

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**14 September 2004  
(extract from Book 1)**

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**Tuesday, 14 September 2004**

The **PRESIDENT (Hon. M. M. Gould)** took the chair at 2.04 p.m. and read the prayer.

**ACKNOWLEDGMENT OF TRADITIONAL OWNERS**

The **PRESIDENT** — Order! At the beginning of the spring sitting the Parliament today acknowledges the land of the tribes and nations of the Aboriginal people of Victoria.

**ROYAL ASSENT**

Message read advising royal assent to:

**16 June**

**Crimes (Amendment) Act**  
**Fair Trading (Consumer Contracts) Act**  
**Financial Management (Amendment) Act**  
**Mental Health Legislation (Commonwealth Detainees) Act**  
**Racing and Gaming Acts (Amendment) Act**  
**State Taxation Acts (Tax Reform) Act**  
**Surveying Act**  
**Sustainable Forests (Timber) Act**  
**Transport Legislation (Miscellaneous Amendments) Act**

**22 June**

**Ambulance Services (Amendment) Act**  
**Appropriation (2004/2005) Act**  
**Health Services (Governance and Accountability) Act**

**31 August**

**Victorian Civil and Administrative Tribunal (Amendment) Act.**

**INTERPRETATION OF LEGISLATION (AMENDMENT) BILL**

*Introduction and first reading*

Received from Assembly.

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

**BUILDING (AMENDMENT) BILL**

*Introduction and first reading*

Received from Assembly.

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

**SENTENCING (SUPERANNUATION ORDERS) BILL**

*Introduction and first reading*

Received from Assembly.

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

**SEX OFFENDERS REGISTRATION BILL**

*Introduction and first reading*

Received from Assembly.

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

**NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) BILL**

*Introduction and first reading*

Received from Assembly.

Read first time on motion of **Ms BROAD (Minister for Local Government)**.

**CRIMES (DANGEROUS DRIVING) BILL**

*Introduction and first reading*

Received from Assembly.

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

**QUESTIONS WITHOUT NOTICE**

**Wind farms: planning**

**Hon. PHILIP DAVIS (Gippsland)** — President, it is a delight to be back. I direct a question without notice

to the Minister for Energy Industries. The government's recent decision to approve the Bald Hills wind farm has resulted in a storm of protest and an outpouring of community anxiety. This concern has been aggravated by state and federal Labor's policy to double or triple targets for wind power facilities. When will the government review its planning guidelines and processes to ensure that wind development occurs in appropriate locations?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I welcome the honourable member's question in relation to wind farms, which he sometimes supports and on other occasions he does not support. It all depends on one thing only: it depends on whether his party can get votes in a particular location. It is all driven by votes and it is not driven by — —

**Hon. Philip Davis** — On a point of order, President, I just thought that to get the house off to a good start it would be appropriate to remind the minister that it is not appropriate to debate the question in response to a question.

**Hon. T. C. THEOPHANOUS** — On the point of order, President, the question invited me to talk about wind power and having just started my response I intend to fully answer the honourable member's question and relate it to his own policy — —

**The PRESIDENT** — Order! I think the minister had only got about 20 seconds into his reply to the member's question about reviewing the government policy on wind farms, and I am sure that we are all looking forward to the minister's response on that.

**Hon. T. C. THEOPHANOUS** — The member asked me particularly about the Bald Hills project. Let us just understand this one thing about the Bald Hills project: it went through not one but two environment effects statement processes, and during those processes there was an opportunity for the local community to make objection; there was an opportunity for the local council to make objection; there was an opportunity for anyone who wanted to put a point of view, and people did put a point of view. An independent panel came down with a particular decision, and that decision was on balance to allow this particular wind farm to proceed.

So you have an independent panel and two environment effects statement processes, but does that stop the federal minister, Ian Campbell, from going down there and with a cheap political stunt trying to grab votes by suggesting that somehow or other he was going to overturn this independent process? He knows

he will never deliver on that. But he goes down there and tries to give some false hope to the people who had objected to that proposal. He tried to give those people some false hope that somehow he was going to invoke the federal environment act. I do not believe there are members on the opposition benches who would support the use of the federal environment act in this way. It would be an absolute abuse of the powers under that act to come in after a full process has been gone through. I know Mr Forwood would not support it; he would not support the — —

**Hon. Bill Forwood** — On a point of order, President, Mr Theophanous well knows that he does not have the capacity to put words in my mouth in this place or anywhere else. I ask him to withdraw those comments.

**Hon. T. C. THEOPHANOUS** — President, this is the place, this is question time in the house, and my comments by way of debate of the question — —

*Honourable members interjecting.*

**Hon. T. C. THEOPHANOUS** — My comments by way of providing an answer to the question were to suggest that in fact there are differing views in the opposition on this issue. I believe that to be the case. There are plenty of opportunities for Mr Forwood — —

**The PRESIDENT** — Order! I do not mind the minister responding to the point of order, but I do not want him debating it. I just want to clarify the member's point of order. Did he ask the minister to withdraw?

**Hon. Bill Forwood** — Yes, he put words in my mouth.

**The PRESIDENT** — Order! I have been in this house and have heard the minister make these comments before and they have not required a withdrawal. At this point I do not believe what the minister has said is offensive, but if the member wants to further clarify his point of order he may do so.

**Hon. Bill Forwood** — Thank you, President. I welcome the opportunity to clarify my position on this. Mr Theophanous made a claim about my views on a particular matter. I believe the words he said are totally wrong and completely misleading, and I ask him not to put words in my mouth and to withdraw his comments.

**The PRESIDENT** — Order! The member has I think in one way — —

**Ms Carbines** interjected.

**The PRESIDENT** — Order! Ms Carbines! The Honourable Bill Forwood believes the minister has misrepresented him in his comments and he finds them objectionable and wants them to be withdrawn. The member has found the minister's comments to misrepresent him. He finds them offensive and he is asking the minister to withdraw.

**Hon. T. C. THEOPHANOUS** — President, I am not sure that he actually did say that he found them offensive, but if there was anything that I said that was offensive to the honourable member in outlining his position, then I withdraw that comment.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I believe the minister has withdrawn the words the member found offensive and I ask the minister to now complete his answer to the question before the house.

**Hon. T. C. THEOPHANOUS** — We have an opposition that cannot make up its mind about whether or not it supports renewable energy and a federal government that has decided to nobble renewable energy by not extending the mandatory renewable energy target in this country. That is something I do know: Mr Forwood did support an extension to the mandatory renewable energy target, as did a number of other people in the community who are concerned that we get additional renewable energy in this country as part of our response and our obligations under greenhouse. Instead we have a federal environment minister who is an absolute disaster. He is an environmental disaster because he is a federal environment minister who is going around putting up propositions against renewable energy. What kind of federal environment minister do we have in this country, a minister who argues against measures that are designed to protect the environment?

*Supplementary question*

**Hon. PHILIP DAVIS** (Gippsland) — On a supplementary question, President, the minister said that there had been two environment effects statements. Indeed there were 1100 submissions, including a submission from the South Gippsland shire. Most of those were objecting to the proposal.

Might I say that in a letter to constituents the federal Labor member of the House of Representatives for McMillan, Christian Zahra, said:

My position has always been that wind power stations are not an appropriate fit for the beautiful South Gippsland coast and

that they should only go where local communities support them.

Was this a cheap political stunt? But more importantly, I ask: will the government amend its planning guidelines and processes to ensure that all future applications for wind farms will have to get local government approval first?

*Honourable members interjecting.*

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I can say one thing about Christian Zahra: he has held a consistent position and has represented his community in that way for a very long time, unlike the members opposite, who have never held a consistent position in relation to wind. They have never held — —

**Hon. Philip Davis** — On a point of order, President, the question is quite specific. It relates to local government approval for the siting of wind farms, and it is not in order for the minister to debate the issue and spend his time slugging the opposition. I will not stand for that. I ask you to bring the minister back to the question.

**Hon. T. C. THEOPHANOUS** — On the point of order, President, my response was directly on the question. I was asked about the comments made by Christian Zahra, and in fact my response was almost entirely about the comments Christian Zahra had made and how consistent they were on this matter.

**The PRESIDENT** — Order! The Leader of the Opposition's question contained a preamble that referred to at least two environment effects statements and 1100 submissions, including one from the shire, and to comments made by the federal Labor member — and now candidate — in the area, Christian Zahra. The Leader of the Opposition also asked about local council approval for the establishment of wind farms. The minister has about 30 seconds to conclude his answer, and I ask him to do so.

**Hon. T. C. THEOPHANOUS** — This proposal for wind, whether it be at Bald Hills or in other parts of the state, is one which is going to require leadership at a state level. We are determined to bring about a significant amount of wind energy in this state to try to address the issues for the future and for future generations. We will do so irrespective of the opposition — —

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

**National competition policy: payments**

**Hon. KAYE DARVENIZA** (Melbourne West) — My question is to the Minister for Local Government. Will the minister inform the house of the impact on local councils in Victoria of the federal coalition's announcement that if elected it will strip national competition policy payments to the states?

**Hon. Philip Davis** — On a point of order, President, before the minister rises to respond to the question, I suggest that the question is about matters extraneous to the administration of state government business. The question specifically related to policy announcements made in the context of the federal election campaign, and bearing in mind that there will be another four weeks before that election campaign is concluded, it would seem to be totally inappropriate for the minister to be responding at all to a supposition put by the honourable member.

**Mr Lenders** — On the point of order, President, Ms Darveniza asked the minister a specific question relating to how a decision of the federal Treasurer — the federal government — would impact on her portfolio area by a reduction in funds. It is hardly a hypothetical question. It is an area immediately relating to her portfolio responsibilities and how she might have to explain to 79 local government areas why they have less funding.

**Hon. Philip Davis** — On the point of order, President, let us be absolutely clear what we are dealing with today. If it is the intention of the government through dorothy dixers from the backbenchers to spend the next two parliamentary sitting weeks that are scheduled before the federal election to run a line pertaining to matters of federal policy, that will apply universally on both sides of the house.

**The PRESIDENT** — Order! I remind the house that when members are raising points of order, they should not debate the issue. With respect to the point of order that was raised by the Leader of the Opposition and to which other members have contributed, the minister in responding to the question has to demonstrate the effects of such a policy on the state of Victoria and within her portfolio area. If that cannot be demonstrated in her response I will pull her up. She is entitled to advise the house on those effects as an impact on Victorian local government. This was raised in the last sitting of the Parliament when there were a number of questions raised along similar lines from both sides of the house.

**Ms BROAD** (Minister for Local Government) — I thank the member for her question. Yesterday the federal coalition announced without any consultation whatsoever that it would rip away \$1.6 billion in national competition policy payments that have been allocated to the states — effectively tearing up an intergovernmental agreement on the way. I should point out to the house that these funds are already set aside for the states in the federal budget admitted to by the federal Treasurer, and for 2006–07 and 2007–08 the states have already factored those funds into their own budget estimates. This act of fiscal vandalism and total renegeing on Australia's national competition agreement will mean that Victoria will lose some \$200 million a year every year from 2006–07.

The situation becomes even more of an attack on all Victorians as a proportion of the national competition policy payments that Victoria receives is passed on to local councils right across Victoria. The Bracks government recognises — even if the opposition does not — that local government has done and is doing its bit to improve productivity and efficiency. Therefore it is important and it is right that it shares in these payments that we receive from the commonwealth government. A total of \$16 million was passed on to Victorian councils by the Bracks government in February this year, representing around 9 per cent of the payments it received from the commonwealth. These funds are vital to local government.

If the federal Liberals and The Nationals have their way and implement this outrageous proposal the payments will be removed and the impact on local councils in Victoria will be devastating. Not only will state government services such as health, education and roads be affected but there will be a flow-on effect to the vital services that our local councils deliver across Victoria. I plan to release today a list of the payments to be removed from all 79 councils and shires across Victoria. The federal Liberals and The Nationals need to explain to those councils where they think service cuts can be made — to maternal and child health, libraries, to waste collection or whatever — and why these cuts are being made at a time when the federal government has announced a \$25 billion surplus.

When the Victorian Liberals and The Nationals were last in government they supported allocating a share of the national competition policy payments received by the Victorian government to local councils and shires in Victoria. The Bracks government has increased those payments to councils across Victoria. The question to the opposition now is: where does it stand on this question? Will opposition members stand up for Victorian councils and shires against their federal

counterparts, against this outrageous proposal, or will they show themselves yet again to be Liberals first and Victorians second?

### **Wind farms: planning**

**Hon. PHILIP DAVIS** (Gippsland) — I direct a further question without notice to the Minister for Energy Industries. In regard to my previous question and the minister's answer, the Premier has praised and approved the developer of the Bald Hills wind farm, Wind Power Pty Ltd. Given that the chief executive officer, Mr Stephen Buckle, said, 'Look, we're playing this game with no rules. The government is making rules up as we go'. I ask: when will the government give local communities a proper role in determining appropriate sites for wind farms by implementing proper rules for community and local government involvement?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I am happy to have a debate with opposition members at any time they like about our policy on wind energy in this state. Let me say at the outset in response to the question asked of me by the Leader of the Opposition that we intend to take a leadership position, a whole-of-the-state position, in relation to wind energy in this state, and we will do so on the basis of the best interests of all Victorians. That is our position on how we intend to proceed.

I recognise that there is a difference in policy approach between us and the opposition. As I understand the opposition's policy, it is that it is happy to leave the development of renewable energy in relation to wind to individual councils. It is quite at liberty to have that policy position, but it is not our policy position. The reason it is not our policy position is because we believe that this issue requires leadership at a state level.

We do have processes in place. We have environment effects statements and processes during which councils can make their views known on behalf of their constituents. We have also taken a number of steps in trying to take the state forward on renewable energy. First of all, we have put out a wind map of Victoria to have something out there which allows people to see that there are opportunities for wind energy in this state away from sensitive areas close to the coast. That has resulted in a range of proposals which are now emerging from the system and are more inland. They are proposals for areas inland such as Yaloak which will result in wind energy development throughout the state and in particular in non-sensitive areas away from the coast.

Some councils, like the Ararat council, have actually come to us. The Ararat council is out there campaigning vigorously against the federal government and its changes in relation to the mandatory renewable energy target, which have stymied the development of wind power in that particular area of the state. Whilst we do have differences of view — the Portland council will have a different view from the Ararat council and other councils around state — our responsibility, if we are going to lead this debate and get the best outcome for the people of Victoria and our children in having renewable energy as part of our solution to the greenhouse challenge that we face, is to show leadership at a state level.

I make no apology for the fact that there is a difference in policy between ourselves and the opposition on this issue. We will stand by the policy that there are appropriate processes in place to protect the landscape values of Victorians and at the same time allow the development of wind energy for the benefit of the community and our children.

### *Supplementary question*

**Hon. PHILIP DAVIS** (Gippsland) — I thank the minister for his response, because it highlights a significant difference of view between communities around the state. He recited an example of some communities which are supportive of locating wind farms in their districts, but it is clearly the case that many communities where these projects have been mooted are not supportive, and indeed it is the view of the chief executive officer of one of the major proponents in the state that there are no rules. It seems that the minister failed to respond to my initial question, so I will try to elucidate by asking: will the minister consider providing a proper process by which local communities can have some say over the location of wind farms in Victoria?

**Hon. T. C. THEOPHANOUS** — As I indicated, there are processes which we not only have in place but which have developed during the period of this government. Those processes include a landscape assessment in relation to wind farms to identify whether significant landscape issues are associated with a particular site. There are decisions to be then made by the planning minister as to whether there should be a full environment effects statement put in place. That statement would allow all the players to make a contribution. What we are not prepared to do — which the opposition wants — is to simply have a veto for a particular local council. We are not prepared to go to that point, because we take a broader, statewide view. We are prepared to abide by the umpire's decision in

relation to the Bald Hills project and other projects, unlike the opposition's federal counterparts.

**Small business: government contracts**

**Mr SOMYUREK** (Eumemmerring) — I address my question to the Minister for Small Business, Marsha Thomson. The Bracks government plan for small business policy presented in the 2002 state election campaign included a commitment to reduce the cost of business. One of the ways outlined to achieve this was to introduce a fair payments clause in government contracts. Can the minister advise the house what progress has been made to implement this commitment?

**Hon. M. R. THOMSON** (Minister for Small Business) — I thank the honourable member for his question. It is an election commitment that we made at the last election. This commitment was made after sitting down with small businesses and listening to and understanding its concerns in relation to being paid on time and the consequences this has for cash flow and the ability to do business.

**Mr Lenders** — This government listens and acts.

**Hon. M. R. THOMSON** — We certainly do, Leader. We listen, and then we act. We certainly listened to small business in relation to the issue of paying on time. In our policy we said that as a government we would pay on time. We said we would pay within 30 days, and if not we would pay a penalty rate. I would like to thank the Leader of the Government, the Honourable John Lenders, for his assistance in ensuring that the government meets its commitment to small business in relation to a fair payment clause. For contracts valued at less than \$3 million this will now be implemented in all Victorian government departments from 1 November this year.

The clause will ensure that a supplier to government is paid within 30 days. If an amount is not paid within 30 days, the Bracks government will pay penalty interest for the payments that exceed that time limit. This means we are implementing our commitment to small business in a way the federal government has not. It has an indicative policy, but it has not made it mandatory for contracts in its government departments. We have certainly implemented it here. Not only have we implemented it here but we are ensuring that the Small Business Commissioner will see that it is being adhered to. He will monitor it and make sure that government departments on notification of a failure to pay in time meet the commitments in their contract

arrangements. It is important to note that this will also be included in the charters that are developed between departments and their commitments to small business, and we will see government departments adhering to this contract.

This is just one way in which the government has continued to demonstrate that it cares and understands small business needs. It hurts the opposition to know not only that we understand small business needs and are prepared to act on them but that the federal opposition is also acting with its small business policy to protect small business at a federal level, and I welcome the recent announcements by the federal opposition in relation to the Trade Practices Act reforms.

We are ensuring that small businesses that do business with government will be paid on time. We want to make sure that corporations around this state will adhere to the practice that will be put in place by this state government and will put it in place for themselves.

**Wind farms: planning**

**Hon. P. R. HALL** (Gippsland) — My question is directed to the Minister for Energy Industries, who is also the Minister for Resources. It refers to the government's recent decision to approve a 52-turbine wind farm at Bald Hills in South Gippsland. In particular I refer to the Premier's claim that this facility will produce 104 megawatts of electricity. According to the government's own wind farm guidelines, wind turbines operate at 30 per cent capacity, so I ask the minister: is it not a fact that Bald Hills will generate only 31 megawatts of electricity and not 104 megawatts, as was falsely claimed by the Premier?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I was tempted to raise a point of order about the claim made by the honourable member that the Premier made a false claim. He certainly did not make a false claim in relation to this matter, and I am happy to outline to the house why the Premier did not make a false claim. It only highlights the fact that this particular member is prepared to misrepresent the Premier and any other member in this house in an attempt to gain cheap political points on this important issue, which, I recognise, will have an effect on that community and will not be a simple matter to manage for that community. I would have hoped to have had some cooperation from members of Parliament to get the proposal off the ground down there. It will create a significant number of jobs in that area, and it will also contribute on a very important issue which faces this

state, this nation and, in fact, this planet by reducing our emissions.

In relation to the specific question asked of me by the honourable member, I know he understands very well the difference between the average output of a wind farm and the installed capacity of a wind farm. The installed capacity of this particular wind farm will be 104 megawatts, so the Premier's statement is absolutely correct. Let me make this point: at the times when the wind is blowing at an appropriate speed — —

**Hon. B. W. Bishop** — Like a gale-force hurricane?

**Hon. T. C. THEOPHANOUS** — No, actually. That shows your ignorance as well. When the wind speed exceeds a certain level, the wind farm actually switches off, so that is how much you know about wind farms! I suggest you listen for a moment.

When the wind speed is at an appropriate level, the output of this particular wind farm will be 104 megawatts, as the Premier indicated. However, the wind may not be at that particular level consistently. It will vary. Everyone understands this. The number quoted by the honourable member is perhaps the average of some wind farms, but it is variable. There are wind farms which average up to 40 per cent and there are others which average lower than that. I can tell you that in Europe there are wind farms which go much higher than 30 per cent and others which have a lower figure because the wind speeds are not as high.

But one number which is consistent and which allows us to talk about wind farms is the capacity of a wind farm. The capacity of this particular wind farm is 104 megawatts, so the Premier's statement is absolutely correct. The only person who has attempted to misrepresent anyone in this debate is Mr Hall, who has attempted in a cheap political way to misrepresent the Premier.

*Supplementary question*

**Hon. P. R. HALL** (Gippsland) — On a supplementary question, given the minister has conceded that wind farms do not operate at 100 per cent capacity and given the fact that the government's own guidelines say that on average wind farms operate at a 30 per cent capacity, I now refer the minister to the proposed wind farm at Dollar that has 48 turbines, each with a nominal output of 1.65 megawatts.

At 30 per cent capacity the actual output for the proposed Dollar wind farm will be 24 megawatts. The government's guidelines say that anything under 30 megawatts can be decided by the local council.

Given that the proposed Dollar wind farm will only generate 24 megawatts, will the minister ensure that the South Gippsland Shire Council is the total and sole planning authority for the proposed Dollar wind farm?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — You just do not know whether to shake your head in absolute disbelief or throw your hands up in the air! What can you do with that level of total ignorance? What can you do with that level of stupidity? It is pretty clear that 79 megawatts of installed capacity is more than 30 megawatts of installed capacity.

**Hon. Philip Davis** interjected.

**Hon. T. C. THEOPHANOUS** — You can come in here and try it — it is a good try; I will give you that, Mr Hall — but you know very well what the guidelines are. You know that this is outside the guidelines and that we will continue to put in wind power and will continue to provide jobs for people in your electorate — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! The minister will address the Chair.

**Hon. T. C. THEOPHANOUS** — Even if you do not want them!

**Rural and regional Victoria: government initiatives**

**Ms CARBINES** (Geelong) — My question is directed to the Minister for Sport and Recreation. The minister will be aware of the Howard government's recent announcement that it intends to renege on the national competition agreement with the states, which will strip the Victorian budget of \$200 million per annum for 2006–07. I ask the minister to advise the house of what recent actions the Bracks government has nonetheless undertaken to build healthier and stronger local communities, particularly in regional and rural Victoria.

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I wish to thank the member for her particular interest in rural communities.

**Hon. B. N. Atkinson** — On a point of order, President, two ministers have now referred to an agreement, and I wonder if, for the edification of the house, the minister could advise the house of the name of the particular agreement to which he is referring.

*Honourable members interjecting.*

**The PRESIDENT** — Order! That is not a point of order, and I do not uphold the point of order taken. I ask the minister to continue.

**Hon. J. M. MADDEN** — Thank you very much, President. If the members on the other side of the chamber take the time to listen, they will learn a lot from this answer.

*Honourable members interjecting.*

**The PRESIDENT** — Order! The opposition has shown an interest in wanting to hear the minister's answer. I ask members to desist from interjecting and to allow the minister to respond.

**Hon. J. M. MADDEN** — If opposition members are particularly interested in the answer, they might take time to listen to what I am saying. This government is committed to investing in the whole of this state. In particular we are very conscious of the specific needs of rural and regional communities.

Recently I announced two initiatives that will have a significant impact on rural and regional communities. One is the country action grants scheme, which I have announced in previous years in this chamber; but as well as that, the country football grounds assistance program was announced in conjunction with the Minister for Water in the other place. What both these schemes provide is an opportunity to invest in the needs of rural and regional Victoria, particularly in the needs of the sporting communities. Both schemes reflect the vital role that sport and recreation clubs play in helping the broader community in terms of general community health but also in terms of developing stronger communities. And both schemes allow for the government and the Department for Victorian Communities to engage directly with those communities to assist in developing their strengths.

The Country Action Grants scheme provides an opportunity to invest in skilling up, supporting and better shaping volunteers or developing club members. It assists with any of those skills that clubs need at a grassroots level in order to flourish. In regard to those programs that came out of this particular funding program, last year we attracted over 550 applications. Some 400 community clubs applied, and a vast majority of them were assisted. Earlier this year I also announced the outcomes, where we saw 290 grants and more than \$320 000 being distributed to sport and recreation organisations across Victoria. So we are seeing a direct impact at grassroots level in these communities.

As well as that, we have seen the country football assistance program being announced and developed. The Premier announced that \$1 million would be made available to assist those country football clubs impacted upon by the drought. Stage 1 of that program provided \$500 000 as an immediate response to the needs presented to the parliamentary inquiry into country football. What we have seen, and what Mr Atkinson will continue to see from this government, is a growing of the whole of the state, investing in the community, but in particular investing and continuing to invest in grassroots sport in this state.

### **Gas: regional supply**

**Hon. BILL FORWOOD** (Templestowe) — I also direct my question to the Minister for Energy Industries. I refer to the government's commitments made all around the state to connect many country towns to natural gas, and in particular I refer to the minister's press release of Wednesday, 11 June 2003, entitled 'Bracks government details \$70 million gas plan', when he said contracts for town connections would be awarded to gas distribution companies in September 2004. Does the minister stand by this commitment?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I know the opposition is jealous of our policy on gas extensions. It really must eat away at it! Opposition members really must wish that Jeff Kennett had thought about it back then. They must wish that he had done something about just one gas connection. But instead they come in here and help to highlight this policy. I am always happy to have questions on this policy. Again I outline for the house and for those people in country Victoria who are interested in this — and I know many are — that this is a \$70 million program initiated by the Bracks government. It will deliver natural gas to a large number of Victorians, and it is a program which we have put in place.

We have received expressions of interest, and I must tell the house that local councils love it — despite what the opposition might think — to the point that we have received expressions of interest from 52 in relation to this program. Every one of those 52 councils has said to us, 'We wish this had been done in the past', but unfortunately the previous government did absolutely nothing to deliver natural gas to country Victoria.

In fact delivering natural gas to regional Victoria is a very important part of our strategy, for two reasons. The first is that we think it is equitable that country Victorians should get access to natural gas, and we want to try to get as many as we can on natural gas. The

second part of the strategy is, again, our concern for the environment. We know natural gas is a far more efficient way of heating homes. It not only takes pressure off our electricity and other systems but also reduces the use of wood in regional Victoria, which is not as good for the environment as it is to have natural gas.

So for all those reasons we are very keen to ensure this program goes ahead. But we want it to go ahead on the basis that we get the best possible value for the dollars we are putting in, and we will do that. This program will involve getting as much infrastructure as we possibly can into regional Victoria. The program, I can assure honourable members, is going very well and will be delivered according to the plans that have been put out by the government.

*Supplementary question*

**Hon. BILL FORWOOD** (Templestowe) — Let me first make the point that the opposition was pleased to see the Labor government follow our gas connection reticulation plan. Let me also make the point that the 52 towns that have applied for gas connections are all saying, ‘When is it going to come?’, because not one town in Victoria has been connected to natural gas in the past two years. The minister knows that the people of Creswick, Wandong, Bonnie Doon, Avoca, Myrtleford, Woodend and countless towns around the state feel betrayed because not one town has yet been connected. So, I ask by way of a supplementary question: when will the list of towns to be connected be made available to the people of country Victoria?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — Mr Forwood will hate it when they are developed. He will hate it when they are connected. He will absolutely hate it, because, believe me, there will be a large number of people in country Victoria who will be celebrating these events.

I know opposition members are keen for us to announce during the federal election campaign some of these towns in country Victoria. I know they would be rushing out there and hoping we would announce them in some of the key marginal seats! I am happy, if that is what Mr Forwood wants, to try to perhaps see if I can get some advance announcements made in those areas. The government will announce them in accordance with the plans that have been put out and in accordance with the timetable.

**Aged care: building requirements**

**Ms MIKAKOS** (Jika Jika) — My question is directed to the Minister for Aged Care, Mr Gavin Jennings. With the Bracks government continually investing more funds in education and health, in direct contrast with the Howard government’s announcement that it will strip \$1.6 billion that was originally promised to all Australian states, can the minister advise the house what the Bracks government is doing to make sure that public sector aged care facilities meet the commonwealth’s 2008 building requirements?

**Mr GAVIN JENNINGS** (Minister for Aged Care) — I thank the member for her question and her interest. It seems to have been a long time coming — my preparation for the answer to this question. It seems to be a very long question time on the first day back, but I have been champing at the bit over the winter break to make sure this house is fully aware of the ongoing commitment of the Bracks government to ensure that older members of the community receive residential aged care right throughout the width and breadth of Victoria.

In fact, I am very pleased to say that over the winter break I had the good fortune to visit a number of sites that are currently under development, and I had the great good fortune in August to open a new facility in Bairnsdale. What has now become known as the Maddox Garden facility, a fantastic new 58-bed facility, has dovetailed very nicely with the 32 beds in the dementia ward to create a 90-bed state-of-the-art facility that will provide care for older members of the Bairnsdale community and the region in the years to come. It was a great commitment of the Bracks government, in partnership with local residents and the people of the region, to ensure this development took place. The Bracks government committed \$4.7 million to this project. It is part of the ongoing program to ensure that we comply with the accreditation standards we are obliged to meet by 2008, which has led over the five-year life of the Bracks government to our committing \$217.5 million up to this point to ensure that we meet those obligations and fit out those services.

Since coming to government we have completed 21 facilities, a significant undertaking on the part of the Bracks government, in communities throughout the state. We have maintained a service to small facilities in small towns to ensure that older members of the community do not have to leave their town when they need residential aged care. Three more facilities will be completed by the end of the year. In the next year we intend to complete 10 developments. Members will be

interested to note that by the end of this sitting alone it is my hope that I will have had the good fortune to have opened four new facilities throughout Victoria — in Eildon, Hopetoun, Red Cliffs and Wonthaggi. If we project manage and deliver those projects within the next three months, then I will be very proud to be part of a government that has recognised that commitment.

Members of the house know that Victoria has suffered a chronic and ongoing shortage of beds for residential aged care. I have told members on a number of occasions that the commonwealth, which establishes and sets the regulatory regime and issues licences, falls short of its own benchmark in this state — by 3244 beds at the most recent case. That shortfall leads to the inevitable placement of older members of our community in the hospital system. On average in any particular week on any given day there are in excess of 500 people in hospitals in the state waiting for residential aged care.

The commonwealth missed the opportunity in its 2004 budget to deal with this sorry story by ensuring that that capital investment was undertaken. A great challenge for the commonwealth government in the lead-up to the federal election is that it needs to understand how residential aged care can be rolled out in Victoria. We are chronically short of beds.

### Small business: long service leave

**Hon. B. N. ATKINSON** (Koonung) — I address my question to the Minister for Small Business. I note the Bracks government has conducted a review of long service leave that could result in legislative changes. Will the minister seek an exemption for small business from the proposed reduction in the qualifying period for long service leave from 10 years to 7 years?

**Hon. M. R. THOMSON** (Minister for Small Business) — The issue of long service leave is the responsibility of the industrial relations minister, the Honourable Rob Hulls, in the other place. He has been listening to and consulting with both employer groups and trade unions in relation to legislation on this matter. I trust that he will come up with a very balanced and responsive outcome for Victoria as a whole.

### *Supplementary question*

**Hon. B. N. ATKINSON** (Koonung) — The Howard government has created a strong economy which has underpinned small business growth in this state, yet the Bracks government continues to do its best to cut jobs and growth in small business with legislative constraints and unsustainable increases in wages and

entitlements. The minister cannot duck this question of exemptions for small business on government legislation. Is the minister prepared to seek an exemption for small business from long service leave payments being paid to casuals and seasonal workers employed by small businesses?

**Hon. M. R. THOMSON** (Minister for Small Business) — We know that it hurts the opposition that the Bracks government has successfully been able to look after the needs of small business and govern with small business in mind. We have a number of initiatives that demonstrate that. The fact that small businesses voted for us at the last election is proof that they believe that too.

The processes of government will be followed in relation to this, as the honourable member knows, and they will be appropriately followed. Unlike the opposition, we consult in our processes of government and ensure that we are governing for all Victorians and that we are taking into account the needs of Victorians when we make our decisions.

### Consumer affairs: government initiatives

**Hon. R. G. MITCHELL** (Central Highlands) — My question is addressed to the Minister for Consumer Affairs. Can the minister inform the house of how — in contrast to the Howard government's typically short-sighted history of cutbacks for consumer protection initiatives while also renegeing on its promise on the national competition agreement that will cut out \$200 million from the Victorian 2006–07 budget — the Bracks government is continuing to protect and empower consumers, particularly in regional Victoria?

**Mr LENDERS** (Minister for Consumer Affairs) — I thank Mr Mitchell for his question and for his ongoing and enduring interest in looking after the interests of consumers in regional Victoria. As I informed the house previously — —

**Hon. Bill Forwood** interjected.

**Mr LENDERS** — Mr Forwood laughs. Mr Mitchell has been with me through north-eastern Victoria in places such as Alexandra, Seymour and Kilmore and numerous other towns as city by city, town by town we have introduced expanded consumer services in the north-east.

*Honourable members interjecting.*

**The PRESIDENT** — Order! Mr Viney! We are down to the last question. It has not been too bad for the first day of the new sitting, but I ask honourable

members to desist from interjecting, and I ask the minister to finish his answer and in doing so to direct it through the Chair.

**Mr LENDERS** — I certainly will respond through you, President, on the work the Bracks government is doing to expand consumer services in regional Victoria. Consumer Affairs Victoria, in its administration of the Fair Trading Act, has to cover deceptive conduct, and despite the deceptive conduct of the federal government in renegeing on its agreement on national competition policy money, taking it out of the forward estimates and ripping money out of regional Victoria — —

*Honourable members interjecting.*

**Mr LENDERS** — As I have informed the house before regarding regional Victoria, Consumer Affairs Victoria reaches out with compliance, enforcement and education. As I have also informed the house previously, much to the chagrin of Mr Atkinson I remember, we had a group of consumer affairs officials and inspectors in Bendigo asserting consumer rights and ensuring compliance was in place. At the time the house asked when it would happen again.

I am delighted to inform the house that, as we speak, there are 30 consumer affairs inspectors in Shepparton making sure that our consumer laws are being applied. Members opposite knock and ask what it is all about. Already from today we have outcomes. In Shepparton there is one place where 11 petrol pumps have been certified and 3 petrol pumps have been totally rejected. From a consumer perspective these pumps were faulty, because consumers were not getting the product. We already have 42 products that are being tested for potential breach of safety provisions. I have in this house demonstrated some of the products that breach the safety provisions.

We have also had a number of non-compliance issues regarding credit providers, such as travel agents in breach of the travel agency laws. This is about reaching out into communities to enforce laws. Mr Atkinson would probably be aware that we have also had consumer inspectors out in the city of Knox, close to his electorate if not in it.

This is all about our approach to compliance delivery. We have a role where we need to educate consumers and provide information so that they can make informed decisions. We need to protect vulnerable consumers by providing services that are accessible to them. As Mr Mitchell knows, some 29 towns in north-eastern Victoria now have that service, where previously the number was 3. Part of the role of

Consumer Affairs Victoria is to make markets work by dealing with unscrupulous traders through enforcement. Not only does that make unscrupulous traders accountable, it also means that markets work because the scrupulous traders, the fair traders, are protected from the rogue competition.

So, President, we are out there, we are active, we are delivering these services and we are doing it at a time when the federal government is shamelessly slashing funds to Victoria and is shamelessly cutting back on every state and territory in a shonky dodge, and it expects Victoria to deliver services. We will deliver services, we will empower consumers and we will provide information, because we listen and we care.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Minister for Finance) — I have answers to the following questions on notice:  
 1190–1193, 1280, 1287, 1495, 1496, 1499, 1520, 1529, 1530, 1542, 1545, 1546, 1548, 1549, 1554, 1556, 1570, 1571, 1583, 1589, 1593, 1609, 1613, 1618, 1662, 1678, 1696, 1705, 1725, 1738, 1743, 1752, 1756, 1764, 1766, 1777, 1779, 1780, 1782, 1785, 1787, 1804, 1810–1812, 1814, 1824, 1825, 1827, 1829, 1834–38, 1843–51, 1862, 1878, 1882, 1900–1902, 1904, 1908–1910, 1912, 1922–1926, 1938, 1939, 1944–58, 1960–1970, 1972, 2051–2053, 2056, 2061, 2082, 2083, 2125, 2143–2145, 2147, 2151–53, 2155, 2171–81, 2306, 2309, 2310, 2353, 2358, 2376–78, 2380, 2384–86, 2388, 2413–2428, 2431–38, 2538, 2541, 2542, 2583, 2588, 2634–44, 2751–53, 2756, 2760, 2761, 2770, 2773, 2774, 2778, 2779, 2818, 2822, 2840–42, 2844, 2848–50, 2852, 2879–94, 2897–2904, 2985–87, 2990, 2994, 2995, 3004, 3007, 3008, 3011, 3056, 3074–76, 3078, 3082–84, 3086, 3219–21, 3228, 3229, 3238, 3241, 3242, 3252, 3253, 3263, 3266, 3267, 3277–82, 3287, 3288, 3300, 3304, 3306, 3311–13, 3315, 3316, 3318, 3319, 3322, 3326, 3328, 3330, 3335, 3349, 3356, 3364–73, 3375, 3379–83, 3385, 3386, 3388, 3393–95, 3401, 3402, 3404, 3408, 3413–3516, 3518–97.

## MEMBERS STATEMENTS

### Casterton Primary School: Anzac Day awards

**Hon. DAVID KOCH** (Western) — I congratulate the students, teachers and parents at Casterton Primary School for winning in successive years the Victorian primary school section of the Anzac Day Schools

Activity Awards announced recently. The awards are funded under the Australian government's commemoration program called Saluting their Service. The initiative was developed to support schools in commemorating the Anzac tradition and learning about the importance of Australia's wartime heritage in developing our nation.

The awards are open to all Australian primary and secondary schools and are judged on the research undertaken, the understanding of Anzac Day and the involvement of local veterans and Australian Defence Force members.

Anzac Day and Remembrance Day are a large focus for Casterton Primary School, and this year the school based its Anzac Day commemorations on the home front, inviting Returned and Services League members to talk to students, involving them in several activities. The Casterton Primary School received \$500 and a commemorative plaque for its achievement in highlighting the positive aspects of Australia's involvement in war. The school plans to use its prize money to create an Anzac Day memorial in the school gardens. Last year prize money was used to develop a new memorial garden at the school. Again I congratulate and praise the Casterton Primary School community for its achievement in winning this highly sought-after award for a second time.

### **Terrorism: Beslan and Jakarta attacks**

**Ms MIKAKOS** (Jika Jika) — A fortnight ago the first day of the new school year was being celebrated in the Russian town of Beslan when terrorists imprisoned children, parents and staff in the school gymnasium. As a result 322 people, 155 of whom were children, were killed and 700 people were injured. All acts of terrorism are shocking and are to be condemned, but the deliberate targeting of a school is beyond all of our comprehension.

A few days later, on 9 September, a bomb exploded outside the Australian embassy in Jakarta. Nine people, all Indonesian, were killed. Over 150 people were injured. While no embassy staff died, it has been reported that Indonesian security guards and gardeners who were working at the embassy were among the victims.

Whilst I applaud the aid to Indonesia, both government and non-government, in the various forms in which it has been given and the federal police personnel assisting in the investigation, I call on the Australian government to do everything possible to support the families of the Australian embassy workers affected by

the bombing, especially where they have lost their sole breadwinner. This is an opportunity for us to demonstrate our close friendship with the Indonesian people in a concrete way.

I also wish to express my sincere sympathy and sadness to all the victims, their families and the Russian and Indonesian people on their terrible loss.

### **Planning: Mitcham development**

**Hon. B. N. ATKINSON** (Koonung) — The Labor Party is entirely responsible for a monster 14-storey Mitcham residential tower development that is occurring at the Mitcham railway station precinct.

The Minister for Planning in the other place, Mary Delahunty, and the local Labor member for Mitcham, Tony Robinson, say they are disappointed about the issuing of a planning permit for the development by the Victorian Civil and Administrative Tribunal (VCAT). However, actions speak louder than words. The development was designed and approved under Minister Delahunty and the Labor government's planning blueprint — the widely discredited Melbourne 2030 plan.

The minister failed to use powers she has used 84 times in the past year on other developments to stop the Mitcham project. The chairman of the Victorian Civil and Administrative Tribunal, who granted the permit for the Mitcham project — a former Labor state election candidate, Stuart Morris — is actually on public record with his enthusiasm for high-density residential development in suburban areas, and the minister did nothing to prevent this development despite knowing that.

The Labor-controlled Whitehorse City Council failed to properly represent Mitcham residents, because it did not reject the project within the period allowed by legislation, allowing the developer therefore to take it directly to appeal at VCAT and to vary the project. Four councillors at Whitehorse City Council have stood as Labor candidates and therefore seem to have a conflict of interest between their political careers and the interests of the local community. Never mind the cover-ups and disappointment, the Mitcham development is entirely Labor's fault —

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

### Flinders: federal Labor candidate

**Hon. J. G. HILTON** (Western Port) — I would like to use this 90 seconds to briefly talk about our excellent federal candidate in Flinders, Mr Simon Napthine.

Simon is the general manager of Tucks Ridge, a boutique winery on Victoria's Mornington Peninsula. He grew up in Victoria's western district in a family of 10 children, including his brother, Denis. Simon's motivation to serve his community was formed in those years. His father was a local councillor and his mother was the first ever community liaison officer. Simon is totally committed to improving the wellbeing of his community and was motivated by the motto 'Give us the poorest and we'll look after them'.

Simon is running a very strong campaign on such issues as the Howard government's obfuscation of its intentions for Point Nepean, the significant decline in bulk-billing rates on the Mornington Peninsula, the proposed sale of Telstra which is failing to provide an adequate service for significant proportions of the Flinders electorate, the emasculation of Medicare and the development of a university entrance system where the size of your bank balance is more relevant than your IQ. I would like to wish Simon every success in his campaign.

### Australian Trout Foundation

**Hon. E. G. STONEY** (Central Highlands) — The Australian Trout Foundation reports that the foundation was relaunched on 6 August. The ATF web site states that it now has over 400 members and is growing. The web site states:

What is becoming obvious is that there really is a growing public unrest with some of the policies of the Department of Sustainability and Environment and Parks Victoria and just how far they want to go. The policy of closing down access, getting rid of trout and banning this or that is really starting to get up people's noses. It is happening in so many directions that it is hard to keep up with.

It also states:

The situation is if we do not make a stand and a strong one we will lose most of our trout fishing in streams and be restricted to fishing for trout in impoundments.

It goes on to say:

You must ask the question does this mean the end to fishing for trout in our parks?... a branch of parks is publicly lobbying for the use of a banned substance called Rotenone to kill off trout in highland streams. The problem is it kills off the food source in the rivers too. Rotenone is also banned in many countries throughout the world as it is also unsafe to those working with the substance.

... there have been some strong calls for stocking our streams with trout.

...

The bottom line is we need our streams managed and classified as trout fisheries together with solid plans in place to enhance those waters and if stocking is required, do so with the wild trout stocks from those waters.

I encourage people to look at the Australian Trout Foundation web site and to learn more, especially about the plans to destroy trout in our rivers.

### Great Ocean Road: improvements

**Hon. J. H. EREN** (Geelong) — The Bracks Labor government held a community cabinet in the Surf Coast Shire last week, and I was fortunate to attend a number of events in the region during the day. The highlight of the day was obviously the announcement to spend \$13.5 million to make the Great Ocean Road a greater and safer road.

I noticed that Peter McMullen, the Labor candidate for Corangamite, was also there to hear this very good news. He, like many others, was also very pleased to see the Bracks Labor government again make roads safer in Victoria by this massive injection of funds.

The funding includes \$10.4 million from the Transport Accident Commission's Arrive Alive safer roads program to improve an 88-kilometre stretch of the road from Torquay to Apollo Bay and \$1.5 million to strengthen and smooth the road surface at five sites along the road.

The money will pay for guardrails, reflective guideposts, warning signs and improved line marking. The state government will work with local communities along that great stretch to ensure a maximum benefit for all. The Great Ocean Road is not only an Australian icon, it is a world icon, and I believe this funding will make it even greater.

It is also worth mentioning that it was the 48th community cabinet held in Victoria since the Bracks Labor government was elected in 1999. This is an indication that this government cares for all Victorians.

### Fernlea House: funding

**Hon. A. P. OLEXANDER** (Silvan) — Today I am privileged to congratulate a wonderful group of community volunteers who are establishing vital inpatient care services for the terminally ill and their families in the outer eastern region of Melbourne. The Fernlea House group has been campaigning for four years for financial assistance from the government to

establish a 24-hour hospice for terminally ill people. Repeated applications and petitions have all been denied by the Bracks government.

In late July this year, in what is a huge step forward, the group took possession of a property in Emerald which will be used to provide part-time respite and support services to families in the region who are caring for terminally ill loved ones.

Group president, Jan Lancaster, and her team deserve our heartfelt thanks, congratulations and encouragement for their achievements to date. More, however, remains to be done. The Fernlea House group needs support and further assistance to turn their dream into a reality. Volunteers are needed to help with respite care and to maintain the house and grounds. Donations of money, equipment and practical needs for the day centre are also needed.

Today I appeal for that help from community members and encourage them to contact my office in Olinda to register their willingness to volunteer or their ability to donate money or vital practical items for Fernlea House. Any donation is welcome and will be gratefully received by Jan Lancaster and her amazing team of community volunteers.

### **Barwon Heads Football and Netball Club**

**Ms CARBINES** (Geelong) — Recently I had the pleasure of visiting Barwon Heads with the Minister for Environment, John Thwaites, my colleagues John Eren and the member for South Barwon in another place, Michael Crutchfield, and the ALP candidate for Corangamite, Peter McMullen, to inspect the construction site of the new joint facility for the Barwon Heads Football and Netball Club and Barwon Coast.

Over the last three years I have chaired a committee of representatives from the Barwon Heads club, Barwon Coast, the City of Greater Geelong, the Barwon Heads Association, the Wathaurong people and the Department of Sustainability and Environment to finally resolve, for all time, both the location and the provision of appropriate facilities for the club.

This important local issue was totally ignored by the former Kennett government, which allowed not only for the club's facilities to become completely run down but also for the rendering of its future to be totally insecure.

I am absolutely delighted that the Bracks government has put in more than \$1 million to this most important project that will see an environmentally sustainable, multipurpose facility built for the joint use of the

Barwon Heads Football and Netball Club and Barwon Coast.

This is yet another fine example of the Bracks government supporting local communities, and I congratulate all committee members for their work to bring about this excellent result for Barwon Heads.

### **Roads: grain truck limits**

**Hon. J. A. VOGELS** (Western) — I am very concerned with the attitude of VicRoads, as it applies load tolerances for grain trucks whilst loading in field during harvest time. The variances in grain weight based on grain density, moisture content and temperature make it impossible to accurately load grain on farms without an on-site weighbridge, which is clearly ridiculous.

I would therefore ask that the minister permit a new load limit scheme similar to the one in Queensland, where farmers and transport operators have a tolerance level over regulated mass limits for grain trucks. I believe this to be about 7.5 per cent.

This matter is urgent, as the grain harvesting season is nearly upon us, and farmers have enough problems without the big-stick approach from VicRoads during the harvest season.

Farmers are more than mindful of the importance of protecting their local road systems from further damage by not overloading as their families commute on the system from the farm businesses to schools and shopping et cetera on a daily basis and are dependent upon them.

Recognition of the difficulties of in-field loading for grain farmers needs to be addressed by the state government in conjunction with the grain industry. I ask the Minister for Transport to take a commonsense approach to this predicament and to take immediate steps to remedy the situation.

### **Bayswater Primary School: hall**

**Hon. C. D. HIRSH** (Silvan) — Last week I had the pleasure of attending the opening by the Premier of the new school hall at Bayswater Primary School. It was a great event and a great occasion. This year the school is celebrating its 125th anniversary. It started out in 1879 in a wooden building with four rooms — very small rooms — and is now a very well equipped state primary school offering a comprehensive education to local primary students.

The hall is state of the art, contributed to by the state government and by local parents, who do an amazing job. Any member who would like to donate \$20 will receive a tile which will be in the grounds with their name on it. That would be very much appreciated by the school, and I am sure it would be a good idea for everyone to look at doing that.

Even in the last five years the buildings have been modernised, updated and upgraded so that the students now work in a very pleasant environment. There are no more of the old open fires with only those students who got there early getting near the fire; the rooms are comprehensively comfortable as far as temperature goes, and working conditions are excellent.

### **Water: Wimmera–Mallee pipeline**

**Hon. B. W. BISHOP** (North Western) — I congratulate the federal coalition on coming up with the correct amount of funding for the completion of the Wimmera–Mallee pipeline. This contribution of \$167 million is a third of the cost of the project and has been a model successfully used to complete the northern section of the pipeline.

The Bracks government has played politics with this project from day one, and it ought to be thankful to John Forrest, The Nationals federal member for Mallee, who has enthusiastically driven this project in Canberra and has now realised his lifetime target of securing commonwealth funding to finish the project.

The communities in the area will well remember the political games played by the Bracks government — grandstanding a short while ago and announcing that it would put up \$125 million and calling on the commonwealth to do the same. Well it got caught. How did it get caught? It changed the rules, as \$125 million would fund only a quarter of the project so the Bracks government would leave the communities hanging out to dry, having to pick up half of the cost, which would put huge pressure on the sustainability of the project.

Now with the commonwealth playing its part, putting up its third, the Bracks government is caught. I call on it to stop being petulant, stop whingeing and stop moaning and to come up with its share of the money required to complete this worthwhile project.

### **Family Violence Week**

**Mr SCHEFFER** (Monash) — I wish to congratulate police commissioner Christine Nixon and her team at Victoria Police, the Minister for Women's Affairs, Mary Delahunty, and the Minister for Police and Emergency Services, André Haermeyer, for the

production of the Code of Practice for the Investigation of Family Violence, which was officially launched at the Melbourne town hall on 31 August.

The code of practice was developed in consultation with specialist family violence service providers and gives police more options to help family violence victims and to take an independent view in assessing family violence incidents and investigating them in the same way as they would any other crime. Under the code, police will act to make offenders accountable, treat the safety of women and children as most important and make sure that the needs of children are considered separately to those of both parents. Police will focus more on evidence gathering, arrest and prosecution.

Family violence is overwhelmingly perpetrated by men on women and children. It is critically important that men play an active role in signalling to other men that physical and psychological violence is always unacceptable and that offenders must be held to account.

Family violence costs the community dearly. It is an abuse that must be stopped. The role of the police is critically important in both preventing and dealing with family violence. Acting on reports of family violence, how they manage an incident, how they investigate it and deal with those involved and what they do with offenders are all matters of great sensitivity. The code will greatly assist in reducing the incidence of family violence in Victoria.

### **Wild dogs: control**

**Hon. PHILIP DAVIS** (Gippsland) — I wish to congratulate farmers in East Gippsland and north-eastern Victoria for their persistent campaigning to which the Minister for Environment, the Honourable John Thwaites in another place, has responded, in respect of maintaining the effort in controlling wild dogs.

I was pleased to be with the Minister for Environment in his capacity as Minister for Water last Friday in East Gippsland. What I was more pleased about was that on that visit to the East Gippsland area he announced the continuation of the doggers who were employed as part of the bushfire recovery program, because wild dogs have been a major threat to the viability of farming communities in the areas of East Gippsland and north-eastern Victoria.

However, the campaign of the 2000 people who have signed petitions and the dozens who have been into my

office and others who have written letters, while successful to date, does not solve the long-term problem. We should not rest until we find alternative remedies to deal with the explosion in wild dog numbers in eastern Victoria.

### **Synchrotron project**

**Mr VINEY** (Chelsea) — On 12 August I had the pleasure of joining the Premier and the Minister for Innovation at the site of the Australian Synchrotron in Clayton for the announcement of an additional \$5 million in funding from the New Zealand government towards the development of the beam lines. The announcement brings to over \$25 million the funding for the beam lines in the synchrotron from organisations like the CSIRO and Melbourne and Monash universities. In fact over half of the funding that is required for the initial suite of 9 to 12 beam lines is well ahead of schedule.

It was exciting to be at the site and see the enormous progress that has been made in the development of the national synchrotron at Clayton. It is a very important part of Victoria's ongoing infrastructure for our innovation economy. It will be extremely important in biomedical research, and it is exciting to see how the construction has progressed. I welcome the additional funding for the project.

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

### **Bradken Wodonga**

**Hon. W. R. BAXTER** (North Eastern) — I want to take the first opportunity on the resumption of the sitting to draw the attention of the house to the fact that on 30 July Bradken Wodonga celebrated 50 years of manufacturing in the heavy steel industry in Wodonga. I think it is worth reflecting for a moment on the fact that when the then Bradford Kendall came to the town in 1954 Wodonga must have been a very small town indeed. It was something of a coup to have a major heavy industry locate in rural Victoria.

The company has in fact been something of an unsung hero since, in that it has quietly gone about its business and now employs more than 200 personnel to make heavy engineering equipment for some of the leading names in Australia, such as Pacific National, Caterpillar and Kenworth. It recycles scrap steel, old railway lines, steel wheels from railway wagons and the like, and it is very much a recycling industry. It has a tremendous record of workplace safety as well. I was pleased to be in attendance for the celebrations, along with a former

Premier of New South Wales, the Honourable Nick Greiner, who is a director of the company.

I pay particular tribute to the manufacturing manager, Zeno Katschmarsky, who came to Bonegilla migrant centre with his family. He has worked for the company for nearly 40 years and has worked his way to the top. Well done, Zeno!

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

## **PETITIONS**

### **Anxiety Disorders Association of Victoria: funding**

**Hon. RICHARD DALLA-RIVA** (East Yarra) presented petition from certain citizens of Victoria praying that the Victorian government provide financial assistance to Anxiety Disorders Association of Victoria (ADAVIC) to ensure the continued vocation and objectives of the association (92 signatures).

Laid on table.

### **Motor registration fees: concessions**

**Mr VINEY** (Chelsea) presented petition from certain citizens of Victoria requesting that the Victorian government immediately abandon the introduction of the new motor vehicle registration fee on low and fixed income people (16 signatures).

Laid on table.

### **Corangamite: internal boundaries**

**Hon. J. A. VOGELS** (Western) presented petition from certain citizens of Victoria praying that the Victorian government support the current position of five two-councillor wards for the Corangamite shire (67 signatures).

Laid on table.

### **Wild dogs: control**

**Hon. PHILIP DAVIS** (Gippsland) presented petition from certain citizens of Victoria requesting that the Victorian government and the Minister for Agriculture provide funding to employ at least two additional permanent bushfire recovery task force dog trappers in Gippsland (230 signatures).

Laid on table.

**Wild dogs: control**

**Hon. PHILIP DAVIS (Gippsland)** presented petition from certain citizens of Victoria requesting that financial arrangements be put in place to meet the employment costs of additional permanent bushfire recovery task force dog trappers at Tallangatta, Corryong and the Upper Murray area of north-east Victoria (510 signatures).

Laid on table.

**Motor registration fees: concessions**

**Hon. W. A. LOVELL (North Eastern)** presented petition from certain citizens of Victoria requesting that the Victorian government abandon the proposal to increase the cost of car registration for Victorian pensioners by \$78.50 as it will detrimentally impact upon those who are financially unable to pay by jeopardising their freedom of movement, removing their independence and diminishing their quality of life (214 signatures).

Laid on table.

**Seymour District Memorial Hospital : obstetric services**

**Hon. D. McL. DAVIS (East Yarra)** presented petition from certain citizens of Victoria praying that obstetric services be restored and a full inquiry into the treatment of doctors at Seymour District Memorial Hospital be conducted as soon as possible (493 signatures).

Laid on table.

**Kelletts Road, Rowville: duplication**

**Hon. B. N. ATKINSON (Koonung)** presented petition from certain citizens of Victoria requesting that urgent action be taken to upgrade and duplicate the section of Kelletts Road between Taylors Lane and the Napoleon Road intersection due to serious capacity and safety problems (902 signatures).

Laid on table.

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE****After-hours and bulk-billing general practitioners**

**Mr SMITH (Chelsea)** presented report, together with a minority report, extracts from the proceedings of the committee and minutes of evidence.

Laid on table.

**Ordered that report, minority report and extracts from the proceedings be printed.**

**Mr SMITH (Chelsea)** — I move:

That the Council take note of the report.

In doing so I start by thanking the executive officer of the joint parliamentary committee, Mr Paul Bourke, and his staff who have been extraordinarily helpful and committed to this inquiry. I have to say it was a difficult inquiry given the very different views and opinions of the committee itself. It goes without saying that the conservatives opposite have a very different view to those on this side. That is to be expected. Evidence of that disagreement can be found in the minority report which has been submitted by the Honourable David Davis.

I have to say that anything in Mr Davis's report is automatically devalued by the fact that he attended 29 of the 40 hearings and meetings that we had. So much for commitment from those conservatives opposite! He says that he cares about Victorian health. But I suggest that he cares as much about Victorian health as the rest of his conservative mates do about public health in general.

In our report we state quite clearly that nearly all the health clinics that we spoke to reported on the decline in access to after-hours general practitioners and those practitioners who bulk-bill and the consequent massive increase in the number of ordinary citizens attending emergency departments to access services. We do not suggest for one moment that everyone who turns up at an emergency department should not be there, but clearly the evidence shows that a significant number of people who are clogging the system as a result should not in fact be going to emergency departments.

This is clearly the result as this report indicates — in fact, proves — of inadequate funding and servicing from the federal government. It is fixated on Medicare and bulk-billing. It has no idea what it is doing. That is

the bad news. The good news is that the report gives them some clear advice and recommendations as to how they should proceed and will in fact be of enormous benefit to the Victorian health system and Victorians in particular.

I would like to suggest that if the Howard government cannot see the light, I am sure the incoming Latham government will. This is a very comprehensive and in-depth report that will be enormously helpful for any local member who wants to do something about assisting their local constituents, and I am sure the Minister for Health in the other place will get some real and constructive ideas as to how to improve the system. I commend this report to the house.

**Hon. D. McL. DAVIS** (East Yarra) (*By leave*) — I appreciate the opportunity to make some comment on this report. The two Liberal members of Parliament on the committee, the member for Caulfield in the other place, Helen Shardey, and I as well as the National Party member in the other house, Jeanette Powell, were very disappointed about the need to write a minority report on this inquiry.

It is true that this is one of the most political inquiries that we have ever been given. Unfortunately, it was an inquiry where despite the best efforts of the staff of the committee, who worked tirelessly and did a great deal of excellent work behind the scenes, the terms of reference were written in such a partisan and political way at the start that it made it difficult to get a balanced and fair set of evidence before us.

Unfortunately that was also complicated by the difficulties faced by the Liberal and Nationals members of the committee when evidence was blocked and our requests to take evidence at a number of sites around the state were blocked on party lines by this committee. The inquiry's work was also complicated by the failure to take evidence from Andrew Dent at St Vincent's Hospital, the failure to consider the Auditor-General's report on emergency department demands and the failure to invite Dr Peter Archer to give proper evidence to the committee on the impact of mental health and drug and alcohol patients on emergency departments in areas like Maroondah Hospital and the outer east of Melbourne. The attempt by Liberal and National Party members to incorporate sensible additional sections in this report was also blocked.

The key thing, though, is that the evidence that eventually came to the inquiry did not support the central contention. I make one point: the bulk-billing rate has increased by 3.9 per cent since January, and

there has been a 4.7 per cent increase in the hospital waiting list over a similar period.

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

**Motion agreed to.**

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest No. 6*

**Ms ARGONDIZZO** (Templestowe) presented *Alert Digest No. 6 of 2004, together with appendices.*

**Laid on table.**

**Ordered to be printed.**

### *Alert Digest No. 7*

**Ms ARGONDIZZO** (Templestowe) presented *Alert Digest No. 7 of 2004, together with appendices.*

**Laid on table.**

**Ordered to be printed.**

## PAPERS

**Laid on table by Clerk:**

Auditor-General —

Annual Plan, 2004-05.

Report on Public Sector Agencies: results of special reviews and other studies, August 2004.

Ballaarat General Cemeteries Trust —

Minister for Health's report of failure to submit report for 2003 to the Minister within the prescribed period and the reasons therefor.

Minister for Health's report of receipt of 2003 report.

Commonwealth Games Arrangements Act 2001 —  
Commonwealth Games Venue and Project Orders, pursuant to section 18 of the Act (2 papers).

Crown Land (Reserves) Act 1978 —

Minister's Order of 1 June 2004 giving approval to the granting of a lease at Mt Warrenheip Preservation of Species of Native Plants Reserve.

Minister's Orders of 8 June 2004 giving approval for the granting of a lease at Albert Park Reserve and a licence at Seaford Foreshore Reserve (two papers).

Drugs, Poisons and Controlled Substances Act 1981 — Standard of the Uniform Scheduling of Drugs and Poisons, No. 19, Amendment No. 1, 1 September 2004 and Minister's notice regarding the amendment, commencement and availability of the Poisons Code.

Environment Protection Act 1970 — Order in Council of 27 July 2004, declaring the Waste Management Policy (Solid Fuel Heating).

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 64.

Notice pursuant to section 32(4)(a)(iii) in relation to the Building Code of Australia 2004.

National Parks Act 1975 — Minister's notices of consent to the conduct of gold exploration in Chiltern-Mt Pilot National Park (two papers).

Parliamentary Committees Act 2003 — Attorney-General's response to recommendations of Law Reform Committee's report on Forensic Sampling and DNA Databases in Criminal Investigations.

Parliamentary Officers Act 1975 — Statement of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 2003-2004 (9 papers).

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

Alpine Resorts Planning Scheme — Amendment C9.

Ballarat Planning Scheme — Amendments C53 (Part 2), C67 (Part 2) and C72.

Banyule Planning Scheme — Amendments C38 (Part 2) and C42.

Bass Coast Planning Scheme — Amendment C26.

Baw Baw Planning Scheme — Amendments C26, C28 and C29.

Bayside Planning Scheme — Amendments C31 and C36.

Bendigo — Greater Bendigo Planning Scheme — Amendment C41.

Boroondara Planning Scheme — Amendment C41.

Brimbank Planning Scheme — Amendments C49, C58 and C65.

Campaspe Planning Scheme — Amendment C30.

Cardinia Planning Scheme — Amendments C28, C31 and C56.

Casey Planning Scheme — Amendment C48 (Part 1).

Corangamite Planning Scheme — Amendments C7 and C8.

Dandenong — Greater Dandenong Planning Scheme — Amendments C49 and C52.

Darebin Planning Schemes — Amendments C50 and C51.

East Gippsland Planning Scheme — Amendments C27, C29 and C34.

Geelong — Greater Geelong Planning Scheme — Amendments C58, C84 and C95.

Glenelg Planning Scheme — Amendments C13 and C15.

Hepburn Planning Scheme — Amendments C12, C23 and C24.

Hume Planning Scheme — Amendments C52 and C57.

Kingston Planning Scheme — Amendments C8, C39 and C42.

La Trobe Planning Scheme — Amendments C10, C31 and C33.

Macedon Ranges Planning Scheme — Amendments C20, C23 and C38.

Manningham Planning Scheme — Amendments C42 and C44.

Maribyrnong Planning Scheme — Amendments C17 (Part 2), C21, C37, C39, C45 and C46.

Maroondah Planning Scheme — Amendment C34.

Melbourne Planning Scheme — Amendments C71, C77, C78 and C91.

Melton Planning Scheme — Amendments C27, C34 and C45.

Monash Planning Scheme — Amendment C37.

Moonee Valley Planning Scheme — Amendments C36, C45, C56 and C58.

Moreland Planning Scheme — Amendments C53 and C54.

Mornington Peninsula Planning Scheme — Amendment C70.

Murrindindi Planning Scheme — Amendments C8 and C15.

Nillumbik Planning Scheme — Amendment C32.

Northern Grampians Planning Scheme — Amendment C8.

Port Phillip Planning Scheme — Amendment C36.

Pyrenees Planning Scheme — Amendment C7.

Shepparton — Greater Shepparton Planning Scheme — Amendments C23 (Part 1), C39, C40 and C51.

South Gippsland Planning Scheme — Amendment C29.

- Stonnington Planning Scheme — Amendments C5 (Part 1) and C6 (Part 2A).
- Surf Coast Planning Scheme — Amendments C6 and C10.
- Swan Hill Planning Scheme — Amendments C14 and C15.
- Victoria Planning Provisions — Amendments V5 and VC24 to VC27.
- Whitehorse Planning Scheme — Amendment C43 (Part 2).
- Whittlesea Planning Scheme — Amendments C27, C35, C43 (Part 2), C57 and C65 (Part 1).
- Yarra Planning Scheme — Amendments C53 and C54.
- Yarra Ranges Planning Scheme — Amendments C16 (Part 1), C23 and C35 (Part 1).
- Port Services Act 1995 — Certificate excluding Regulations from the operation of Part 2 of the Subordinate Legislation Act 1994, pursuant to section 184(3) of the Act.
- Prevention of Cruelty to Animals Act 1986 — Revocation of the Code of Practice for the care and use of animals for scientific procedures.
- Retail Leases Act 2003 — Minister's determinations of 9 September 2004 relating to premises not constituting retail premises, pursuant to section 5(1)(c) of the Act.
- Statutory Rules under the following Acts of Parliament:
- Building Act 1993 — No. 79.
- Chattel Securities Act 1987 — No. 87.
- Child Employment Act 2003 — No. 60.
- Confiscation Act 1997 — No. 57.
- Control of Weapons Act 1990 — No. 62.
- Corrections Act 1986 — No. 108.
- County Court Act 1958 — No. 72.
- Court Security Act 1980 — No. 95.
- Crimes Act 1958 — Nos. 56, 66 and 109.
- Drugs, Poisons and Controlled Substances Act 1981 — Nos. 59 and 68.
- Electricity Safety Act 1998 — No. 58.
- Evidence Act 1958 — No. 65.
- Fair Trading Act 1999 — No. 110.
- Fisheries Act 1995 — No. 106.
- Forests Act 1958 — No. 77.
- Freedom of Information Act 1982 — No. 74.
- Gambling Regulation Act 2003 — No. 78.
- Intellectually Disabled Persons' Services Act 1986 — No. 107.
- Magistrates' Court Act 1989 — No. 94.
- Marine Act 1988 — No. 80.
- Medical Practice Act 1994 — No. 104.
- Monetary Units Act 2004 — No. 88.
- Nurses Act 1993 — No. 101.
- Occupational Health and Safety Act 1985 — No. 105.
- Parole Orders (Transfer) Act 1983 — No. 75.
- Pharmacist Act 1974 — No. 102.
- Planning and Environment Act 1987 — No. 97.
- Port Services Act 1995 — No. 81.
- Prevention of Cruelty to Animals Act 1986 — Nos. 63 and 64.
- Prisoners (Interstate Transfer) Act 1983 — No. 76.
- Road Management Act 2004 — No. 84.
- Road Safety Act 1986 — Nos. 82, 83, 85 and 86.
- Rural Finance Act 1988 — No. 103.
- Subdivision Act 1988 — No. 98.
- Subordinate Legislation Act 1994 — Nos. 61, 69 to 71, 91, 93 and 99.
- Supreme Court Act 1986 — No. 100.
- Tertiary Education Act 1993 — No. 67.
- Transport Act 1983 — No. 90.
- Treasury Corporation of Victoria Act 1992 — No. 92.
- Victorian Civil and Administrative Tribunal Act 1998 — No. 73.
- Wildlife Act 1975 — No. 96.
- Zoological Parks and Gardens Act 1995 — No. 89.
- Subordinate Legislation Act 1994 —
- Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 61, 69 to 72, 85 to 87, 89, 90, 95 and 100.
- Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 59, 60, 68, 82 to 85, 90 to 92, 94, 97, 98, 101 to 104, 106 and 108 to 110.
- Water Act 1989 — Minister's Order declaring a Water Supply Protection Area (Groundwater) for Glenelg.
- Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Accident Compensation and Transport Accident Acts (Amendment) Act 2003 — Sections 6 and 13 and Parts 3 and 5 — 1 September 2004 (*Gazette No. G35, 26 August 2004*).

Ambulance Services (Amendment) Act 2004 — 3 August 2004 (*Gazette No. G32, 29 July 2004*).

Animals Legislation (Animal Welfare) Act 2003 — Remaining provisions of Part 4 — 24 June 2004 (*Gazette No. G26, 24 June 2004*).

Gambling Regulation Act 2003 — Remaining provisions (other than sections 12.1.5 and 3.5.35) — 1 July 2004 (*Gazette No. G27, 1 July 2004*).

Health Services (Supported Residential Services) Act 2004 — Sections 5, 10, 11 and 20 — 1 September 2004 (*Gazette No. S189, 1 September 2004*); sections 1, 2 and 3 — 7 September 2004 (*Gazette No. S196, 7 September 2004*).

Local Government (Democratic Reform) Act 2003 — Sections 53, 57 to 60, 62, 63 and 70 — 31 July 2004; section 81 — 20 August 2004 (*Gazette No. G31, 29 July 2004*).

Marine (Amendment) Act 2004 — Remaining provisions — 1 July 2004 (*Gazette No. G27, 1 July 2004*).

Mitcham-Frankston Project Act 2004 — Sections 3, 4, 5, 6, 7, 9, 13 and 14, Part 3, Part 4 (except Division 2), Division 1 of Part 5, Division 1 of Part 6, Divisions 1 and 8 of Part 10 and sections 255, 256, 257 and 261 — 1 July 2004 (*Gazette No. S148, 25 June 2004*).

Primary Industries Legislation (Miscellaneous Amendments) Act 2004 — Remaining provisions — 1 July 2004 (*Gazette No. G26, 24 June 2004*).

Professional Standards Act 2003 — 8 June 2004 (*Gazette No. S128, 8 June 2004*).

Racing and Gaming Acts (Amendment) Act 2004 — Part 2 — 1 August 2004 (*Gazette No. G30, 22 July 2004*).

Sustainable Forests (Timber) Act 2004 — Division 1 of Part 4, section 95(1) and Schedule 1 and Part 3, Divisions 3 and 4 of Part 4, Part 5, Division 1 of Part 6, Part 8, Part 9, section 96, remaining provisions of Part 11 (except for sections 100(2) and 109) and section 130 — 1 August 2004 (*Gazette No. G31, 29 July 2004*).

Victorian Qualifications Authority (National Registration) Act 2004 — Remaining provisions — 1 July 2004 (*Gazette No. G27, 1 July 2004*).

## NOTICES OF MOTION

### Notices of motion given.

#### Hon. C. D. Hirsh having given notice of motion:

**Hon. P. R. Hall** — On a point of order, Deputy President, I question the form of the notice of motion. It appears to me, on listening to the motion, that it contains a lot of opinion and debate and that it is certainly not in the form of the usual notices of motion put before the house for the house to have the

opportunity to debate some of the issues. I ask whether in your view the form of this notice of motion conforms with the generally accepted form of notices of motion presented in the chamber.

**The DEPUTY PRESIDENT** — Order! As I understand it, it is normal to have the motions checked before they come to the house. Whereas in the past motions have been put that contained some degree of opinion and debate, I can undertake to have the motion being put by Ms Hirsh checked for conformity with the motions put to the house.

**Hon. P. R. Hall** — I thank you for that ruling. I understand from the ruling that neither you as Chair nor the clerks have had access to this motion and checked it for its conformity to the normal forms of such a motion but you have given an undertaking that you are intending to do so.

**The DEPUTY PRESIDENT** — Order! It is usual but not compulsory, so it is not required that the Clerk or the President see every motion, but given the point of order that has been raised, it can be checked.

**Hon. Philip Davis** — On a further point of order, Deputy President, I just took it for granted that Ms Hirsh had actually sought advice to satisfy herself that the motion is in order. I am a little nonplussed as a result of the point of order that my colleague the Leader of The Nationals has raised and your response, Deputy President. It would seem to us that if the notice of motion does not conform with what is required, we have something a dilemma: the member will have given notice of a motion which is non-conforming. I was somewhat bemused as I was listening to the notice being given. I presumed that I would have erred in taking a point of order, assuming that it had previously been dealt with. I suggest that the motion is flawed in its construction.

I understand the intent of the honourable member, and I agree that this is a place where we should have that debate. I am quite willing to have a debate about the issues she is raising, but in terms of the way that a range of opinions are being expressed in the notice of motion we have something of a dilemma. It might be more appropriate if Ms Hirsh were at this point to discontinue giving notice to take some further advice and then give notice at the next available opportunity, perhaps.

**Mr Viney** — On a point of order, Deputy President, notices of motion in this house have had all sorts of expressions of opinion and condemnation of different people and governments from time to time, and I am disappointed that members of the opposition have taken

points of order and interrupted the honourable member who has yet to complete reading her notice of motion. I would think it would be a normal courtesy of the house to allow the member to complete reading the notice of motion.

That does not present any dilemma if the President at a later date gives some advice to the house about particular wording of the notice of motion. As you have already indicated, Deputy President, there is no compulsion on members to present a notice of motion before presenting it to the chamber, and I think it would be imperative that we allow the member to complete reading her notice of motion. If, at a subsequent time, the President is concerned by some of the wording, then I am sure she can advise this house and the member.

**Hon. Philip Davis** — On the point of order, Deputy President, I was in fact trying to be helpful to the Chair and the member, to be quite candid, because I see the dilemma in these terms: if the member completes reading her notice of motion, the house has only one option if it is uncomfortable with the way it has been expressed — that is, to seek the Chair to rule it out of order. I think the Chair would have a difficulty ruling the motion out of order. It has a dilemma in doing this because the Chair does not have the motion in front of it in detail, and therefore it would be a very difficult ruling for it to make, in my view. What I am trying to do is to assist the Chair by creating an opportunity — —

**Hon. C. D. Hirsh** — You are trying not to get the motion up.

**Hon. Philip Davis** — I will take up the interjection even though I am talking to a point of order. I am quite happy to have a debate on the principle. I am not concerned about that. The issue here is that this motion appears to be improperly worded, and if the member insists on continuing, I will seek that the motion be ruled out of order.

**Mr Scheffer** — On the point of order, Deputy President, the only observation I would make after having listened to what the members of the opposition have said is that as far as I have heard it, the motion expresses an opinion. I agree with Mr Viney that there have been any number of motions in the house that have expressed opinions of all sorts. I believe the opposition really needs to make a further case before anything can be found in its favour.

**Hon. C. D. Hirsh** — The only opinion expressed in the notice of motion is that a series of communities in the electorate of Silvan deserve a range of services.

That of course is an opinion, and perhaps I could remove that opinion from the notice of motion.

**The DEPUTY PRESIDENT** — Order! It is not in order for the Honourable Carolyn Hirsh to debate the point of order.

On Mr Viney's point of order, it is the case that motions before the house often express different opinions within them, and it is my view that the house should hear the remainder of the motion. If it is in order — and I will examine it during the afternoon — it will appear on the notice paper tomorrow. If it is not in order and does not comply with the forms of the house, the Chair can order that those parts of the motion not conforming be omitted.

**Further notices of motion given.**

## BUSINESS OF THE HOUSE

### Program

**Mr LENDERS** (Minister for Finance) — I move:

That, pursuant to sessional order 20, the order of the day, government business, relating to the following bill be considered and completed by 4.30 p.m. on Thursday, 16 September 2004:

Sex Offenders Registration Bill

I am moving a government business program motion for a single bill. If I could be absolutely transparent to the house, it is the intention of the government if a further three bills come out of the Assembly during the current week, that we would seek to add them to the business program later in the week, because they are urgent bills that the government seeks to have passed. Those bills are the Parliamentary Salaries and Superannuation (Amendment) Bill, the Water Industry (Environmental Contributions) Bill and the Gambling Regulation (Amendment) Bill.

We are seeking this program so we can get this legislation through the house this week. We have scheduled four ministerial statements, and while they do not appear in this program, they clearly outline where the government is going in a number of areas, and as there are four key pieces of legislation that have an urgency, I encourage the adoption of this motion.

**Hon. PHILIP DAVIS** (Gippsland) — The Leader of the Government has turned a serious legislative chamber into a farce. We have come back from the three months of the winter recess with no legislation on the notice paper. The government has advised that the

three principal bills which were to be dealt with this week have not yet even been considered in the Assembly.

The upper house is a house of review. It is absolutely outrageous for the government to introduce a government business program and advise, even before legislation has been considered in the Assembly, that it intends to use its numbers in this place to amend the business program and by guillotine or gag force through this house within a week legislation that will have a very serious impact on the society in which we live.

It is the tradition of this place that oppositions accommodate governments with urgent legislation when there is a serious and significant community imperative for it to be dealt with. In the past, including during this Parliament, notwithstanding the restrictive rules in this place, we have seen the opposition facilitating the urgent passage of certain bills because the government has made a request and put forward a reasonable case as to their urgency. The government has not made any case at all as to the importance of this legislation or, more to the point, explained why it is that its ineffectual management of the legislative program should lead us to this point when the reality is that after a three-month absence we have no legislation before us to consider this day and there is the probability that we will be here on Friday. It makes a complete mockery of the government's rhetoric about imposing order on the Parliament and putting in place rules of debate to create family-friendly hours. How family friendly can it be for country members of Parliament to face the prospect of being here on Friday when usually on Fridays they are spending time in their electorates, presumably with their families?

The whole charade of the government business program demeans the house, and it demeans the Leader of the Government, because the reality is that we now take more time in this place to consider legislation because of the ham-fisted way of working to rule that is the philosophical ethos of the labour movement. Setting in place a prescriptive regime of adhering to the arbitrary dictum of the Leader of the Government in this place has created a circus whereby we cannot have proper cooperation when discussing the government business program. The government simply tells the opposition what it intends to do whether the opposition likes it or not, and although the sessional orders provide for some discussion before the government business program is adopted each week — that is, the Leader of the Government discusses it with the leaders of the other parties — the reality is that that discussion is nothing more than advice to the other parties about

what the government intends to do regardless of whether or not we agree.

We have got to the point where the government business program should be abandoned. There should be a return not to the good old days but to a level of courteous cooperation so that the legislative process for which we were elected to this place by our constituents is put into effect in a more meaningful way. It is an outrage, and we are getting errors in legislation time and again because it is being rushed through two houses of Parliament.

**Hon. P. R. HALL** (Gippsland) — I concur with the comments made by the Leader of the Opposition. In some ways the Leader of the Government might even agree with some of those points, because it is a far-from-satisfactory situation to have to come back to the Parliament for a week of sitting when there are no pieces of legislation on the notice paper for Tuesday, 14 September.

I agree with the Leader of the Opposition that there is always a willingness on the part of the opposition parties in this chamber to assist the government in getting through what it needs to get through in any week. When the Leader of the Government moved the motion, stated the business program for the week and embellished it with amendments foreshadowed for later in the week, he must have felt a bit embarrassed about it too, because it makes a farce of the government business program process that has been adopted in this chamber. We would all save face if we did not have to go through what we just went through in the last 6 or 7 minutes.

I agree with the comments made by the Leader of the Opposition that this is a far-from-satisfactory situation. On the other hand I say this: we in The Nationals are not in the business of being here unnecessarily, and I sincerely hope business can be transacted in an orderly fashion throughout the course of this week so we are not here on Friday. Certainly from the point of view of members of The Nationals, we are not desirous of being here for another week purely because of the process of bringing in legislation that has to be dealt with by the chamber.

If we were a business organisation we would be condemned for our inefficiency and our lack of planning and preparation for the week's work that is ahead of us. We would be soundly condemned out there. Let us get on with the business. We will try to make it as efficient as we can during the course of the week, and the government will have our cooperation in

trying to get these matters through, but let us see if we can improve this process from here on in.

**House divided on motion:**

	<i>Ayes, 26</i>
Argondizzo, Ms	McQuilten, Mr
Baxter, Mr	Madden, Mr
Bishop, Mr	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Carbines, Ms	Nguyen, Mr
Darveniza, Ms ( <i>Teller</i> )	Pullen, Mr
Drum, Mr	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hall, Mr ( <i>Teller</i> )	Smith, Mr
Hilton, Mr	Somyurek, Mr
Hirsh, Ms	Theophanous, Mr
Jennings, Mr	Thomson, Ms
Lenders, Mr	Viney, Mr

	<i>Noes, 14</i>
Atkinson, Mr ( <i>Teller</i> )	Koch, Mr
Bowden, Mr ( <i>Teller</i> )	Lovell, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr

	<i>Pair</i>
Buckingham, Ms	Forwood, Mr.

**Motion agreed to.**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

**Membership**

**Mr LENDERS** (Minister for Finance) — By leave, I move:

That the Honourable Andrew Brideson be a member of the Scrutiny of Acts and Regulations Committee.

**Motion agreed to.**

**LAW REFORM COMMITTEE**

**Membership**

**Mr LENDERS** (Minister for Finance) — By leave, I move:

That the Honourable David Koch be a member of the Law Reform Committee.

**Motion agreed to.**

**EDUCATION AND TRAINING COMMITTEE**

**Membership**

**Mr LENDERS** (Minister for Finance) — By leave, I move:

That Mr Johan Scheffer continue to be a member of the Education and Training Committee until the return to parliamentary duties from illness of the Honourable Helen Buckingham in March 2005.

**Hon. P. R. HALL** (Gippsland) — I wish to indicate my support for this motion, and I want to take this opportunity from the point of view of The Nationals to wish the Honourable Helen Buckingham all the best. I trust that she is back with us within the time frame the Leader of the Government has outlined.

I want to indicate to the house that we welcome Mr Scheffer's appointment to the committee, but I think he must be the hardest working member in this chamber, given that he is now a member of three parliamentary committees and that he chairs one of them. Therein lies some difficulty for the Education and Training Committee, and I say this seriously to the government: it needs to perhaps have another think about this, because with Mr Scheffer's involvement in three committees he is not always able to attend the Education and Training Committee.

With the Honourable Helen Buckingham indisposed at this point of time, it leaves me as the only upper house member of that committee. Given that constitutionally we require a member of both houses to be present for decisions of the committee to be passed by the committee of the whole, it poses some additional responsibility on my attendance at those committee meetings all the time. As Leader of The Nationals in this chamber and also a member of Parliament representing a country electorate it is not always easy for me to be at every one of those committee meetings, although I certainly endeavour to do so.

It appears to me that the government would be wise to think about the placement of another member of the Legislative Council on that committee; I believe it should give serious consideration to that. The committee has a fairly heavy workload at the moment and is undertaking two inquiries, so there is a requirement to meet frequently. So that all those meetings are constitutional, some consideration should be given to the appointment of an additional upper house member to that committee so that its business can be transacted efficiently.

**Motion agreed to.****PRIVILEGES COMMITTEE****Membership**

**Mr LENDERS** (Minister for Finance) — By leave, I move:

That the Honourable Robert Mitchell continue to be a member of the Privileges Committee until the return to parliamentary duties from illness of the Honourable Helen Buckingham in March 2005.

**Motion agreed to.****MINISTERIAL STATEMENT*****Revitalising Consumer Protection***

**Mr LENDERS** (Minister for Consumer Affairs) — President, I wish to make a ministerial statement.

It is nearly two years since I became Minister for Consumer Affairs and five years since the election of the Bracks government. In that time I believe we have seen a revitalisation of the role and activities of consumer affairs not seen in this state since the pioneering days of the 1960s and 1970s. Those with a sense of history will recall that Victoria led the federation with its Consumer Protection Act 1964 and the establishment of a Consumer Protection Council to provide advice on consumer matters and investigate complaints.

Notwithstanding the many past achievements in consumer affairs in Victoria, the Bracks government understands that markets are dynamic and increasingly global in nature. Government needs to constantly ensure that its strategies and tools keep pace to provide adequate consumer protection. This is especially so for the Australian states and territories given the Howard government's disengagement from consumer issues over the last eight years. The abolition of the federal consumer affairs portfolio, the closure of the Federal Bureau of Consumer Affairs and the defunding of peak consumer advocacy groups illustrate the low federal priority.

Despite the absence of federal leadership in consumer affairs, the Bracks government is committed to delivering grassroots consumer services and developing nationally consistent consumer protection.

Twenty years ago next May a Victorian Labor government was the first state to adopt uniform

consumer protection legislation developed between the commonwealth, states and territories. I am determined that Victoria maintains its tradition of leadership in this field by continuing to play a leading role in national consumer policy developments.

I also sense a new determination and resolve amongst my colleagues in other states and territories to fill the federal void.

Today, I will demonstrate the priority that the Bracks government gives to consumer issues and, more importantly, demonstrate how in practice it is:

empowering consumers;

working to ensure we deliver quality services to assist consumers; and

making markets work for the benefit of all Victorians.

**Consumer affairs overview**

Consumer protection activities in Victoria are based on a vision of confident consumers and protected communities. The Bracks government works towards achieving this vision by pursuing three major objectives.

The first objective is to protect and promote the interests of consumers, consistent with the consumer rights endorsed in the *United Nations Guidelines for Consumer Protection*. The second is to ensure that markets work in the interests of consumers and the broad community. Informed and discerning consumers help stimulate effective competition which in turn contributes to innovation, quality improvements and lower prices — the cornerstones of higher living standards. The third objective is to improve access to consumer protection services, particularly for vulnerable and disadvantaged groups.

Consumers need a basic level of confidence that markets are working honestly and transactions will deliver what they expect. Trust and confidence are fundamental to the efficient operation of a market economy. Much of consumer affairs' bread and butter work is about ensuring consumers can be confident about the basic integrity of traders and transactions, for example by:

registering business names;

ensuring the goods consumers buy are safe;

ensuring consumers get the exact quantity of the good they pay for; and

preventing misleading and deceptive conduct by unscrupulous traders.

The consumer affairs portfolio encompasses 48 acts of Parliament. This legislation can be broadly divided into two categories:

first, laws forming the general consumer protection framework applicable to all or most industries — the Fair Trading Act, Business Names Act and Trade Measurement Act; and

second, laws protecting consumers of particular goods or services by the regulation of entry to and conduct in specific business sectors — for example, the Motor Car Traders Act, the Residential Tenancies Act and the Consumer Credit Code.

Consumer affairs delivers information and assistance services directly to consumers at the grassroots level. Consumer and trader assistance services provided by the Bracks government reach a large number of individuals and businesses. Last year, consumer affairs answered over 570 000 telephone calls and 12 000 emails requesting information. There were 74 000 face-to-face counter inquiries and 16 000 written complaints were handled. It processed 150 000 business name transactions, over 2000 new occupational licence and 16 000 liquor licence applications and completed 340 000 residential tenancy bond transactions.

I will now provide more detail on how this government is revitalising consumer affairs in Victoria and working to achieve its goals in consumer protection.

### **Strengthening information and education services**

Not all consumer problems need a regulatory response by government. Our education and consumer activities play a crucial role in contributing to non-regulatory approaches to these problems. Providing up-to-date and easily accessible information that recognises that different consumers have different needs is a fundamental consumer protection strategy of this government.

Information provision can also encourage competition by facilitating consumer choice in the marketplace. In the right circumstances it is most cost-effective. Well-informed and confident consumers are more likely to avoid unsatisfactory outcomes in the first place and consequently save themselves, business and the government time and money in resolving disputes that otherwise may arise.

Last year saw a high level of information and education activity by consumer affairs. A total of 1.58 million information publications and 1 million forms were distributed. In addition, there were more than 600 000 visits to its web site in 2003–04.

Major campaigns were conducted around real estate and tenancy issues and young consumers and debt.

Substantial amendments to the Estate Agents and Sale of Land acts were made during 2003. A broad campaign was conducted to educate estate agents and consumers on these changes and on house purchase generally. Major components of the campaign include:

a free 56-page guide titled *Real Estate: A Guide for Buyers and Sellers* of which 114 000 have been distributed so far; and

seminars for house buyers and sellers in regional Victoria.

Last year the Bracks government updated residential tenancies legislation to extend notice periods, restrict rent increases and constrain landlord inspections early in tenancies. An extensive education campaign was conducted to inform the rental market of the amendments; for example, through updating the comprehensive guide *Renting a Home — A Guide for Tenants and Landlords*. The renting guide is now available in eight languages.

A new, free 88-page publication for consumers of building services, *Building and Renovating — A Guide for Consumers*, was released this year to enable consumers to make informed decisions in planning and managing their domestic building projects. In addition, consumers and builders can also obtain information, advice and assistance on home building and renovating problems from Building Advice and Conciliation Victoria, which is a joint consumer affairs and Building Commission service.

Educating young consumers is a key strategy in empowering consumers generally. Recent empirical research highlighted the vulnerability of young consumers to debt traps and the need for increased consumer education in schools to address this.

The Bracks government — in partnership with the New South Wales government through the Office of Fair Trading — has responded with an innovative consumer education program for students in years 9 and 10. This example of interstate collaboration has reduced the costs of the project. The aim of the Consumer Education in Schools project implemented in 2003 is to provide young people with the skills and knowledge to

make discerning choices, manage money effectively and seek further information and help when necessary.

### **Focusing on the needs of vulnerable and disadvantaged consumers**

Delivering services effectively to vulnerable and disadvantaged consumers is a major challenge in the revitalisation of consumer protection. This government understands that not all consumers have the same capacities to access information and assistance. We are exploring how best to reach out to vulnerable and disadvantaged consumers, such as multicultural communities, disabled and indigenous groups and rural communities.

Major developments in services to these consumers include:

- the piloting of a new service delivery model to provide better access to information and assistance for consumers in regional Victoria;

- the establishment of an indigenous consumers unit to raise awareness of consumer rights in the indigenous community;

- the establishment of a multicultural consumers unit to provide specialist services for consumers from non-English-speaking backgrounds around Victoria; and

- the implementation of a disabled consumers project to identify key issues and impediments to consumer protection faced by people with disabilities and how to best work with the community to address those problems.

The Bracks government is implementing a wide-ranging plan to transform the delivery of consumer advice services in the regions. Johan Scheffer, MP, played a key role in developing a new model of service delivery to consumers and tenants to improve the accessibility of services. A new service delivery framework has been designed to ensure consumer affairs addresses consumer needs most effectively, while maintaining face-to-face community advocacy services to support more vulnerable and disadvantaged consumers.

The new framework involves regional offices, mobile services and enhanced telephone services to provide expanded consumer advice services across Victoria. A pilot began in north-east Victoria and eastern metropolitan Melbourne in July with a new office established in Wangaratta and mobile services operating regularly in 29 towns in the north-east region.

Local arrangements in each region will be established for the ongoing provision of advocacy and related services to vulnerable and disadvantaged consumers. Consumer affairs will ensure that consumers and tenants who seek help are not left to fend for themselves when dealing with landlords and traders or at tribunals. Consumer advocates will be available for face-to-face assistance and support. A grants program will be available in July 2005 to community-based organisations for:

- specialist consumer services;

- projects including input to consumer policy issues;

- training initiatives; and

- consumer education and advocacy.

The new arrangement will deliver high quality consumer and tenancy services to all Victorians — not just those in inner Melbourne or large provincial centres. Other Victorian regions will be moving to the new service framework after June 2005, following evaluation of the pilot program.

As well as working to get service delivery right, the government has taken other initiatives to address issues of particular concern in consumer vulnerability and disadvantage. For example, last year's amendments to the Fair Trading Act, which implemented our 1999 election commitment to review existing consumer protection legislation to ensure that it is clear and equitable. A feature was the unfair contract terms amendment which provides a new tool to deal with the potential for consumer detriment in contract-based transactions. This year the government again amended the act to give specific unfair contract terms protection, if necessary, to consumers who enter into credit contracts, in the nature of vendor terms real estate purchases. Disadvantaged consumers, for example those with poor literacy, limited English proficiency, or disabilities, the aged, and young consumers, are particularly vulnerable to exploitation in consumer contracts.

An example of this is the unfair terms in mobile phone contracts. In addition to one-sided terms, consumers generally do not get an opportunity to read their full contracts, which may be over 300 pages long. Modification of the one-sided terms is being sought to ensure compliance with the Fair Trading Act's provisions and to protect consumers from unfair terms biased towards the suppliers.

Consumer debt is a major area of vulnerability and one given a high priority across consumer affairs' key functions of inquiry handling, dispute resolution, enforcement and policy development. Priorities include improving protection for consumers who enter into vendor terms contracts, expanding capacity to provide credit information, advice and assistance and improving consumer protection in dealings with finance and mortgage brokers. Illustrating our national perspective, Victoria also leads a national committee that was formed to ensure the consistent administration and enforcement of the consumer credit code across the states and territories. The committee also monitors emerging issues and gives policy advice to the Ministerial Council on Consumer Affairs. The national committee is working amongst other things on precontractual disclosure, fringe lending, the use of e-commerce for credit transactions and notices and a major review of comparison rates.

### **Strengthening alternative dispute resolution**

In *Growing Victoria Together*, the Bracks government recognised that the provision of flexible alternative dispute resolution (ADR) processes is an important part of an accessible and fair justice system able to meet the needs of a diverse community. Consumer affairs has long been a major player in this area and is working to ensure seamless processes, the widest possible coverage and the highest quality levels of assistance in its ADR activities.

Fundamental to any robust ADR program is the provision of accessible information and advice. I have already outlined the scale of the government's activities in delivering information to consumers. This year capacity will be further enhanced by the upgrading of the online inquiry and complaint handling facility and the renewed focus on delivering consumer affairs services to regional Victoria.

In more complex matters, information and advice needs to be supported by an active conciliation service and last year consumer affairs conducted about 9500 conciliations and recovered \$1.86 million for consumers. Successful outcomes for consumers included full or partial refunds and or repair or restoration of goods. Assistance to consumers in specific sectors is provided through Building Advice and Conciliation Victoria and the estate agents resolution service. Both services reflect consumer affairs' ability to respond to current community needs.

In continually adapting its ADR services to respond to community needs consumer affairs is actively leading or contributing to a number of whole-of-government

initiatives. One is the online ADR project pilot within the Department of Justice. This project has established a web site promoting a self-help approach to dispute resolution. A second stage of the project will examine the feasibility of a real-time online ADR system to provide an additional pathway through which consumers can access ADR services. Another project is Gateways to Justice which forms part of the justice statement recently released by the Attorney-General. This project seeks to establish a more strategic approach within Victoria to the delivery of ADR services, whether they are information, advice, conciliation, mediation or access to a decision-maker.

### **Strengthening compliance and enforcement**

Promoting compliance with consumer protection laws is a core function of a consumer protection agency. In an increasingly sophisticated and global marketplace the challenge is to stay at the forefront of effective regulation.

The Bracks government seeks to work cooperatively with industry to promote awareness of the law and the need for compliance by traders. For example, consumer affairs is promoting the adoption of best practice complaints-handling and compliance programs by retail traders. This is being done partly through sponsorship of retailing excellence awards as part of the Australian Retailers Association Victoria retail awards program. Consumer affairs has also established a furniture retailing compliance program.

Where information, education and compliance programs do not secure traders' observance of the law, the government's goal is targeted, proportionate and cost-effective enforcement. Ninety prosecutions of traders were initiated last year. There were 47 completed prosecutions, 46 civil proceedings and a further 18 traders were the subject of injunctions initiated by consumer affairs during a period of increased emphasis on civil proceedings.

Results are already evident from a significant restructuring and redirection of enforcement resources. In the last 12 months criminal proceedings were initiated against 25 builders and four building companies involving 275 charges as part of a targeted crackdown on shonky builders. Dangerous toys are a continuing area of priority with several episodes of seizures of banned toys by safety inspectors this year. In June a property company was successfully sued for misleading a first home buyer about the true value of her home. This was the first use of the new unconscionable conduct provisions and is not expected to be the last. Consumer affairs also recently won a case

against Australian Finance Direct which financed the Henry Kaye investment seminars. This company breached the uniform credit code by failing to disclose the real interest rates charged on loans.

An innovation in compliance and enforcement work — one that reflects this government's priority to reach out to regional and rural communities — is targeted compliance visits by consumer affairs staff to regional centres under its regional presence program. The first one was in May of this year when a team visited Bendigo to promote good customer service and check compliance with consumer protection laws. Such visits are planned to be a regular feature of compliance work.

### **Ensuring existing interventions in the marketplace are effective and efficient**

Government interventions in markets need to reflect changing market and social conditions. Developing innovative solutions to consumer problems is a challenge for all governments. Solutions may not necessarily be regulatory intervention. Where industry is committed to improving standards of customer service, mechanisms such as voluntary codes of conduct may be appropriate. Where regulation is appropriate, it must be the minimum necessary to fix the problem and be administered efficiently.

A number of current legislative reviews in particular sectors take up this challenge. A key feature of these is my initiative in inviting some of my parliamentary colleagues to take a leadership role, on my behalf, in extensive stakeholder consultation in the review process. The sectors are under review, as we want to ensure that our legislation mirrors the needs and expectations of the Victorian community.

The Subdivision Act provides a mechanism for setting up and operating the legal entity of a body corporate, which owns and operates the common property of a subdivision.

When the act was introduced, the majority of bodies corporate involved small numbers of lots and were generally self-managed. The recent expansion of high-rise apartments has led to a growth in the diversity and complexity of bodies corporate. The review is looking at new approaches to managing these communities and in particular the need for better dispute resolution processes. I would like to thank Helen Buckingham, MP, for her contribution to the review.

The retirement villages industry has experienced significant change since the Retirement Villages Act was first introduced in 1986. In that year, 10.7 per cent

of the Victorian population was over 65 years of age. Projections are that by 2051 this will rise to around 30 per cent. There is expected to be a 50 per cent growth in the number of retirement village units Australia wide in the next 20 years. There is a need to clarify and protect the rights of retirement village residents, while encouraging and supporting the expansion of an ethical and viable industry. Maxine Morand, MP, is leading industry consultations on reform proposals.

The Associations Incorporation Act facilitates community participation by enabling non-profit community organisations and clubs to attain the benefits of corporate status and limited liability. Dianne Hadden, MP, is considering the effectiveness of the regulatory scheme and how it works for the varying size and diversity of associations. The key is to ensure that the regulatory framework supports the formation and operation of associations in order to provide direct benefits to the communities they serve and to Victoria generally.

The Fundraising Appeals Act was intended to achieve a balance between protecting the donating public and legitimate fundraising organisations from misleading practices and scams while minimising the compliance burden on legitimate fundraisers. Twenty years on, a review is considering how effective the fundraising legislation has been in meeting fundraisers' needs and protecting donors and the future appropriateness of the current regulatory framework and assessing. Consultations in the review are convened by Luke Donnellan, MP.

The objective of the review of the Domestic Building Contracts Act is to provide greater certainty and ensure that it serves consumers' interests. A review conducted by the Parliamentary Secretary for Justice, Jenny Mikakos, is considering whether the legislation adequately addresses emerging forms of residential development and how it might be improved to better address the challenges posed by changes in the way Victorians live.

I have referred the regulation of the funeral industry for examination by the Parliamentary Family and Community Development Committee following consumer complaints. The committee will assess the nature and extent of problems and consider regulatory and non-regulatory options for addressing them.

A theme integrating many of these reviews is the Bracks government's commitment to strengthening communities by facilitating participation, reducing inequality and improving people's quality of life. It is

important for both economic and social outcomes that the opportunity and capacity for people to be involved in their communities is enhanced.

### **Promoting national harmonisation in consumer protection**

Victoria is playing a key role in discussions to develop nationally oriented consumer policy and consistent regulatory approaches to significant consumer issues. There are benefits in national approaches for business through reduced compliance costs and for consumers through interjurisdictional compliance and enforcement cooperation.

Through the Ministerial Council on Consumer Affairs, Victoria is contributing to progressing issues such as e-commerce and m-commerce and the use of civil penalties in consumer protection enforcement. Victoria is promoting greater harmonisation of legislation relating to property marketers, pawnbrokers, fundraisers, incorporated associations, retirement villages, bodies corporate and building.

Victoria is also working constructively for harmonisation of administration and enforcement.

In March this year, ministers along with the federal Labor shadow minister signed the first joint consumer protection agreement. This is aimed at tackling unsatisfactory traders at the national level. It unites states and territories in joint action in areas such as property investment advice industry, safety products overseas scams and m-commerce.

Since the August meeting of the minister council we have seen further progress in a whole range of areas led by Victoria. We are working on a national approach for young people for education in a whole range of areas. I have already mentioned the consumer credit code as an example of the states and territories working together to achieve national harmonisation. In May Victoria led the way further on this.

In addition to working cooperatively with federal, state and territory counterparts, the government is committed to actively engaging all sections of the community who have a stake in consumer protection — consumers, advocacy organisations and industry.

We have established an ongoing consultative body, the working together forum. In addition to regular liaison with industry organisations, we have also conducted a number of conferences to work with industry. Under the Bracks government we have been active contributors to consumer policy through many forums.

I have demonstrated today how the government is committed to revitalising consumer protection in Victoria. There are challenges ahead in achieving our objectives in consumer affairs. I can assure the Parliament and Victorian consumers that we intend to meet those challenges and continue our focus.

President, I recommend the Council take note of the statement.

**Hon. W. A. LOVELL** (North Eastern) — I move:

That the Council take note of the ministerial statement.

I am very proud that the Leader of the Opposition in the other place, Robert Doyle, appointed me as the spokesperson for consumer affairs, and I congratulate Robert on entrusting each and every one of his team with a portfolio responsibility. It gives us a better opportunity to interact with the community and puts us in a better place for writing better policy to meet Victoria's needs into the future. In contrast, the Bracks government has a part-time minister who delegates most of his responsibilities to the director for consumer affairs, and a part-time minister who is not trusted by the community sector. He is building an empire in Melbourne, centralising services and ignoring country Victoria.

The consumer sector is most annoyed at the direction in which the minister is taking consumer affairs. It has informed me that the direction he is taking is creating a monopoly by centralising everything and that that will not deliver the best results for consumers. In the period of John Lenders's stewardship, Consumer Affairs Victoria (CAV) has for the first time damaged its relationship with the community sector by trying to compete in its areas. John Lenders is attempting to improve the reputation of Consumer Affairs Victoria by trashing the reputation of consumer complaints agencies, or better still, destroying them by defunding them. The sector has come to realise that a visit from Labor is like a visit from the Grim Reaper. As soon as a minister or one of the backbenchers doing a review walks in, you can bet that you are next on the list for being defunded, closed down and centralised.

Labor has failed dismally in consumer affairs including the closure of the consumer and tenancy advice services and the sacking and slashing in country Victoria. It was a very deceitful process that was supposed to be a consultative process. Talk to any of the consumer and tenancy advice services that were closed down — they did not think it was an open process; they think it was very deceitful. In fact, Mr Scheffer did not visit the services in Shepparton or Wodonga, two services that he chose to close down.

The mobile services are operating, but there has been a tremendous amount of confusion. Many people are ringing my office saying they do not know when or where they can find the van and how to access it. They want to know where it is going to be today. So it is causing a lot of confusion around country Victoria.

The ministerial statement tells us that there are more closures to come. Now the minister has credit helpline in his sights. Its funding is to be cut off in December. Credit helpline does a tremendous job in helping Victorians who have credit problems. Certainly if I were about to lose my home I would rather speak to a qualified solicitor at the credit helpline than an unqualified person at Consumer Affairs Victoria. The previous two ministers were very supportive of the helpline and allocated funding from their ministerial discretionary budgets to keep the helpline operational, but unfortunately in his quest to create a consumer affairs monopoly, the minister has not done that.

Changes to the auction system have caused confusion with the new rules and inadequate guidelines. The industry is saying that the new rules of declaring all vendor bids have killed auctions in country Victoria and have dampened them in the metropolitan area. The minister should have taken advice from the industry which suggested that the first and last vendor bids should be declared. The minister ignored the industry, and the industry is now suffering because of it.

I refer to the Henry Kaye debacle. The opposition raised concerns with the minister months before the collapse of the Henry Kaye empire, but the minister failed to act. So thousands of Victorians lost hundreds of thousands of dollars because the minister failed to use his powers under the Fair Trading Act to protect them. The Real Estate Institute of Victoria has also raised concerns about the raiding of the Estate Agents Guarantee Fund. The minister was caught red handed raiding the piggy bank that belongs to the home owners and real estate agents. Over \$180 million has been siphoned off to prop up the government's ailing budget bottom line in a range of other portfolios.

The minister claims that he is committed to nationally consistent consumer legislation. At the national Ministerial Council on Consumer Affairs he agreed on a national set of guidelines governing telemarketing and direct marketing, yet when he introduced those changes in Victoria, changes to cooling-off periods, record keeping and notice provisions, he introduced much more restrictive and costly requirements leading to the loss of thousands of jobs across Victorian call centres.

Builders warranty insurance is another debacle. Warranty insurance is purely for the protection of consumers, but the minister has failed to act to protect consumers and to support reputable builders in Victoria. The continual failure to protect consumers and this industry is just another example of how this government has failed to protect Victorian consumers. The federal government had to step in and bring all the state governments into line on general insurance, and it looks as though the federal government will also have to step in to bring the state governments into line on warranty insurance to ensure that consumers are protected.

In the ministerial statement the minister talks about the reviews of legislation as if they are innovative ideas. I have news for the minister. Reviewing legislation to reflect current practices is what governments do, and when a minister has to hang his hat on reviewing things as an achievement there is a real problem in his portfolio. The minister talks very proudly of the current review of the fundraising legislation, claiming that 20 years after the act was introduced a review is taking place. That is true: it is 20 years since the act was first introduced and a review is taking place, but a review was also held in 2001, conducted by Marsha Thomson in her time as consumer affairs minister. In a press release Minister Thomson claimed that the tough new laws would herald a new era in fundraising. Just two and a half years later that era has come to an end with John Lenders deciding to once again review the fundraising legislation.

Consumer Affairs Victoria is floundering under a minister who refuses to listen to consumers and businesses and who has failed to deliver a strong, competent economy and a community for business and consumers. In contrast, the federal government has worked consistently over the last eight years to provide a robust framework to protect consumers. It has taken a multifaceted approach of encouraging industry self-regulation, empowering consumers with information and, where necessary, legislating to provide additional protection. It has done so across the full spectrum of the consumer markets. At a general level it has strengthened consumer protection provisions in the Trade Practices Act progressively through its term in office, including through enforceable industry codes, rules in relation to country of origin representations, specific provisions to address consumer protection issues associated with the introduction of the GST and increased penalties for offences, a wider range of remedies and enhanced redress mechanisms for consumers. More recently, the government's proposals to amend the Trade Practices Act in the areas relating to the law of negligence will

assist in delivering more accessible and affordable public liability insurance to the Australian community. This is expected to benefit consumers through reduced premiums.

In addition, the government has sought to encourage industry self-regulation with the establishment of a task force on industry self-regulation, which released the report *Industry Self-regulation in Consumer Markets* in 2000. The report outlines the nature and extent of self-regulation in Australia and sets out good practice principles for self-regulatory schemes. The government has also been involved in the review of the direct marketing model codes and is reviewing the e-commerce best practice model.

Since 1996 the federal government has also introduced a wide range of consumer information initiatives to assist Australian consumers. It has spent approximately \$3.5 million over eight years on improving the conduits of information available to consumers and expanding the range of information to specifically assist consumers who face particular disadvantage in the marketplace.

More recently, in February 2004, the federal government established a high-level task force chaired by finance commentator Paul Clitheroe to develop Australia's first national strategy on consumer and financial literacy. This task force has released a discussion paper and is currently holding public consultation meetings across Australia. The federal Labor Party actually put out a media release welcoming the discussion paper and supporting the task force proposal for a coordinating body.

In relation to financial markets the government has recognised that additional protections are necessary, and on coming to office in 1996 it commissioned the Financial System Inquiry chaired by Stan Wallis. The inquiry resulted in a broad range of recommendations to achieve an efficient and competitive financial system, and the government has worked progressively since then to implement those recommendations.

In particular, in 1998 the government gave the Australian Securities and Investments Commission new consumer protection responsibilities in the financial services area and the Reserve Bank new powers in relation to the payments system. Following on from those changes, the government bolstered the legislative framework for consumer protection in the financial services area with the passage of the Financial Services Reform Act in 2001. That act, which came into full effect in March this year, introduced a harmonised licensing, conduct and disclosure regime in relation to

all financial products and service providers, from managed funds to insurance and superannuation.

Overall, the Financial Services Reform Act is designed to ensure that consumers of financial products receive competent advice and are fully informed when making decisions in relation to financial products and services.

Through the Financial Services Reform Act the government has also sought to improve the disclosure of fees and charges. Recently the federal government announced further measures to enhance disclosure in relation to superannuation products through single-figure fee disclosure. The single-figure fee comparison model is simple and easily understood.

Improvements to the regulation of corporations through the corporate law economic reform program that the federal government commenced in 1996 have also benefited consumers through enhanced disclosure and corporate governance. A further package of measures to strengthen financial reporting requirements and promote the independence of auditors is currently going through the Parliament. Once enacted, it will improve the quality of financial information that is provided to shareholders, investors and the market more generally.

The federal government has also stepped in where necessary to ensure that consumers do not unduly bear the burden of market failures, including through the establishment of the HIH claims support scheme and its ongoing work to ensure that consumers continue to have access to essential medical services through facilitating access to medical indemnity insurance. Further, the federal government places a high priority on the safety of consumer products, especially when it comes to infant and child products. It has monitored and reviewed existing mandatory safety standards and introduced a number of new standards, including one for children's cots. It has also conducted, negotiated, monitored or registered over 3500 product recalls over the past eight years.

The federal government will also shortly be releasing a discussion paper, prepared in conjunction with the states and territories, outlining options for a well-functioning consumer product safety system. These are just the highlights of the federal government's record on protecting consumers. The federal government has been and continues to be committed to both protecting consumers and enabling them to protect themselves.

In contrast, the Bracks government has a part-time minister who has failed to protect consumers and who is not trusted by the community sector. I am told that all

major community sector groups are seriously looking for an avenue through which to challenge the minister and the director of Consumer Affairs Victoria on their direction. This is a minister who is about as popular in the community sector as a rattlesnake in a lucky dip, and the opposition has rightly pointed this out many times. Mr John Lenders has presided over a record of failure and confusion in consumer affairs.

**Hon. B. W. BISHOP** (North Western) — I rise on behalf of The Nationals to respond to the ministerial statement by the Minister for Consumer Affairs. I do so really on behalf of the Honourable Damian Drum, who is well known as our very capable spokesperson on this particular area. But such is the workload as these ministerial statements are being debated in the house that we have taken the initiative of sharing the load in these instances. So I will do my very best to put forward the point of view of The Nationals.

When I looked at the introduction of the ministerial statement, which was kindly supplied to us in plenty of time by the minister, I thought, 'It is an interesting sort of an introduction', and I picked out some of the words. It says:

... the Bracks government is committed to delivering grassroots consumer services — —

**Mr Pullen** interjected.

**Hon. B. W. BISHOP** — That is a point of view, and I am interested in Mr Pullen's interjection because in fact that is what I will base most of my comments on.

**Mr Viney** — That was not an interjection; it was a 'hear, hear!'

**Hon. B. W. BISHOP** — Well, we will class it as an interjection. It might get worse or better as we go on; we will see how we go on that.

From our point of view, that statement misses the mark, and I hope to be able to build on those comments in my contribution. We believe the proposed changes that will be put into place around Victoria will not achieve the result that is highlighted in those particular introductory words :

... the Bracks government is committed to delivering grassroots consumer services ...

That is a very admirable concept, but we do not believe the changes proposed to be put into place will in fact achieve that. We think that the changes proposed to be put into place will make it very difficult for the most vulnerable people in our community — that is, those who are disempowered and need that assistance with

consumer and tenancy advice on tap in their own area and need it to be easily accessible so that they can be assisted through all of those processes.

When reading the first page and a bit, I thought, 'Here we go again; the Bracks government is playing the blame game again'. You only have to read it; it is all there — it is blaming someone else. From The Nationals' point of view it is about time the Bracks government looked forward instead of looking in the rear-vision mirror as it is prone to do. So we would encourage the Bracks government to look forward and to not play the blame game, as it has in many instances in both these areas and other areas of government concern.

On the second page it says what it wants and what its vision is — and it is a great vision. It wants:

... confident consumers and protected communities.

I think they are great words. But again I suggest that with what the government is doing, it will not be able to achieve them. We think that is a great pity, because we believe that what we had in place — and I will keep saying it — was achievable particularly for the people in our communities who were disempowered and needed that sort of assistance. During our response we will challenge the government about whether it can in fact deliver what it says it can in these documents.

The next point I turn to in the statement says:

The first objective is to protect and promote the interests of consumers ...

Again, they are wonderful words. The next reference is to words that I am sure the Minister for Consumer Affairs knows and believes in. It says:

The second is to ensure that markets work in the interests of consumers and the broad community. Informed and discerning consumers help stimulate effective competition which in turn contributes to innovation, quality improvements and lower prices — the cornerstones of higher living standards.

We agree with all of that, but it is the same again — that is, wonderful words — and the spin doctors are well at work, are they not? The Labor government spin doctors are doing a wonderful job.

In fact, as I move around I notice that our communities are waking up to the spin doctors. Whether we talk to our communities about consumer and tenancy services or other issues of government business, they are sick of the spin doctors. They just want straight answers; they want to be practically and honestly represented by this government that said it would represent all Victorians.

The Nationals raise the issue: is it representing all Victorians?

We move on to the next section. I think this is the absolutely critical point, and I am sure the Minister for Consumer Affairs will agree with me. The statement says on page 2:

The third objective is to improve access to consumer protection services, particularly for vulnerable and disadvantaged groups.

That is the key to the whole issue. We believe that we have gone backwards under the Bracks government in relation to making those services accessible and available to our communities and to the vulnerable people in them.

I move on to the first of four dot points listed on page 2 of the statement. It states that consumers can be confident by:

registering business names.

I am not arguing about that; that is an important part of the process of consumer advice and management of businesses throughout the state. It is important, but it is not the issue I want to concentrate on today. The second dot point is:

ensuring the goods consumers buy are safe.

That is absolutely crucial in today's world — for example, with toys. I can recollect once that the Minister for Consumer Affairs, Mr Lenders, and I were having a look at some toys in the Parliament — I think he might be reaching for them again! There they go again! They were brought up. It is most important in our society that our most vulnerable people, such as children in this instance, are protected by regulations about goods that are for sale. It is most important, so that is a good point.

The third and fourth dot points are:

ensuring consumers get the exact quantity of the goods they pay for; and

preventing misleading and deceptive conduct by unscrupulous traders.

We believe that holds the key to where the most vulnerable in our communities can be looked after and protected, and most importantly — something which we believe has been missed and has gone, and we are very sad about it — be represented. I go back to where I started, to where the statement talks about grassroots and face-to-face representation. We believe that is being whittled away quite strongly by the Bracks government.

I turn to the heading on page 4 'Focusing on the needs of vulnerable and disadvantaged consumers', which is what I am really talking about today. I notice a dot point there which includes as a major development in services:

the piloting of a new service delivery model to provide better access to information and assistance for consumers in regional Victoria.

I assume that is the experiment we are running in north-eastern Victoria. I cannot understand a government running an experiment like this when we have had a true and tried model that supported, protected and represented our communities for a long time and, we believe, without fault. The last sentence on that page states:

A new service delivery framework has been designed to ensure Consumer Affairs addresses consumer needs most effectively, while maintaining —

wait for it, this is the one —

face-to-face community advocacy services to support more vulnerable and disadvantaged consumers.

Now that is a real challenge for any government at all. It does not matter which government it is. However, I think that challenge has slipped past the Bracks government. It says 'Face-to-face community advocacy'. I do not see how it can be done, given the processes proposed and put into place by the Bracks government in this particular case under the leadership of the Minister for Consumer Affairs, John Lenders. I think it is sad indeed to see that slip away.

The best way I can describe it to the house is to relate it to an area in my electorate. When the government announced its proposal to close down 18 regional tenancy and consumer services across Victoria, which, if I recollect correctly, operated out of 22 offices, it is fair enough to say that it was an absolute bombshell to the communities that I represent, because of the services that had been well and truly put into place and which had supported our communities in the past. Certainly the Mildura and Swan Hill offices of the consumer advice services had been operating for 14 years and had done a marvellous job. Those communities said, and are saying to us, that this will impact on our most vulnerable and disadvantaged consumers in their region, and that is true, because that is what will happen.

I remember that during the debate the minister went around Victoria visiting those areas where these good services were generated from, and if I remember rightly, Mr Lenders spoke about maintaining those

services in country Victoria. After about a year — I cannot remember the exact time — we heard about the proposal to slash these services.

In some cases, that means replacing them with a mobile unit and a call centre. I do not think people understand the distances in the parts of rural Victoria that the Honourable Damian Drum and I, for example, represent. It is 4½ hours from Bendigo to Mildura, and you would have to have a remarkable mobile service to effectively cover that area with this sort of proposal. I think it is very sad that the people involved will be expected to do that. I do not think it is possible.

As I understand it, we will effectively see the closing of the offices in Mildura and Swan Hill — their closure as we once knew them — in July 2005. As I said, they have been operating for 14 years and have provided a very, very good service in spite of the fact that last year there were over 3000 inquiries and requests for face-to-face assistance. I cannot drive those words home strongly enough. Face-to-face advice is what our people in those communities want. They want advice, referrals, mediation and negotiation, and most importantly they want advocacy. They want someone there to stand up for them in their community, someone who knows what to do and who knows the system. It is something they are not good at and probably cannot do.

So the community said to us, ‘Why do this thing? Why is a Labor government, which we would have thought philosophically would have supported the most vulnerable people in our community, doing this? That was what we would have thought, too, so we asked why. We asked the community, and it did not know. Was it because of the cost? Often governments do things because of the cost. As I understand it the cost to the government for the whole of the Mallee was about \$250 000 a year. And when you think that three-quarters of the cost of running that sector of the service in the Mallee comes from interest-off funds held by the Residential Tenancies Fund, the Motor Car Traders Guarantee Fund, the Domestic Builders Fund and the Estate Agents Guarantee Fund you realise that it cannot be the money. If it is the money, Lord help us! If the government is that short of money, we have got a real problem.

Then of course we saw the fierce resistance from our communities. It was fierce. They really got up and got going. I congratulate them on that, because they realised what was going to happen. As I understand it, in the Mildura area we will have some sort of system in place and some sort of weak regional presence, but it will certainly be nothing like what we have had in the past.

One of the key points is that the people there, doing their good work, were able to advocate for their clients at tribunal hearings, on rent disputes and on other issues. That was gratefully accepted by the community because those vulnerable people were often not in a position to adequately advocate for themselves. As I understand it, and I am sure it is right, these changes will mean that the people who used to be employed by a local committee will no longer be able to be employed in that way. I used to attend their meetings, and it was great. You could see the local content being understood. They would manage the system to reflect the demands of the community. They could respond to that very adequately. They understood distances. They understood how it all worked in their local communities. It worked really well. It had a strong focus on what was required by the most vulnerable people in our community. That has gone, because those advocates will now, as I understand it, be employed by Consumer Affairs Victoria, which means they will be employed directly by the government. They will not be able to advocate for the people like they used to in the past. That is a great loss.

I wondered why the government would do that. Another organisation in Mildura is Mallee Family Care, which does a terrific job, but if you take away the advocacy of the people that used to do that job, what is it going to do? It is going to be overloaded too, and I bet it will not get any more money. In fact this government belts it with productivity cuts every time it can. The other organisations will be overloaded, and absolutely essential services will be taken away. I wondered why the government would do that. You would have to wonder why it would want to do that. I reached the conclusion that it was to centralise everything, to put it all back into Melbourne. Is that not true, Mr Pullen?

**Mr Pullen** interjected.

**Hon. B. W. BISHOP** — Thank you very much; I thought you might interject, which would give me another opportunity to say more about the issue. As I see it, it is a centralisation process. Why does the government want to do that? If it is building an empire in Melbourne, who misses out? Rural and regional Victoria. That is one of the reasons why in the Sunraysia area we are pushing for a change of region. We have had enough of being driven by the heavy pressures of the centralisation system. We would like to see a new region in a rapidly expanding area. It would give us the results to ensure that our people are well and truly protected and represented not only in consumer and rental services but in other areas as well.

It is very interesting that the minister has made a ministerial statement. To sum it up, the spin doctors are alive and well. All in all we see the minister's statement as another dose of smoke and mirrors. If you look behind the mirrors, behind the smoke, you will see that rural and regional Victoria has missed out again. And it is difficult to understand why unless it is about centralisation, unless it is about control, unless it is about building empires in Melbourne. It will only increase the gap in understanding which is already there and which the Bracks government seems to want to drive even harder. To finish, again I say that we see this ministerial statement as being another example of smoke and mirrors. From our point of view, we wonder why it is here.

**Mr PULLEN** (Higinbotham) — It is with pleasure I rise to speak in support of the statement made by the Minister for Consumer Affairs. Before I start, when I first moved into my electorate office in Moorabbin I wondered what brochures I would put in the various holders we had in the office. I thought, 'Well, there isn't anything here; I'd better see what we can get'. I did not have to worry too long, because before long we got most of the brochures that are in the office from our very proactive Minister for Consumer Affairs. I imagine that all members have sheets and brochures — all sorts of things — on all the consumer issues that are necessary.

Also, I had the minister in my electorate only last week. He came to the Sandringham Secondary College and addressed the students about to leave school this year or next. He has been around a number of schools doing this. He teaches students with very good brochures on issues of concern to consumers, particularly young people. They get a little card called a Z form, which has on it many things that can help young people as they go out into the world, particularly on mobile phones or for purchasing motor vehicles — because they are getting to that age — or even in some cases if they are starting work they may be going out to rent a flat or whatever the case may be.

I read one of the Z forms, and I learnt a hell of a lot from it. I suggested that they should take them home and give them to their parents because I thought it was a great thing. They also had another wonderful thing called *Stuff* magazine. It is written in young people's language so that they can clearly understand consumer affairs issues.

I was a little disappointed in the contribution by the Honourable Wendy Lovell because she went through some good points in relation to what the federal government has done but again we heard nothing about

where the state Liberal Party stands on consumer affairs — not one policy issue came out of it, and that was quite disappointing. I will give her the point that she has moved into that particular portfolio responsibility only recently.

**Hon. Andrea Coote** — She is doing an excellent job.

**Mr PULLEN** — I am giving her the benefit of the doubt. I trust that we will at least hear some development of policy and where the Liberal Party stands on these things.

Mr Bishop mentioned grassroots consumer services and toys. It is interesting that the Minister for Consumer Affairs brought down to Sandringham Secondary College the latest banned toy, a dummy. I said, 'Don't throw it out; we've got plenty of people in the Parliament who could do with that!'

*Honourable members interjecting.*

**Mr PULLEN** — As has been mentioned in the minister's statement too, a number of MPs have been involved in doing jobs for the minister. It shows how proactive he is that a lot of people now dodge him in the corridors because they know that they may be given responsibility for some part of consumer affairs that the government wants to look into. The ministerial statement mentions members of this place: Ms Dianne Hadden; Mr Scheffer, who I understand is going to speak in this debate as well; Ms Helen Buckingham; Maxine Morand and Luke Donnellan, the members for Mount Waverley and Narre Warren North respectively in the other place; and me. I have become involved in doing something. I was appointed to conduct consultations on the Motor Car Traders Act. This came about because a number of motor car traders have said, 'Look, it is not working as it is at the moment'. The act was last looked at back in 1998, when a report on the national competition policy was released. It recommended no major change to the act but a lot of things have moved on since then. We have had such things as the information technology industry develop a lot more.

I was asked to look at the act from two angles: one as far as consumers are concerned and the other to ensure a level playing field for our traders. That started off with what I thought was a very good forum that I attended on 3 March at Jeff's Shed, which was conducted jointly by Consumer Affairs Victoria and the Victorian Automobile Chamber of Commerce. It went all day. The minister gave the opening address, and I want to pick out something he said which is most

important — that is, that currently there are approximately 1335 new and used car dealers in Victoria that employ about 11 600 persons.

The interesting thing that came out of that particular forum was that there could be anywhere between 2000 and 8000 non-licensed motor car traders. Each may be an individual or a group of people — they really do not know. That is one of the problems that legitimate licensed motor car traders are facing in that industry. It is important that today the Minister for Small Business reminded us again of why we undertake these consultations — that is, because the Bracks government does listen and will act.

I was appointed to undertake consultations with the industry and consumers on this particular issue. I refer again to what the Minister for Consumer Affairs said in his speech to the forum:

Let me take a moment to talk about the Bracks government's overall attitude to consumer affairs.

Three priorities have been identified for Consumer Affairs Victoria. They are to:

protect and promote the interest of consumers

ensure markets work in the interest of consumers and the broad community and

improve access to consumer protection services particularly for vulnerable groups.

I must place on record the assistance I have received from two very good officers of Consumer Affairs Victoria in my consultations so far — that is, Linda Duncan and James Tucker, who as far as I have been concerned have been the brains behind the unit in doing all the good work. I have already held meetings in a number of places throughout Victoria — at Frankston, Coburg, Geelong, Bendigo —

**Hon. B. W. Bishop** — Mildura?

**Mr PULLEN** — No, we did not get that far. Mr Drum, whose electorate office I know is at Bendigo, did not come and I was a bit disappointed that he did not come but I can understand that. We had a meeting in Wodonga that Mr Baxter could not make it to, and I had an apology from the member for Murray Valley in the other place who could not come to the Wodonga meeting. I noticed that Ms Lovell was not there. I will again give her the benefit of the doubt, but as the spokesperson for consumer affairs, she should have come along. The fact that I was holding the consultations was in all the country newspapers.

**Hon. W. A. Lovell** — I was busy that day. You did not let me know early enough.

**Mr PULLEN** — I accept your apology, but I did not receive it on the night.

**Hon. A. P. Olexander** — She did not apologise.

**Mr PULLEN** — We had one at Traralgon.

**Hon. A. P. Olexander** — She said you did not let her know.

**Mr PULLEN** — Well, Mr Baxter and Mr Jasper knew all about them. We had one at Warrnambool. Mr Vogels did not come to that one. I went for my evening walk past his office, but it was closed. At least the Labor Party candidate for Wannon, Rob McAlpine, turned up and took an interest in that particular issue.

**Hon. W. A. Lovell** interjected.

**Mr PULLEN** — I have seen a lot of Victoria and it is wonderful. It is thriving under the Bracks government.

There was an article in the *Herald Sun* of 13 September, and I just want to read a part of it where it says:

A spate of complaints about dodgy car dealers and botched repairs has sparked calls for the motor industry to appoint its own ombudsman.

The Melbourne-based Consumer Law Centre has received more than 200 complaints during the past year from disgruntled consumers who felt they had nowhere else to go.

It goes on to say:

Many Victorian consumers are being ripped off by car mechanics, paying large sums of money for ineffective, and sometimes unnecessary repairs to their vehicles ...

I was a little bit disappointed that this article did not say how many of the 200 complaints received were actually against motor car traders, because I would imagine that most of them are against repairers. I am not looking at repairers, because it is not covered by the Motor Car Traders Act, but I can say one thing. Most if not all of the licensed motor car traders are doing an honest and fair job as businessmen. That is why I urge people to make sure when they are purchasing motor vehicles they go through motor car traders.

Because of time shortage I will quickly go through some of the issues that have been raised at these particular forums. I am not going to tell you what my recommendations are yet, because we have not finished the process, and they have not gone to the ministers so

that would be unfair. They include licence categories and how many there should be. There are about 10 or 11 in New South Wales, and we only have three different licence categories here. There is also the issue of what the licence fee should be and what the qualifications and training of licensed motor traders should be. There is a form 7, which goes on the motor vehicle at the used car dealer's place. There is another query as to whether the name and address of the previous owner contravenes the privacy act as well as the various advertising that takes place.

There is also the issue of Internet sales which did not exist when this act was last looked at. There is such a thing as the dealings book, also known as the police book, where it is recorded when the motor vehicle comes in and when it goes out. There are such things as statutory warranties, which have been raised with us, and the cooling-off period. Roadworthy certificates are a very interesting issue. For example, New South Wales motor car traders have to get one every year. Whether we need that here, only time will tell. Another category is consignment selling, where it is illegal for Barry to take his car down and pop it in Mr Jasper's car yard. That is not allowed.

These are the sorts of things that we have to have a look at and these are the sorts of issues that have been coming up. I notice that the minister has come back into the chamber. Whilst Ms Lovell did not come to the Wodonga meeting, Mr Lenders was there, because that is the sort of interest this minister takes in his portfolio. He gets involved in all issues as far as this is concerned, so it was wonderful to have him there. I must admit that one of the newspapers in Wangaratta thought I was the minister, but that is another story.

We have had a number of changes suggested particularly with the auction system, because people can drive cars away from auctions without roadworthies and so on. Another issue was dummy bidding that can take place at auction houses and places like that. Issues are also being raised in relation to wholesalers and, of course, brokers who are something new on the scene over the last 10 years. This is where brokers can sell motor vehicles without actually having a yard. The biggest issue, however, is in relation to unlicensed trading and enforcement. As I said, we do not know how many people are involved in this. It could be anywhere between 2000 and 8000. No-one really has had a guess at it. We have to make sure that we tighten up the act as far as that is concerned. There are problems with the GST, stamp duty and the penalties when people are caught for unlicensed trading. Odometer tampering is yet another issue.

The Motor Car Traders Act is under the control of Consumer Affairs Victoria. A number of other issues have come up outside this and they will have to be referred on to other ministers such as those responsible for VicRoads and the Fair Trading Act. We have also had people who sell buses who have come to the consultation who have been excellent. We have also had motor cycle traders and consumers. I am very pleased to say that the consumer groups that have come before us — that organisation I mentioned earlier has been asked to come but so far has not got back to talk to us — have all been very supportive. I think that once the report comes in, it will be very good.

**Mr SCHEFFER (Monash)** — Over the past two years, Minister Lenders has made substantial and far-reaching reforms in this important area of government administration, and I am proud to have been able to play a role in bringing about positive change in this portfolio area.

The ministerial statement gives a comprehensive account of the various ways that the Bracks government is fulfilling its commitment to strengthen communities by facilitating participation, reducing inequality and improving people's quality of life. The statement reminds Victorians that this government has a commitment to build community cohesion, to reduce inequalities, to extend rights and to respect diversity. The protection of citizens in their role as consumers is critical in these broader objectives. The statement is also a reporting back to Victorians on the government's progress.

Revitalising consumer protection refers to six members of Parliament who have worked with Minister Lenders on a range of projects: Helen Buckingham, Noel Pullen, Dianne Hadden, Maxine Moran, Luke Donnellan and me. The opportunity for backbenchers to work with Minister Lenders and with Consumer Affairs Victoria (CAV) has proved to be an excellent way of both harnessing and enriching the experience and skills of MPs. I believe the minister should be commended for this innovation. Revitalising consumer protection refers to the plan to transform the delivery of consumer advice services in the regions. This is the project that I had the privilege of developing in conjunction with CAV, and I would like to briefly elaborate on the merits of the key changes that are now being successfully implemented.

The CAV community program has delivered tenancy, consumer and credit advice to consumers for two decades. These services have been delivered by a range of CAV-funded, community-based organisations that were especially focused on the needs of vulnerable and

disadvantaged consumers who needed face-to-face support.

After some 20 years of operation it was time to review and rethink. Were enough Victorians gaining a benefit from the \$4.2 million budget? Were there groups within the community which were not accessing the services? Were the services delivered as effectively and efficiently as they could be? Was new technology being utilised to improve services? Were staff being reskilled?

It was found that the program was not reaching enough people across a broad enough area. There needed to be a closer focus on the particular needs of vulnerable and disadvantaged consumers. There was a need to improve the way clients were referred to expert legal services. There needed to be better coordination of the consumer education and information programs across the state, and there needed to be an improvement in access to up-to-date technology, in particular computerised data systems, access to email and the Internet and the networking capacity.

The new service delivery model for the CAV community program was launched in March this year and is the product of extensive consultation with funded agencies and relevant stakeholders. The model involves expanding the statewide CAV information and inquiries 1300 telephone service; delivering conciliation dispute resolution services across Victoria, including face-to-face conciliation where required and that delivered by CAV; establishing five Consumer Affairs Victoria regional offices in Ballarat, Bendigo, Geelong, Wangaratta and Morwell to provide information, conciliation, consumer education and a range of broader CAV services; operating mobile units from each of the CAV regional offices; funding community-based legal organisations to provide individual case advocacy support and tribunal services; and expanding statewide consumer education and awareness programs.

These measures would enable more people across the whole of Victoria to gain easier access to a range of consumer services when and where they needed them. Most people need speedy information over the telephone; some people need detailed face-to-face support.

The new service delivery model is currently being implemented in two regions: north-east Victoria and eastern metropolitan Melbourne. There is no doubt that services have improved. Prior to the implementation of the new model in the north-eastern region, for example, there were three locations — in Shepparton, Wodonga

and Wangaratta — where consumers could go to see someone for information and advice on consumer and tenancy matters. Now under the service delivery arrangements, CAV through its regional office in Wangaratta provides services to 29 locations — in Alexandra, Beechworth, Benalla, Bright, Broadford, Chiltern, Cobram, Corryong, Eildon, Euroa, Kilmore, Mansfield, Murchison, Mount Beauty, Myrtleford, Nagambie, Nathalia, Numurkah, Puckapunyal, Rutherglen, Seymour, Shepparton, Tallangatta, Tatura, Violet Town, Wangaratta, Wodonga, Yarrowonga and Yea — not to mention the range of community organisations that now act as referral points for consumers.

As well, three funded community agencies provide face-to-face assistance and support advocacy services for vulnerable and disadvantaged consumers and tenants in Albury-Wodonga, Seymour, Benalla and other towns where appointments can be arranged to meet individual consumer needs.

In the eastern metropolitan area the position has also improved. Prior to the implementation of the new model in July this year there were two locations where CAV provided services — in Box Hill and Boronia — whereas now there are three — in Lilydale, Knox and Ringwood. As well, there are three funded community legal centres that provide face-to-face assistance and support advocacy services for vulnerable and disadvantaged consumers and tenants in Belgrave, Blackburn, Hawthorn, Lilydale, Oakleigh, Ringwood, Rowville and Wantirna South. As well, a vast number of information pamphlets is now available in libraries and community centres. This improvement was possible because we were able to move service access points to where the people are. This was done by either literally moving the services by vehicles — the mobile units — or by enabling a range of facilities to dovetail the consumer, tenancy and credit service into the range of services they provide.

In June this year I accompanied Minister Lenders to visit Eastern Access Community Health in Ringwood. That service is an example of a one-stop shop. It takes a holistic approach to service provision at 14 sites across the cities of Maroondah, Whitehorse and Knox and the Shire of Yarra Ranges. Eastern Access Community Health is an organisation that can respond to changing community needs and is willing to develop new services for people who are hard to reach or who present significant challenges. Eastern Access Community Health delivers an integrated range of community-based health, consumer advice and disability and support services to individuals, families and communities within the eastern region of

Melbourne. This is where people go for health and related services and where they can now find appropriate consumer advice delivered by CAV.

I also visited the Delatite Community Health Service in the north-east region. This is also a one-stop shop delivering a range of services, such as maternal and child health, home and community care, family day care as well as consumer and tenancy advocacy services. Delatite Community Health Service is a partner of Benalla Rural City and Benalla community care. This means that people in the Benalla, Mansfield and outlying rural areas are provided with a range of information and support to help them make decisions to better their health and wellbeing.

Progress in these pilot regions is being closely monitored so that the implementation of the model in the rest of Victoria after July 2005 will be informed by practice. Currently CAV is working with stakeholder organisations through the Working Together forum, which is made up of representatives of consumer and community organisations to monitor the pilots.

In the lead-up to the release of *The Way Forward*, the new service delivery model, and in the period after its release there was considerable criticism of it, especially in regional Victoria. Some of the critics were rather hostile and were convinced that the model could not work. They feared that their clients would be disadvantaged. I am pleased to say that this fear is changing and people see that the model is capable of delivering better results. Minister Lenders and I have visited services in the pilot areas as well as services operating in other parts of the state that will make the transition after July 2005.

The response has been very positive as people see the new CAV office and the services established. I have been impressed by the fact that the community-based organisations that have operated under the old way are now contributing their ideas on how the new model can best work in their regions.

The ministerial statement also links the developments in the CAV community program to other key initiatives such as the indigenous consumers unit, which has the job of raising awareness of consumer rights in the indigenous community; the multicultural consumers unit, which provides specialist services for consumers of non-English-speaking backgrounds; and the disabled consumers project, which identifies issues and barriers to consumer protection faced by people with a disability. These initiatives are integral to the success of the new CAV model and are part of a wide-ranging

plan to perform the delivery of consumer advice services across Victoria.

Underpinning this positive change lies a key imperative of the Bracks government — community building. A measure of the success of a CAV community program is its capacity to positively contribute to strengthening the community, and this means that wherever possible individuals should be able to take care of their own consumer issues and that CAV services should be able to provide them with the advice and information they need to manage for themselves. On the other hand, it also means that an appropriate level and type of support should be available to those whose circumstances make them vulnerable in the market.

The ministerial statement, *Revitalising Consumer Protection*, is a timely and important document. I congratulate the minister on his achievement; I congratulate my parliamentary colleagues who have undertaken developmental work within the consumer affairs portfolio; I congratulate CAV and director Dr David Cousins; and I commend this statement to the house.

**Mr VINEY** (Chelsea) — I take this opportunity to add my support to the Minister for Consumer Affairs on his ministerial statement presented to the house this afternoon. In the life of this government there have been many ministerial statements, and it is interesting to contrast that with the period of the Kennett government, when only one ministerial statement was presented. Ministerial statements are important opportunities for the executive in the Westminster system to place on record the policy position and approach in a particular portfolio area. What has been presented to the house today is a clear statement of this government's commitment to the consumer affairs portfolio and the protection of Victorians in the marketplace.

That protection and the commitment of this government stand in stark contrast to the position of the Kennett government, which closed a number of regional offices in consumers affairs and slashed its funding by 25 per cent. As a result of that, when this government came to office it found that there was a need for a significant revamping and redevelopment of consumer affairs services. I commend the contribution to the debate just made by Mr Scheffer which completely demolished the nonsense that has been presented on previous occasions in this chamber in relation to Victorians' access to consumer affairs information and the changes this government has put in place.

Listening to Mr Scheffer's contribution I was amazed to learn of the great number of regional services that are now being provided through the redevelopment of the information facilities because of the valuable and extensive work he did in conjunction with and on behalf of the minister.

We on this side of the house know that not only do those on the other side have a record in this state of ripping into the consumer affairs portfolio but the federal coalition has an equal record of doing that, having abolished the federal consumer affairs portfolio. The Howard government has closed the federal Bureau of Consumer Affairs and has defunded the peak consumer advocacy groups. On this side of politics we will always be in there fighting for the vulnerable and protecting the disadvantaged in the community, in stark contrast to members opposite and the policy approaches they take. This ministerial statement outlines how those on this side of politics are in there protecting the vulnerable and ensuring that the disadvantaged are protected through consumer affairs.

The minister has outlined three important policy principles in his statement, the first being to empower consumers, the second being to deliver quality services and the third being to make markets work. It is worth looking at the government's record in each of those areas. In empowering consumers, this government has strengthened the information and education services that have been provided through the consumer affairs portfolio. Some 1.5 million information publications and 1 million forms have been distributed in Victoria to enable consumers to make appropriate applications. There are 600 000 hits on the consumer affairs web site. We have seen the government conduct major campaigns in the consumer affairs portfolio in the areas of real estate and tenancy. We have seen updates of the estate agent and residential tenancies law as well as campaigns on building and renovations. We have seen the consumer education program for young people in years 9 and 10 at secondary school that Mr Pullen outlined. In the area of empowering consumers this government has provided the information necessary to enable consumers to be aware of their rights and to ensure that there is fair competition in the marketplace and that they are achieving fair service.

In the area of the delivery of quality services, as we have just heard from Mr Scheffer, there has been an outstanding revamp of the information services that are now available to consumers. We have seen programs delivered to particularly vulnerable communities. There is an indigenous consumers unit in the department, a multicultural consumers unit and a disabled consumers program. We have seen redesigned advice services to

ensure that all Victorians, as outlined by Mr Scheffer, now have access to information services in consumer affairs. As Mr Scheffer quite rightly pointed out, in many cases all that is necessary is a phone call. It is a strengthened and valued service that is meeting the needs of the vast bulk of consumers for information or advice on a particular transaction that they may feel aggrieved about or that may have gone wrong. In instances where face-to-face advice and support is needed, the revamping being done through the excellent work of Mr Scheffer and the minister is now paying dividends: Victorians across the whole of the state are able to get access to face-to-face services.

In the third area, making markets work, the philosophy of this government is to work cooperatively in the marketplace with the business community. Where information, education and advisory services and programs do not work, what is important is attention to the legislative and prosecutorial activity of the department. As outlined in the minister's statement, there has been strengthened and increased activity in those areas, including, as I mentioned earlier, the updating of laws in a number of areas such as the real estate and tenancy laws.

To summarise my contribution to this debate, what we know is that Victoria, and in particular under Labor governments, has led the way, often nationally, in the area of consumer affairs. In fact, it was 20 years ago under the then Cain government that Victoria took a leadership position in the nation by being first to adopt uniform consumer protection legislation. That leadership position that has been so proudly overseen by Labor governments in the state is now continuing with an important ministerial statement that has been presented to this house this afternoon, and I commend it to members.

**Motion agreed to.**

## **GAMBLING REGULATION (AMENDMENT) BILL**

*Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. M. R. THOMSON  
(Minister for Small Business) on motion of  
Mr Gavin Jennings.**

## PARLIAMENTARY SALARIES AND SUPERANNUATION (AMENDMENT) BILL

### *Introduction and first reading*

Received from Assembly.

Read first time for Mr LENDERS (Minister for Finance) on motion of Mr Gavin Jennings.

### MINISTERIAL STATEMENT

#### *Building a Better Future for Indigenous Victorians*

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I rise today to make a ministerial statement on Victoria's progress towards building a better future for indigenous Victorians. In doing so I would like to acknowledge the people of the Kulin nation — the traditional owners and custodians of the land on which we stand. I pay my respects to their elders — past and present — and welcome all indigenous Victorians into the Parliament of Victoria. It is my hope that all Victorian citizens come here and feel they have an equal share of our democratic institution.

#### **The path to reconciliation**

Our nation continues to be confronted by profound inequalities and injustices. Many Australians are much troubled by this. But at the same time many Australians are moved to take action to correct these fault lines in our nation's social connectedness. I was mindful of this when listening to Pat Dodson and Sir William Deane speak recently at the Melbourne Town Hall on pathways to reconciliation.

Pat Dodson spoke of the concept of common fate from the language of his people — the Yawuru people. 'Liyarn ngarn' is the phrase that connects an individual to family, to country and to spirit. An individual cannot be content unless there is harmony with other people and with the natural environment.

Without wishing to appropriate the phrase 'common fate', it resonates strongly within me for two reasons: firstly, because the historical fate of indigenous peoples across this nation is remarkably common as determined by life expectancy and other indicators of social wellbeing. It is a national tragedy that Aboriginal people die on average 20 years younger than all other Australians. Secondly, from this fact then, how can anyone in Australia be truly content when more than 250 000 otherwise disparate Australians with whom we share this continent are bound by this tragedy every

day? Sir William Deane lamented as intolerable the situation that on average an indigenous child born today will die 20 years before a non-indigenous child born in the next hospital bed.

An understanding of common fate underpins what reconciliation is about, both as a means and an end.

When the Bracks government first came to office one of our key policy commitments was to achieve genuine justice for indigenous Victorians. We did so in the belief that we will never be a truly equal and fair society until we complete the unfinished business of genuine reconciliation. There can be no reconciliation without respect.

Our government outlined a vision for reconciliation in Victoria, which is to create a society that: is proud of its indigenous heritage; addresses the dispossession and disadvantage experienced by indigenous people; heals the hurt of past injustices; and commits to build a positive future.

The Constitution (Recognition of Aboriginal People) Bill 2004 that is before the Parliament is one step on the road to reconciliation. It is nonetheless an important one. It is more than just a symbolic gesture.

Evidence from around the world suggests that government recognition of its past wrongs makes a real difference to people's lives. It has real effects on their health and wellbeing. It allows them to move on.

In recent months I have travelled throughout the state to listen to what indigenous Victorians think about constitutional recognition. I was expecting some cynicism and accusations of window-dressing. But what I heard was loud support.

Even though this constitutional amendment will not endow any legal rights on indigenous Victorians, Aboriginal people spoke of the hope it would bring for a better future.

#### **A spark for action**

Nellie Moore, an elder in Swan Hill, told me that:

a little bit of respect will go a long way

I hope you do it, because our shoes are worn out trying to get a better future for our children ...

Now we can see there's some light here — we've got to get it into a fire.

It has taken our parliamentary democracy nearly 150 years to show some respect to indigenous

Victorians. With that respect come important responsibilities.

By lighting this small fire we are lifting expectations, and we do not intend to let Aboriginal people down. Our government's mandate is to build a better future for all Victorians.

Indigenous communities have every right to aspire to a much better future than what they are experiencing now. Whether it be life expectancy, education, employment or home ownership levels, the outcomes for indigenous Victorians lag seriously behind non-indigenous Victorians. That is why the Bracks government wants this important constitutional recognition to be a spark for action, not just words.

We want to be able to measure real improvements in the wellbeing of Aboriginal families and communities in the life of our government. We believe that by correcting a blind spot in our constitution we will have laid the foundation to build a better future for indigenous Victorians.

### **Real partnerships will be the key**

To coincide with the introduction of the Constitution (Recognition of Aboriginal People) Bill in the other house two weeks ago, the Premier outlined a number of significant undertakings by our government to deliver better opportunities and outcomes for indigenous Victorians. Our government recognised that we would not succeed unless genuine partnerships are forged with indigenous communities to address the issues that confront them.

The Premier's Aboriginal Advisory Council was created to ensure that the views of the community are heard at the highest level of government. The landmark Victorian Aboriginal justice agreement lays out a framework to redress deep-seated human rights issues. It created space for community aspirations to be progressed through the regional Aboriginal justice advisory committees.

We have established partnership forums with indigenous Victorians to improve access to vital services like education and health care. We established the stolen generations task force and are now implementing many of its recommendations through a stolen generations organisation.

By placing Aboriginal Affairs Victoria within the Department for Victorian Communities we intend to support community strengthening. This approach will see the development of more place-based partnerships like the one currently being developed in the Council of

Australian Governments trial in Shepparton. The COAG trial is demonstrating how a strong partnership between the Aboriginal community and government can result in new approaches to improving educational outcomes for Aboriginal students in the area.

### **Hope for a better future**

Education for many Aboriginal children and young people can be a difficult and trying experience. In Shepparton the local schools have been working hard to change this experience, with limited success.

One of the key gains of the COAG trial is to accelerate these successes and make a lasting difference.

For children to have a good start at school, the years prior to school are critical.

In Shepparton, the Best Start initiative provides better support for Aboriginal children, parents and carers.

From this foundation we need to enrich teachers to value and respect Aboriginal culture and heritage.

The COAG trial goal is to support teachers in gaining knowledge and understanding of Aboriginal culture and heritage and encourage them to integrate their appreciation into the everyday curriculum for their students.

Through this current initiative the Aboriginal community wants to ensure that when their young people leave school they go into *meaningful* training, further education and employment.

They want to see their young people be strong enough and confident enough to feel they have choices in their lives and that they can fulfil their dreams.

All across Victoria our Koori communities and Torres Strait Islander people are expressing the heartfelt desire for their next generation to be optimistic and for them to succeed.

One of the most innovative developments coming out of indigenous communities in Victoria in the last few years has been growth and support of leadership skills among young people.

Too many young indigenous people experience a shocking lifestyle imbalance of poor education and career training outcomes, substance abuse, mental health problems and are overrepresented in the juvenile justice system.

However, despite these obstacles there has been vision and enthusiasm generated by communities which has resulted in the participation of hundreds of young indigenous people across rural, regional and urban Victoria in community-based leadership projects.

The projects provide leadership training, mentoring by community elders, and experiential learning through the undertaking of community-based activities.

The projects bring together partnerships with Aboriginal organisations such as the Victorian Aboriginal Community Services Association Ltd (VACSAL) and tertiary institutions such as RMIT, philanthropic trusts and VicHealth.

The aims of the projects are not just to build the skills of the young people who are ready to 'step up' but also target the young indigenous people who have had little opportunity to access support and develop their potential.

The projects build the capacity of young people to take part in civic life and contribute to the future growth of their communities.

I have had the good fortune to meet many of these young people and I have been inspired by their capacities and their commitment to carve out a future for themselves and their families.

### **Some talk, then action**

Between the autumn and spring sittings this year I conducted intensive consultations with indigenous communities throughout Victoria.

I have been seeking views about cultural heritage, land and resource development and a new whole-of-government Aboriginal affairs framework.

We intend to enhance cultural heritage legislation and take the opportunity to address some of the difficult issues that have divided our indigenous communities.

These are a set of complex and sensitive issues such as responsibility for country, the appropriate roles of traditional owners and other indigenous people in protecting indigenous cultural heritage.

We also recognise the need to improve the general community's awareness about cultural heritage.

The Bracks government is working to deliver land justice for indigenous Victorians.

In the 2004–05 budget my department was allocated funds to develop an Aboriginal land and resources development strategy.

Our intention is to improve access to land. This will be achieved through land transfers and land management agreements which recognise the cultural significance of land and delivers lasting economic and social benefit.

In June, the Attorney-General on behalf of the government signed the Yorta Yorta Cooperative Management Agreement — an agreement that gives the Yorta Yorta people a real say in the management of public land within their traditional country.

Our government hopes that the Yorta Yorta outcome will provide a basis for reaching future land management agreements with other indigenous communities outside the native title process.

We want to negotiate — not litigate — outcomes.

### **Capacity building, sustainable investment**

Consistently Aboriginal people say that the appropriate level of infrastructure and recurrent funding must be provided to underpin sustainable social and economic activity.

Our government recognises this. We are exploring ways in which partnerships may be formed to generate sustainable indigenous business. It is our intention to work with the Indigenous Land Corporation to enhance their investment within Victoria.

Clearly most Aboriginal organisations have expertise and engagement in addressing disadvantage, however many have lacked the support and experience to provide for adequate training and the governance capacity demanded of them.

One priority outcome out of the new whole-of-government framework will be to provide for stable administration in Aboriginal organisations. We also want to generate a higher correlation between programmatic funding and the improvement of key indicators of social wellbeing.

These organisations expect mature relationships with government that will streamline administrative arrangements rather than compound them. This is a key learning from the COAG trial.

I will be refining these arrangements through further consultation in the months ahead.

### Our opportunity for reconciliation

By my next round of consultation this Parliament will have an opportunity to demonstrate its ongoing commitment to reconciliation by considering the Constitution (Recognition of Aboriginal People) Bill 2004.

In recent years the Parliament of Victoria has on a number of occasions demonstrated a bipartisan commitment to indigenous wellbeing.

In 1997 and in 2000 the Parliament with unanimous support apologised to the Aboriginal people on behalf of all Victorians for the past policies under which Aboriginal children were removed from their families. We expressed deep regret at the hurt and distress this has caused.

Four years ago the Victorian Parliament came together to hear leaders of Victoria's indigenous communities speak of their struggle to keep their families together, and to keep alive their culture and traditions.

All who were there that day were moved by their generosity of spirit and their willingness to extend the hand of friendship and reconciliation.

It was an historic occasion.

That day the Parliament demonstrated one united voice to progress the aims and objectives of reconciliation.

Now during the life of this Parliament our government wishes to make concrete changes that deliver measurable benefits to indigenous communities.

I have personally assured indigenous communities that I will return to them within two years to report on our progress.

I want to be able to go back to them and say, 'Together we have made a difference. We have enhanced the role of indigenous communities in protecting Aboriginal heritage.

We have provided some measure of land justice in a way which has resulted in real social and economic benefits for indigenous people.

We have strengthened the capacity of indigenous communities to shape their own future, and we have improved the lives of indigenous families in Victoria.'

Together our Victorian community will rise to the challenge and build a better future for indigenous Victorians.

**Hon. W. A. LOVELL** (North Eastern) — I move:

That the Council take note of the ministerial statement.

In so doing I acknowledge the people of the Kulin nation, the traditional owners and custodians of the land on which we stand. I pay my respect to their elders, both past and present.

Four years ago, on 31 May 2000, there was an historic joint sitting of this Parliament with the Aboriginal community on Aboriginal reconciliation. It marked the first time that an indigenous Victorian had spoken in this Parliament since it first sat in 1856. This was an historic day that marked a major step towards reconciliation. The Parliament should be proud of its bipartisan approach towards reconciliation and of the genuine will of people on both sides of Parliament to see genuine reconciliation and mutual respect between our indigenous and non-indigenous Victorian communities.

As a Liberal member of Parliament I am very proud that Neville Bonner, the first Aboriginal member of any Parliament in this land, was a Liberal member of Parliament. I had the good fortune of meeting Neville Bonner some years ago, and I was inspired by this man who had such vision for his people and a genuine will to achieve better outcomes for Aboriginal Australians.

The electorate I represent has the largest population of indigenous Victorians outside metropolitan Melbourne. At the forthcoming federal election for the first time the electorate of Murray, which encompasses most of those indigenous populations, will have a young indigenous woman standing as a candidate. Monica Morgan, a member of the Yorta Yorta clan and a leader amongst her people, is standing as a candidate for the Greens party. Even though I am a Liberal member of Parliament and a member of the Liberal Party, I am very pleased to see that for the first time one of the indigenous members of our community has put up their hand to say that they want to represent the community in a parliament. Everyone in the Murray electorate should be proud that Monica is doing that and is our first Aboriginal candidate at an election.

Shepparton has a strong Aboriginal population of about 6000, which is about 10 per cent of our total population and the largest population of Aboriginal people outside metropolitan Melbourne. I have very strong friendships within our Aboriginal community, and I am very proud of those friendships and of those people and the things

they achieve. I am also proud of our local elders and our young leaders who are coming through and showing such leadership to the rest of their community. The other day I had a conversation with someone about a member of our Aboriginal community who is not that much older than I am. I can remember that person being a senior when I was a junior at high school. I was talking about the quality of young leaders coming through and spoke of this person. It was pointed out to me that this person is no longer considered young; they are an elder, and they are only just a few years older than me. While I know that I am getting on, I do not consider myself to be an elder amongst our community. That shows the difference in the expected lifespan of the indigenous and non-indigenous communities in Victoria. It is very sad that someone who has not yet reached 50 years of age is considered to be an elder in that community.

The Council of Australian Governments trial in Shepparton is forming strong partnerships between our Aboriginal community at all three levels of government — federal, state and local — and this will result in better educational opportunities for our children as well as better opportunities for parents and carers through the Best Start program.

I would like to pay respect to Aunty Mary Atkinson, who unfortunately passed on earlier this year. Aunty Mary was instrumental in driving better outcomes through education for young Aboriginal children in our community. She was truly an inspiration to all of us, and we all have much to thank her for. I had the great pleasure of cutting the ribbon with Aunty Mary at the opening of the new Manega Primary School buildings when I was first elected to Parliament, and it is something that I will always remember, especially doing it with Aunty Mary, because she was such an important and special person in our community. Aunty Mary always had a challenge for you if you met her down the street. She would say to me, ‘Now, Wendy, have you just thought about this?’ and I knew there was a new challenge coming. She will stand out in my memory as a very special person.

Melbourne University is doing wonderful things in Shepparton. It has done tremendous research into health amongst our Aboriginal community, especially in the area of diabetes. It has made tremendous inroads and progress in the maternal and child health area, and it is running the Academy of Sport, Health and Education in conjunction with the Rumbalara football and netball club and Paul Briggs, who is an inspiration to the rest of us as a leader in our Aboriginal community. The ASHE program is encouraging youth back into education through sport. It is a great opportunity for us to

re-engage our young people in the education system if they have drifted away.

The Rumbalara Aboriginal Cooperative is making tremendous inroads into all sorts of areas in our community, especially health services. It has a wonderful clinic that provides bulk-billing doctors to our indigenous community. I was talking with Justin Mohamad not so long ago about the expected lifespan of the Aboriginal community and how the health clinic will assist in extending that lifespan. One of the things Justin particularly mentioned was that 25 years ago Aboriginal children were never inoculated against some of the most common diseases that we always ensure our children are inoculated against. He said that it will take 25 years before we see the benefits of those programs, so this is going to be a long haul, but we will be in it for the long haul, and hopefully we will be delivering far better health outcomes and life expectancy for our Aboriginal community.

The Koori court is also working extremely well in the Shepparton region. We have a committed group of elders who run it really well. I pay respect to Kate Aughtie for her work in the Koori court. Unfortunately Kate has moved on and taken up a position in South Australia now, but she did a tremendous job in getting our Koori court set up and working with the elders of our Aboriginal community to ensure that we have fewer reoffenders and fewer people coming before the court system and that it will deliver better outcomes for them as well.

I just referred to the Rumbalara cooperative, which works particularly well because we have a committed group of people running it. One of the things that cooperatives around the state have been telling me is that, for our communities to be strong, our cooperatives need to be strong, and unfortunately that is not always the case. Many cooperatives are falling over at the moment because of a lack of funding to support the administration within them. I hope that is something the minister will take on board and that he will provide some assistance to cooperatives for administration to ensure that they are strong and that our communities are strong through the cooperatives.

I would like to read a couple of remarks from the minister’s statement. He said:

It is a national tragedy that Aboriginal people die on average 20 years younger than all other Australians.

He also said:

Indigenous communities have every right to aspire to a much better future than they are experiencing now.

I think we would all agree with those comments. It is certainly the case that we all want to see longer life spans for members of our Aboriginal community and genuine reconciliation and better opportunities for them all around. Unfortunately the government is failing to deliver on those things for Aboriginal Victorians. The health of indigenous Victorians has continued to fall disproportionately below that of non-indigenous Victorians under the Bracks government. The education of indigenous Victorians has continued to fall disproportionately below that of non-indigenous Victorians under the Bracks government.

Unemployment rates have remained significantly higher for indigenous Victorians under the Bracks government. The number of indigenous Victorians in our corrections system has increased under the Bracks government. The Bracks government continues to introduce short-term and short-sighted grants programs that fail to implement long-term strategies to improve education, employment, health and social conditions for indigenous Victorians.

These statements are backed up by a report entitled 'Victorian indigenous affairs policy: assimilation, self-determination and beyond' put together by the minister's intern last year, Emily Millane. The report identifies many problems within the Aboriginal affairs portfolio. Among the findings in her report were comments that interviewees were united in their view that the official government policy is insufficient. One respondent described this as 'Bracks talks, he does not act' creating a sense that communities were on their own. Respondents were divided on how successful, if at all, the Bracks government's policies have been to date.

The minister himself was reluctant to characterise any policy as a success. So the report was just another confirmation of the Bracks government's failure in the Aboriginal affairs portfolio.

Also in his statement the minister said:

We want to be able to measure real improvements in the wellbeing of Aboriginal families and communities in the life of our government.

Unfortunately this is just not happening, and we would like to see it happen too.

In contrast, the federal government is doing things to deliver real outcomes for indigenous Victorians and indigenous Australians all around Australia. The federal government spends 39 per cent more in real terms than the previous Labor government did on indigenous programs.

Some of the federal government's achievements include: with infant mortality, death rates from respiratory illness and infectious and parasitic diseases have fallen; more remote communities now have access to sewerage, electricity and water — but of course in the state of Victoria remote communities do not have access to natural gas, because the Bracks government has not connected it; and more indigenous people are working, as the unemployment rate is down and employment participation rates are up — that is nationally, but not in Victoria.

They also include: since 1996 the number of students nationally staying on to do year 12 has doubled; under the federal government more are going to university, and over the past 10 years more than double have got tertiary qualifications; both new apprenticeships and TAFE attendees have almost doubled since 1996, when the federal government came to power; housing overcrowding rates have declined since 1996; by 2001–02 the number of houses included under the Community Housing and Infrastructure Program had almost doubled since 1996; and in 2004 there has been a doubling of money provided in loans through the Home Ownership Program. So the federal government is delivering real outcomes for indigenous Australians.

At a state level the Liberal Party has a clear vision for delivering for Aboriginal Victorians.

**Ms Mikakos** interjected.

**Hon. W. A. LOVELL** — I do have. The Liberal Party values our indigenous Victorians and will provide real opportunities for our indigenous community to eliminate disadvantage and to promote self-determination. The Victorian Liberal Party is committed to working closely with Aboriginal communities to develop and support initiatives which provide real opportunities by: creating education opportunities in early childhood, primary, secondary, further education and the employment experience; encouraging economic development and real employment experience and training; improving the health of our indigenous community by developing and providing proper health services and health promotion; developing and improving community infrastructure, programs and information to deliver better services to Aboriginal people; providing programs to divert young people from the criminal justice system and continuing to address the overrepresentation of indigenous Victorians in our justice system; developing the choice of appropriate and affordable housing for members of the Aboriginal community; recognising, preserving and promoting Aboriginal cultural heritage; and enhancing reconciliation and the understanding of indigenous

history between the indigenous and non-indigenous community.

**Hon. D. K. DRUM** (North Western) — I am delighted to take the opportunity to join with other members of the house in discussing the ministerial statement on Aboriginal affairs.

From the outset I would like to acknowledge that in my opinion this is an exceptionally difficult issue to have to deal with, because we are not just talking about how we look after the Aboriginal people as a whole because the groups within the Aboriginal community are in fact quite diverse, with diverse needs and claims to satisfy their needs and desires.

I would like to work through the ministerial statement and add some ad hoc comments on how I view what has been put before the house today. Certainly when the minister came out with the fact that Aboriginal people die on average 20 years earlier than the average Australian, it really brought home to us the fact that we still have a very serious imbalance in our society. I think members from all sides of Parliament understand that we are judged by how we look after our most vulnerable and our most disadvantaged. Certainly in this discussion on Aboriginal affairs it is hard to think that either side of politics has a stronger view than the other on what we need to do to get this right.

Everywhere I have lived in my life I have been associated with and surrounded by Aboriginal communities and have had fantastic associations and memories of those. In my childhood at Shepparton a lot of Aboriginal students were at school, and then there were a few down in Geelong and also at Werribee.

In Sydney the first chance I got to live with an Aboriginal community was in a suburb called La Perouse. There was a very strong community at La Perouse. It was just a great environment to live in and bring the kids up in. We really enjoyed going down to the Yarra Bay sailing club, which was the local haunt for not only the people of Phillip Bay and Yarra Bay but also the local Aboriginal community. We certainly had a lot of great times down there sitting around talking about the various histories of all of our cultures — with the backdrop of Botany Bay, where La Perouse is situated. It certainly was a great opportunity to really come face to face with the Aboriginal communities there.

Also when I went to Fremantle I had a huge association with a whole range of Aboriginal footballers from all over Australia. Their stories were quite diverse and quite different. During my time in Perth was the first

time I was associated with the stolen generation issue. I talked to some of the players over there, who simply told me about the long-term effects of the stolen generation. Irrespective of the motives of the various church and governmental groups that were obviously, in their opinion, trying to do the right thing, the damage that was done through the policies of well-meaning people back in those days has certainly had scarring affects on communities not just at that time but also for generations on.

It was spelled out to me in very clear terms that when a person loses a child and that child is brought up in an orphanage and so forth, when the child comes back into it he does not understand and has never had the parental guidance of his father and so he struggles with his fathering duties and his ability to be that role model for his sons. And so the whole passing down of male role models right down through the generations has been thrown out of kilter by something that happened 50 or 60 years ago. We need to be mindful of that when we talk of what happened 60 years ago maybe not having relevance today — because I can certainly assure you that it does.

There are some other issues that we really need to be aware of, not only in Victoria but also in some other parts of Australia. Habitual marijuana use, starting from a very young age, is a problem that dogs several Aboriginal communities within our midst. We have to be absolutely up front and aware of these issues; we have to talk about them openly and try to work out ways to do something about it. Unless we acknowledge the issues that are out there in Aboriginal communities, and if we attempt to put our heads in the sand and pretend that the issues such as chronic and habitual marijuana use over an extended period of time, starting at a very early age, are not happening, we are simply window-dressing. If we do not understand that that is happening, we have not got a hope in hell of addressing the problems.

Also, as was said earlier, with such things as poor nutrition also starting at a very young age, there are more challenges we have to address — not just trying to work out later why we are losing so many of our indigenous people at an early age; we also have to understand that the problem starts at a much younger age.

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

**Hon. D. K. DRUM** — As I was saying before the dinner break, the issue of nutrition and chronic marijuana use in the Aboriginal community is

something that needs to be acknowledged, and we need to make sure that we have a true handle on these issues.

There have not been many, but two or three young men from the Aboriginal community have been able to talk to me about their marijuana use. They have quite simply and clearly said to me, 'I would love to give it up. I hate the stuff but I have been doing it for such a long time and started at such a young age I honestly find that I am unable to give it up'. When I have spoken to various others from within the Aboriginal community it is not anywhere near as uncommon as we would like to see. It is a real issue, and their poor nutrition has already been touched on.

The minister in his statement also touches on reconciliation. In the words of the statement:

There can be no reconciliation without respect.

This is a really interesting aspect of the way that the wider community treats the Aboriginal community, with relation to respect. Simply by sitting down and talking to various Aboriginals about this issue, I learnt that they have a belief that they want and crave respect, but they also know without a doubt that they need to earn respect. Therefore the responsibility is with the broader community to create a platform and an environment where discrimination is a thing of the past and does not exist at all.

That has to be our goal, to create as best we can a truly even playing field where the Aboriginal community as individuals within the broader community can perform in whatever field they wish at a level that will truly earn them the respect of anybody else in the community. You will find that is what they crave, if you sit down and spend some time with them. I am sure that if we do create the environment to perform without discrimination or prejudice, then and only then will we see that they are able to gain respect and flourish in the communities.

The minister also mentions how in recent months he has travelled around the state, meeting with and listening to indigenous communities about the constitutional recognition. I would urge the minister to continue that consultation with the Aboriginal communities, because there are divisive Aboriginal communities in Victoria and simply going into one area and talking to one group does not constitute getting across to the wider community of Aboriginal groups. There is a whole range of subgroups in the area which all need to be spoken with and listened to. We do not have the answers but we do have the experience, having dealt with and spoken to these people about their particular issues. They all crave to take part in the

decision making processes of issues such as cultural heritage.

If the statistics that Ms Lovell mentioned in her contribution earlier are correct — I do not have those statistics — they are quite damning. I would need to have it put on the record that if educational outcomes are worse now than when the government came into office, and if employment rates within the Aboriginal community have in fact lessened in that time, if the health outcomes have also deteriorated and if incarceration rates have increased, they are some of the outcomes we need to be addressing. We can talk about warm and fuzzy ministerial statements all we like, but we have to concern ourselves with outcomes. If outcomes are going in the wrong direction, we need to address that. Again, if those statistics are in fact accurate, we need to look very seriously at what we are doing at the minute and maybe look for a change of direction. This is one of the areas in opposition where there is absolutely not one skerrick of satisfaction in seeing the government floundering. We need to see these issues addressed. We are truly looking for improvement in all these criteria. All these indicators and trends need to be moved in the right direction, irrespective of who is in government. I have spoken to people who would classify themselves as elders within Aboriginal communities, and they have strongly pushed the issue of employment for their young people. They see that the way some of the youth of their communities are going is not a direction they are overly happy about. They are very strongly of the view that, if we are going to do anything directly for Aboriginal youth, we need to encourage them to get work, create opportunities for them to work and get them into the work force so that they can break the welfare chain. The view is that only when the young people are in meaningful employment will we be able to truly say that we are moving in the right direction. That view is shared by the people the minister has spoken to, as he said in the statement.

I would like to make note of some other comments that have come back to me in recent months as I have spoken to Aboriginal groups. Page 5 of the ministerial statement says:

The Premier's Aboriginal Advisory Council was created to ensure that the views of the community are heard at the highest level of government.

My issue is: who sits on this advisory council? How were the people on the council chosen? Who picked them? What was the process there? There is serious anxiety in the Aboriginal community as to who is sitting on that council. There is some angst about the people who would have liked to be on that council and

are not. I would like to have that on record so that the minister is aware of that concern.

There are interesting trials listed in the statement as happening at Shepparton. I truly congratulate the people in charge of them. I see that it has been a commonwealth-state initiative, and I must congratulate the people at Shepparton, particularly Paul Briggs, who is working through all this. As was said earlier:

Through this current initiative the Aboriginal community wants to ensure that when their young people leave school they go into meaningful training, further education and employment.

That sentence in the ministerial statement says it all. If we believe anything in here, we believe we have to create the training and opportunity for further education so that we can have our young Aboriginal people heading towards full-time, meaningful employment. We have to look at our TAFE system. Our TAFE system is \$125 million per year behind the national average, so we cannot say we are doing the right thing if we refuse as a state to spend adequate amounts of money to bring our TAFE colleges up to scratch. That in my estimation is the main aspect of the whole statement. We need to look after the education process and make sure we are preparing our young Aboriginals for the work force.

On the last page the minister concludes by commenting that he would like to be able to come back in a number of years and tell the communities what he has achieved. He wants to be able to go back to them and say:

Together we have made a difference. We have enhanced the role of indigenous communities in protecting Aboriginal heritage. We have provided some measure of land justice in a way which has resulted in real social and economic benefits for indigenous people. We have strengthened the capacity of indigenous communities to shape their own future, and we have improved the lives of indigenous families in Victoria.

I think they are all very laudable sentiments. We just need to know how the minister intends to do it. We encourage him to continue his quest, because it is not easy, but the trends are not looking positive the way things are going at the moment. We need to all get together and make sure that some of these outcomes are achieved. I wish the minister all the best.

**Ms MIKAKOS (Jika Jika)** — It is a pleasure to rise to make a contribution to this debate. It has largely been a positive, constructive debate on what I regard as very important issues. Before I go further I would like to begin my contribution by acknowledging the people of the Kulin nation, the traditional owners and custodians of the land on which we stand, and paying my respect to their elders.

In the minister's contribution he spoke decisively on the unfinished business of reconciliation. Since the election of the Howard government the idea of meaningful reconciliation between indigenous and non-indigenous Australians has sadly faded into the background. Thankfully here in Victoria we have not lost sight of the fact that we need to continue to focus our energies on addressing the serious indigenous disadvantage that exists in our community. I am pleased that the minister has flagged important gestures and acknowledgments of cultural heritage that we will be making in the near future with a bill coming before this house and that he has also talked about a range of actions in crucial areas including constitutional recognition, education, health, land justice and cultural heritage. These are all important signposts on the path to meaningful reconciliation. They reflect the reality that we understand — that for progress to be made we cannot look at any of these areas in isolation.

In my brief contribution to the debate I want to focus on an area that the minister touched upon in his ministerial statement — that is, the groundbreaking work being undertaken by this government in partnership with the indigenous community to address the indigenous overrepresentation in the criminal justice system. It remains a distressing reality that indigenous men and women are 13 times more likely to be imprisoned than non-indigenous people in this state, which is a figure that shames us all. The national figure of 17 times the rate of non-indigenous imprisonment is even more disturbing. Young Koori people are nine-and-a-half times more likely than non-Koori young Victorians to be serving a juvenile justice order. As members would be aware, in 2000 the Victorian Aboriginal justice agreement was signed by the relevant responsible ministers, including the Minister for Aboriginal Affairs's predecessor, the Aboriginal and Torres Strait Islander Commission and other representative Koori organisations.

The Aboriginal justice agreement is the strategic framework for addressing indigenous overrepresentation in the criminal justice system. It is part of this government's commitment to implementing the many recommendations of the Royal Commission into Aboriginal Deaths in Custody. Members would be aware that it is now over a decade since that landmark royal commission report was handed down. Yet in this country we still have a number of very serious issues that were addressed in that report and that need to be progressed further.

Forging a partnership with the Koori community, the agreement contains key principles that underpin the development of programs and services to improve

justice-related outcomes for Aboriginal people. Among the principles is the promotion of reconciliation; recognition of the impact of past policies, including land disposition; the need to empower Aboriginal and community organisations to act on their own behalf; and the importance of early intervention to address overrepresentation, particularly in respect of children and youth.

Four years on, this agreement is acknowledged by the community and across government as best practice for developing indigenous strategies and public policy. It recognises that it is not possible to address the issue of indigenous overrepresentation unless we address also the related issues across the whole of government, whether they be issues of employment, education or health. So the Aboriginal justice agreement puts forward a holistic approach to tackling these issues across the whole of government.

The Aboriginal Justice Forum, which I have the great honour of chairing, has been established through the Aboriginal justice agreement. We have also established regional Aboriginal justice advisory committees that cover the whole of Victoria to provide monitoring and policy development activity, with Koori community representatives being able to participate as equals with Victorian government agency representatives. The regional Aboriginal justice advisory committees — or RAJACs, as they are known — also enable, as I said, the development of a holistic approach to address these important issues. Most of the RAJACs have now developed their own social justice plans that will eventually be consolidated into a statewide justice plan.

The agreement has also seen over 60 initiatives developed to produce specific strategies to address indigenous overrepresentation in the criminal justice system. One of the most prominent of those initiatives is the establishment of the very successful Koori court program that gives Koori offenders pleading guilty the opportunity to have their sentences determined by a Koori court. Members would be aware that the Koori courts are not intended to create two systems of law. The magistrate, of course, is the ultimate decision-maker. The Victorian sentencing legislation was not amended with the establishment of the Koori courts, but it gives the magistrate, as with the rest of the Magistrates Court, the flexibility of all sentencing options and the trial is conducted in a far more informal hearing and in the presence of Aboriginal elders who can act as advisers to the magistrate.

The Koori court currently operates in Shepparton, Broadmeadows and Warrnambool and is soon to be expanded to Mildura and Gippsland. A children's

Koori court is also under development. I have had the pleasure of visiting the Broadmeadows Koori court and seeing it in action. It is a great success. Feedback that I have had from participants, including police, indicates that in many instances Koori defendants, rather than considering this a court of less serious option, appear to be far more confronted by the presence of Koori elders and respected persons who sit in all the Koori courts. Whilst the program is being formally and independently evaluated, the early indications are that the re-offending rates of those appearing before the court are encouragingly low.

One of the other initiatives under the Aboriginal justice agreement is the establishment of Aboriginal bail justices. It is very important that we give indigenous people the opportunity to formally participate in the administration of the justice system — obviously other than as the accused or defendants. This initiative is particularly significant, as it arose directly from a recommendation of the Royal Commission into Aboriginal Deaths in Custody. The purpose is to have a bail justice conduct out-of-session hearings. This includes remand hearings when police have arrested offenders and interim accommodation orders for children at risk. A bail justice can also, of course, witness the signing of statutory declarations and affidavits. The Koori bail justices are involved in matters that include both Aboriginal and non-Aboriginal people. It is important to note that they do so in a voluntary capacity.

The Bracks government is serious about being tough on crime but also on the causes of crime. As I have said previously on a number of occasions, research by the Department of Justice shows that a Koori person who does not finish school is 86 times more likely to be imprisoned than a non-Koori person. The goal of increasing indigenous participation in the administration of the justice system will be greatly assisted by young Koori people being able to take up their educational opportunities. One way that we are seeking to do that is through the Pathways to Justice agreement between the Department of Justice and Northland Secondary College, a school in my electorate.

This particular initiative is a good example of how a local school and a government department can work together to facilitate a range of opportunities to engender greater interest among young Koori people in pursuing career paths in the justice system. I have been along to one of their career forums where they had speakers from a range of employment backgrounds in the criminal justice system. It was fantastic to see such a number of young Koori kids express an interest in and

enthusiasm for pursuing a range of careers, including in Victoria Police. The program is testament to the great enthusiasm of Northland Secondary College staff — such as the principal, Raffaella Galati-Brown — the students and, of course, the Department of Justice, which is the other signatory to the agreement.

In the minister's contribution he spoke about the Council of Australian Governments (COAG) trial in Shepparton, which is a very good example of how governments across all levels can respond to the specific and urgent needs of individual indigenous communities. Another good example of such an initiative relates to the Lake Tyers community renewal project, which is a significant effort to coordinate infrastructure, services and programs to address the very serious social problems being faced by the community at Lake Tyers. The government is developing a community renewal project that will be implemented over a 10-year period, and this involves the community and federal, state and local agencies working together to address employment infrastructure, land sustainability, safety education, transport and further education opportunities for that local community. I note that the minister, along with the Attorney-General, has been very active in supporting this community renewal project, making a number of visits to Lake Tyers to consult with the community. The project is in its early stages of development, and I am sure that we can look forward to some significant and lasting outcomes for that community.

Lastly, I want to note that in this year's budget there is a significant level of additional funding for the various initiatives under the Aboriginal justice agreement, with an amount of \$7 million being allocated over four years to implement the agreement's second phase and allow the expansion of the Koori courts that I have mentioned. Programs like the night patrol, which is operating in Mildura and Shepparton, will be expanded. There are also a number of other programs, such as the program to address the issues of youth at risk of contact with police after hours and the Aboriginal community liaison officer program.

In conclusion, the issue of indigenous disadvantage is a very important one and one that needs to be addressed in a bipartisan way and through cooperation between the state and federal governments. The reconciliation march that occurred a few years ago is something that certainly stuck in my mind. I am looking forward to a change in government at the federal level so that we can have a federal government that can actually move forward in addressing the significant issue of indigenous disadvantage in this country. It is important

that we continue this debate in this Parliament, and I support the minister's statement.

**Ms ROMANES** (Melbourne) — I am very pleased to have the opportunity this evening to make a contribution to the debate on the ministerial statement on Aboriginal affairs, *Building for Tomorrow*. Like other speakers, I would like to begin by acknowledging the people of the Kulin nation, the traditional owners and custodians of the land on which we stand, and paying my respects to their elders both past and present.

The minister has set out in the statement before the house the Bracks government's commitment to indigenous people in this state. The focus is on delivering measurable benefits to indigenous communities. It is on enhancing the role of indigenous communities and protecting cultural heritage, in providing land justice which will lead on to real social and economic benefits, and in strengthening the capacity of indigenous communities to shape their own future.

I would like to commend the minister not only for the work and the program that is outlined in the ministerial statement but for what underpins it; for his work in the past two years of getting around to indigenous communities in Victoria, consulting with members of those communities, listening to them and developing, in conjunction with other ministers in the government, the various actions outlined in the ministerial statement and the initiatives introduced in the last budget. I am reminded that this is a very important journey for this government — a journey about developing genuine partnerships with indigenous communities. It takes me back to that very important event which was mentioned earlier by the Honourable Wendy Lovell and which happened on 31 May 2000 in this Parliament — that significant act of reconciliation not long after the Bracks government was first elected when there was the joint sitting of the two houses of Parliament which took place in the Assembly. It was a historic occasion, as the minister said, when indigenous leaders came into the Parliament in a spirit of reconciliation and addressed the Parliament — a Parliament that had never before embraced them.

It was indeed a moving experience. It makes me reflect on my own personal journey and on our nation's journey in understanding the paramount importance of placing the indigenous people at the beginning of our history; not only placing the indigenous people at the beginning of our history, but placing them at the centre of our multicultural and diverse society and according them the respect they deserve as the traditional custodians of this land as well as supporting them by

addressing the dispossession and despair and marginalisation they have often felt — and I am sure still do feel in many circumstances — and building on the strengths of the indigenous communities so that they can provide a bright future for their young people. That is very much a part of what the ministerial statement is about: looking to the future, looking for programs that will provide a future for young indigenous people.

I want to remind the house this evening that oppressors never give up power to those who are oppressed. It is about the oppressed taking power from the oppressors. We need to go back and remember it has not been we, the ones in power or the non-indigenous community, that made all this happen; it has been the indigenous community that has thrown up the challenges to the white community over the last 30 to 40 years. The indigenous community has provided the leadership to bring about a change of heart and to bring more justice into the community in Victoria and the rest of Australia for indigenous people. The indigenous people themselves have led this movement for change.

In my own history, my first public political action was to volunteer to Gordon Bryant, who was then the shadow Minister for Aboriginal Affairs at the federal level, to hand out how-to-vote cards in the referendum in 1967. Those of you who can remember that time will recall that the referendum included a question about whether or not Aboriginal people should be counted as citizens in the census. How outrageous do we think that is now — that that could have been the case at that time. But why was my young political conscience stirred at that time? Why did I feel the compunction to hand out how-to-vote cards to try to persuade other members of the community to vote 'yes' in that referendum?

I am reminded of the political actions of the black activists of the time — the freedom riders of New South Wales, who rode buses throughout New South Wales to make non-indigenous people aware of how they felt about their situation. I am also reminded of organisations like FCAATSI — the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, a national organisation which campaigned strongly for indigenous rights. I remember the very strident and angry words and actions of many of the radical black activists of the 1960s and 1970s such as Bruce McGuinness, Gary Foley and Marcia Langton. How incredible it is that Marcia Langton is a professor at Melbourne University today! How far we have come since those days! How clever they were as campaigners! But looking back, I can see what an

anguished time it would have been for them all in their campaigning for indigenous rights.

Some here would remember the protest marches in the streets of Brisbane during the Commonwealth Games, the courageous stand the Gurindji people took at Wave Hill in the Northern Territory and the advocacy of the Mutjulu people at Uluru, who were the recipients of land that was returned to them as the traditional owners by former Prime Minister Gough Whitlam in the 1970s. They were difficult times, but the indigenous people fought hard for self-determination and sovereignty, and in the 1970s and 1980s some land rights legislation was achieved.

In Victoria it was very limited — it was the Framlington and Lake Tyers legislation. In the Northern Territory it was more significant through the Hawke federal government, and a lot of land and resources were returned to the indigenous communities there. There was also the establishment of the Aboriginal and Torres Strait Islander Commission, the representative body appointed to look after the welfare of the Aboriginal people across the country. ATSIC was so badly maligned and undermined by the Howard federal government in recent years that it got to the point of being disbanded.

The black activists seized on the opportunity of the bicentenary of white settlement in 1988 and for a whole year well and truly put Aboriginal rights on the agenda at every level of the media and throughout the community; they raised the debate to a new level. There were also the reconciliation marches of 2000. Well might we all remember the 300 000 people who gathered at Flinders and Swanston streets and marched across the bridge to the Alexandra Gardens to make a very strong statement that the people in the community of Victoria wanted to see a genuine partnership and reconciliation between indigenous and non-indigenous people in this state. That took place alongside all the other reconciliation marches and statements being made around the country at that time.

When considering the journey we have been on over the last 30 years and up to this point where we are considering this very important ministerial statement, we have to remember the significance of the Aboriginal flag. If the Aboriginal flag did not exist, it would be that much more difficult for indigenous people to rally behind a symbol of their own connection to each other. The Aboriginal flag, which was designed by Harold Thomas in the 1960s, has been a very important symbol for both indigenous and non-indigenous people. It has been a rallying symbol for indigenous people. It captures a mood; it captures the need for us to use

symbols to get very important messages across visually and instantaneously; and it captures a movement that the indigenous communities of this country created. It is now — it was not always — recognised by most right across the country. Most people understand what it represents when they see it flying. It has been a very important feature of advancing the cause of Aboriginal people.

I remember in 1992 when the late Andy Ingham, who was the mayor of Brunswick then, gathered together indigenous and non-indigenous people, and we flew the Aboriginal flag in Brunswick alongside the Australian flag for the first time. What an important and very moving event that was! That flag has continued to fly above the Brunswick town hall ever since. It is a very significant symbol of the views of the community.

As I think the Honourable Damian Drum mentioned, the important thing about a ministerial statement is the outcome. That is what we all want to see — significant changes and benefits for the indigenous communities whose needs the minister is addressing through the ministerial statement. That is a very important part of the various programs and strategies outlined in the statement.

In my view the most important relationship a government and a Parliament can have with its people involves working out what its relationship is with the indigenous people of the country in which we meet as an institution and in which we make decisions as governments, as parliamentary committees and in all the various guises that we operate in. That relationship is absolutely fundamental, and we need to make sure that we have it right and that we are building a genuine partnership between indigenous and non-indigenous people in this state. It is therefore extremely important that this evening we have had expressions of bipartisan support for the ministerial statement; that is a very important basis on which to go forward from this time on. I commend the statement and thank the minister for it.

**Motion agreed to.**

**PARLIAMENTARY SALARIES AND SUPERANNUATION (AMENDMENT) BILL**

*Second reading*

**Ordered that second-reading speech be incorporated for Mr LENDERS (Minister for Finance) on motion of Mr Gavin Jennings.**

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

That the bill be now read a second time.

The purpose of this bill is to amend the Parliamentary Salaries and Superannuation Act 1968 to limit the increase to the basic salary payable to members of this Parliament to 3 per cent for the 2004–05 financial year.

These amendments demonstrate the willingness of this government to apply to itself the same wage restraint that it expects and that the community expects of all Victorians.

As members are aware, under the Parliamentary Salaries and Superannuation Act 1968 increases to Victorian parliamentary salaries are linked to federal parliamentary salaries. In April this year this government promised that no matter what the increase in federal salaries for the 2004–05 financial year, Victorian parliamentary salaries would be limited to a 3 per cent increase. This bill is the fulfilment of that promise.

In June, the federal Remuneration Tribunal announced that federal parliamentary salaries were to rise by 3.9 per cent, effective from 1 July 2004.

In response to the Remuneration Tribunal's decision, this bill limits the members of this Parliament to a 3 per cent pay rise. It achieves this by amending the Parliamentary Salaries and Superannuation Act 1968 to increase the gap between federal and Victorian members' basic salary from \$500 to \$1442, applicable from 1 July.

In accordance with community expectations and this government's wages policy, this bill commits the members of this Parliament to the standards of reasonable, sustainable wage restraint necessary to maintain a viable economic future for the whole Victorian community.

I also draw the attention of the house to the repeal of section 3A of the principal act. This provision only had application from December 1992 to December 1993, and is now spent.

I commend this bill to the house.

**Debate adjourned for Hon. PHILIP DAVIS (Gippsland) on motion of Hon. Andrea Coote.**

**Debate adjourned until next day.**

**GAMBLING REGULATION (AMENDMENT) BILL**

*Second reading*

**Ordered that second-reading speech, except for statement under section 85(5) of the Constitution Act 1975, be incorporated on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).**

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

That the bill be now read a second time.

The trustees of the will and estate of the late George Adams conduct a private enterprise for the beneficiaries of the estate. The trustees hold a gaming operator's licence and a public lottery licence under the Gambling Regulation Act 2003 and are authorised as a gaming operator to conduct Club Keno in Victoria. The gambling activities of the trustees are managed by Tattersall's Holdings Pty Ltd, and its subsidiaries and related corporate entities which are responsible for the operation of the licensed activities.

Earlier this year, the trustees of the estate of the late George Adams indicated that they proposed to change the structure of the estate from a trust to a corporation so that it could then become listed on the Australian Stock Exchange. Changing the structure to a corporation requires, amongst other things, the transfer of the estate's gambling licences and other authorisations.

The Gambling Regulation Act 2003 currently prohibits the transfer of the gaming operator's licence and the public lotteries licence held by the trustees.

The main purpose of the bill is to amend the Gambling Regulation Act 2003 to enable the trustees of the will and estate of the late George Adams to transfer their gaming operator's licence, public lottery licence and authorisation to conduct Club Keno to a new corporate entity.

In addition, in order to ensure appropriate probity and reporting requirements are in place, the bill regulates shareholding interests in the new corporation and makes provision for its financial recording and reporting requirements.

Currently, while there is some variation between the reporting requirements that apply to each of Tattersall's gambling activities under the Gambling Regulation Act 2003, auditing by the Auditor-General is generally required and in some instances, reports must also be tabled before Parliament.

Once the new company has been listed on the Australian Stock Exchange, this current reporting regime will be unnecessary as the company will be subject to the normal reporting requirements that apply to all publicly listed companies. This will ensure that there is appropriate reporting and transparency of the company's activities.

The bill makes provision for removal of the requirement that the accounts of the holder of a gaming operator's licence, a public lottery licence or an authorisation to conduct Club Keno must be audited by the Auditor-General and the requirement for tabling before Parliament. These requirements will be removed once the new company has been listed on the stock exchange.

There will be a transitional phase, however, between transfer of the licences to the new company and its listing on the stock exchange. To ensure adequate reporting occurs during this phase, the bill enables the current reporting requirements to remain in place after transfer of the gambling licences has occurred.

The bill also provides for appropriate probity checks to be undertaken by the Victorian Commission for Gambling Regulation as part of the transfer process.

In addition, the bill places a cap of 10 per cent on individual voting interests in the new company, subject to exceptions:

for any beneficiary that is entitled to more than 10 per cent on the basis of their existing beneficial interest in the estate; and

to facilitate the transfer of the licences and the subsequent listing of the new Tattersall's company on the stock exchange.

The shareholding restriction will apply to the new company while it holds the gaming operator's licence.

Placing a 10 per cent limit on individual shareholdings is consistent with the restriction placed on Tabcorp as the holder of a gaming licence under the act.

The bill also places restrictions on the new company for cross-ownership and involvement in other gaming-related activities. These restrictions are similar to those applying to Tabcorp, subject to exceptions that are required to allow the new company to continue to operate all existing gambling activities within its current corporate structure.

The purpose of the shareholding and cross-ownership restrictions is to ensure that appropriate probity measures are in place.

### **Section 85 statement read pursuant to sessional orders:**

Clause 10 of the bill inserts a new subsection (2) into section 11.1.7 of the Gambling Regulation Act 2003. It states that it is the intention of the new section 3.4.37I(6) to alter or vary section 85 of the Constitution Act 1975.

Clause 5 of the bill inserts two new divisions, being divisions 3A and 3B, into part 4 of chapter 3 of the Gambling Regulation Act 2003.

Division 3A relates to the regulation of shareholding interests in the holder of a gaming operator's licence under chapter 3 of the act. Under that division, the minister can make declarations relating to the regulation of shareholding interests in the holder of a gaming operator's licence. New section 3.4.37I in that division provides for certain appeals to the Supreme Court against those declarations and also provides in subsection (6) that, except as provided in the division, a declaration of the minister may not be challenged or called into question.

The provisions in that division to enforce the restrictions on shareholdings, including the making of declarations by the minister and the limitation of appeals to the Supreme Court against such declarations, are an essential mechanism for achieving the objects of the legislation and, in particular, for ensuring probity in the conduct of the business of the licensee and in dealings in shares of the licensee.

Chapter 4 of the Gambling Regulation Act 2003 already contains an equivalent limitation of appeals in relation to the holder of the gaming and wagering licence under that chapter. The new section will ensure that the limitation will apply to both the holder of a gaming operator's licence under chapter 3

and the holder of the wagering and gaming licence under chapter 4.

The bill as drafted will remove the legislative impediment to the restructure of Tattersall's that is currently imposed by the Gambling Regulation Act 2003, while ensuring that appropriate reporting and probity measures are retained.

In addition, the corporatisation of Tattersall's will provide, for the first time, transparency of the ownership of the Tattersall's business.

I commend the bill to the house.

### **Debate adjourned on motion of Hon. DAVID KOCH (Western).**

**Debate adjourned until next day.**

## **MINISTERIAL STATEMENT**

### ***A Focus on Community Sport and Recreation***

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I desire to make a ministerial statement. It is with great pleasure that I present the ministerial statement entitled *A Focus on Community Sport and Recreation*.

#### **1. Introduction**

Victoria is renowned for its sporting reputation.

In a country that is one of the world's great sporting nations, sport figures prominently in both our state and national identity.

Our international reputation was reinforced in the British government's 2002 report *Game Plan: A Strategy for Delivering Government's Sport and Physical Activity Objectives*. The report identified the Australian sport development system as the world leader.

Victoria is a leading contributor to our international sporting reputation.

Our state is home to five of the six most significant annual sport events held in Australia — the Australian Football League Grand Final, the Melbourne Cup, the Australian Open tennis, the Boxing Day Test cricket and the Australian Formula One Grand Prix.

Now that the Athens Olympics are over the eyes of the sporting world are turning to Melbourne as we prepare for the 2006 Commonwealth Games.

Our capital possesses some top-tier sport venues. I am proud to say their development has been profoundly influenced by Labor governments.

The development of Melbourne Park and the Rod Laver Arena under a Labor government has given the Australian Open a permanent home that secured its envied position as a grand slam tennis event.

The completion of the new stand at the Melbourne Cricket Ground will see a total redevelopment of this famous ground. This redevelopment reflects Labor's determination that new facilities should be accessible and provide the public with a quality sporting experience. The completion of the new stand will increase the public access capacity of the MCG, provide improved levels of access for all sporting spectators and include technologies that improve the ecological sustainability of the ground. This upgrade to the People's Ground and the ones before it such as the building of the Great Southern Stand and the addition of lighting, I am proud to say, have all been undertaken by Labor governments.

Now with the relocation of the Victorian Institute of Sport to Olympic Park, this greater Jolimont precinct is truly an international centre of sporting excellence.

Victoria also performs above its weight when it comes to producing elite sportspeople. This is best illustrated by the success of Victorians at the Athens Olympic Games. Victoria provided 108 members of the Australian Olympic Team, and our local athletes contributed to 17 of the 49 medals — a record haul — won by Australia in Greece.

While this sporting success is important both to our identity as a state and to our feelings of pride as Victorians we must never ever forget that the success of elite sport is built on grassroots participation.

Apart from providing the foundation for the development of elite sport, local-level sport and recreation also provide considerable community benefits. These include:

- contributing to the creation of stronger, healthier communities. It does this by providing settings for people to socialise and share common interests;

- making a significant contribution to individual self-development and achievement across all ages; and

- being a major driver of community interaction and pride.

In May I released *Sport and Recreation 2005–10: A Discussion Paper*. This ground-breaking move was motivated by our wish to provide focus for a conversation with the sector on some key areas.

These revolve around the relationship between grassroots participation in sport and recreation, its relationship to elite sport and how Victorians can build on this after the 2006 Commonwealth Games. The strategies that will be developed from this conversation will build on the initiatives already implemented by this government.

## 2. A focus on community sport and recreation

In 1999 the Bracks Labor government set out to restore government support for community sport and recreation, after years of neglect. In doing this our government established a clear focus on boosting participation in sport and recreation in local communities. In our first term, we committed an additional \$22.8 million for community sport and recreation.

The principal aims of this additional funding were to:

- ensure greater access opportunities for participants and spectators;
- improve grassroots sport and recreation facilities;
- reinforce the enriching role of sport and recreation in people's lives; and
- provide opportunities for all Victorians, while maintaining the state's edge in major events and elite sports performance.

In 2002, as part of our election commitment, the Bracks government released its policy called A Gold Medal for Participation. This stepped up our support to the sector by investing a further \$83.5 million. This additional funding included a strong focus on participation in the lead-up to, and at, the 2006 Commonwealth Games. By participation, we do not just mean as spectators at the games. We want Victorians to participate in various sport, recreation and cultural events being held in conjunction with the games. We also committed to harnessing the enthusiasm for sport and recreation that will be generated by the games and turn this into a participation legacy for Victoria.

We have also re-directed Sport and Recreation Victoria's research focus toward more emphasis on community sport and recreation participation. This valuable research helps us better understand how the initiatives introduced by our government have resulted

in stronger communities and improved wellbeing. This knowledge ensures future initiatives target real areas of need and provide for a wider sharing of the benefits of sport and recreation.

## 3. Five years of achievement

With the fifth anniversary of the Bracks Labor government approaching next month (October 2004), it is timely to reflect on the government's sport and recreation achievements, particularly in community sport and recreation.

I am pleased to say in the past five years Victoria has moved from a position below the national average for participation to being a state where the comparable measures show we are at or above the national average for participation. This shift should not be underestimated.

In fact:

Victoria has had the most substantial average increase in physical activity of all states;

Victoria has the highest state average for physical activity for both men and women;

Victorian children's participation rates for organised sport are above the national average at 65 per cent; and

Victorian girls are more active than girls across the rest of Australia, when measuring their participation in organised sport out of school hours.

These are significant achievements. But figures alone do not properly illustrate the depth of benefits our initiatives have had at a community level. The recent research for our discussion paper and the consultation process that followed its release have provided positive examples of how the four aims for sport and recreation set by the government in 1999 have made a positive impact in people's lives.

I would like to outline the key achievements of the government against the objectives we set in 1999 and draw attention to recent examples of these achievements.

### 3.1 Ensure greater access for participants and spectators

The first major aim of the Bracks government was to ensure greater access to sport and recreation for participants and spectators. This initiative particularly

targeted population groups traditionally under-represented in sport and recreation.

We have made specific commitments to increase women's participation in sport and recreation, particularly by promoting the role of women as leaders. Since 1999, we have provided \$2.6 million to women in sport initiatives that support grassroots participation. These include:

- women's participation initiatives in cricket, basketball and soccer, building on support already provided to netball;

- Active Girls breakfasts that promote physical activity to schoolgirls. These breakfasts complement the government's overall commitment to sport and physical education in schools;

- women's participation projects that aim to overcome barriers that restrict participation by females in sport and active recreation; and

- women in sport leadership grants that enable women in sport to enhance their leadership skills.

The women in sport leadership grants illustrate how our initiatives impact on the community. In the past two years, 23 women have received grants. One recipient pioneered a two-tier accreditation course for volunteer ski guides in Victoria to assist skiers with a disability in their ski school lessons. In recognition of her achievement and contribution to the community, the grant recipient recently won the National Australia Bank's National Hero Award. The woman explains that 'the satisfaction I get from seeing the personal growth of these skiers is what motivates me, and I love enabling other volunteers to share my pleasure'.

Another breakthrough by this government has been the companion card. Venues that recognise the card allow free entry to the companions of those people with disabilities who always require assistance to attend many sport and recreational activities. I was heartened to hear of how a woman recently said the companion card had improved her life. The sports fan said she loved attending sport events but opportunities were limited due to having to pay for a carer to attend with her. Now the woman enjoys watching more sport, with the bonus that she can socialise and develop friendships while spectating with others.

As part of the Equal First strategy for the Commonwealth Games, the companion card will form part of ticketing arrangements. The companion card is one of a range of initiatives that support people with

disabilities so they can participate in sport and active recreation.

The Access for All Abilities program supports groups and communities that provide sport and recreation participation opportunities for people with disabilities. The development of an inclusive culture and practices at the Northern Fly Fishing Club is an example of an Access for All Abilities project that has brought together local clubs and the shire council to develop an inclusive recreational precinct.

The project began with disability awareness training at the club. Then the club hosted come-and-try days for people with disabilities and their families. Now the adjacent golf course, the pistol and model aircraft clubs have members with disabilities, and Nillumbik shire is investing in platforms and paths to make the area more accessible.

Under the umbrella of the Access for All Abilities program, the government will provide more than \$3.1 million this year alone to support participation by people with disabilities. The fact that Victorians with disabilities participate at rates above the national average reflects positively on our Access for All Abilities program.

It is not surprising to find the most popular active recreation in Victoria is walking. Walking is also one of the easiest ways for currently inactive people to start to gain the benefits of physical activity. The government conducted Victoria's first walking forum in 2001. The outcomes have informed the development of our government's Healthy and Active Victoria initiative, the details of which will be announced shortly.

We also have invested to increase active recreation opportunities. Funding has led to improved and extended cycle paths, while the extension of and improvements to our state and national parks have resulted in significant new opportunities to enjoy physical activity in the great outdoors.

Through my portfolio, leading recreation organisations receive support to address issues facing the sector. The withdrawal of insurance cover in 2002 triggered a crisis in the outdoor recreation and adventure tourism sector. As part of the Bracks government's response, Sport and Recreation Victoria led the development of adventure activity standards for the sector. Support to develop the standards also has come from Department of Sustainability and Environment, Department of Education and Training, Parks Victoria and Tourism Victoria. A total of \$245 000 has been provided to develop 17 activity standards.

The main bodies in the sector credit these standards, along with other insurance-related reforms undertaken by our government, with the return of insurers willing to service the outdoor recreation and adventure tourism market.

The government also has committed \$500 000 to establish a new outdoor recreation house at Westerfolds Park, beside the Yarra River in Templestowe. Sport and Recreation Victoria, Parks Victoria and the Outdoor Recreation Centre are working together on this project to ensure optimum benefits are generated for the outdoor recreation sector.

### ***3.2 Improve community sport and recreation facilities***

Swimming is another highly popular form of active recreation. Since 1999, our government has approved funding for 85 community pool development projects across the state. By 2007 we will have tipped in a total of \$56 million from the Community Support Fund for community pools.

In addition to our Better Pools program, we made election commitments where we saw obvious areas of community need. An example was the \$2.3 million to help build a heated indoor pool in Seymour. As part of our recent public consultation, a focus group was conducted at the Seymour Sports and Aquatic Centre. Data presented at the session showed, as well as a statewide increase in participation in the 12 months up to 2002–03, there was an even bigger lift in swimming in north-east Victoria.

Attendees from Mitchell shire spontaneously called out: ‘That’s our pool!’ While it is improbable that one new pool would have such an impact across a whole region, it does reflect the enthusiasm Victorian communities have for their local sport and recreation venues.

Since coming to office the Bracks government has allocated funds to more than 1100 community facility projects across the state.

This is a contribution to the community exceeding \$86.5 million.

At the last election, the Bracks government committed \$34 million from the Community Support Fund to suburban and regional community sport and recreation facilities.

This community facility funding is on top of the investment the government has made in national and international facilities right across Victoria.

Suburban community facility funding focuses on areas of community needs such as urban growth corridors. New and innovative community sport facilities to the City of Casey and Cardinia shire are examples of this focus.

New funding for regional community sport and recreation facilities is part of the government’s commitment to growing the whole of Victoria. This also extends to initiatives previously introduced to assist rural communities, such as improved funding ratios. In January 2000 the introduction of new funding ratios eased the financial burden on rural communities for new facilities and for facility upgrades. It is estimated these revised ratios saved rural communities in excess of \$469 000 in 2004–05 for minor facility grants. For major facility grants rural communities would have contributed in excess of \$3.7 million more for their sport facility projects if the ratios were the same as for metropolitan Melbourne.

In rural Victoria, projects such as the Arnold Pavilion upgrade support sport activity that is part of the social fabric of life. The century-old Arnold Cricket Club is the main user of the local pavilion. The club also encourages and promotes informal sport and recreation pursuits. These include darts, table tennis, indoor bowls and yoga. These activities have resulted in more casual members than competitive members. This underscores why rural sport facilities are such valuable social assets.

The government has invested substantially in world-class sporting facilities not only in Melbourne but in the suburbs and in the regions.

The development of the State Lawn Bowls Centre, State Training Velodrome, and State Soccer Centre at the John Cain Reserve in Thornbury is an example of making facilities of the highest quality available in the community.

As well as providing facilities for elite training and competition, this venue will cater for all age groups with programs from identifying and fostering young athletes, through to providing the opportunity for veterans to play and train at an international class facility.

This development will also provide a valuable sport and recreation asset for the community in the City of Darebin and surrounding areas.

The development of basketball facilities in Ballarat, Bendigo, Geelong and Traralgon for the 2006 Commonwealth Games is an example of our commitment to bringing class facilities to regional

Victoria for the games and for future generations to enjoy.

Not only will these developments enable the excitement of the 2006 Commonwealth Games to be taken to all Victorians, it will leave a legacy within important regional centres. These international class facilities will be available for local and regional competitions providing rural and regional Victorians access to facilities of the highest quality.

### ***3.3 Reinforce the enriching role of sport and recreation in people's lives***

The government has listened to rural communities suffering from the prolonged dry weather. Earlier this year we allocated \$1 million to ensure the current country football season could proceed this season. Under the Country Football Grounds Assistance program we made available \$500,000 for priority projects and also reserved the same amount to assist communities to plan for the longer term. Regional councils and shires can now apply for funding to undertake medium to longer term sustainable water initiatives to improve football grounds for future seasons.

The Country Football Grounds Assistance program responded to issues that had been raised by rural communities during the public consultation forums undertaken by the parliamentary inquiry into country football. This inquiry was instigated by the government because we recognise the important social and sporting functions that football, netball and cricket play in rural areas. The final report of the inquiry is due this month, and I look forward to receiving its recommendations.

Unfortunately, some aspects of sport clubs and spectator behaviour damage the image of sport in the eyes of the public. To help address this, the government produced a User Friendly Clubs Guide to assist sporting clubs to become more welcoming. Last year we backed up the guide with a comprehensive set of codes of conduct for sport that are available in 10 languages.

The government through the Department for Victorian Communities is also working with VicSport, popular team sports, La Trobe and Victoria universities to develop strategies to counter poor spectator behaviour, especially at junior sport.

### ***3.4 Provide opportunities for all Victorians while maintaining the state's advantage in major events and elite performance***

By 2007 the government will have committed an additional \$4.3 million to state sporting associations

and regional sports assemblies. This boost is to improve the capacity of these organisations to service Victorian communities.

The Victorian Softball Association's regional development program is an example of improved service delivery that is helping lift the standard of softball. Initiatives include the provision of junior regional academies to targeted areas, administration training and accredited coaching courses. The long-term aim is to educate local participants and make them self-sufficient in softball.

We also recognise that if Victoria is to maintain its track record in regards to elite performance, expanded development pathways are needed. Therefore the government has established — through the Victorian Institute of Sport — a network of regional sport academies. This initiative has led to the WestVic Sports Academy being established at Ballarat last year, with financial support also earmarked to create an academy in Warrnambool. These academies bolster the network of successful academies in Bendigo and Gippsland. Due to our backing, all the academies for the first time will receive financial support through the Victorian Institute of Sport, on top of existing coaching and other technical support.

The potential of major sporting events to provide significant tourism and economic benefits was recognised by a previous Labor government when it established the Melbourne Major Events Corporation. The Bracks government has built on this initiative by broadening the focus to renowned Victorian Major Events Company. The World Hot Air Balloon Championship held recently in Mildura is estimated to have had a \$7 million positive economic impact on the Mildura region and shows the success of this broader focus.

The government introduced the Major Events Cap to provide for prudent management and transparency in event attraction. The success of the 2004 Track Cycling World Championships, the attraction of the World Artistic Gymnastics Championships in 2005, World Lifesaving Championships in 2006 and the 2007 World Swimming Championships, sustains our reputation as the leading State for events.

Our broadened focus includes mass-participation events. The 2002 World Masters Games and the Deaflympic Games are examples. They highlight participation in sport and recreation by people of all abilities, ages and from all walks of life. As the World Masters Games did, so too will the Deaflympics next

January promote new role models that encourage a broader range of sport participation.

#### **4. 2006 Commonwealth Games and Victoria's sporting community**

The 2006 Commonwealth Games will be a wonderful event for Victoria.

The 71 competing nations represent a third of the world's population in a celebration of elite athletes striving for their best. Our links encompass our shared history, language and values.

Our government is eager to maximise community involvement in the games.

We are rolling out a range of policy initiatives across a number of portfolios. These include sport, education, the environment, business, tourism, physical activity and social inclusion. These initiatives will fulfil our aim of harnessing community involvement in the games, whether it be taking part in local sport activities at school, or celebrating the progress of the Queen's baton relay.

Community events, themed around the games, will encourage people to try different sports including emerging sports.

State sporting associations and local clubs will act as activity coordinators, with a hotline to help convert interest into ongoing involvement at club level.

Games volunteers will have the opportunity to develop their skills in areas of coaching, officiating and administration. This will directly benefit local sports clubs and associations that will offer ongoing avenues for 15 000 individuals with demonstrated volunteering capacity to remain involved.

The 2006 Commonwealth Games will deliver ongoing benefits to Victorians through improved infrastructure. From the Melbourne Cricket Ground to the Wellsford Rifle Range in Bendigo, and from the Melbourne Sports and Aquatic Centre to the state mountain bike course in Lysterfield, Victoria's sport venues are set to scale new highs. Each venue has strong long-term viability and high levels of local community use.

The games will generate new opportunities for sport organisations to harness skills and renew levels of community involvement in sport and active recreation in Victoria. In short, our government is committed to maximising benefits for grassroots sport through hosting of the 2006 Commonwealth Games.

#### **5. A vision for the future**

Development of a mass participation legacy is a major component of the government's aspirations for Victorian communities that are strong, active and confident.

We have set four goals for sport and recreation in Victoria to the end of this decade. These goals are:

- a culture of inclusiveness and participation in Victoria;

- access to sustainable activities and facilities in all communities;

- a cooperative approach to improve service delivery across the sector; and

- a leading sport and recreation sector providing opportunities for all Victorians to achieve their goals.

These goals were set out in *Sport and Recreation 2005–10: A Discussion Paper* and feedback from the community indicates they have broad sector support.

While the Bracks government is proud of its achievements over the past five years, Australia overall is still shy of the top grade in terms of mass participation in sport and active recreation. Earlier I referred to the UK strategic plan and how it identified Australia as the world leader in sport development. The same report identifies that other countries lead the world in regard to mass participation in sport and active recreation. Our vision is for Victoria to adopt the strategies used by benchmark countries.

The achievement of very high levels of mass participation in sport and active recreation will require new and innovative approaches delivered through partnerships between government and the community. We started this process at the last election by committing \$20 million for our Healthy and Active Victoria initiative which encourages greater involvement in physical activity by people of all ages and abilities. Our strategy also will promote healthy eating and increased community engagement. On top of an initial awareness-raising campaign, we will support community-based activity programs for groups currently under-represented in physical activity participation.

In recent months the government has been holding discussions with the community about actions it can take to advance partnerships that will help us achieve the goals set out in the discussion paper. These

conversations will inform the actions in our strategic plan for sport and recreation.

Some major issues raised by the community warrant immediate action. These are:

greater support for sport and recreation volunteers and the volunteer sector;

establishment of an ethical framework for sport and recreation;

making it easier for philanthropic bodies to support community sport and recreation; and

recognising that it is the right of all Victorians to have access to quality sport and recreation opportunities.

Volunteering underpins sport and recreation. Each year around 340 000 Victorians voluntarily provide their time and services to sport and recreation activities. The extent to which the whole conduct of sport and recreation relies on volunteers is illustrated by the fact that for every person employed as an administrator in the sector, there are another five administrators who are volunteers. This reliance on volunteers extends to events. For example, during the 2006 Commonwealth Games 95 per cent of the work force will be volunteers.

The government is developing initiatives to support volunteering in Victoria through its volunteering and community enterprise strategy. Details of this support for all volunteers, including those in sport and recreation will be announced by the Minister for Victorian Communities over the coming months.

There are unfortunately aspects of sport and recreation that are inconsistent with broad community expectations. These issues range from the use of performance-enhancing drugs at the elite level and in community gyms, to issues of harassment, vilification or other prejudice, through to health, safety and fairness. While a number of initiatives to tackle these issues are being developed, it is clear there is a role for government to initiate a comprehensive ethical framework for sport and recreation in Victoria.

Another immediate issue identified from our community consultations is that the philanthropic sector is substantially missing as a partner in community sport and recreation.

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

**Hon. B. N. ATKINSON** (Koonung) — I move:

That the Council take note of the ministerial statement.

In so doing I welcome the statement made by the minister to this house. It is an interesting situation in that we have four ministers anxious to provide statements to the house this week when the record is three ministerial statements previously over five years. One cannot help but believe this is filibustering because the government's legislative program is simply not in place for this week, despite the fact that we return to this place after three months and at the end of this week do not come back for another two weeks.

That, as was indicated in debate earlier today, is unfortunate. Nonetheless this ministerial statement at least establishes for the house the importance of the sport and recreation portfolio in our community. It certainly records a number of initiatives and policies of the government that are worthy of consideration by this house and more broadly by the community. By and large I do not take issue with much that is in the statement on this occasion. Many of the initiatives the minister has outlined are ones that enjoy the support of the Liberal Party. Indeed a number of those initiatives are continuing initiatives that have enjoyed bipartisan support, initiatives that have continued and been strongly supported and encouraged by governments of both persuasions over a good many years.

In that context I take umbrage at one particular phrase in the ministerial statement which suggests that the minister has somehow dedicated the government to some sort of renewed commitment to sport and recreation after years of neglect.

I defy the minister to demonstrate a neglect in this sector under the previous government because it certainly did not happen: there is absolutely no evidence of neglect. Many of the programs that the minister now takes credit for are programs and projects that were in the planning stages under the previous government. As I said, the area of sport and recreation enjoys strong support from both sides of the house, and so it should because as the ministerial statement outlines, and I concur, there are very significant benefits to Victoria from a sport and recreation policy that encourages more Victorians to participate in sport and physical activity, and that enables Victoria to capitalise on its strengths in this sector.

As the ministerial statement correctly outlines, Victoria enjoys some of the most fantastic sports facilities in the world. It has a collection of sports facilities that are by and large second to none anywhere in the world. They are outstanding facilities that are appreciated by athletes

and sports people and certainly facilities that are also appreciated not just by Melburnians or Victorians who attend sports events but by the many interstate and international tourists who come to witness sporting events in this state.

There are the older, traditional venues like the Melbourne Cricket Ground, and in terms of racing which is a different portfolio to sport and recreation but nevertheless is certainly an interest of many people and a sport in its own right, Flemington is a world-renowned venue. The tennis centre is also a world-renowned facility. Those venues attract many international tourists.

Since taking over the position of shadow to the sport and recreation minister I have been to a number of international events involving rugby and soccer in particular, and it is interesting to note just how many international tourists come to follow international sides. They come to the Melbourne venues and are very complimentary about just how good the facilities are in this state.

Quite apart from the significant economic contribution in the sport and recreation area, it is also important to recognise the advantages to individuals in terms of health — and the minister's statement partly touched on this but perhaps did not go quite far enough. There is no doubt that as a community we are becoming increasingly alarmed at the levels of obesity, particularly among children, because the indications are that children who do not have correct diet and exercise patterns at an early age are likely to suffer a wide range of medical conditions in years to come, and clearly prevention is far more preferable to cure. It is also much cheaper in the long run for our community, and we need to address that in terms of people's health.

But of greater importance is the need to consider the importance of sport in terms of achieving social cohesion and in terms of allowing people to develop as individuals and establish their own skills and abilities to relate and work with other people. I was fascinated to see a piece of work by Les Twentyman, the social worker in the western suburbs, who looked at the cases of 600 young people who had been through our courts. Of those 600 people, only 1 had been involved in organised sport. That is a startling statistic. It is something that when you stop and think about it makes a lot of sense, but it is a startling statistic to think that only one of those young people had ended up on the wrong side of the law after having a positive experience of a sporting organisation.

When you stop and think about the work that sports organisations — and the volunteers that the minister spoke about — have provided to young people that has enabled them to find their way and perhaps deal with some of the challenges of the early adolescent years, I think it is a very strong endorsement of why governments ought to invest heavily in sport and recognise the importance of sport.

In that context, I am quite concerned — and I hope that the minister shares my concern — about some pressure within the education department for sport and physical education to be marginalised, or minimised if you like, in the sports curriculum. That is a very clear move despite evidence of the importance of sport and physical and recreation in schools. The Moneghetti report was produced by the previous government, and I would dare to say it led to some of the very strong participation rates that the minister claimed as being an achievement of the government in this current period. Many of those relate back to initiatives that were taken in schools and by the previous government from the Moneghetti report.

I would hate to see us go back on those advances at this time. I hope the minister is very persuasive with his ministerial colleagues for a continuation of sport and physical recreation opportunities in schools and will argue for increased resources and support for teachers providing those services, because, as the minister has indicated in terms of the benefits of sport, I believe we build stronger and healthier communities and indeed, stronger and healthier individuals, much greater social cohesion and of course gain significant economic benefits over the state from our sports programs.

In terms of the discussion paper that the minister has put out looking at the years 2005 to 2010 and the opportunities to capitalise on the Commonwealth Games, I think that is a good and important process. It is a process that is supported by the opposition and could have some very good outcomes if the minister and the government are genuine about accessing those opportunities and encouraging people to recognise that the Commonwealth Games is not simply about elite sportsmanship and elite sports, but is also about getting people involved and demonstrating that many people can play sports at all levels, that they can enjoy them and make friends for life, and that they can improve their physical health and so forth. That is a very good objective and I hope that the minister is as strongly committed to that process as he suggested in the ministerial statement today.

In that context I am also interested to note the government's reticence on previous occasions about

calls from the Honourable Denis Napthine in another place and me, from, I believe, some of my other colleagues and also from The Nationals who share the concern that this minister established an inquiry by the all-party parliamentary committee on regional development into country football and its importance in country areas.

While we recognise the importance of country football to many towns, I and my colleagues were perplexed to find that the minister stopped at country football and did not recognise that sports were also important in terms of the identity and the economic and social benefits of a range of other sports in those country towns, particularly sports like netball, tennis, basketball, swimming, athletics and soccer. A range of sports are available, and in some regional and country centres there are very strong and formidable teams playing all sorts of sports like volleyball, hockey and so forth. Sport is not limited to country football, and I was quite perplexed that the government and particularly the minister chose to focus the inquiry solely on country football rather than on a range of sports. It certainly did not recognise, I think, changing community attitudes to sport.

One of the interesting things about participation rates, which the minister has talked about in the ministerial statement, is that those participation rates in many cases have increased, particularly because of the greater access of women to a wider range of sports. We now have a regular and substantial football competition for women. I recently attended a state league soccer grand final for women's soccer teams. Those opportunities for young women to participate in a wider range of sports than the traditional sports of, say, netball, tennis and swimming, for the sake of argument, have been a key factor in why many more young women have chosen to continue playing sport for a longer period.

It stands to reason that if you are not particularly good at netball, then you drop out if that is the only thing that is available. But indeed if you have other options and other ways of using your sports skills, you are more likely to continue participating in sport. I do not think that inquiry process was helpful to that trend and to the ongoing increased participation of people in country Victoria, particularly of women, in sports opportunities.

As shadow minister I have certainly appreciated the opportunity to move around many sports organisations, and like the minister, I have a great deal of admiration for the many volunteers involved in the 'sports' industry. Indeed I get as much of a buzz — perhaps more of a buzz — out of meeting some of those people who are volunteers for sports organisations as I do from

meeting any of the elite athletes that I have had the opportunity to meet. It is terrific to meet people who have actually stood on the gate at a football ground or stood at a canteen for a netball team or been out there as trainers or coaches — or indeed, who have just driven young kids to their sports fixtures. It is something that you applaud, because it is a wonderful thing.

**Hon. P. R. Hall** — There are some real characters, too.

**Hon. B. N. ATKINSON** — There are some real characters, but there are some people who just genuinely believe in and love other people, and particularly love their sport. They are tremendous people, and I appreciate that.

I have had an opportunity to visit the Victorian Institute of Sport. The minister might not have known that, otherwise he might have stopped me. I thought that that was an outstanding facility, which I think will underpin the development of a wide range of sports in this state and will assist many athletes in many ways — from sports medicine right through to coaching programs as well as mentoring — in their sports careers. I think that is outstanding. The only thing that concerned me was that Collingwood was part of the facility, and as a Melbourne supporter I think that is outrageous!

I was impressed by many of the things in the ministerial statement, which, as I said, are things the opposition has no difficulty in supporting because in many cases they were things that we had a commitment to at an earlier stage. What I was a little surprised about was the fact that perhaps the minister did not make comment on the need for further commitments in the areas of basketball, rugby and soccer, in particular.

I notice that Victoria for the first time will next year only have one team competing in the National Basketball League, and that is a most unfortunate position because Victoria has so many very keen and skilled basketballers running around in junior ranks. Obviously their opportunity to participate at the highest level of their sport is important in keeping those kids in and getting them to move through their particular sport. It is no surprise to me that perhaps the best player in the Australian Olympic team — and to some people, the surprise packet — was one of the youngest people on the roster.

I think one of the problems with basketball in Australia is that a few too many people have been shuffling around the courts a little too long — therefore, the public has lost a lot of interest in basketball, and therefore, the sponsorship has gone. I think the sport

really needs a bit of an overhaul, and perhaps the minister ought to look at that. He certainly ought to be supportive of the initiative to bring a new rugby team to Melbourne, and indeed for the national soccer opportunity that presents with a couple of Victorian consortiums bidding for that.

I note in a document produced by G21, the Geelong regional organisation, that it has a sports initiative which includes a sports advancement model based on the Victorian Institute of Sport. I also note that some similar academies in other parts of the state are touched on in the ministerial statement. They are welcome and ought to be encouraged at every opportunity by the minister.

I think the government currently has fallen short of its commitment on cycling tracks, despite the fact they were mentioned in the ministerial statement. I hope the minister will work with the Minister for Transport on ensuring that cycling track provision is improved.

I also think that many organisations are looking for greater consistency and transparency in funding. I refer particularly to netballers in the Ballarat area and to some sportspeople involved with hockey and so forth in Mornington, who are perplexed as to why they were encouraged to apply for funding but missed out.

I am concerned about seating at the netball and hockey stadium. I am also concerned about parking at that particular venue, as well as seating at the Bob Jane soccer stadium as we move forward with those sports. The rowing centre at Nagambie might well attract some attention from the minister, because there is a need for further improvement of that facility, outstanding as it is at this time.

The minister might well also spend some time with his ministerial colleague the Minister for Local Government. I am trying to encourage some of the local government authorities to share our enthusiasm and commitment to the development of sports facilities, particularly affordable sports facilities in their communities. Because I certainly hear back, as no doubt the minister would, from a number of sports that a user-pays mentality is making it very difficult for people in certain sports, particularly sports like basketball, compared to other sports which seem to get a greater share of council resources.

I am particularly keen to see the minister continue to expand opportunities for women in sport. I guess one of the areas that interests me in terms of him touching on philanthropic support for sport is the need to encourage more corporates to sponsor women's sport. As an

ex-marketing person, I cannot understand why many more companies do not see the value of sponsoring women's sport, and I hope we will see a change in attitudes on that in the near future.

I also see that the government needs to do a lot more to develop volunteers and to increase the support for volunteers in our community. I commend the ministerial statement to the house.

**Hon. P. R. HALL** (Gippsland) — I, too, welcome the opportunity to have a bit of a yarn about sport and recreation in the chamber this evening.

I reckon being the Minister for Sport and Recreation is just about the best job you could ever get as a member of Parliament. I am sure the Honourable Justin Madden has enjoyed his time as Minister for Sport and Recreation. I noted that a couple of weeks ago he was over watching the Olympic Games, and that a couple of years ago he was in Manchester at the previous Commonwealth Games, and he will probably go to the AFL Grand Final in a couple of weeks when the rest of us cannot get tickets. When I pick up the sport and recreation magazine that I read regularly, there is the minister out bike riding or playing basketball with people, or jumping hurdles, or having breakfast with good-looking girls. He does very well, and I envy him in his position as Minister for Sport and Recreation.

With Victorians' fervour for sport you could hardly go wrong as Minister for Sport and Recreation. We are all pretty good sports here in Victoria, so even if you do muck up from time to time then usually, as good sports, we excuse people for their inadequacies. I know the minister has had a few goes at trying to muck things up at times, but we have usually made some allowances for that, and he has got by all right.

It is interesting that about a month ago somebody asked me, 'What are the most common subjects that people raise with you as a member of Parliament?'. My answer was, 'First of all the weather, and secondly, the footy', and then political issues.

I guess that typifies the nature of some of us here in Victoria. I do not know whether it is true all around the world. Weather, of course, is a common issue, especially in country Victoria where we are always concerned about it because our fortunes are so often dictated by the climate at any particular time. But football is also a very common subject. People ask about their local footy results and also about Carlton, knowing my history with Carlton when I think we beat Melbourne, and Essendon, then Collingwood towards

the end of the year. That generated a fair bit of interest in football.

Another thing I want to say before I comment on some of the aspects of this ministerial statement is that this is the first sport and recreation document I have ever read where I have not been able to find a photograph of the minister himself.

**Mr Smith** — He slipped up.

**Hon. P. R. HALL** — He did slip up. Even his leader, the Minister for Consumer Affairs, managed to get his photograph on his ministerial statement on consumer affairs. The minister is slipping. There are photographs on the front and back cover of this statement, but I cannot see a photograph of himself.

The statement is typically a brag sheet. It has all the usual rhetoric and platitudes that we are used to, but once again I am not going to bag the minister for that. It is his right; he is the minister and a member of the government. It is his right to talk about all the good and positive things that are happening in his portfolio areas. But it is also important for us, as people who read it, to look deeper than just what is said in the document and to look at what is not said as well, because there are some things that are not said in the document which we need to comment on. I hope to get to those during my brief contribution tonight.

In the introduction to the document we read:

Our state is home to five of the six most significant annual sport events held in Australia ...

I agree; we are very lucky here in Victoria to have events like the Australian Football League Grand Final, the Australian Open Tennis, the annual Test cricket match starting on Boxing Day, and now we also have the Australian Formula One Grand Prix — a fabulous event brought to Victoria by the previous Liberal government and continued by the current government. My guess is that the sixth one, which is missing, would be the Australian Open Golf. Mr Smith would know that. Was that the sixth one that we missed out on? The Australian Open Golf is not regularly held here in Victoria. I think that is the sixth of the major events, and that is perhaps a challenge for the minister to work on to try to make Victoria a permanent home for the Australian Open Golf.

When I think of those events it reminds me how important sports tourism is to Victoria. We do it well by having major events and bringing tourism to Victoria. We also do it well when we have major sporting events in country Victoria as well. I notice that my colleague

the Honourable Barry Bishop, who was here a minute ago, was thrilled to have the hot-air balloon world championship up in Mildura recently. I know the Victorian government had a role in bringing that to the area, and it does generate a lot of tourism for country Victoria when events of that sort are able to be staged outside of Melbourne. So I would encourage the government to continue with that program of attracting major sporting events to places other than Melbourne so that all of Victoria can share in the tourism rewards that major sports events bring.

The statement also talks about the completion of the new stand at the Melbourne Cricket Ground (MCG). I tried it out the other week when I went to watch the Melbourne versus Essendon football game. It is pretty high when you get up to the top! I am sure that is going to be a fine acquisition for the MCG once it is completed. It is interesting that the statement says it includes 'technologies that improve the ecological sustainability of the ground'. I am not sure exactly what that means. I would welcome the minister elaborating on or saying whether it is just some rhetoric and platitudes. How a new stand is going to improve the ecological sustainability of the ground, I am not too sure.

That reminds me: the minister makes comments about that stand, but did the government not knock back a \$90 million offer from the federal government to help in its construction? If my memory is correct, there was \$90 million that Victoria could have saved if the government had accepted the federal government's offer to assist with the completion of the stand.

The statement also mentions the success of Victorians at the Athens Olympic Games, and I want to take this opportunity too to extend my heartiest congratulations to all those Victorians who competed in the recent games in Athens. I certainly think their efforts did themselves, their families, their sports and the state of Victoria proud. We all like to claim a little interest in the people who competed in the Athens Olympic Games. We had a gold medallist in Drew Ginn, who teamed up with James Tomkins to win a gold medal in a rowing event. We also had Belinda Snell, who did particularly well as part of the silver medal winning team in the women's basketball. My mum claimed Chantelle Newbury as one of hers, even though Chantelle comes from Queensland. She taught her at kindergarten so she reckons she is one of her girls. She was delighted that she picked up two medals in the diving events.

**An honourable member** — I thought she was from Castlemaine.

**Hon. P. R. HALL** — Castlemaine. Yes. We all like to feel part of that, and I say to all those athletes who competed so well at the Olympic Games, ‘Well done on your efforts, you did yourselves and Victoria proud’.

The statement goes on to talk about the focus on community sport and recreation, and what the Bracks government is doing ‘after years of neglect’. I find those sorts of comments unnecessary in a statement of this type, because I believe that sport and recreation under all previous governments has done pretty well. I think all governments recognise the importance of sport and recreation and have ensured that sufficient effort has been dedicated towards it for all of us to benefit from it. So I think those sorts of comments are a bit unnecessary in a ministerial statement.

I note also that the minister talks about the participation rate in some sports and comments on the benefits of walking and says that walking is ‘the most popular active recreation in Victoria’. The statement says:

The government conducted Victoria’s first walking forum in 2001. The outcomes have informed the development of our government’s Healthy and Active Victoria initiative, the details of which will be announced shortly.

That is great, but here we are talking about a forum that was held in 2001, yet three years later the outcomes have still not been put into action. There is room for improvement in respect to that. It also talks about cycling and cycle paths. Deputy President, I know of your interest in cycling and that you would be a strong supporter of the extensions of cycle paths throughout all areas of Victoria, not just its capital city. I am too; I think it is a great initiative and that it is important for the safety of people, particularly young children, that we have as many dedicated cycle paths as possible.

Generally I welcome it, but there are a few glaring examples where cycle paths simply do not work. I have a unit in Balwyn, and the cycle path up and down Balwyn Road from Doncaster Road to Whitehorse Road or Mont Albert Road is all up and down hills. They are big hills too. The dedicated cycle path on each side of the road limits the road to one lane each way. Cars have difficulty turning and of all the times I have ever been on that road I have never ever once seen a cyclist using those bicycle paths. So there is a place for them, but we have to think about that. Balwyn Road is one where I reckon the government should go back and have a look at it again. The paths are not practical, they are not used and I think that they are more of a safety issue than before, particularly with traffic. There are some areas that need looking at again.

The ministerial statement also talks about the problems associated with insurance with respect to outdoor recreation and adventure tourism sectors. I would like to inform the house that just yesterday I was up at Merrijig visiting some of the people involved in outdoor recreation adventures. Some of the people I met were Michael and Sally Watson who run Adventure Tourism Company, Charlie Lovick and Bruce McCormack — all very good people who combine horseriding with cattle mustering and so on in those areas. It was pleasing to learn from Michael and Sally that they used to pay \$6000 for public liability insurance. During the time of that issue their premium crept up to \$36 000. It is now back to \$12 000 because of the efforts they have made to secure appropriate insurance for their business and the accreditation process that they have gone through. I was pleased to learn that some of those people involved in outdoor recreation are now able to secure some reasonably priced insurance if they can demonstrate they are accredited and have appropriate business plans accepted by the insurance companies.

The ministerial statement talks to some degree about how the Community Support Fund is being used to fund a whole range of programs through sport and recreation. We welcome that because the Community Support Fund if my memory is correct was established under the previous government, and it has been an important source of funding. Better pools, minor and major facilities grants and all those things are mentioned in the ministerial statement.

But I think there are some concerns. I know my colleague the Honourable Damian Drum in the past has used the opportunity of the forum of this house to raise issues about minor and major facility grants, making comparisons over the past couple of years. It is true that in the last 12 months country Victoria suffered a 37 per cent decrease in minor facility grants programs. I know the minister argues that when you combine the major and the minor facility grants programs there has been no reduction. I am not sure if that is true, but one thing is for sure: the amount dedicated to minor facilities grants has decreased for country Victoria over the last two years. If we are talking about improving mass participation in sport, which is what the minister focused on at the end of the statement, then I claim that minor facilities grants are important particularly for country municipalities to provide those little extra things that encourage more people to get involved with sport. I note that the major facilities are also an important program, but I think both of them should be maintained in real terms. I am not sure if that has been the case over the last couple of years.

I want to go to some of the issues that were not covered. The Honourable Bruce Atkinson spoke about country football and how he was a little disappointed that football and not some other sport in country Victoria was singled out for consideration by the parliamentary committee. Country football has some challenges ahead, but the most successful country football clubs that I come across now are not only football clubs but more often they combine football and netball clubs. If you are running two or three football teams and two or three netball teams, then it is logical that they provide that social connection in the local town, because the boys and the girls get together and enjoy their sport. A couple of weeks ago, I stayed overnight at Omeo on a Thursday night. They were preparing for the grand final of the Omeo and district footy league. I happened to wander up to the ground and have a kick with the fellows.

**An honourable member** interjected.

**Hon. P. R. HALL** — I did not take them a cray, but I enjoyed having a kick with them. I also went into the club rooms and had a beer with the girls. The netball girls had won their grand final the week before so their season was over.

**Hon. J. M. Madden** interjected.

**Hon. P. R. HALL** — I like going out and mixing with some of those clubs, as you can imagine. It was a good night, but it reminded me how important it is to have both women's and men's sports as one. They are the most successful clubs. Mind you, they lost the grand final. The girls won, but the boys lost the grand final the Saturday after my visit there.

While talking about a grand final, I need to mention that many of us who live in country Victoria were really disappointed this year that because of the ticketing arrangements Australian Football League (AFL) members living in country Victoria had to come to — in Gippsland's case — Dandenong if they wanted to queue up for grand final tickets. The limitations this year were applied by the ticketing distribution company — Ticketek. They closed many outlets in country Victoria. That meant that, for example, for Gippsland members the nearest outlet was Dandenong. So two ladies from Omeo and Traralgon who had been to the AFL grand final every year for about 40 years had to go to Dandenong to line up for their tickets instead of going to their local Ticketek outlet. I say to the minister that is an issue that needs to be addressed. The government should have a role in its association with the AFL to try and expand the outlets for grand

final ticket sales so that country Victorians have an equal chance of getting hold of them.

There is also an absence of comment in this ministerial statement about some of the ongoing insurance issues for sporting clubs. The issue of liabilities that directors of clubs still have to accept is of concern and actively deters some people from participating in the administration of sport. That issue needs to be looked into.

Perhaps the last thing I want to talk about is our role collectively as members of Parliament in setting an example by participating in sport ourselves. This document is all about community participation. If governments and parliaments are trying to encourage people to participate, they should set the example themselves. We need to look at just this place in which we work to see what is being done. Given the way we restructure our work we would probably have the least opportunity and the poorest facilities to encourage any of us to participate in a sporting activity.

I dare say that very few people have actually ever been in the gym in this place or used that facility. We are not encouraged to do so because of the poor quality of the facility we have here. Nor is there a local swimming pool that members of Parliament could have access to during their breaks in the parliamentary session. I have only ever swum once during a break in a sitting, and I had to go to the Melbourne Sports and Aquatic Centre to do that. The way that we timetable our business in this house and the lack of facilities around this place limit our personal participation in sport and recreation, which needs to be encouraged.

If the Minister for Small Business, who has just walked in, wants to come jogging with me one night — I try to at least go for a jog every week — I would welcome that. Not too many of us get out and even have a walk during some of the breaks — or a run. If we are seeking to encourage community participation in sport and recreation we all have some responsibility to set the example. We have to make sure that we are not sitting on Friday so that some of us can get back to our electorates in time to join with some of our local constituents in their traditional weekend sports.

It is a great topic to talk about. As I said, I think the minister has the best job in this Parliament. But I put on record tonight some of the issues that we still need to work on. As the minister concedes in his statement, some work still needs to be done in this particular area. I am pleased to say that the opposition and The Nationals will join the government in promoting sport and recreation here in Victoria because we understand

and know only too well that it is in our collective best interests to do so.

**Hon. KAYE DARVENIZA** (Melbourne West) — I am pleased to rise to make a contribution to debate on and support the statement made by the Minister for Sport and Recreation. I also take this opportunity to congratulate the minister on the excellent job that he has done as Minister for Sport and Recreation since coming to office in 1999. Sport and recreation has been a real priority for the Bracks Labor government. We recognised that there had been neglect of community sport and recreation during the term of the previous government.

One of our goals or aims was to ensure that we put in the necessary support as well as allocating the necessary funds to improve and increase participation in sport at all levels and in recreation. It is not about promoting and supporting just our elite sports people, which we Victorians are very enthusiastic about. That is particularly so at times like this when we have been following the Olympic Games very closely.

As Australians and Victorians we did very well, and we are very proud of the results that our athletes achieved in those sports. It was not just watching it on the telly that gave you an understanding of the sense of pride that Australians have but also things like the parade that we had through the city to welcome back the athletes and to show them the city's support for and recognition of their fantastic achievements.

At lunch time that day I was attending another function at the town hall to do with population and migration. Fortunately I was there just as the parade began. As the athletes made their way down Swanston Street you could see people coming from far and wide to gather at the barriers. It was very slow progress for the athletes coming down because so many people wanted to talk to them, get their autographs and take the opportunity to congratulate them.

We would not have had the sort of success we did have at the very pinnacle of sporting achievement if it had not been for the support that we as a government and community give to our sporting facilities — to maintaining sports facilities and building new ones — and supporting our athletes. That is certainly something that the Bracks government has been instrumental in doing and will continue to do, particularly as we move towards the 2006 Commonwealth Games, which we are all looking forward to very much and know will be a terrific success.

That is not what sport and recreation is all about. It is about increasing participation and having as many people as possible involved in and participating in our sports and taking advantage of our recreational facilities. That is something that the government and the Minister for Sport and Recreation in particular have worked very hard to achieve. Outlined in the ministerial statement are some of the results of the work that has been done by the Bracks Labor government and the minister.

Members can see the very significant increase in the number of people participating in community sports and at all levels of sport, whether they be men, women or young people. Victoria is well above the Australian average, leading the other states in the level of participation of people in sport in this state. That is very much due to the emphasis that the government has put on that participation and the sorts of initiatives and programs that the minister and the government have put in place.

They go to a whole range of areas. Our focus has been very much on ensuring greater access to opportunities for participation as well as for people to be spectators at the many sporting events that we conduct in this state. Our focus has been very much on improving grassroots sport as well as recreational facilities and really enriching and reinforcing the role that sport and recreation plays in people's lives and recognising that a sporting club and facility can be a real hub in a community. It can be where a lot of community enhancement and support takes place, and it has a lot to do with things other than the sporting activity taking place. That has been our focus. We have wanted very much that Victorians be able to participate in a whole range of various sports and recreational activities as well as cultural affairs.

We have been very keen to ensure that women increase their participation in sport. Women might participate in organised sports in school when they are girls or young women, but through those adolescent years and into young adulthood women tend to not continue their participation; they tend to drop out of sporting clubs and activities. One of the things that we have been very keen to do is introduce a range of initiatives that will ensure that women continue to participate in sport and that we keep particularly our young women and girls encouraged and engaged in sport. The statement goes into the detail of some of those initiatives that the government has taken that have worked so well.

I mention other areas briefly. One is participation of people from culturally and linguistically diverse

backgrounds. Often that group of people can be difficult to engage.

**Mr Smith** interjected.

**Hon. KAYE DARVENIZA** — My parliamentary colleague Mr Smith says soccer. We have looked at soccer and built a range of initiatives around soccer that will see young boys from culturally and linguistically diverse backgrounds participating in a range of soccer events. We are examining closely the way we can use the model we have put in place around soccer. We want to use it to encourage the participation of people from the whole community in other sporting events. We have made sure that information about things that are happening, initiatives that are being taken and programs that are being put in place by the government in sport and recreation is made available in languages other than English.

People with disabilities is another area where I am really pleased to be able to say something about the initiatives the government and the minister have taken to ensure that people with disabilities have the opportunity to try out a range of different sports depending upon their disability. A range of clubs have hosted programs that have given people with a disability the opportunity to participate in a range of sports. Again what we see is an increase in the level of participation in sport and recreation by people who have disabilities. As with other areas of sport and recreation, the level of people with disabilities participating in Victoria is higher than the national average and higher than in other states.

This is a really important statement. It is a statement that gives a lot of detail about the initiatives, programs and aims our government has in promoting sport. It also sets out our future direction, as well as giving a whole range of detail about the money that is being spent not only in metropolitan Melbourne but also in rural and regional areas. I am very pleased to have been able to make a contribution to the debate. I again congratulate the minister, and I commend the statement to the house.

**Motion agreed to.**

**Business interrupted pursuant to sessional orders.**

## ADJOURNMENT

**The PRESIDENT** — Order! The question is:

That the house do now adjourn.

## Hume: Sunbury separation

**Hon. J. A. VOGELS** (Western) — Last night I was at a very well-attended meeting in Sunbury where local residents expressed to the Hume city councillors their desire to form a separate Sunbury municipality. I address this concern to the Minister for Local Government.

Hume City Council and the *Hume Leader* newspaper conducted a poll of Sunbury residents to test the water, so to speak, and found that an overwhelming 80 per cent of the respondents want Sunbury to be a council in its own right. It was interesting to listen to various Hume councillors put their view on the outcome of the poll, with the final outcome being a statement by the mayor of Hume promising he would take the concern of the Sunbury residents to the minister. I hope he follows through on that commitment.

The action I seek from the minister is the appointment of an independent panel similar to that which investigated the Delatite shire, which eventually led to the creation of the municipalities of Benalla and Mansfield. Such a panel will clearly spell out for all to see the benefits and costs of separation.

Local government was restructured 10 years ago, and nobody in the industry except Labor ex-councillors believed that restructure was not necessary. As with all major changes, some mistakes were made, and that is why we see amendments to previous legislation. The Liberal Party gives a commitment that if a minister has taken no action on this very important issue before the 2006 election a Doyle government will proceed with the action I have asked the minister to implement.

In 1999 the then Labor candidate for the area promised that the minister would have a look at the issue of the Hume City Council. Here we are four years later and this burning issue has become a sore. I believe the Sunbury residents desire to move forward. The action I seek is for the minister to appoint an independent panel to have a look at this problem of the separation of Sunbury from the Hume City Council.

## Glen Eira: ratepayers association

**Mr PULLEN** (Higinbotham) — It is with regret that I have to again raise in this house the activities of the Ratepayers Association of Glen Eira (RAGE). I received a letter from Ursula Rembach, which reads in part as follows:

As you know I have been concerned about this seemingly clandestine organisation for some time now.

In February I applied for membership, as should be my right being a ratepayer in Glen Eira.

After many reminders of my application and finally a threat to take the matter to the Department of Business Affairs I received the following rejection.

The letter Mrs Rembach got back reads:

Thank you for your correspondence regarding membership of Ratepayers Association of Glen Eira Incorporated.

The association has decided to reject your application for membership, as it is the view of the association that your application may not be made in good faith.

The association has made this decision in the context of extensive hostility and mischievousness directed towards RAGE by some councillors, and a handful of individuals seemingly supported by the same hostile councillors.

Mrs Rembach's letter continues:

Surely as a ratepayer organisation I or any other ratepayer is entitled to join. I simply don't understand what that means. Because there are hostile councillors causing mischief towards RAGE that has absolutely nothing to do with me.

I presume that their constitution does not include anyone who is a ratepayer from becoming a member whatever they do in their private lives. Perhaps their incorporation should be revoked. This organisation is neither a charity or community organisation and should not be applying for ratepayer funds.

I therefore ask the minister: does RAGE as an incorporated association have the right to reject her application for the reasons expressed in the letter?

### **Ambulance services: Stawell**

**Hon. DAVID KOCH** (Western) — My matter is for the Minister for Health in the other place and concerns the need to increase ambulance paramedics in the Stawell community.

The Northern Grampians Shire Council has continually expressed its grave concern about the lack of ambulance professionals stationed at Stawell and has cited a recent case of a Stawell resident being bitten by a European wasp. The ambulance was called, but it was out on another case. It took a further 20 minutes for the ambulance to arrive, causing a great deal of distress for the family involved.

The attempt to secure additional ambulance paramedics for Stawell has been a long and drawn-out affair. Although there are two dedicated and committed ambulance officers stationed at Stawell, there is a recognised need for additional support in this high-risk zone.

The Stawell community is very concerned that the current staff levels are far too low for the demands

placed on them. The community has looked at the options, which include additional training for volunteer ambulance personnel, but no matter how dedicated and well trained volunteers are, they do not have the training, expertise or knowledge of fully qualified ambulance officers and are not able to offer the full range of skills required in an emergency situation.

Clearly, if the number of fully qualified ambulance officers is not increased as a matter of urgency, it is very likely that we will see people who are injured at a major disaster not being cared for adequately, causing the loss of a life.

Given Stawell's close proximity to the Grampians and its being located along the fatigue zone of the Western Highway between Melbourne and Adelaide, there have been many instances of additional ambulance officers being needed in emergency situations as a result of accidents. The fear in this community is that if a major emergency situation develops — for example, a coach carrying 40 passengers overturning — the local ambulance staff will not be able to cope.

For nearly a decade the Stawell community has been seeking additional fully qualified ambulance paramedics to be located at Stawell. Likewise, it is appalling that the call for an emergency helicopter for Western Victoria remains unheeded. Notably, Maryborough, with a similar sized population to Stawell, has five paramedic ambulance officers. It is not too hard to work out where the local Labor member for Ripon in another place resides!

Will the minister assure the Stawell community that its ambulance service will be adequately staffed with ambulance paramedics to meet growing emergency demands?

### **Mansfield–Mount Buller–Jamieson roads: safety**

**Hon. E. G. STONEY** (Central Highlands) — I raise a matter for the Minister for Transport in another place. I refer to the dangerous intersection of Mount Buller and Jamieson roads near Mansfield. I have here a letter to me from a local identity, Stephen Stegley of Merrijig. It states:

I feel the urgent need to bring to your attention Mansfield's most dangerous intersection — where the Jamieson Road meets the Mansfield–Mount Buller road. I have been involved in two near misses and have witnessed countless others. This T-intersection needs to be changed. It is poorly signposted, and there is not enough room for a turning lane into the Jamieson road. This is a 100-kilometre zone. This is confusing and dangerous to visitors and locals, proven by a personal road rage incident recently.

Will it take a fatality before the powers that be fix this dangerous situation?

I have raised this dangerous intersection on more than one occasion in this place over the last few years. I consider it to be one of the most dangerous intersections, if not the most dangerous intersection, in my electorate of 26 000 square kilometres. On winter evenings there is an unbroken line of cars coming from the snowfields to Mansfield. They are mixed up with buses — up to 40 buses go to Mount Buller on weekends. A lot of cars coming from Mansfield and going to Jamieson have to stop and wait for the long line of cars coming from Mount Buller to pass. Cars going to Mount Buller cannot pass the stationary cars, so there is a long line of stationary cars on the Mansfield side of the intersection. It is an accident waiting to happen.

As Mr Stegley said, it is a wonder that a tragedy has not happened there before. I ask the minister to have another look at this intersection with the view to having it upgraded urgently before there is a major collision there — perhaps between a bus and a car or between two cars. I am sure it would be money well spent if this intersection were upgraded as soon as possible.

### **Heatherton Road, Dandenong: flooding**

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — I raise a matter for the Minister for Transport in the other place. It relates to Heatherton Road in Dandenong, in particular the section of Heatherton Road between Stud Road and the Monash Freeway. This section of Heatherton Road is a divided dual carriageway, of which the westbound section is substantially lower than the eastbound section of that road. That section of Heatherton Road is also on a bridge over the Dandenong Creek. Unfortunately this section of the Dandenong Creek is particularly prone to flooding.

Most recently, on Sunday afternoon, following the substantial rains we had on the weekend, the creek flooded and as a consequence the westbound section of Heatherton Road was completely under water and had to be closed. Obviously when that happens it causes substantial delays for the people on Heatherton Road. It requires one of the eastbound lanes to be closed and westbound traffic diverted, which causes considerable traffic congestion and a dangerous situation for the motorists on that road. That section of Heatherton Road is one of the few east-west links between the City of Greater Dandenong and the City of Casey, so it is a very important section of road between those two municipalities.

I ask that the Minister for Transport undertake to work with VicRoads to have that very short section of road upgraded so that the westbound lanes on Heatherton Road can be raised to the same level as the eastbound lanes. This will alleviate the problem of flooding on Heatherton Road and ensure that that section of road can be kept open during all weather conditions. It is a project that is supported by the City of Greater Dandenong, and I seek the assistance of the Minister for Transport in having this expedited.

### **Autism: Bendigo centre of excellence**

**Hon. D. K. DRUM** — My adjournment question is to the Minister for Community Services in the other place. Over the last 18 months I have been a member of the Bendigo Autism Family Support Group. This group is made up of members from the Bendigo region comprising the City of Greater Bendigo, community service employees, mental health and respite workers from the region and professors and doctors from the mental health sector within Bendigo. We have special needs educators on the support group, parents of children with disabilities, specifically autism, and also some reasonably high-level managers from the Department of Human Services in Bendigo.

The group has been working specifically towards the establishment of a special centre in central Victoria which we propose calling the autism specific centre of excellence. The central Victorian Bendigo region autism assessment waiting lists are well over 12 months now, which in the last 12 months has come down from a high of over two years. The list was only able to be reduced because of the injection of crisis funding. We were able to get specialists from the metropolitan regions to visit Bendigo to assess some of the children with autism specific disorder. We got rid of quite a large slice from the waiting list. The current funding to allow that level to stay at 12 months has not been forthcoming, so in a sense we are expecting to see it go up again.

Respite care is clearly inadequate, and parents simply cannot get the respite they need. An inadequate emphasis is placed on early intervention programs. The 0 to 6 group has been identified as being critical to enable children to receive the best possible start to their education. We also need to look carefully at the whole-of-life experience for children with autism and not just at this early stage.

We produced a report, and unfortunately the response we got back from the regional director of the Department of Human Services was less than supportive. It more or less said that no resources can be given to the group to create recurrent funding, let alone

a centre of excellence, to look after some of our programs. I call on the Minister for Community Services in the other place to source the report we put together from the working group in an attempt to find the financial resources to help create a centre of excellence for autism in central Victoria.

### **Fernlea House: funding**

**Hon. A. P. OLEXANDER** (Silvan) — I seek the attention tonight of the Minister for Health in the other place. The issue I raise relates to the provision of inpatient palliative care services in the outer east of Melbourne. It is a sad fact that many people with terminal or life-threatening illness who live in the outer east are forced to spend their last days isolated from family in friends in hospice facilities as far away as Caulfield and Kew. This situation is incredibly distressing for the patient and for family members alike. This is necessary because over the last four years the state government has refused to fund the establishment or even to support the running of a hospice in the region.

The Fernlea House group has made repeated claims to the minister for financial assistance, all of which have been rejected on the basis that such a facility in the region is not considered by the government to be viable or efficient. Even though thousands of local people have petitioned the Parliament and the minister for funding support, demonstrating a profound community concern, to date no financial support has been forthcoming. Despite this, however, the local community has rallied to the cause. As I said this morning, in late July members of the group were able to take possession of a property in Emerald which they hope will initially be used as a day centre for respite care and then as a 24-hour palliative care hospice.

This dream will become a reality much sooner if the Bracks government does what it should have done years before and begins to provide financial support for the project. A recognition that the state government has a critical role to play in the provision of both elements of palliative care — part-time respite and 24-hours intensive care — in the outer eastern region is long overdue. Therefore, on behalf of the Fernlea House group and the wider eastern community, I ask the minister: will she as a matter of urgency establish a steering committee comprised of relevant department officials, representatives of the Shire of Yarra Ranges, and the Fernlea House group to identify and quantify the financial needs of the hospice and to identify and initiate appropriate sources of state government funding for the facility? Will the minister take these steps on

compassionate grounds before funding decisions are finalised for the next state budget?

### **Hazardous waste: Nowingi**

**Hon. B. W. BISHOP** — My adjournment question tonight is directed to the Premier. I advise the Premier that there is a stronger resolve than ever by the Sunraysia community to stop the proposed toxic waste dump being placed at Nowingi Hattah. More people are now involved, and I congratulate Helen Healy, Peta Cooper and the enthusiastic volunteer members of the Save the Food Bowl Alliance for a job well done in presenting in Queen's Hall from 24 to 27 August Sunraysia's capacity to grow world-class products.

It was a great display of products ranging from and including grapes, dried fruit, wine, almonds, asparagus, honey, olives, olive oil and even yabbies. This exhibition not only presented the breadth of the food products that are grown in Sunraysia but in a subtle but strong way emphasised the huge importance of our clean, green image to our export markets. We would be really concerned if a proposed toxic waste dump were to go ahead.

The public consultative process has not improved since day one at the earlier proposed site. However, it has now changed to smothering-type tactics as the major project unit tells everyone, 'All is going well'. I quote from the facts sheet:

There is some flexibility as to precisely where to situate the facility.

I say to the government to grasp that flexibility and put it within 100 kilometres of Melbourne where the majority of the waste is generated.

The bottom line is that this is the wrong site. It is too close to our food bowl, which will destroy our clean, green image. It is too close to two world-renowned parks that include the internationally recognised Ramsar wetlands that are favourite visiting spots for thousands of international and domestic tourists and nature lovers.

The Bracks government must cease any more work on this site, which is 500 kilometres from the source of the waste. It should go back to the drawing board and pick a site on Crown land within 100 kilometres of Melbourne. If the government takes a sensible and practical approach, it will have the immediate effect of removing a huge load from our community volunteers who have done a wonderful job in resisting this proposal. It would also stop the Bracks government pouring taxpayers money into a flawed project and it

would create a win-win situation for all concerned. I urgently request the Premier to immediately withdraw the proposal to site a toxic waste dump at Nowingi Hattah and pick a site on Crown land within 100 kilometres of Melbourne where the toxic waste is generated.

### **Responses**

**Hon. M. R. THOMSON** (Minister for Small Business) — The Honourable John Vogels raised a matter for the Minister for Local Government concerning the separation of Sunbury residents from Hume City Council.

The Honourable Noel Pullen raised a matter for the Minister for Consumer Affairs concerning the Ratepayers Association of Glen Eira and its right to reject membership.

The Honourable David Koch raised a matter for the Minister for Health in the other place concerning ambulance paramedics in the Stawell district.

The Honourable Graeme Stoney raised a matter for the Minister for Transport in the other place concerning the Mount Buller and Jamieson roads intersection in Mansfield.

The Honourable Gordon Rich-Phillips raised a matter for the Minister for Transport in the other place concerning the flooding at Heatherton Road, Dandenong, and sought an upgrade and the raising of the eastbound lanes.

The Honourable Damian Drum raised a matter for the Minister for Community Services in the other place concerning a centre of excellence for autism to be based in central Victoria.

The Honourable Andrew Olexander raised for the Minister for Health in the other place the issue of palliative care in the eastern suburbs.

The Honourable Barry Bishop raised a matter for the Premier in relation to the long-term hazardous waste facility.

I will pass those matters on to the respective ministers.

**House adjourned 10.20 p.m.**