next year. It would be inappropriate for the government to pass legislation to protect those terms for 2006 and in doing so inhibit the legitimate use of those terms by Olympic sponsors next year.

With those few words, I indicate the Liberal Party will support this legislation, and it does so on the basis that it is a strong supporter of the Commonwealth Games. I look forward to the minister providing words of comfort with respect to those matters that have been raised.

Hon. D. K. DRUM (North Western) — I too would like to rise and contribute to the debate on this bill. I would like to concur with Mr Gordon Rich-Phillips and state how much our party is supportive of the 2006 Commonwealth Games in Melbourne.

So far a few amending bills have been passed, and this is one of a few more that are going to be passed, in the general make-up of the Commonwealth Games Arrangements Act. We have been told all the way through that from time to time various bills will form the myriad of legislation that is necessary to bring the games to fruition.

The bill addresses the administrative and commercial aspects which will be critical in the delivery of the games. The bill establishes the Melbourne 2006 Commonwealth Games Corporation and puts the responsibilities on the corporation to organise, run and conduct the Commonwealth Games for Melbourne.

It goes through a series of definitions, which need to be understood because there are so many references to the various definitions and certainly to the responsibilities of the Commonwealth Games Federation (CGF) and the Australian Commonwealth Games Association (ACGA) to provide what we are now looking forward to being a world-class major sporting event.

Clause 7 inserts proposed sections 4B, 4C and 4D into the principal act. They outline the way the government hopes to promote Melbourne and Victoria in the delivery of social and economic benefits to Victoria. The minister quite often makes reference to that whilst in the house — that we need to not only deliver a world-class event for the 10 or 12 days of the games — and perhaps the minister might help me out on the length of the games?

Hon. J. M. Madden — It is in that order.

Hon. D. K. DRUM — You are not quite sure! It is also important that we leave a lasting legacy in the city of Melbourne and throughout greater Victoria. That is going to be an important responsibility of the Commonwealth Games Corporation, to make sure that those social and economic benefits are in fact left as a legacy to all of Victoria.

Proposed new sections 4E, 4F and 4G deal with the corporation's functions and contractual obligations, which are quite interesting when you consider that it is going to have extreme or very strong powers in this area.

I would like the minister to clarify whether this part of the bill rescinds the government's responsibility on financial handling. If we have a situation where we are giving the corporation an enormous amount of power to actually deliver the games — and it needs so much decision-making opportunities and powers — does this part of the bill in proposed new sections 4E, 4F and 4G in any way rescind the responsibility of the government to deliver the games with a very tight financial fist that it has been so strong on so far?

If the government is to give these far-reaching powers to the corporation, it would be interesting for us to have that indication, but what mechanisms are there in place that remain with the government to guarantee that the total expenditure will not exceed the \$1.1 billion that has been outlined by the minister time and time again in the house?

We continually hear that the government is committed to delivering the best-ever Commonwealth Games and a games that will make all Victorians proud. We know that it is committed to staging an opening ceremony which has been estimated — and it is only an estimate, the figures have not been agreed to yet — to cost in the vicinity of \$30 million to \$50 million.

National Party members are looking forward to seeing the games village, but it is yet to be started. We have been told that it will house athletes from Commonwealth countries all over the world and that they will be made to feel like they are at home. I am sure we would like to see that project come to fruition. There is no doubt that an enormous amount of work needs to be done. This work will need to be completed under the highest level of financial scrutiny. A little bit of clarity would be appreciated in relation to how the minister will maintain control of the financial purse strings.

Proposed section 4G also talks about what the corporation can do. This includes the acquisition of property, the employment of staff and/or consultants and appointing agents who can help the corporation deliver the games.

Proposed section 4I confers on the corporation powers similar to those of the Borrowing and Investment Powers Act of 1987. With the corporation now having the power to borrow, does this mean that there will be

again a weakening of the financial responsibilities on the part of the government? Are there going to be any limits to the borrowings of the corporation? National Party members understand the corporation will have to get the consent of the minister and the Treasurer before it is able to borrow, but will there be any restrictions on the amount of money that it is able to borrow in its endeavours to bring the games to fruition?

Proposed section 4J deals with the make-up of the board of directors of the Melbourne 2006 Commonwealth Games Corporation and provides that the board of directors will be responsible for the management of the corporation. It also stresses that the board of management must provide information to the minister and that it must take direction from the minister. Like Mr Rich-Phillips, while we acknowledge that the government has given far-reaching powers to the corporation, we believe it has positioned the minister strongly and clearly over the top of the board. This is very much welcomed by the National Party. While we have direct access to the minister in the form of the Parliament we would like to think that we will be in a position to have direct answers to the goings and comings of the board of directors of the Commonwealth Games Corporation.

Proposed section 4M is somewhat confusing. Subsection (3) says:

The board must comply with a direction given under this section.

That says, in effect, that should the board be given a direction by the minister it will comply with his wishes — so it will do what it is told. But the very next subsection, subsection 4M(4), says:

An act or decision of the board is not invalid merely because of a failure to comply with a direction given under this section.

So while subsection (3) says the board must comply with a direction of the minister, subsection (4) says that should the board not comply with the direction of the minister then that act or that decision is still very much valid. Maybe the minister will be in a position later on to clear up that confusion for those of us on this side of the house. Proposed section 4M broadly covers the duties and obligations of the directors of the board.

Proposed section 4Q deals with indemnity and says that the members of the board of directors are liable for any action that may be taken against them. But later on we find that any direct action that would attach to a member of the board of directors will be attached instead to the corporation.

Proposed section 4R outlines the various committees that will be set up by the corporation, and gives the board of directors far-reaching powers where it will have the ability to set up any committees it wishes, which again may be necessary as they move down the track. It gives the board of directors the opportunity to set up whatever membership and functions they deem necessary.

Proposed section 4V deals with transferring the existing board of directors of M2006. They will automatically become directors of the board of the Commonwealth Games Corporation. The chairperson and deputy chairperson will automatically assume similar roles with the new corporation.

Proposed sections 4X through to 4Z, 4ZA and 4ZH all deal with the transferring of assets and titles and so forth from M2006 over to the new Commonwealth Games Corporation. It is all pretty much standard commercial committee-style legislation.

The second part of the bill deals with games logos. We understand that many restrictions have been placed on advertising companies; the corporate world may be looking to use the Commonwealth Games as a level of interest to further their own businesses. A whole range of restrictions have been placed on companies that wish to take advantage of the fact that the games are coming to Melbourne.

The bill provides that any company which has been authorised under the act to use a logo must be registered by the corporation, and their names, dates and duration of use will all be available free of charge. It opens it up for people who wish to see what organisations are supporting the games, so that hopefully we can all get behind the companies that are getting behind the games. The provision will stop people engaging in conduct that would lead others to believe they are supporting the games financially when in fact that is simply not the case.

All the restrictions that have been placed on the images and indicia of the Commonwealth Games raise the difficult question of what is legal and what is not legal. You can look at the situation we have at the moment where the football finals are on in town and everybody is getting into the swing of things. People are offering grand final deals under such banners as 'Let's get excited about the footy' and 'A great finals offer'.

Soon we will have — or we are now into — the Spring Racing Carnival, where people will get into the spirit of the great carnival and will be offering special deals that

have references to the racing season. People also offer deals that have references to the grand prix.

The restrictions that have been listed are very severe. As Mr Rich-Phillips has said, people will not be allowed to mention gold, bronze or silver, and they will not even be able to mention the Commonwealth Games in an advertisement simply because they want to be a part of the atmosphere and what is happening in Melbourne at that time.

They may want to be able to run any standard business or have the ability to get on board and be part of the spirit of the games and part of the city without having to become an official monetary sponsor. We would in some respects like to see greater scrutiny of that because on face value it does not seem to be going over the top. But when an authorised sponsor believes that people are engaging in conduct that contravenes the official sponsorship there are going to be mechanisms where injunctions and restraining orders will be able to be put in place that will restrict people from such conduct. Not only will there be watchdogs from the other companies that are already sponsoring the Commonwealth Games but those companies too will be able to move on other companies that are acting in an illegal fashion. It will be up to the Magistrates Court to decide on the granting of such injunctions.

Again I stress some of the major points. There is so much work to be done to bring the games to fruition. We understand that the government is under extreme pressure to deliver a world-class games on time and on budget. We talk about that flippantly sometimes in here. It is an enormous responsibility that the government has taken on, and we commend it for the work it is doing. We do not want to underestimate the importance of having the world's spotlight turned on us and of how the sporting world will form its opinion in 2006. It will be a very lasting opinion, and we need to make sure we have a total grip on the production of the Commonwealth Games.

The National Party looks at the situation as it stands for us in opposition, at the relationship that is going to exist between the minister and the government, at how that relationship will work with the Commonwealth Games Corporation, and at how direction will be given and received and how authorisation will take place. If you look through the entire bill you see there is no reference at all to the budget nor to bringing the games in under \$1.1 billion. There is no reference at all to making sure that each of the parties will do its part in creating the games within the required spending.

Having said that, the National Party would like to make sure it is acknowledged that the government has its full support in setting up the corporation, and that we will be watching closely to see how the relationship between the minister and that corporation, and the board of directors, actually works in a practical sense.

Mr PULLEN (Higinbotham) — I rise to speak on the Commonwealth Games Arrangements (Governance) Bill. As has been said by previous speakers, there are two discrete components to the bill. The first, which is contained in part 2 of the bill and is headed ‘Governance’, deals with the establishment of the corporation and the transfer of the assets and liabilities to it. The second, which is in part 3 and is headed ‘Commonwealth Games’, deals with the use of certain games property, signs, images and Commonwealth Games references.

Proposed section 4B, which is inserted by clause 7, defines the objectives of the corporation in delivering the games. I will not go through them all, but I want to touch on a couple:

... to establish the Melbourne 2006 Commonwealth Games Corporation to plan, organise and deliver the Commonwealth Games, together with CGF and ACGA, in a manner which —

...

- (b) enhances the reputation of the Commonwealth Games as a major international sporting event; and
- (c) promotes Melbourne, Victoria and Australia; and
- (d) delivers social, economic and environmental benefits to Victorians and Australians; and

...

- (g) demonstrates a high standard of financial responsibility, probity and transparency.

I want to concentrate on our preparation for the games. It is good to see that the opposition parties are supporting this bill, as I thought they would, but I am a little concerned about the long faces over there, and I do not think it has anything to do with how their footy teams have gone this season. I know Mr Atkinson’s side did no good, and neither did Mr Drum’s. It has more to do with the fact that we know the Minister for Commonwealth Games —

Hon. D. K. Drum — I’m with the Swans!

Mr PULLEN — You are on the Swans bandwagon now!

The reason is that the Minister for Commonwealth Games continues to inform this house that the games

will be delivered on time and on budget. While I am pleased to hear the minister say that, I would not be surprised if they were delivered before time as well as on budget if the good workers at the Melbourne Cricket Ground (MCG) keep up their performance. This is why the opposition members have long faces. They were all ready to pounce on the good unionists at the MCG, but they have actually delivered 8000 more seats for this week’s preliminary final between Collingwood and Port Adelaide when they did not have to deliver them until next week when the AFL Grand Final will be played. This would not have happened if the federal Minister for Employment and Workplace Relations, Tony Abbott, had stuck his nose in.

I know this upsets opposition members, but for once they should stop putting their parties first and Victoria second and urge the commonwealth government to come good with the \$90 million it has duded us on. Come on and stand up for Victoria. I repeat, these games will be great for Melbourne, Victoria and Australia.

Proposed section 4C establishes the Melbourne 2006 Commonwealth Games Corporation. The corporation will acquire the rights and obligations of the Melbourne 2006 Organising Committee Pty Ltd, which will be dissolved, and the corporation will be the latter’s successor in law. Proposed section 4E sets out the functions of the corporation.

The commercial protection proposed by the amendments in the bill is similar to that provided in the Sydney Olympics bill. The revision of the governance arrangements will provide the state with more authority in games arrangements, as has been made clear. This will be achieved by the application of the ministerial power of direction and power to request information and the application of key pieces of legislation to ensure proper public accountability around what is a significant public investment. The corporation will also be subject to legislation, including the Freedom of Information Act, the Ombudsman Act and the financial management and audit acts.

How much control does the minister have? The approach that has been taken is to ensure that the state has greater control while protecting the privacy of the games contracts. The provision, which is typical of Victorian legislation of this kind, permits the minister to provide written directions to the board of the corporation and requires the board to comply with any such direction. The Commonwealth Games are unique. It is the largest event to be held in Melbourne. The commercial opportunities offered are extremely valuable. The government contribution to hosting the

games is considerably greater than for any other major event that has been held here.

The second part of the bill protects the state's financial interests. It is necessary to provide an appropriate legislative framework protecting the commercial interests of the organising committee, the Australian Commonwealth Games Association (ACGA) and the Commonwealth Games Federation (CGF). The commercial protection proposed in these amendments is similar to that provided for the Sydney Olympics. The bill prohibits the use of such game logos and insignia and ACGA and CGF signs and images without authorisation. The bill also prohibits the use of Commonwealth Games references without authorisation when the use implies an association with Melbourne 2006 Commonwealth Games that does not exist.

There is no restriction on the use of normal language in describing the Commonwealth Games. Naturally the state needs to maximise the commercial revenue it will receive through sponsorship and licensing. However, the Minister for Commonwealth Games is empowered to authorise the use of Commonwealth Games references for non-commercial purposes. This is similar to Olympic reference restrictions introduced by the federal government for the Sydney Olympic Games. Federal legislation was developed for the Sydney Olympics. I understand that discussions are currently under way at officer level with the federal government to determine whether there is a need for federal legislation, because that would be important in providing us with Australia-wide protection.

This legislation is very important to the Commonwealth Games, which will be the most exciting and important sporting event to come to Victoria since the Olympic Games in 1956. I thank members of the opposition for their support.

Hon. ANDREA COOTE (Monash) — First of all I would like to say how supportive the Liberal Party is of the Commonwealth Games. We are looking forward to very successful games being held here in Victoria. It will be a showcase for Victoria to the world, and I am hoping from a tourism point of view that we get a large number of people coming to this state and returning at another time. I hope for a great success, as I think all Victorians do.

The bill establishes the Melbourne 2006 Commonwealth Games Corporation as a statutory authority to replace Melbourne 2006 Commonwealth Games Pty Ltd, a company regulated by the Australian Securities and Investments Commission. It codifies the

existing functions and powers of M2006, the constitutional and contractual arrangements with the Australian Commonwealth Games Association and the Commonwealth Games Federation.

It provides for the transfer of the board, staff, assets et cetera from M2006 to the statutory corporation, and it does some other housekeeping-type exercises. It provides immunity, among other things, for the directors acting in good faith; and it provides power of seizure where goods being sold at a Commonwealth Games venue are suspected of using games, indicia, images or references without authorisation. These issues need to be watched very carefully because some people have already embarked upon this in good faith without realising that they will probably, and inadvertently, be in dispute with this legislation. We have to be sensitive about some of those issues.

These provisions will protect the value and the integrity of sponsorship arrangements. From a sponsorship point of view it is essential that when we have events in this state our sponsors feel they can operate in Victoria in a confident and ongoing manner, because we need to have significant sponsorship in all these events.

Although most of this is regulatory and much of it could be seen as a mechanical-type bill, I have concerns with some issues, particularly in my own electorate and also in my portfolio area of aged care. It goes back to the village issue. I want to tell the minister that I have a very grave concern. A letter from Julianne Bell, whom I am sure the minister knows, was reported in the *Sunday Herald Sun* of 3 November 2002. The article headed 'Village a con trick' states:

The government claims it will provide 'public housing' and 'environmental works' to 'green' the village.

Premier Bracks is attempting to con the people of Melbourne that over 20 per cent of the 1000-unit development will be 'public housing'. It will not be 'public' but 'affordable' housing — future residents will have to pay.

Of these, 100 'low-cost' hostel units have been allocated for the elderly. But the isolated site is completely unsuitable. It is distant from shops and community and medical services, with poor access to public transport.

My gravest concern about this public housing is reiterated by the Minister for Commonwealth Games in a media release headed 'Bracks breaks social housing promise on Commonwealth Games village'. In this article the minister talks about the \$17 million that was being allocated, but he goes on to talk about the discrepancy in the figures. He said:

That means there is a slight difference in the how figures are portrayed from what were, in the earlier case, the overall

figures, and the breakdown of those figures in government press releases. So the figures are still consistent, but in the budget papers presented today there is a slight difference of \$17 million which is not in the forward estimates because it is expenditure that had already been determined for the Commonwealth Games, but would occur outside those forward estimates years.

My concern is that the minister is virtually saying that half of the social housing money announced by the government when it was selling the games village will not be spent until after 2006.

I have some very grave concerns about the units for the elderly that the government suggests will be there and what will happen with those, because we have huge pressure about our ageing population. It is vitally important that this happens quickly and that it does not just happen after the games is over and the euphoria has died down — when people have forgotten about the excitement and build-up to the games, and we are left with the bill. I hope to goodness that sufficient funds are left to make certain this 100-bed facility is developed. In fact, I wrote to you and asked you a question — —

The DEPUTY PRESIDENT — Order! Through the Chair, Mrs Coote.

Hon. ANDREA COOTE — I beg your pardon, Deputy President — through you.

I had asked the minister if he would let me meet with the developers so I could discuss this, but to date I have not had any reply. Also, the Commonwealth Games Advisory Committee's recommendations for the games village in its report of June 2003 are fairly confusing. Under the heading of 'Aged care precinct' there are a number of recommendations which I feel highlight some of the concerns I have mentioned. For example, one recommendation is to:

Establish an aged care precinct in the north-west corner of the site.

But they could also:

Locate the aged care hostel in this precinct instead of the heritage precinct.

So there is a conflict here, and it would be interesting to have some clarification on that. The committee also recommended that the government:

Consider the development of other housing within the games village aimed at the needs of older people within the private housing market, possibly in one or more of the apartment buildings.

This is something new, and it will be very interesting to see how the government reacts to these recommendations and what indeed transpires.

The only issue I have major concerns with is the confusion and disappointment that people within my electorate have experienced over the development of the Melbourne Sports and Aquatic Centre (MSAC). They have been quite concerned. An article in the *Emerald Hill Times* of 30 April this year quoted Cr Carolyn Hutchens as having said:

I do not believe there has been enough consultation, or that enough expertise has been sought.

She said the proposed grandstand would be an eyesore, and she is further reported as having said:

Many people are disappointed that we will be left with this huge structure for the sole purpose of a one-off, two-week event.

I hope the minister takes this into consideration and that he will consult more with the people of Monash Province and particularly those who are affected by MSAC and this new development.

Having said that, I support the bill and the philosophy behind it. We look forward to a very successful Commonwealth Games.

Mr SCHEFFER (Monash) — There will be seamless continuity between my contribution and that of Mrs Coote, who ended on a very positive note about consultation, which I will have something to say about in a moment.

I rise in support of the Commonwealth Games Arrangements (Governance) Bill. The bill sets in place further measures to expedite the efficient operation of the Commonwealth Games in Melbourne in 2006. It deals with marketing, commercial and operational arrangements, administrative processes and powers to allow the games to run successfully.

The bill establishes the Melbourne 2006 Commonwealth Games Corporation. The corporation will have powers over various matters relating to commercial arrangements and the use of logos and insignia for the games. It makes sure that the board of the corporation is made up of an equal number of directors appointed by the Commonwealth Games Federation and the Australian Commonwealth Games Association on the one hand and the state of Victoria on the other.

The bill provides the state with more authority over the games arrangements. Importantly, as a statutory body

the Melbourne 2006 Commonwealth Games Corporation will be subject to freedom of information requirements and its actions will be placed within the jurisdiction of the Ombudsman and the Financial Management Act. I know this will be widely welcomed by the people of Monash Province because it strengthens public accountability.

The hallmark of this government's management of the games is its commitment and capacity to consult the community. This government does not ride roughshod over local communities which, in the end, will bear the brunt of the significant inconvenience and loss of local amenity during the development phase of the games and while they are on.

Many of the people I represent live in the areas near Albert Park. They are doubtful about major events in general and very concerned that they will come off second best because it has happened before. This is the result of bitter experience with the non-consultative approaches of the previous government which soured people's experience and made them sceptical and suspicious. During the construction of the Formula One grand prix track at Albert Park we saw huge public protests, from 1994 to 1999. We saw longstanding and collectively developed master plans torn up. We saw legal challenges to the Kennett government. We saw wire fences erected around work sites to stop the protesters who turned up in their hundreds and thousands. We saw masses of people arrested and fined or locked up. Hundreds of magnificent mature trees were axed. We saw compaction works that structurally damaged local houses and the people who occupied those houses had no recourse to law.

The locals are very suspicious and they are watching this government very carefully to see what it is doing. However, there is also genuine appreciation of the way the Minister for Commonwealth Games is working. He talks, he is a nice guy, he is decent and, most importantly, he brings people along. This government shares information and seeks people's opinions.

It is worth reminding ourselves of the ways this government balances the legitimate right of the community to be consulted with a government's responsibility to deliver projects on budget and on time. The Bracks government has pursued a vigorous process of engagement with the Victorian community as part of getting ready for the games.

Under the Commonwealth Games Arrangements Act we have allowed for community consultation through the work of planning advisory committees. Five of these committees have already been established and

one of them advises the minister on the development of the Melbourne Sports and Aquatic Centre, which is in Monash Province.

This advisory committee has looked at things like whether the development supports the planning policy of the City of Port Phillip, whether the development benefits the community, whether the design integrates with local heritage values, whether the development is environmentally sustainable, whether the transport solutions are acceptable and other things. The advisory committee reviewed all relevant planning reports and considered all written submissions and the outcomes of discussions with stakeholders. The committee received a total of 30 submissions, including 16 personal representations. This builds on the support for process that people in Monash Province value so highly.

I take this opportunity to further thank the Minister for Commonwealth Games who has made himself available to meet with representatives of local organisations, for example, over the location of the hydrotherapy facility being developed within the Melbourne Sports and Aquatic Centre. The minister saw a delegation I brought into the Parliament. He listened to them with courtesy, he respected their expertise, which was considerable, and he took them seriously. To be fair, they were not happy in the end. However, my experience tells me that often people do not need to agree with the solution or the decision, but they do need to feel they have had a fair hearing. People in Monash Province have told me that they think this minister is doing a good job and that the government is prepared to listen and talk to them.

There is a further important example that I would like to draw to the attention of the house — that is that a little more than a year ago the government announced the environmental framework. Its intention was to ensure that the games would be environmentally sustainable and that the government would build facilities that would leave a positive environmental legacy for the future. The government said at the time that the framework would involve, again, a public consultation process — and it did. By May we announced the environment strategy — that this will be the first major multisports event in the world to be carbon neutral. We said we will plant 2.5 million trees over the next three years and that is well under way. We said it will be water wise and low waste — and it is.

As a direct result of the meaningful community consultation these activities will be delivered in partnership with government, community organisations, environmental bodies and local Landcare

groups. We believe that a fundamental change in environmental practices can be achieved as part of the ordinary activities of people engaged in staging a major event.

The Minister for Commonwealth Games, Justin Madden, said as much at the time. These issues, and the arrangements that the government has set in place to ensure public participation, are critically important to residents in my electorate. I think this bill has broad support, as evidenced by the contributions we have heard this afternoon, and I commend it to the house.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I want to take this opportunity to respond to a number of the issues raised by members, in particular opposition members. I have undertaken to give a response to assist with clarification on those issues. Should any of my explanations not be clear enough, I am happy to provide further briefings to members on those matters outside the chamber at any time.

The Honourable Gordon Rich-Phillips raised specifically the issue of the duties of directors. I am informed that the duties under section 4N are drafted to resemble as closely as possible the obligations of directors of corporations law companies. The drafting is consistent with the approach taken in the description of directors' duties under other statutory authority legislation. I am also informed that it is not considered necessary or appropriate to replicate the entire body of commonwealth statute law to adequately define the directors' duties to act honestly and with due diligence.

The Honourable Gordon Rich-Phillips raised the issue of the use of the expressions 'gold', 'silver' and 'bronze' as Commonwealth Games references. I am informed that gold, silver and bronze are defined as Commonwealth Games references and are protected under the legislation. It is clearly the intention of the act to protect the use of gold, silver and bronze where the use suggests an association with the Commonwealth Games. I think that is of particular significance in terms of recognising where the generic usage differs from an association with Commonwealth Games references. It is not the intention of the act to restrict the use of these terms in normal business operations; however, it may be an offence under proposed section 56M to use gold, silver and bronze for commercial purposes or for promotional advertising or marketing purposes or where the use suggests a sponsorship-like arrangement with the Commonwealth Games that does not exist. I think that comment is of particular significance. I will just say that again: where the use suggests a

sponsorship-like arrangement with the Commonwealth Games that does not exist.

Proposed section 56M(2) specifically states that it is not an offence to use these references if the business or individual is otherwise authorised by other law to use the terms. This bill does not affect businesses that have existing business in company names which are listed as Commonwealth Games references, including gold, silver or bronze.

With regard to issues raised by the Honourable Damian Drum regarding borrowing and investment powers, the borrowing and investment powers require the body to have the approval of the minister and the Treasurer. The limit of the corporation is the budget, and the corporation board will consist of half of those directors being appointed by the state. In terms of directions to the board — and I appreciate the issue raised by the Honourable Damian Drum — these directions protect the rights of third-party contractors.

This allows third parties such as sponsors to contract with the corporation as if it were a corporations law company. That is the reason why any contracts entered into by the board still remain. That is so that the corporations and organisations entering those agreements can feel confident that those commercial agreements and arrangements exist, regardless of the directions of the minister to the board. It does not, however, weaken the power of the minister to reduce the imperative to comply by the board, but it certainly gives assurances to the companies that those agreements still remain.

I would like to assure the Honourable Andrea Coote that the aged care precinct will be delivered, and at a later date, when it is appropriate, I am happy to have officers from the Office of Commonwealth Games Coordination brief her in more detail on the housing matters, if she would like that, so that she is completely clear on the way in which it will be delivered. There are significant elements to be delivered post-games but there are also aspects that will be delivered before the games. I assure the member that the aged care precinct will be delivered.

In terms of the Melbourne Sports and Aquatic Centre, again we are eager to consult with locals in relation to the developments and we have set in train a number of mechanisms so that there is community stakeholder input into the progress and development of the facility as it takes place.

I thank all members who have made a contribution — the Honourables Gordon Rich-Phillips, Damian Drum,

Andrea Coote, and Mr Pullen. I thank Mr Scheffer for his flattering remarks particularly in relation to the minister. I would also like to compliment Mr Scheffer on his personal interest in the developments and his eagerness to very strongly represent his local community in relation to these matters.

To bring about this piece of legislation was quite a significant piece of work by a number of parties involved, and I would like to thank them. Honourable members will appreciate that there were a number of groups that had to bring this together in a short space of time. They include the Commonwealth Games Federation, the Australian Commonwealth Games Association, Melbourne 2006, and the Office of Commonwealth Games Coordination (OCGC). I would personally like to thank the officers of each of those organisations, particularly the OCGC and the respective legal staff who have provided legal advice to each of those parties throughout the course of the bringing together of this legislation, in order for all parties to agree and feel confident and comfortable that in going ahead with the delivery of the Commonwealth Games, all people and all organisations can work cooperatively to see a games that not only the state but also the entire country will be proud of.

Again I thank honourable members for their contributions and thank the opposition for its support in this matter. I look forward to a games that all of us in this Parliament and this state can be particularly proud of.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

HUMAN SERVICES (COMPLEX NEEDS) BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr JENNINGS (Minister for Aged Care) on motion of Mr Lenders.

NON-EMERGENCY PATIENT TRANSPORT BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr JENNINGS (Minister for Aged Care) on motion of Mr Lenders.

SUPREME COURT (VEXATIOUS LITIGANTS) BILL

Introduction and first reading

Received from Assembly.

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

VICTORIAN INDUSTRY PARTICIPATION POLICY BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr LENDERS (Minister for Finance).

HERITAGE (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL

Second reading

Debate resumed from 16 September; motion of Ms BROAD (Minister for Local Government).

Hon. ANDREA COOTE (Monash) — Given the lateness of the evening and after a busy week, I will be very brief on this bill — the National Environment Protection Council (Victoria) (Amendment) Bill. The Liberal Party will support this bill. This bill basically mirrors the legislation in all Australian states.

The proposed amendments to the act are a response to a review of the council's operation by the commonwealth government. This bill is intended to ensure that Australians and Victorians enjoy protection from all forms of pollution and to ensure business decisions are not distorted or markets fragmented by differing environmental standards across Australian jurisdictions. This is very pleasing. We do not want to see in such a sensitive area any confusion at all on what the states do. It is imperative that we all understand and work together in every state in this country. It is pleasing to see that the commonwealth has taken this initiative in agreement with the states.

The amendments will introduce five-yearly reviews of the act and will ensure that the National Environment Protection Council Service Corporation will provide secretariat services to joint meetings of the National Environment Protection Council and the Environment Protection and Heritage Council. In particular the five-yearly review of the legislation is essential and very important. Scrutiny and responsibility are a very important part of sustainability and indeed the environment, and this is a welcome addition to the act at this stage.

The National Environment Protection Council is involved with environmental protection — air, water, soil and other areas as well — and it provides unity across all states and gives continuity to businesses to ensure they can operate confidently within this country across the state borders.

In reading the second-reading speech I was concerned to see the claims the government has made about its credibility regarding the environment. I have some concerns about this, particularly with the glowing terms it uses in its claim regarding marine parks. I remind the house that the marine parks were initiated by the Liberal Party. Indeed it is the Liberal Party's credentials on the environment which are absolutely first rate and which this house should recognise. Indeed, if this house remembers, the Liberal Party supported the marine parks.

But my concern is also with the terrestrial parks. We are not seeing sufficient numbers of rangers or support to make certain there are no noxious weeds, feral animals and other bad management practices happening; we do not have sufficient rangers to take care of them.

The second-reading speech also mentions hazardous waste. I am sure my colleague the Honourable Peter Hall will talk about Dutson Downs because it is in his electorate, but hazardous waste and the potential of

Dutson Downs is looming as a huge disaster. I think it will be an enormous disaster not only for Gippsland but for Victoria, and I do not think at this stage the government is looking very good on that particular issue.

The other issue is air pollution. The Environment Protection Authority (EPA) here in Victoria does a very good job. However, I put up a word of caution in regard to the monitoring of the Burnley Tunnel. Although things have settled down somewhat there was some very bad misreporting and people had some very grave concerns about the way the monitoring was being done. It is important that we are vigilant, even with an organisation such as the EPA which has credibility, and we must make quite certain that we keep it accountable and responsible for keeping the air in this state pure. I commend the bill to the house. As I said, the Liberal Party has much pleasure in supporting it.

Hon. P. R. HALL (Gippsland) — This is a very narrow bill, but the government has widened the debate somewhat by making some rather significant references in the second-reading speech to its claimed environmental credentials. One cannot let this debate pass without making some comment on that, seeing the government has opened up the door for us by including references to that in its second-reading speech. It talks in particular about its National Parks (Marine National Parks and Marine Sanctuaries) Act of 2002 and makes great claim that this is a world first for Victoria. I am not sure if it is a world first, but I think we have to put balance into this debate. The simple fact that Victoria has marine parks and marine sanctuaries in no way, by itself, guarantees protection for the marine environment.

Colouring a piece of the map in red to indicate its being a national park does not protect it in any way at all. At the time the National Party emphasised, importantly, that the management of those areas was the key to protecting the marine environment. We are all for protecting the marine environment and improving it, but simply declaring areas as being marine parks and marine sanctuaries does not in itself protect those marine environments.

It is the same in the second-reading speech. It refers to sustainability covenants and to the Commissioner for Environmental Sustainability. I am not sure exactly what we have achieved by that legislation. The government should not just simply come in and say in a second-reading speech, 'We are good because we have created a Commissioner for Environmental Sustainability', without substantiating that claim, and it

certainly has not done that in the course of the second-reading speech delivered by the minister.

We ought to put a bit of balance into these claims of the environmental credentials of the government and look at the other side of the coin as well — look at the government's environmental record in things like Dutson Downs, for instance, as I was invited to do by the Honourable Andrea Coote, and as indeed I will in a brief and passing comment.

I have never seen such a ludicrous decision by any government as creating a hazardous waste site down at Dutson Downs. What is being proposed is 90 000 tonnes of contaminated soil from Melbourne being carted about 3 hours up the highway to Dutson Downs, being treated on site and then recycled, meaning that probably most of it is going to come back to Melbourne again. It is an incredible decision, and we are told by the Minister for Major Projects in the other place that this will have no environmental effect on the Gippsland Lakes.

If it is going to have no environmental effect on the Gippsland Lakes, why can it not be treated in a paddock on the outskirts of Melbourne rather than carting it all the way down to Dutson Downs and then bringing it back again? It is a ludicrous decision, and we in the Gippsland area simply do not believe the government has even listened to the arguments. They simply want to transfer their problem away from their base in the metropolitan area out to our backyard in country Victoria. People say that we in country Victoria have a nimby principle — not in my backyard. I reckon we have valid claims for having that principle as well, particularly when it does not have to be.

We could talk about the Basslink pylons also. What are the government's environmental credentials on that? Once again they could have put those pylons underground and improved the aesthetic values of the Gippsland countryside, but no, they ignored that. To suggest the project was at risk if it was to be put underground is ridiculous when the company that is building this project said itself that it would be happy to wear a \$280 million increase in the cost of the project in the Tasmanian section but it was not prepared to spend \$50 million or thereabouts to put it underground in Victoria. The claim that it would never go ahead if it was required to be underground was ludicrous.

We had the wind farm debate yesterday, where the government's environmental credentials should also be considered.

Mrs Carbines — On a point of order, Deputy President, the Leader of the National Party is not referring at all in his contribution to the bill before the house and is instead using his time to make allegations against the government's environmental initiatives and strategies, and I ask you to ask him to come back to the content of the bill.

Hon. B. N. Atkinson — On the point of order, Deputy President, there was actually an agreement on this debate that Mr Hall was to speak for a very brief time. I would have thought it was in the interests of the members of the government to let him complete his speech unimpeded by these sorts of points of order.

As was mentioned, the second-reading speech was very wide. It goes to the credentials of the government. Mr Hall is simply debating those credentials as part of a brief contribution to this place. There is no point of order.

Hon. P. R. HALL — Deputy President, on the point of order, what the Honourable Bruce Atkinson said is absolutely right. I am happy to cooperate with the government's program to get through this as quickly as possible, but if I have these sorts of interruptions I will use my 45 minutes quite gladly to talk on this bill. She has a cheek to come in here and try to put up a point of order like this. Nevertheless the issues I am discussing are mentioned in the second-reading speech, and I said right at the start of my contribution that the first page and a bit of the second-reading speech — and it is only four and a bit pages, so it is nearly a quarter of the speech — talks about the government's environmental record. It talks about marine national parks, it talks about sustainability covenants and it talks about the Commissioner for Environmental Sustainability. I have every right to talk about the environmental record of this government.

The DEPUTY PRESIDENT — Order! There is no point of order. This is the second-reading debate and Mr Hall is the lead speaker for his party. It is a wide-ranging debate which provides speakers with some latitude to refer to a range of documents.

Hon. P. R. HALL — When talking about the government's environmental record one only has to look at the impact on the Victorian environment of the bushfires and how the government's mismanagement of some of those public land areas exacerbated the impact the bushfires had on the environment — on flora and fauna, water catchments and air quality. All of those things were impacted upon because the government's record on environmental management was not good on those public land areas.

I say this about the government's environmental record: it will be interesting when the government comes to assess those coastal areas in Victoria which now could be classified as having a high tourism value to see whether wind farms will go into those areas, especially when you consider that the government last year created new marine parks and marine sanctuaries along the coast of Victoria.

One of the great claims about marine parks and marine sanctuaries was that they would increase tourism to those areas and would be of great benefit. On the South Gippsland coast we have a marine park all around Wilsons Promontory; at Corner Inlet we have a marine park; and around parts of Phillip Island now we have a marine park. If as the government claimed that will create tourism and be a tourism asset then I would claim that the land adjacent to those park areas is now of high tourism value. That is a logical conclusion, so one wonders what will happen to the multitude of wind farm proposals along the South Gippsland coast. That will be an interesting debate, which we will come to in good time.

That being said, the bill, which is about a third of the size of the second-reading speech, amends the National Environment Protection Council (Victoria) Act in respect of three main aspects. The first significant change is a modification in the process when minor variations to national environment protection measures are to be made. That process will still require some public consultation. The National Party has looked at that carefully, and given there is some guarantee of public consultation and there are definitions of what a minor variation is to be is prepared to say that it will agree to it.

The second area of amendment provides for a five-yearly review of the National Environment Protection Council Act — the federal act relating to this topic. Again we agree to that, because the act has already had its first five-yearly review and the amendments came from that review.

The third significant amendment is that it will enable the National Environment Protection Council to provide administrative functions for other ministerial councils. It is suggested that the first of those will probably be the Environment Protection and Heritage Council, because the NEPC is already providing some administrative functions for the EPHC.

The act first came into being in 1995. We in the National Party were prepared to support it then, and we are prepared to support it now.

Mrs CARBINES (Geelong) — I am pleased to speak on behalf of the government on the National Environment Protection Council (Victoria) (Amendment) Bill. The Bracks government has environmental protection at the forefront of its agenda. I congratulate the Minister for Environment for his progressive initiatives, which are placing Victoria at forefront of environmental protection in Australia.

The bill aims to further strengthen the work of the National Environment Protection Council, which was established in 1994 and comprises environment ministers from each of the states and territories and from the commonwealth government. The purpose of the council is to ensure a seamless protection of the Australian environment so that all Australians, no matter where they live, may experience equivalent environmental protection from air, water, soil and noise pollution in our great country.

We know from our communities, as we represent them in this place, that Australians are increasingly interested in matters to do with our fragile environment. Indeed we have an obligation to protect it not only for ourselves and our children but for generations to come. It is therefore very important that the high level of environmental protection expected by Australians is not compromised or fragmented by variations between state, territory or commonwealth jurisdictions.

The work of the NEPC is therefore essential in that aim. The NEPC develops national environment protection measures to cover all sorts of areas such as air quality, marine, estuarine and freshwater quality, noise, site issues, the impacts of hazardous waste and the reuse and recycling of used materials.

The bill that is before us today contains amendments which are the result of two reviews. One was a review of the National Environment Protection Act which was undertaken two years ago, and there is also another review which took place of ministerial councils by the Council of Australian Governments. The amendments contained in the bill are outcomes of the recommendations from those two reviews.

So the bill simply seeks to provide, firstly, a simplified mechanism to make minor variations to national environment protection measures; secondly, to introduce five-yearly reviews of the act; and thirdly, to enable secretariat services to be provided to the joint meetings of the NEPC and the Environment Protection and Heritage Council. These are minor amendments which mirror legislation already passed by the commonwealth, the Australian Capital Territory and Tasmania.

All Australians no matter where they live have the right to expect high-level environmental protection, and rely on the continued seamless jurisdiction of the NEPC. So Victoria in passing this bill will meet its obligations to the whole-of-nation environment protection context as exemplified by the work of the NEPC. I wish the bill a speedy passage.

Hon. J. G. HILTON (Western Port) — This is short bill which has all-party support. Initially I was going to be brief in my comments, but I have changed my mind — I am now going to be very brief.

The main purpose of this bill is to make some minor amendments to the National Environment Protection Council (Victoria) Act of 1995. The original act established a council comprising a minister from each state and territory and the commonwealth, and signified a commitment of all jurisdictions to work cooperatively in the addressing of environment protection issues of national importance.

The objective of the original bill was to ensure that people enjoyed the benefit of standard protection from air, water, soil and noise pollution no matter where they lived in Australia and to ensure that decisions of the business community were not distorted by variations between various jurisdictions in relation to the adoption or implementation of major environment protection measures.

Since the act was established a number of national environment protection measures have been implemented. These have included a measure for a national pollutant inventory, a measure for the movement of control waste and a measure for the assessment of contaminated sites.

The bill is the result of a review of the original act which was undertaken in 2000–01, when the act had been in operation for five years. These amendments are proposed to achieve a more streamlined process for making minor variations to the national environment protection measures and the formal introduction of five-yearly reviews of the legislation.

In December 2002 the outcomes of the review were considered and accepted by the National Environment Protection Council and relevant changes made to commonwealth legislation. The purpose of this specific bill now under consideration is to bring Victoria into line with the other jurisdictions which have already passed, or are in the process of passing, similar amendments. The commonwealth, the Australian Capital Territory and Tasmania have already passed the required amendments.

The environment, as all members will agree, is something which needs to be cherished and maintained so that it can be enjoyed not just by this generation but by all future generations. We are the custodians rather than owners of the environment, and I believe this bill is an indication of our continued commitment to the environment. I recommend its speedy passage to the house.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

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

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

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

That the house do now adjourn.

Knox: Dandenong Ranges foothills policy

Hon. B. N. ATKINSON (Koonung) — I wish to raise a matter with the Minister for Planning in another place. I wish to advise the house that recently, in conjunction with a number of other members of the Parliament, I attended a beating of the bounds day with the Knox city councillors and officers. We looked at a number of things in that municipality, such as the road projects they were keen to pursue and a technology project which was quite important to them and which I have raised in the house previously.

The matter I wish to bring to the attention of the Minister for Planning and on which I seek her to take some action on behalf of the residents and certainly the Knox City Council is the issue of the foothills policy that the council is pursuing. The council believes it is important for the foothills region of the Dandenong Ranges to be protected, and it has undertaken over a

number of years a range of policy initiatives to protect the foothills.

As council members would argue, and certainly I think all of the members of Parliament who attended the beating of the bounds would agree, the foothills are very important, not just to the City of Knox but to all Victorians. The Dandenong Ranges form a very important backdrop to the city of Melbourne and they are a significant tourist destination. It is an area that all Victorians, and Melburnians in particular, cherish.

From the point of view of the foothills policy the City of Knox is now pursuing there is some concern that because of the Melbourne 2030 policy the government's planning staff are not keen to acknowledge the need to have a transitional zone, if you like, into the foothills of the Dandenong Ranges. Obviously people in the City of Knox are concerned about the achievement of housing densities within the Knox area, and indeed other suburbs, if they do not have this prescriptive line up to which you can build under Melbourne 2030 in the City of Knox, notwithstanding the fact that it intrudes on the foothills area.

On behalf of all Victorians the City of Knox is very keen to pursue this foothills policy to ensure that it can put in place policies that are appropriate to that area in terms of housing density and the types of dwellings that might be built. Other policies could concern the colours of those dwellings; landscape controls, particularly to ensure that there is no invasion of exotic species; and pet control measures, amongst other things.

The City of Knox is keen to pursue this matter. At the moment it is being frustrated by the government planning department. I ask the minister to intervene.

Schools: Vietnamese language tuition

Hon. S. M. NGUYEN (Melbourne West) — I raise a matter for the Minister for Education and Training in another place. I call on her to request her department to facilitate a public meeting between the Vietnamese parents in the south-eastern suburbs who have children attending state government schools and the Department of Education and Training about the teaching of the Vietnamese language within schools.

Last month the Vietnamese Parents Association, the Vietnamese Teachers Association and I organised a public meeting at the Sunshine library between Vietnamese parents who have children attending state schools and the Department of Education and Training. The meeting was organised to respond to the concern at

the perceived dropping of the Vietnamese language as a subject. Vietnamese parents do not raise these matters with their school councils or participate on some school councils because they do not understand or feel comfortable with the process. As a result school councils have made decisions which affect their children without adequately consulting with parents. Because of a misunderstanding, Vietnamese parents are left believing that it is school council policy to reduce or stop students from learning the Vietnamese language at school.

The meeting at the Sunshine library was very useful and went very well. It provided an explanation of school council processes and encouraged parents to get involved. There were up to 80 parents in attendance, along with representatives from the Department of Education and Training.

I have been advised that the Vietnamese community of the south-eastern suburbs would like a similar meeting. Such a meeting would be worth while and of great assistance in fostering the involvement of the Vietnamese community with the school councils and in improving communication between both groups.

Eastern Freeway: noise barriers

Hon. R. DALLA-RIVA (East Yarra) — I wish to raise an issue with the Minister for Transport in the other place. It relates to noise pollution along the Eastern Freeway, which is in my electorate. The part of the freeway I refer to is on the southern side of the Eastern Freeway. For the record, it is between Yarra Boulevard and Chandler Highway. This area on the south side is known as the Kew Gardens estate.

My colleague in the other place the member for Kew, Mr McIntosh, recently submitted a petition from about 500 residents. Residents in the area, who have formed the Kew Gardens resident group in relation to this matter, have made requests via formal correspondence to the Minister for Transport since 1999 but are yet to receive a response in relation to the noise. That is obviously because of the increase in the amount of traffic that now flows off from Nunawading and the amount of growth along the Eastern Freeway.

The residents are concerned that while barriers have been built along the new parts of the Eastern Freeway and certain other parts that the government has put forward, there is one section where there is none, and I am happy to provide photos showing that to the government. A number of residents have expressed concern that there is a lot of noise for about a kilometre or two along there. If you see the diagram it explains

why — it is because the houses are up the hill, and the noise goes straight to them.

While we understand that freeways are important, obviously the residents of the surrounding area are concerned about the noise. They are concerned in the sense that they have seen other barriers being constructed. I request that the minister respond to the Kew Gardens resident group and deal with installing appropriate noise barriers along the Kew Gardens section of the Eastern Freeway.

Frankston–Flinders and Mornington–Tyabb roads, Tyabb: safety

Hon. J. G. HILTON (Western Port) — My adjournment matter this evening is for the Minister for Transport in the other place. It concerns the safety of an increasingly busy intersection in my electorate. I refer to the intersection of Mornington–Tyabb and Frankston–Flinders roads. I ask the minister to examine this intersection and determine what improvements need to be made.

The intersection is in the middle of Tyabb. Tyabb is becoming increasingly popular, particularly at weekends, as it is the location of the Tyabb Packing House, which is one of the largest centres of antiques and collectables in Victoria. The intersection is also close to the Tyabb railway station, and there are four schools — primary and secondary — in the immediate vicinity. Unfortunately because of the increased traffic flows there has been an increase in the number of accidents in recent times.

My parliamentary colleague in the other place Rosie Buchanan, the excellent member for Hastings, has been working tirelessly with the local community to improve the safety of this intersection. Given my honourable friend Ron Bowden's interest in all matters vehicular, I am sure he will join with Rosie and me in urging the minister to address this particular traffic issue.

Police: Silvan Province

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Police and Emergency Services in the other place. The issue I raise this evening in the adjournment debate is police numbers in my electorate of Silvan Province, specifically within the lower house electorate of Monbulk. There are currently three police stations in that electorate about which significant promises were made to the people of our province and the electorate by the Premier and the police minister, Mr Haermeyer, in 1999 before they

were elected to government. Subsequently, at the last election, those promises were repeated.

The promises were that there would be a 24-hour police service established in the township of Belgrave; that the police service in the township of Mount Evelyn would be manned for 16 hours per day; and that the one in Olinda would be manned for 12 hours per day. These were important promises which were taken very seriously by people in my electorate and which are still taken seriously given the rising levels of various categories of crime throughout the region.

Unfortunately, even though the Bracks government has said loudly and clearly that it recruited in its last term 800 extra police across Victoria, those promises have not been fulfilled in those stations in the electorate of Monbulk. Obviously the increase in recruitment has not made its way into Silvan Province or the electorate of Monbulk. This is unfortunate because there is a growing need for those promises to be met. Currently the Belgrave station is manned only 16 hours per day, and the service at Olinda varies between 0 hours and 3 hours per day; and at Mount Evelyn it is also highly variable and is in the vicinity of between 5 and 8 hours most but not all days.

It is very important to people in the electorate that these promises be fulfilled and that Belgrave be manned 24 hours a day, Olinda 12 and Mount Evelyn 16. I call on the Minister for Police and Emergency Services, André Haermeyer, to guarantee that of the forward estimates funding for 600 extra officers across Victoria in this next budget period enough of those officers will be allocated to the electorate of Monbulk.

Youth employment scheme: future

Mr SOMYUREK (Eumemmerring) — I raise a matter for the attention of the Minister for Employment and Youth Affairs in another place concerning the ongoing success of the Bracks government with respect to the youth employment scheme. This provides young Victorians between the ages of 15 and 24 with apprenticeship opportunities within the public sector. The Bracks government will invest \$28.5 million over the next four years to create a further 2600 apprenticeships and traineeships across the state for young Victorians within the public sector.

The youth employment scheme is a critical stepping stone to future career opportunities for young people entering the work force. Since its inception in July 2000, 1900 young Victorians have gone through apprenticeships and traineeships. To date 85 per cent of the youth employment scheme trainees and apprentices

have gone on to employment or further education and training within three months of finishing their training or apprenticeship. How effective this scheme has been!

In my electorate, over 20 young Victorians have graduated through these traineeships and apprenticeships, and I will name some of the organisations involved. The organisations include the Country Fire Authority, Dandenong Hospital, Victoria Legal Aid, Victoria Police, Cleeland Secondary College and Milwarra Primary School in Warburton.

I request the minister to take action to ensure that this program will continue in the future so young people in my electorate will be given career opportunities within the Victorian public service.

Commonwealth Games: royal tennis

Ms ARGONDIZZO (Templestowe) — I raise my adjournment matter with the Minister for Commonwealth Games. The issue is about royal tennis. Royal tennis is played in Victoria, and Victoria currently has the world champion in this sport. I understand the game of royal tennis is gaining popularity in Victoria and the inclusion of facilities within new developments in Victoria is being considered. I also understand royal tennis is the oldest form of tennis played in the world. There would be fitness and health benefits in encouraging more Victorians to partake in this sport. I ask the minister if he could consider the inclusion of the game of royal tennis as an exhibition sport at the Commonwealth Games 2006.

Women: safety strategy

Hon. H. E. BUCKINGHAM (Koonung) — My request for action is to the Minister for Women's Affairs in the other place, the Honourable Mary Delahunty, and is with regard to the women's safety strategy. I am proud to be part of a government that has a women's safety strategy in place, as it means we have a comprehensive policy on violence against women and action to back it up.

In line with the government's ongoing commitment to community safety, I participated in the Bracks government's community cabinet in Werribee during the winter recess in July. I, along with the member for Macedon in the other place, Joanne Duncan, co-convened a women's round table to hear local women comment on the very sad consequences of family violence and its effect on families, in particular children.

There are similar issues in the east of Melbourne and in Koonung Province. Organisations like the Eastern Centre Against Sexual Assault in Ringwood and the Eastern Domestic Violence Outreach Service, which service the eastern suburbs and offer assistance in these critical areas of concern, bear testament to that.

The issue of family violence is of major concern to me, and I trust to all in my electorate and indeed everyone in this house, particularly women. The tragic events in Queensland this week have highlighted the continuing need for vigilance in this area. I would like to be able to assure my constituents that the women's safety strategy has services in place to prevent homelessness among women and children who experience family violence. I ask the minister to take action to ensure this is the case.

Police: national memorial

Ms MIKAKOS (Jika Jika) — I call on the Minister for Police and Emergency Services in the other place, the Honourable André Haermeyer, to lobby the federal government on the need for a national police memorial to recognise Victorian and non-Victorian police officers killed on duty while protecting our community.

Members would be aware of the support given by the Bracks government to greater public prominence and recognition of Blue Ribbon Day, which is organised by the Victoria Police Blue Ribbon Foundation to honour the 137 Victoria Police members killed serving the community since the Victoria Police was established in 1853. Members might be aware that this year Victoria Police celebrates its 150th anniversary, and next month marks the 125th anniversary of the murders of Sergeant Michael Kennedy and Constables Thomas Lonigan and Michael Scanlon, who were shot by the Kelly gang on 26 October 1878.

More recently members might recall that Blue Ribbon Day began in 1998 as a day of respect for Sergeant Gary Silk and Senior Constable Rod Miller, who were killed in the line of duty in August 1998.

I encourage all members to support this day on 29 September when we will recognise the dedication and indeed the sacrifice of our Victoria Police officers. In Victoria we live in the safest state in Australia, and this is largely due to the professionalism and diligence of Victoria Police officers.

Blue Ribbon Day coincides with National Police Remembrance Day, which is observed in all states in Australia. Memorial services will be held across Victoria with the main one at the Victoria Police memorial at Kings Domain garden. Members may

recall that this memorial was established in 2002 with the financial support of the Bracks government. It is therefore disappointing that while there are national professional memorials for nurses, the military and emergency services, there is no national police memorial.

In the August 2003 edition of the *Victoria Police Association Journal* the president of the Victoria Police Association, Mr Shane Butler, said:

In recent years a number of state governments have moved to erect such memorials in their own jurisdictions. In fact a police memorial was unveiled in Victoria in 2002. Some time ago the Prime Minister, John Howard, gave a written undertaking to establish a national police memorial in Canberra. Yet, just as with other commitments, he has failed to keep his promise.

In fact the government's latest position is that the police themselves should be forced to pay one-third of the cost of the erection of such a memorial.

Once again, Mr Howard has displayed his contempt for those of us who have sacrificed their lives while protecting the community of Australia. We call on him now to establish a police memorial in the national capital in recognition of those lost lives.

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

Consumer affairs: *Stuff* magazine

Mr SCHEFFER (Monash) — I direct my remarks to the Minister for Consumer Affairs. Earlier this month I received from Consumer Affairs Victoria a copy of *Stuff* magazine, which many members would have seen. I understand that the minister recently launched the magazine at Brentwood Secondary College and that it is targeted at young people in the last years of secondary school and tertiary level. The consumer information and messages carried in the publication are relevant and important to young people. The topics include how to make sure young people know about renting and buying when living away from home; managing house repairs; financial options and issues when buying a car and what to look for; what and where to study; employment options; health; safe partying; signing up to a mobile phone contact and other IT programs; relationships and sexuality; law; justice and rights; financial management; and lots more.

Stuff even includes a quiz with a substantial prize to give young people an incentive to actively check out what the magazine has to say, and there is a comprehensive telephone directory at the back. All this is valuable. It is a great publication, and it is being well received in schools and tertiary institutions within Monash Province.

I ask the minister to take steps to ensure that good feedback is sought and obtained from young readers. While this really is a fantastic product, I note that some of the information could be better pitched or provide more or different information. A good evaluation tool built into the publication could be very valuable, and I urge the minister to give this his consideration.

Responses

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — There was a question from the Honourable Bruce Atkinson for the Minister for Planning in relation to the Knox City Council and the council's foothills policy. I will pass that on to the Minister for Planning for direct reply.

There was a question from the Honourable Sang Nguyen seeking a public meeting with the Minister for Education and Training regarding the Vietnamese language teaching program. I will pass that on to the minister for reply.

There was a request from the Honourable Richard Dalla-Riva for the Minister for Transport in relation to noise pollution on a particular section of the Eastern Freeway. I will certainly pass that request on to the minister.

There was a request from the Honourable Geoff Hilton in relation to an intersection which has been causing some concern for the local community because it is near a number of schools in his electorate. He has asked me to pass that request to the Minister for Transport for examination, and I will certainly do that.

The Honourable Andrew Olexander had a request in relation to police services in his electorate. Obviously he feels that his electorate is still suffering from the cuts of the Kennett government in the police and emergency services area.

Hon. A. P. Olexander — On a point of order, Deputy President, it might be fun for the minister to impute motivation on my part in asking that question, but that is not the case and it is not the reason I asked the question.

The DEPUTY PRESIDENT — Order! There is no point of order. Sit down, Mr Olexander.

Hon. T. C. THEOPHANOUS — Thank you, Deputy President.

Mr Olexander has requested that the government ensure that as well as the additional 800 police — I think it is more than 800 additional police that have been put on

by this government — police services in his electorate are upgraded. I am sure that the police minister will be very pleased to respond to the honourable member and outline to him the extent of the police services that have been expanded under this government in order to try to fix up the problems that occurred under the previous Kennett government.

Mr Somyurek requested that the minister responsible for youth employment examine the youth employment scheme and ensure that it continues to operate. It has been a very successful scheme in his electorate, with something like 85 per cent of participants going on to further employment. I will pass that request on to the relevant minister.

Ms Argondizzo asked a question for the Minister for Sport and Recreation relating to royal tennis. I have no idea what royal tennis is, but will pass on the request to the minister for a direct response to the member.

The Honourable Helen Buckingham raised a very serious issue for the Minister responsible for Women's Affairs, Mary Delahunty. It relates to family violence and its effect on women and the importance of the women's safety strategy for this state. All honourable members would agree that this is a very important strategy and that family violence is an important issue that needs to be addressed. I would be happy to pass the request on to the relevant minister.

Ms Mikakos raised a question for the Minister for Police and Emergency Services in relation to Blue Ribbon Day. This is a very important aspect of our community recognising on 29 September those police officers who have been killed in the line of duty. She made the associated point that there is no national memorial for police who have sacrificed their lives to protect us and requested that I pass on her request to the Minister for Police and Emergency Services for action to be taken in that regard.

Mr Scheffer has raised the issue of the magazine called *Stuff*, which I understand has a very good advertising campaign around the theme 'get stuffed'.

An honourable member interjected.

Hon. T. C. THEOPHANOUS — Well, that is its advertising theme. The theme is to ensure that its message gets across, and as Mr Scheffer has pointed out, the magazine provides invaluable information to youth in the community. It is important that feedback does come back, so I will pass the member's request on to the Minister for Consumer Affairs so that feedback can be included in the strategy planning around that magazine.

Motion agreed to.

House adjourned 6.44 p.m. until Tuesday, 7 October.

QUESTIONS ON NOTICE

Answers to questions on notice for 16, 17 and 18 September will be published in Book 2 for the sitting week commencing Tuesday, 7 October 2003.

