PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

15 December 2004

(extract from Book 9)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

The Ministry

Premier and Minister for Multicultural Affairs	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Environment, Minister for Water and Minister for Victorian Communities	The Hon. J. W. Thwaites, MP
Minister for Finance and Minister for Consumer Affairs	The Hon. J. Lenders, MLC
Minister for Education Services and Minister for Employment and Youth Affairs	The Hon. J. M. Allan, MP
Minister for Transport and Minister for Major Projects	The Hon. P. Batchelor, MP
Minister for Local Government and Minister for Housing	The Hon. C. C. Broad, MLC
Treasurer, Minister for Innovation and Minister for State and Regional Development	The Hon. J. M. Brumby, MP
Minister for Agriculture	The Hon. R. G. Cameron, MP
Minister for Planning, Minister for the Arts and Minister for Women's Affairs	The Hon. M. E. Delahunty, MP
Minister for Community Services	The Hon. S. M. Garbutt, MP
Minister for Police and Emergency Services and Minister for Corrections	The Hon. A. Haermeyer, MP
Minister for Manufacturing and Export and Minister for Financial Services Industry	The Hon. T. J. Holding, MP
Attorney-General, Minister for Industrial Relations and Minister for Workcover	The Hon. R. J. Hulls, MP
Minister for Aged Care and Minister for Aboriginal Affairs	The Hon. Gavin Jennings, MLC
Minister for Education and Training	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation and Minister for Commonwealth Games	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Health	The Hon. B. J. Pike, MP
Minister for Energy Industries and Minister for Resources	The Hon. T. C. Theophanous, MLC
Minister for Small Business and Minister for Information and Communication Technology	The Hon. M. R. Thomson, MLC
Cabinet Secretary	Mr R. W. Wynne, MP

Legislative Council Committees

Privileges Committee — The Honourables W. R. Baxter, Andrew Brideson, H. E. Buckingham and Bill Forwood, and Mr Gavin Jennings, Ms Mikakos and Mr Viney.

Standing Orders Committee — The President, Ms Argondizzo, the Honourables B. W. Bishop and Andrea Coote, Mr Lenders, Ms Romanes and the Hon. E. G. Stoney.

Joint Committees

Drugs and Crime Prevention Committee — (*Council*): The Honourables C. D. Hirsh and S. M. Nguyen. (*Assembly)*: Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells.

Economic Development Committee — (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen. (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson.

Education and Training Committee — (*Council*): The Honourables H. E. Buckingham and P. R. Hall. (*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton.

Environment and Natural Resources Committee — (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell. (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz.

Family and Community Development Committee — (*Council*): The Hon. D. McL. Davis and Mr Smith. (*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell, Mrs Shardey and Mr Wilson.

House Committee — (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen. (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan, Mr Savage and Mr Smith.

Law Reform Committee — (*Council*): The Honourables Andrew Brideson and R. Dalla-Riva, and Ms Hadden. (*Assembly*): Ms Beard, Mr Hudson, Mr Lupton and Mr Maughan.

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

Outer Suburban/Interface Services and Development Committee — (*Council*): Mr Scheffer and Mr Somyurek. (*Assembly*): Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith.

Public Accounts and Estimates Committee — (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, and Ms Romanes. (*Assembly*): Ms Campbell, Mr Clark, Mr Donnellan, Ms Green and Mr Merlino.

Road Safety Committee — (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney. (*Assembly*): Mr Harkness, Mr Langdon, Mr Mulder and Mr Trezise.

Rural and Regional Services and Development Committee — (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell. (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh.

Scrutiny of Acts and Regulations Committee — (*Council*): Ms Argondizzo and the Hon. A. P. Olexander. (*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson.

Heads of Parliamentary Departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Ms G. Dunston

Joint Services — Director, Corporate Services: Mr S. N. Aird
Director, Infrastructure Services: Mr G. C. Spurr

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT — FIRST SESSION

President: The Hon. M. M. GOULD

Deputy President and Chair of Committees: Ms GLENYYS ROMANES

Temporary Chairs of Committees: The Honourables B. W. Bishop, R. H. Bowden **,** Andrew Brideson, H. E. Buckingham, Ms D. G. Hadden, the Honourable J. G. Hilton, Mr R. F. Smith and the Honourable C. A. Strong

Leader of the Government:
Mr J. LENDERS

Deputy Leader of the Government:
Mr GAVIN JENNINGS

Leader of the Opposition:
The Hon. P. R. DAVIS

Deputy Leader of the Opposition:
The Hon. ANDREA COOTE

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

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

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

CONTENTS

WEDNESDAY, 15 DECEMBER 2004

Wednesday, 15 December 2004

The PRESIDENT (Hon. M. M. Gould) took the chair at 9.32 a.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

Building (Cooling Towers and Plumbing) (Amendment) Act
Corrections and Major Crime (Investigative Powers) Acts (Amendment) Act
Emergency Services Telecommunications Authority Act
Legal Profession Act
Multicultural Victoria Act
Planning and Environment (Development Contributions) Act.

PETITION

Wind farms: planning

Ms HADDEN (Ballarat) presented petition from certain citizens of Victoria requesting that the Victorian government prohibit any further wind farm developments pending the development of:

1. policies by which Victorian communities can be consulted and included in planning policy;

2. occupational health and safety regulations for the protection of citizens regarding the positioning of turbines; and

3. in-depth guidelines for the wind energy industry for the location and construction of wind turbines

(61 signatures).

Laid on table.

AUDITOR-GENERAL

Response by Minister for Finance

Mr LENDERS (Minister for Finance) presented response to Auditor-General's reports tabled during 2003–04.

Laid on table.

PAPER

Laid on table by Clerk:

Budget Sector — Update 2004–05.

MEMBERS STATEMENTS

Port Phillip Bay: channel deepening

Hon. R. H. BOWDEN (South Eastern) — In the past two weeks the government has caused further confusion in the community by attacking and misrepresenting the official policy position of the opposition in relation to ports. To absolutely clarify the position and prevent the government from creating further mischief and misleading the community, I would like to read into the record our official policy on channel deepening.

An honourable member interjected.

Hon. R. H. BOWDEN — I can understand your sensitivity as a government, because if you read today's *Herald Sun* you will find an appalling list of failures. Our policy states:

> The Liberal Party supports the proposal to deepen the shipping channel of the port of Melbourne provided the project is subjected to a rigorous environment effects statement (EES) ...

We understand that at this point of time, today, our position is the same as the government's position in relation to support in principle for channel deepening under those circumstances, and we believe it is entirely inappropriate for the government to misrepresent the position of the opposition. We find it appalling, and we do not appreciate it. Our position is that we support channel deepening at this time, with the expectation that the environment effects statement process will cover the conservation and environment aspects of this important project for the state.

Public transport: Warrnambool

Ms ROMANES (Melbourne) — I would like to congratulate Bus Association Victoria on its contribution in the consideration of public transport needs across Victoria through the completion of its major research project into public transport improvement priorities in the Warrnambool area. The BAV study looks at the connections between public transport service provisions, social exclusion and personal wellbeing in the regional community. I am sure it will become a blueprint for other areas.

The major aim of the study was to explore travel patterns of groups that typically include many transport disadvantaged people and to identify the priorities they see for improvements that will reduce their disadvantage. The report says:

> Transport disadvantaged groups comprise young people, seniors, persons with a disability, people on low incomes, rurally isolated and indigenous people.

The study draws attention to the importance of public transport in achieving social equity. The study suggests four main areas for improvements: service frequency; standard coverage with emphasis on the important role of regional bus services; marketing and regulatory reform to increase flexibility of service provision; and the arrangements for planning a transport system within the region and the state.

John Kelly

Hon. DAVID KOCH (Western) — I rise to pay tribute to and remember the life of John Kelly, who died at his home on 28 November 2004 in his 80th year. John, a member of the distinguished Kelly family from Barwidgee, was a prominent grazier and local identity who lived on his property, Eulo, at Caramut. He had an Australian and international reputation for his skill at stock handling, especially of cattle, which skill many admired as a work of art. John was a member of the Royal Agricultural Society (RAS) for 44 years, and his Angus cattle and Corriedale and merino sheep were regarded as amongst some of nation's best.

John was a dual Olympian. He was a reserve member of Australia's three-day equestrian team at the 1960 Rome Olympic Games and again competed at Tokyo in 1964. John was also a state and national representative in polo tournaments from the 1950s to the 1970s.

As an active member of the Country Fire Authority for 58 years and as a long-time member and past president of the local Liberal Party branch, John demonstrated his fantastic contribution to the Caramut community. John was honoured at a memorial service on his property on 3 December 2004, where lifelong friend Bill Cumming said that John was 'an easygoing gentleman who had a passion to help others'. John will be sadly missed by his friends and family but remembered as a wonderful Australian.

Population: increase

Hon. S. M. NGUYEN (Melbourne West) — I wish to raise a matter concerning a recent milestone for Victoria. It appears that Victoria's population tipped the 5 million mark on 11 December. There are several reasons that this figure is truly remarkable for Victoria and timely in a personal sense.

Firstly, may I say that this milestone exactly arrived a little earlier than was first predicted by the Australian Bureau of Statistics (ABS). It appears that the figure of 5 million was actually reached some six months early, to be precise. This is fantastic news for Victoria. For the first time in four decades Victoria's rate of growth has outstripped the national rate. These figures simply reinforce what we thought all along, and I am sure that the members on the other side will agree with me wholeheartedly that Victoria is a wonderful state to invest in and do business in; it is a wonderful place to live and work in, with much to offer in sporting events and arts activities.

In addition I am very pleased to say that my newly arrived daughter, My Linh, must have been awfully close to Victorian no. 5 million, having been born on Tuesday, 7 December 2004. I would like to report that both mum, Quynh Ngoc Tran, and daughter are wonderfully well and would like to thank all members for their good wishes. I note that a Morgan poll recently indicated that two or three children would be the ideal number of children in a family, despite the average Australian woman's bearing 1.75 children. Let us just say my wife and I are well on the way to exceeding and even pushing up that average.

Kew Residential Services: site development

Hon. BILL FORWOOD (Templestowe) — Recently Alma Adams, the manager of Kew Residential Services redevelopment, wrote to families of Kew residents notifying them that quite soon the final plans for the site will be lodged with the responsible authority, the Minister for Planning in the other place, Mary Delahunty. In the course of her letter Ms Adams indicated that at the time when the plans are to be lodged with the Minister for Planning there would be meetings with families of residents so they could see them.

Louise Godwin, the executive officer of the Kew parents association, has written both to Alma Adams and to Minister Delahunty requesting that those families be given the opportunity to be consulted on the final plans before a decision is made while noting that this may take place during the holiday period and has also requested that families be given 21 days notice. As she said in her note to me:

It seems fair and reasonable to me — particularly given that this will be the first and only real chance for families to see the development plans.

I think it is very important as we go through the Kew Residential Services redevelopment for families of people who are living at Kew to be given the opportunity to participate in this. I encourage the Minister for Planning and Alma Adams both to give notice but also to — —

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

Hospitals: waiting lists

Mr VINEY (Chelsea) — I offer my congratulations to the Minister for Health in the other house, the Honourable Bronwyn Pike, on the outstanding results that were released only yesterday about patients waiting for elective surgery. These are extraordinary results. We have seen over 200 000 additional patients being admitted into our hospitals in Victoria since the disastrous years of the Kennett government, but despite that massive increase in the number of patients being admitted into our hospitals there has been a significant drop of 3.9 per cent in elective surgery waiting lists.

At Frankston Hospital we have seen 1424 elective patients and a significant increase in the number of patients admitted both in the emergency department and into our hospital. What we know is that now 100 per cent of urgent patients are treated immediately upon arrival in the Frankston Hospital emergency department. What a contrast to when the opposition was in government and ripped into Frankston Hospital and the entire — —

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

Glen Eira: administration

Hon. C. A. STRONG (Higinbotham) — I welcome the appointment of a municipal inspector to the Glen Eira City Council. I have raised in this place the abuse of councillor entitlements — for example, the obscenely excessive use of ratepayer-provided phones by Cr Rachelle Sapir, not to mention my friend Underpants Pullen. Now we have alleged abuses of the process around the reappointment of the Glen Eira chief executive officer (CEO). I urge the council not to proceed to reappoint — and I hope it will not — the CEO pending the outcome of this municipal inspection.

Mernda Primary School: Eureka rebellion anniversary

Hon. R. G. MITCHELL (Central Highlands) — On 29 November, during the Eureka celebrations, I had the privilege of visiting Mernda Primary School to present them with a Eureka flag, for them to fly to mark the occasion of the Eureka stockade rebellion 150th anniversary.

Mernda Primary School has been delivering high-quality education for over 100 years, with outstanding success; much of this success is due to the hard work, dedication and passion of the school staff. The staff at the school gave me the opportunity to address the school during the presentation at assembly, and I thank them for that opportunity.

When I arrived at Parliament House yesterday there was a lovely letter in my mailbox from Tihana D'Augelo on behalf of the school, thanking me for the flag and letting me know they flew it on 3 December. Tihana is another fine example of the quality of children the school educates, and her family should be proud to have such a thoughtful young one in their midst. I wish her and the other students at the school all the best for the future. I thank Mernda Primary School for the opportunity.

Rail: regional links

Hon. W. R. BAXTER (North Eastern) — I want to let the house know how let down my electors feel by the news that has come to pass in the last day or so that the faster trains project has blown out from $80 million to $800 million-plus, because my constituents feel grossly deceived by what has occurred with the faster trains project. They look back on what they perceive as the dishonesty of the Labor Party prior to the 1999 election when its members claimed that the project could be built for $80 million, despite the fact that the then opposition and the National Party said there was no way it could be done. At that time Labor members, shadow ministers and candidates went around Victoria blaggarding us, but, regrettably, present opposition members have been proved right. This reinforces the deeply held underlying concern by all Victorians that Labor simply cannot manage money, and this is what we are seeing today with this project. You can have a project out there, up in lights, saying that it can be done for $80 million — but the latest estimate is that it will cost $800 million. Goodness knows what the final figure is going to be — clearly over $1 billion. It is another graphic illustration that Labor cannot manage money.

Free trade: federal Labor policy

Mr SMITH (Chelsea) — I congratulate Senator Stephen Conroy, a Victorian senator for the Australian Labor Party. During a speech Senator Conroy gave last Friday on free trade he demonstrated that the Labor Party not only has the right policy on free trade but also has the courage of its convictions. It will support free trade in the information technology industry services area as well as many others. The IT service industry is a classic industry in terms of globalisation. The pressure is now on Australian industry to find ways of competing in a global economy. I for one, and clearly the ALP, support and believe we can compete in the IT industry. The dogma of some of the old-style union officials must be defeated if the industry is to progress.

It is no accident that many industries today enjoy their success because of the economic reforms of the previous Labor government. The benefits are clear to all those who want to see. Senator Conroy, like many of his federal colleagues, is not only able to see what must be done to ensure our economic growth, but has the capacity and the will to do it. I call upon the federal government to listen to Senator Conroy in this regard.

Aquaculture: licence fees

Hon. PHILIP DAVIS (Gippsland) — I am almost overwhelmed by the contribution made by the previous member, but I want to talk about something that is more pertinent to Victorian government administration — that is, the aquaculture industry, which is in a state of near collapse in Victoria. Indeed Fisheries Victoria levies have skyrocketed by between $250 and $2000 over the last year or so, and the number of licences in the industry has plummeted from 300 to 100. In the yabby sector alone there has been a reduction from 150 enterprises to 20, and in terms of licensed enterprises producing yabbies for human consumption we now have only 3 of 60 that were previously registered.

It is clear that the Minister for Agriculture in the other place has abandoned any vision in respect of the development of aquaculture in the state. Indeed for the last five years Victoria's share of aquaculture production has been stagnant at 2.9 per cent of national production. What is most alarming is that the last year has seen all but a virtual collapse in the sector, and the only producers who effectively remain are the abalone and trout sectors of the aquaculture industry.

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

Economy: performance

Mr SOMYUREK (Eumemmerring) — Last night I was gagged by members of the opposition. I was gagged by their frivolous and obtuse points of order, but today I am not under such constraints.

Hon. Philip Davis — On a point of order, President, I have listened carefully to the opening remarks by the honourable member in his statement this morning. Notwithstanding that the rules relating to members statements are fairly wide, they do not permit members to misrepresent one another. The member has been alleging in relation to matters subject to debate on the previous day that members of the opposition — —

Mr Viney — What is your point of order?

Hon. Philip Davis — If Mr Viney will allow me to finish — that members of the opposition gagged the member and prevented him from making a contribution. That is clearly an impossibility, and I ask that the misrepresentation be withdrawn.

Hon. Andrew Brideson — Further on the point of order, President, I raised a point of order on the member last night, and I alluded to the fact that he still had 41 seconds to go. It was certainly not a frivolous point of order. In fact it was a point of order that you ultimately upheld.

The PRESIDENT — Order! The member stated that the opposition took points of order during his contribution to the adjournment debate, which is accurate. That is true. His time was eaten away during the course of those points of order, and at the conclusion of the debate I ruled his contribution on the adjournment out of order because he ran out of time and did not pose a question to the minister. With respect to stating that the member was gagged, I do not know whether that was the case, but that is an argument that could be used in his debate. I do not believe it warrants a withdrawal. For the record, I ruled the member out of order because he did not meet the guidelines in that he did not pose a question in the time allocated. I do not uphold the point of order. I call on the member to continue his 90-second statement.

Mr SOMYUREK — They really did not want me to present it to the house. Last week some terrible figures came out for the economy. The current account deficit is at a record $13.7 billion. Our national debt is at $406 billion. A couple of days ago the figures came out suggesting our trade deficit is at $2.2 billion. Mr Gordon Rich-Phillips came in here last Thursday and suggested that Victoria was the problem as far as Australia's current account deficit is concerned. Let me

just quote the statistics to the house. Victoria's exports for October grew by 6 per cent. That is compared to 2 per cent for the national economy — —

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

Shuliumov family

Ms CARBINES (Geelong) — As Victorians turn their thoughts at Christmas time to family and friends, I wish to offer my full support to the appeal made by Alex, Olga and daughter Valerie Shuliumov to return to Australia and Geelong, which had become the family's adopted home.

In the five years the family lived in Geelong it forged mutual community respect. Its contribution to and community participation in the workplace, on the sports field and in the school system earned it a wide circle of friends among people from all walks of life. The family took up residence in East Geelong, and with approval from the department of immigration Alex took a position with respected Geelong firm F. C. Walker and Sons and became a conscientious and skilled plasterer. Valerie was a student at Geelong High School, where she achieved excellent academic results and showed great ability on the sports field, becoming a popular member of her community. Alex coached the Barwon girls soccer team, contributing much of his time to encouraging a stronger interest in the sport among our youth.

The positive contribution made by the Shuliumov family has led many to continue to work to bring the family back to the city. Barry Walker, Alex's former employer, has taken steps to sponsor the family's return with an offer of employment. I have had many representations from groups and individuals in Geelong with pleas to take all possible steps to clear the way for its return.

Geelong is home to more than 45 different ethnic groups that have helped shape the nature, economy and unique environment of our city. I believe the Shuliumov family has demonstrated that it would contribute constructively to this wonderfully rich mix in our society. I urge the federal minister to act.

CHILDREN: OBESITY

Hon. ANDREW BRIDESON (Waverley) — I move:

That this house:

1. calls on the government to increase resources to tackle the problems associated with childhood obesity;

2. urges the government to reinstate health and physical education as a core discipline in the revised Victorian Essential Learning Standards and to introduce a system of accountability for the mandating of physical education and sport;

3. recommends that the government's Go for Your Life initiative be implemented in schools; and

4. notes that literacy, numeracy, language, the arts and humanities cannot be enjoyed without good health.

I would like to start this debate today by saying that I have carefully crafted the motion, and I hope it enjoys bipartisan support.

The Victorian community has a very high interest in staying physically active and healthy. This was witnessed this morning not only by me but probably also by other members as they journeyed into Parliament. As I travelled along Alexandra Avenue I was impressed by the number of people I saw out jogging, walking and riding in the area and rowing on the Yarra River. There were people of all shapes and sizes who have obviously got the message that one needs to be physically active to live a long and healthy life.

When I opened my computer this morning I was almost excited to see an email from a member for Geelong Province, Mr John Eren, further promoting physical activity and inviting members to participate in the parliamentary bowls day. It seems the message has got through to all members of society — from here right through to everybody in the community — that it is a pursuit worth following.

I have had a lifelong and very high interest in the topic of sport and physical education in schools. I remember participating in physical activity at both primary and secondary levels during my school days. As a young teacher at teachers college I majored in physical education and throughout my teaching career I always emphasised the value of health, physical education and sport in the curriculum that I taught my students. I well remember that some of the happiest days of my teaching career were spent teaching in rural schools that had only one or two teachers and where physical education and sport were almost the core curriculum.

I would go so far as to say that today health, education and sport are the key curriculum areas in schools and they ought to receive a lot more emphasis. In fact I would go as far as saying that that one area could be the core curriculum and everything else could spin off it. You could have the history of sport and the geography of sport in English literature and reading — everything could spin off sport. Art could be about sport, health, physical education et cetera.

Like all members here I have a very high interest in improving the physical wellbeing of the whole community, and I personally try to maintain a high level of personal fitness. In my younger days I was very active, playing tennis and rural football. In more recent times — —

Hon. P. R. Hall — Who did you play for?

Hon. ANDREW BRIDESON — I think I played for Apsley seconds, up on the border of South Australia. I played a couple of games but the grounds were so hard that my ankles gave way.

Hon. P. R. Hall — What position were you in?

Hon. ANDREW BRIDESON — I think I was on the forward pocket or some innocuous position, but I have always maintained a very high interest in physical activity. In more recent times I have taken to bike riding. Prior to that — many people would be probably amused — I was a bit of a marathon runner and completed several Big M runs. As I say, I have a very high interest in this area — —

Mr Viney — How many hours?

Hon. ANDREW BRIDESON — I will talk about that later; it was around about the $3^1/_2$ hour mark, which is a reasonable effort for an old guy.

On 12 May I made a statement on child obesity at one of the Speaker's science forums I attended. My final comment in that statement was to suggest that the government encourage schools to implement compulsory physical activity at the commencement of each school day in all the forms that are available and offer independent healthy eating strategies which could involve parents. I am not going to take any credit, but I was very glad to read a statement from Minister Kosky in October where she mandated physical education in schools. I will come to that a little bit later.

I would like to ask the government a rhetorical question: how much does the government value physical education, health education and sport? This curriculum area is not mentioned in Minister Kosky's blueprint for schools, nor is it mentioned in the ALP education policy statement of 2002, and surprisingly it was not even mentioned in Minister Madden's sport ministerial statement which he delivered to this house on 14 October. Whilst I was researching this topic I discovered through the Department of Human Services that it did not participate in the National Health and Medical Research Council's strategic planning process acting on *Australia's Weight*, a report delivered in 1997. It was the only mainland health department which did not participate in that. I am also somewhat alarmed at the downgrading of health, physical education and sport, particularly with the demise of seven equivalent full-time employees in the Department of Education and Training. That area is now defunct and the leadership positions in that curriculum area no longer exist. That is of great concern to me and the opposition.

I am heartened, however, to see that the government has at last seen fit to begin a coordinated approach towards physical activity through the Go for Your Life campaign. I stress that there is a difference between physical activity and physical education. Physical activity is basically the participation in any activity which involves the body, like walking, dancing or standing — my standing here moving my arms is physical activity — as opposed to physical education, which is a concerted approach to educating a child in all facets of health, physical movement and sports coaching.

The Go for Your Life campaign has been hailed by the government as the biggest health awareness program in 20 years and has a $22 million price tag. The campaign is to include advertisements, printed material and government grants for community sports days, as well as an information hotline with health, nutrition and exercise tips. The funding for the new campaign is in addition to $86.5 million which has been spent on community sport and recreation facilities across the state since the Bracks government came to office. This information has been gleaned from a media release of 14 September headed 'Score card reveals a healthier and active Victoria'.

The approach to the Go for Your Life campaign is very reminiscent of a similar campaign which was implemented by the Hamer Liberal government some 30 years ago and which was known as the Life. Be In It campaign. A character by the name of Norm was central to that campaign. Given the situation that we face today with such a high incidence of inactivity and obesity I believe it is time to embark on an innovative approach, but this approach needs to be extended to include schools as well as their communities. If we look

at the Go for Your Life campaign introductory booklet, it says:

> While there is substantial communication activity currently in place, the government acknowledges that these efforts are fragmented.

We have in existence a very strong school community network, and it is my contention that the money for this campaign would be better directed by implementing it through the existing network of educational institutions, in particular, primary and secondary schools and preschools. The $21 million to $22 million is, I hope, not going to be wasted on a slick advertising campaign to put a lot of spin out into the community that the government is genuinely interested in doing something for it. I would like to see this money redirected back into schools. For a start it could be redirected back into the Department of Education and Training to put back in place those seven full-time positions in the sports unit.

It is also interesting to note that when one goes through the Go for Your Life literature the word 'schools' has only been mentioned once. It says:

> It is also recognised that emphasis on children provides the greatest capacity for prevention of health-related issues, which also provides the opportunity to engage and involve parents and others. Specific activities will therefore be developed for implementation in childhood settings including schools ...

That is the only reference to 'including schools'. The government should go back and have a look at the way it is going to implement this campaign and add schools as a major priority. I must say I was heartened when I checked the Go for Your Life web site yesterday morning to note that last Friday the Minister for Health in the other place, Bronwyn Pike, indicated in a communications release that from next year the government is going to roll out a $2.8 million Kids Go for Your Life strategy in primary schools, kindergartens and childcare, maternal and child health centres across the state. But it is not very much money when you consider the number of schools, childcare centres et cetera that are in existence. The $2.8 million is not going to go very far.

Part of my motion calls on the government to increase resources, and I would like to see that money taken away from the advertising campaign and put into implementing these programs where I know teachers are generally committed to investing in the health and welfare of their children and will ensure the success of this program.

I would now like to move on and discuss obesity. It is of great concern to me, and I am sure to all other members in this community, that the percentage of young people who are overweight has doubled in the past 20 years, resulting in obesity. Cardiovascular disease has increased. Type 2 diabetes and mental health problems as well as other problems predicted to be generated in the future include colon, breast and prostate cancer; osteoporosis; high blood pressure; and stroke.

Australia ranks fourth among Organisation for Economic Cooperation and Development countries on obesity levels, and they are increasing at the fastest rate across the OECD. I have taken that information from Sport and Recreation Victoria's 2005–10 discussion paper put out by the Department for Victorian Communities. It is sad to note that childhood obesity levels in Australia now appear to rival those in the United States of America and exceed those in the United Kingdom They are attributable to both a decline in physical activity and a rise in energy intake.

The Premier concedes that 40 per cent of children aged under 14 play sport only at school. The information I have on the Premier's statement comes from a document entitled *Student Obesity and Nutrition — A Vision for Victoria,* written by Andrew Higgs in 2003. According to the Department for Victorian Communities the most popular leisure activity for children aged 5 to 14 years is to watch television or videos. More than 60 per cent of Victorians are obese, over 50 per cent are not active enough and 90 per cent do not eat enough vegetables. According to an article in the *Age* of 24 October 2002, Victoria will need 800 new hospital-size beds or three more hospitals the size of the Royal Children's Hospital within 20 years if current obesity trends continue.

It is estimated that costs for obesity will double over the next 20 years to at least $300 million annually. That figure was obtained from a report entitled *A Healthy Balance — Victorians Respond to Obesity,* which was run by a citizens council at the Melbourne town hall roughly two years ago. It is very clear that if the government were to put more money into the teaching of health, physical education and sport in our schools, that investment would mean a significant reduction in health costs in the future. I can remember having quite a few discussions with the late John Ross, who was a member of this chamber. John worked in the health field prior to coming into Parliament and was a great advocate in the field of health research for implementing healthy programs in the community which would ultimately result in savings to the health budget.

In mentioning obesity and diabetes prevention programs, I refer to a section headed 'Obesity and diabetes prevention programs' on pages 260 and 261 of the Public Accounts and Estimates Committee report on the 2004–05 budget estimates. The committee heard from the Minister for Health as follows, and I quote:

> Rising levels of obesity have the potential to cause, and are already causing, significant poor health outcomes for many people in the community. When we know that very young children can show signs of type 2 diabetes, which has always been associated with older adults, then this is just one indicator of what has been described by some as an epidemic of obesity. All governments need to take this very seriously.

The minister outlined the joint programs that are going to be implemented across government agencies. I do not have any problems with those apart from the fact that I think there should be more of an investment in those programs. The Public Accounts and Estimates Committee is an all-party joint committee. Recommendation 53 of its report is:

> The Department of Human Services, in conjunction with the Department for Victorian Communities, develop more appropriate performance measures to monitor the effectiveness of obesity and diabetes prevention strategies.

It is one thing to pump money into all these programs; it is another to see the effect of the spending. It is essential that the government set up a performance measuring process to make sure that this money is spent wisely and not frittered away by advertising companies and market researchers on the gloss and spin we have become so used to. It is important to put on the record that there is bipartisan support for more appropriate performance measures to be implemented. Again I do not think anybody could disagree with that.

I mentioned that the government appears to have downgraded physical education, health and sport in the school curriculum. They were certainly downgraded under the Labor government in the 1980s and were restored during the Kennett era as part of the core curriculum. I was a teacher out in the field in those days, and I can remember that there was, unfortunately, a move away from physical education because of the crowded curriculum. All too often it is easier for teachers to say, 'It is too cold today to go outside' or 'It is a bit windy, and the kids will get unsettled if we are out there', and other priorities are followed. It seemed to me that the most important subject was always downgraded.

There were statistics which proved that fact, and the Kennett government implemented the Moneghetti report, which I will touch upon a bit later. As a result of that report physical education was put back into its rightful place — the place it deserved. I must also add in passing that I am pleased that the current government has not thrown away the Moneghetti report and is still implementing some of the recommendations Steve Moneghetti and his expert committee made. One of those recommendations was to give awards to the best sportspeople in our schools. Those awards were announced in the recent edition of the *Education Journal*, which all members receive.

Until now physical education has been one of the eight key learning subjects, along with maths, science, English, technology, the arts, and society and environment studies, as well as language. It must be taught for between 100 and 180 minutes a week, depending on the student year level.

According to the Honourable Justin Madden, the Minister for Sport and Recreation:

> Sport and recreation forms part of a person's education. It promotes good health and assists in crime prevention ...
>
> Physical education is an important part of the school curriculum. It provides an understanding of the benefits of undertaking regular physical activity and helps develop a number of life skills ...

This is taken from the discussion paper which was put out in May of this year. The minister went on to say:

> The avenue for physical activity and social connectedness that sport and recreation provides is an important contributor to both physical and mental health and the general wellness of the community.

I certainly agree with those statements. According to the Honourable Lynne Kosky, the Minister for Education and Training:

> Recent research showed that rates of obesity among Australian children have tripled in the past decade ... and ... children are ... therefore vulnerable to a range of health and psychological problems ...
>
> The Bracks government is committed to improving the health of young Victorians, and schools play an important role in helping us achieve this.

Minister Kosky said that in November 2002. I want to advance this. In October of that year the Victorian government participated in a two-day summit under the title 'A healthy balance: Victorians respond to obesity'. There were speakers from VicHealth, Deakin University, the International Diabetes Institute, the University of Melbourne, the Royal Children's Hospital, the Australian Council for Health, Physical Education and Recreation, the Victorian Council on Fitness and General Health and many other organisations. A comprehensive report with formulated recommendations was produced after that event. None of these important recommendations was taken up,

including the recommendation that there be a healthy kids action council which was supposed to ensure a coordinated approach across portfolios, local government and stakeholders.

The introduction to this report commended the government, stating:

> We ... applaud the Victorian government for having the courage to ask the community to come up with solutions to childhood obesity ... This really is democracy in action.
>
> We encourage all governments and decision-makers to adopt and embrace this process.

I reiterate that none of the recommendations was adopted. I have a copy of the report if anybody is interested. I would recommend those who are interested to look through it. If the government has not read that report in recent times, I would encourage it to do so because there are a lot of good and practical ideas which the community put forward.

I mentioned earlier another report 'Acting on Australia's Weight — A strategic plan for the prevention of overweight and obesity', which was compiled by the National Health and Medical Research Council. Unfortunately Victoria did not contribute to that. The report recommended that there be:

> ... involvement of physical activity for all children in the context of the school program, without any emphasis on weight control ... children who grow up enjoying both non-competitive and/or competitive activity, and who learn to be active in many ways, are less likely to become overweight and obese as adults.

This report recommended that:

> Health promotion in schools not only involves students in the context of the curriculum, but can include providing incentives for children to use physically active means of getting to and from school.

I say again, a very good example of this recommendation is the walking bus program whereby children walk in a group with adult supervision at both the front and rear of the group. I do not think I need to explain how the walking bus program works. It is certainly a very interesting initiative and it is an idea that is progressing and growing in all communities and local governments around the state and Australia.

Under the new curriculum which has been developed by the Victorian Curriculum and Assessment Authority, physical education has now been separated from the core subjects such as English and maths. It is going to appear under a separate category called 'Personal and Social Learning'. These changes are going to come into effect next year.

The physical education experts have reacted by forming immediate and very clear opinions. Over the last two or three months there has been a lot of adverse publicity against the government in relation to this change. A lecturer from Deakin University and a well-known football identity, David Parkin, said:

> The research is unequivocal. Obesity levels are increasing and activity levels are decreasing ... every child in primary school should have access to a well-taught health and physical education program.

He emphasises that physical education, health and sport should be a core program.

Paul Callery, who is also a former Australian Football League player and is a senior lecturer at the Australian Catholic University, has said:

> The lack of prominence of physical education in this curriculum model will be viewed adversely by principals and school councils when they make the decisions over the staffing and resource allocation ...
>
> It is all about perception — physical education ... will become a low priority.

There was also a letter to the editor of the *Age* from the chief executive officer of Cricket Victoria, Ken Jacobs, who is well known to members in this chamber. Ken Jacobs wrote:

> The decision of the VCAA to not classify physical education as a core discipline in the school curriculum from 2005 is absurd. There is enough evidence to suggest increasing obesity exists in our children and that we live in a society that is increasingly less active and less nourished, and it will follow that we will have a number of people who are physically illiterate.
>
> Whilst Cricket Victoria is encouraging thousands of young children to participate in our sport through the programs that we conduct in schools and clubs, the key objective is really that they 'participate' in any form of sport/physical endeavour. Surely evidence would suggest that if one pursued an active and healthy lifestyle, you have a greater opportunity in life.
>
> As a state that champions itself as the sporting capital of Australia and is shortly to host the Commonwealth Games, it is somewhat ironic that the government would allow such a retrograde decision to be taken which will have a dramatic impact on the future generation of our children.

I have quoted Paul Callery, Ken Jacobs and David Parkin because they have expressed my sentiments in writing much better than probably I could do.

In recent weeks I have had discussions with the Australian Council for Health, Physical Education and Recreation (ACHPER) in relation to this topic. Mary Wilson, who is the director of that organisation, told me that when physical education (PE) was put under the

heading of personal development in the 1980s it was devalued and we saw its demise. I have already alluded to that. After a number of years there was such neglect in that area that the Moneghetti inquiry was implemented. ACHPER feels a very risky step is being taken with the current move to what it perceives as the downgrading of PE and sport in the new curriculum.

In 1992 there was a Senate inquiry into physical and sport education, which was also significant. It found that PE was being dramatically reduced throughout Australia, that there was a lack of political commitment to address the problems and that the state departments are responsible for providing all aspects of school-based physical education. That worthy report contains 40-plus recommendations, and even though it is some 12 years old many of the recommendations are still relevant and are being implemented by various state governments right around Australia, including the current government.

I pick up one of the key statements in the Moneghetti report, which is:

> Regular physical education must be available from the day a student enters school to the day the student leaves it.

There would not be any disagreement with that statement in this chamber. The intent of the Moneghetti report is clear: to give sport and physical education the priority it deserves within the school curriculum and to recognise the beneficial skills that students in physical education arm themselves with. These are life skills that are as important as English and maths. The physiological benefits flow into the mental benefits by allowing for opportunities for personal decision making, strategic thinking et cetera.

I also want to mention the United Nations International Charter on Physical Education and Sport, which was promulgated in 1978. That charter prioritised physical sport and education as core studies within the school curriculum. It states:

> Every overall education system must assign a requisite place and importance to physical education and sport in order to establish a balance and strengthen links between physical activities and other components of education.

Although there is evidence to suggest that schools are not meeting the requirements, it seems that Victorian children are doing less physical education each year as schools fail to meet compulsory state targets.

In 1997, 99 per cent of primary schools met government targets. That fell to 73 per cent in 2002. There were many reasons for that, including the overcrowded curriculum, lack of facilities and in some cases teachers feeling totally unprepared or incapable of teaching the subject. Fred Ackerman, of the Victorian Primary Principals Association, said that the reason many schools struggled to reach government targets on PE was because they did not have the facilities to enable them to meet the targets. I acknowledge again that the government is pouring money into schools to provide more facilities, but I argue very strongly that even more funds should be put aside for improving such facilities.

Professor Paul Zimmett of the International Diabetes Institute said at the 2001 childhood obesity forum I mentioned earlier that compelling evidence now exists that progression to type 2 diabetes can be prevented. He suggested that daily physical activity and nutrition lessons be implemented in schools. Again, I see that part of the Go for Your Life campaign will do that, and that is certainly to be encouraged.

I refer to other issues relating to school-based physical activity programs. Recent studies have found that parents are not allowing their children to go outside as much as they used to. Living conditions for children have certainly changed. They now have smaller backyards and are much less active than perhaps members were when they were children. That all adds up to the fact that now schools must in many ways take over or — I am reluctant to say it — usurp the role of parents in ensuring that there is a lot more physical activity and physical education in schools. It is certainly one area where schools can supplement the family.

Following an American study undertaken in the 1980s by Gould and Horn six reasons were suggested for participation by youth in exercise. They were: to have fun, to improve skills and learning, to be with friends and make new friends, for thrills and excitement, to succeed or win, and to become physically fit. They are all admirable reasons and physical activity is one subject area of the curriculum where kids can really get a boost out of going to school.

According to Australian Bureau of Statistics figures, only six out of 10 children aged between 5 and 14 participate in sport outside of school. Around 30 per cent of Australian children do not participate in any sport at all. Common sedentary activities that compete with physical activity — and members are all aware of these — include homework, computer games, Internet use and television viewing.

A decline in physical activity is considered by many experts to be the biggest contributing factor to the rise in obesity. I do not need to go to that issue as I have mentioned it a lot throughout my contribution.

According to the National Heart Foundation of Australia:

> All schools should implement a planned physical education curriculum that maximises participation, enjoyment and skill learning. Physical and social development of children through health and physical education ought to be perceived as important as literacy and numeracy throughout the schooling years.

It says all schools can:

> Ensure primary schoolteachers are well trained and well resourced to teach health and physical education. Provide professional development and support for teachers so that they can provide meaningful and enjoyable physical activity for all children through the school system.

Even the Australian Institute of Criminology urges schools to participate fully in such programs because it has been found that the effects of sport can impact directly on behavioural risk factors and that it can be a very useful intervention strategy in reducing antisocial behaviour.

I want to refer to Jeff Walkley, who lectures in sport and physical education at the Royal Melbourne Institute of Technology and is also on the board of the Australian Council for Health, Physical Education and Recreation. Jeff has identified key components of physical education where benefits go beyond the physical. He says they include group membership, improved communication, access and equity friendship, personal and social development, strategic thinking, creative expression, challenge and success, reflection and planning, respect for self and others, and lifetime leisure options. One can only agree with Jeff's findings, and it is my contention that there ought to be more human resources poured into our schools to improve the physical health of our children.

ACHPER also says there ought to be accountability to the mandated time allocations which this government has reiterated, confirming the commitment of the Kennett government to the mandating of sport. ACHPER strongly recommends that the government not only establish a campaign to encourage schools to implement a policy for promotion of physical education but also produce further resources and increase training to support schools. It also recommends annual statewide reports on policy implementation which can be presented by the department through principals reporting directly from a checklist of time allocations for physical education. The principal and the school council president can sign that report and the department can conduct random audits to see that the proper curriculum is being implemented.

Unfortunately many schools count before school play and physical activity during playtimes and lunch breaks as being part of their time commitments, but that is not what the 180 minutes a week of sport applies to. Many people in the physical education teaching community are concerned about that.

I am sure Mr Viney will be pleased to hear that the Liberal Party actually has a policy which has been devised to combat the problem of obesity and promote the accountability of schools in running physical education programs. I would like to put that on the record. It involves schools offering feedback to parents on their children's physical fitness and health.

Mr Viney — Is this your policy area?

Hon. ANDREW BRIDESON — No, it is not my policy. It is a bit of a group think, Mr Viney.

The policy has been modelled on the Australian fitness education award, and the curriculum is drawn from ACHPER. Schools will be able to conduct tests involving growth, body mass index, cardiovascular condition and flexibility. It is aimed at facilitating interaction between physical education teachers, schools and parents. Strategies can then be formulated to improve children's diet, exercise, sport and activity. The policy will also allow for open communication between parents and schools to come up with plans to combat problems. There is a great example of a school that is already doing this. I mention this school for two reasons.

Mr Viney — Did you teach there?

Hon. ANDREW BRIDESON — No, almost. Firstly, it is a school I was a foundation member of, back in 1954 when the Tucker Road Primary School was opened in Moorabbin. The second reason I mention it is that it is not in my electorate but it is in the electorate of Mr Strong and Mr Pullen, and I know Mr Pullen will be listening down in his office. I think he mentioned the Tucker Road Primary School this week when it had its 50th anniversary.

This is a great school. The school council has changed the strategy to build health, exercise and nutrition into the school's daily learning, recreation and play programs over the past two years. This involved building a vegetable garden and having the produce used in the school canteen. The school allows the children to snack on fruit and vegetables in class — they are actually allowed to graze, I think is the term. They do not have the normal morning play or lunch hour — they have continual grazing time. The school canteen has changed its menu and the school has

constructed a 600-metre exercise track for school and community use through a before-school running class led by a sports teacher. The facilities at the school can also be used out of hours and on weekends. According to the school principal the results have been absolutely positive. Over the past two years the students have become more alert and more responsive in class. They are better behaved, they are less lethargic and they are even taking the good habits home. I am thinking of asking Stan Oakley — the principal — to come in here to see if he can implement some sort of program for members so we may have better days.

This is a great topic. It is a topic that I am pretty passionate about. I would like to conclude by repeating a statement at page 11 of the sport and recreation discussion paper. It states:

> Sport and recreation not only provides significant health benefits to communities, but has broader social, cultural, environmental and economic outcomes. It is critical that the sport and recreation sector extend these benefits to all communities by creating welcoming environments that support and promote all Victorians engaging in lifelong physical activity. Key target groups include school-aged children ...

Further the paper states:

> In particular, creative approaches should target:
>
> > children's experience in early years and at school is important in establishing values for ongoing participation ...

If all members here cast their minds back to their school days and remember the physical education, sport and health experiences they gained at school, I am sure most will have continued those activities on into their current lives. I call upon all members in this chamber to support this worthy motion and to ensure that the government redirects funding from glossy advertising and spin campaigns to real, on-the-ground activities in schools.

Mr VINEY (Chelsea) — The motion before the house is similar to a tactic the opposition used about two weeks ago. The genuine side of the tactic is to have a reasonable debate about these issues but the wording of these motions is designed to place the government in a difficult position. Like the motion proposed by the Honourable Gordon Rich-Phillips in relation to exports, this motion in relation to sport and physical activity is designed to try on the one hand to appear to be criticising the government — —

Hon. Bill Forwood — Hey, we don't need to appear — if we want to criticise you, we will.

Mr VINEY — I have no problem with the opposition putting forward a motion criticising the government for what it has or has not done. However, I have a problem with the opposition putting forward motions which are designed to place the government in a difficult position — —

Hon. Bill Forwood — Diddums!

Mr VINEY — If Mr Forwood would like to listen he would know we are in a difficult position in relation to the motion because, as the honourable member knows, we have an agreement that the government will not amend opposition motions.

Hon. D. K. Drum — You did last night.

Mr VINEY — In general business, Mr Drum — we have agreed not to amend opposition motions in general business.

That leaves us with three choices: we can support the motion, we can not oppose the motion or we can oppose the motion. The difficulty with this motion is that it is criticises the government, purporting to say that it is not doing things that it is in fact doing. It places us in the position where we are not able to make an amendment because of the prior agreement. The government has decided that it will not oppose this motion, but is giving notice to the opposition that if it continues this tactic of proposing motions that are not recognising the good work that the government is doing in some of the areas that it is raising, then it will start to amend these motions in the next session.

Hon. Bill Forwood — Break the agreement?

Mr VINEY — No, we are giving the opposition notice now that if it continues to put forward motions in this manner, the government has decided it will move amendments to these motions. Let us look at this motion that is in front of us today. We have a motion that calls on the government to increase resources to tackle the problems associated with childhood obesity. In fact the government has done it only recently when it announced on 10 November the Go for Your Life program. In the second part of the motion, it urges the government to reinstate health and physical education as a core discipline in the revised Victorian essential learning standards and to introduce a system of accountability for the mandating of physical education in sport. In fact there has been no change to the status of physical education and sport and physical activity in our schools. I will go through these in a little more detail.

The second part of the motion is superfluous because the government cannot reinstate health and physical education as a core discipline when it has not uninstated it. We are already doing it, it is already mandated, and it is my understanding that Victoria is the only state in Australia that has a mandated time for health and physical education, so it is not possible for the government to reinstate something that it has never uninstated.

The third part of the motion recommends that the government's Go for Your Life initiative be implemented in schools. A significant part of the Go for Your Life program is aimed exactly at that — at schools. The government is not in a position to oppose the third part of the motion, because it is already doing it.

The fourth is really a motherhood statement that notes that literacy, numeracy, language, the arts and humanities cannot be enjoyed without good health. The government is hardly going to oppose that. We are not in a position to oppose this motion because in fact we are increasing resources to tackle problems with childhood obesity, which the motion calls on us to do. We cannot reinstate what we have not uninstated in relation to physical health and education, and we have already indicated that a significant portion of the Go for Your Life initiative will be implemented in schools.

The government is not in a position to oppose a motion that is in fact already government policy. Therefore we will not be opposing the motion, but, as I say, the opposition needs to understand that in future we will reserve the right to make amendments. I will give you the kind of reasonable motion that we could have all debated and agreed in this house — a reasonable motion that would have recognised the importance of childhood obesity, health and physical education in schools, and urged the government to continue, and, if the opposition wishes, to expand its efforts in the certain areas that are listed in this motion. That would have been a reasonable position and a reasonable motion for the government to support in a bipartisan way with the opposition.

I think probably 90 per cent of Mr Brideson's contribution was genuine and positive and dealt with the issues, but there were those irresistible opportunities to misrepresent what the government has been doing, particularly in two areas. The first area is the irresistible opportunity to misrepresent the government's Go for Your Life campaign as media spin, when in fact it has been quite clear from the announcements that the government has made that this is a significant program — a program aimed at very concrete ways of getting some specific target groups focused on increasing their physical activity and their health and wellbeing.

The second area Mr Brideson offered some criticism of was physical education in the school curriculum. I shall deal with that in more detail in a moment. Clearly the government has made no change to the mandated time for physical education, physical activity and health education in our schools under the new curriculum guidelines.

The Go for Your Life program was announced on 10 November. The Minister for Sport and Recreation in this house has dealt with this program on numerous occasions during question time, and there is no excuse for the opposition misunderstanding it. It is a $22 million strategy aimed at getting Victorians much more actively involved in their local communities. It is focused on a number of areas, such as being more physically active, eating more healthily and getting involved in the community.

The strategy covers a broad range of government areas, and no less than five ministers were with the Premier at the launch of the program, showing that it was very much a whole-of-government approach. Within that $22 million, $10 million has been allocated to prevent obesity and diabetes; $10 million has been allocated to promote physical activity; and $1.9 million has been allocated to promote healthy and active living for senior Victorians, which the Minister for Aged Care in the chamber today has just acknowledged.

The component for senior Victorians is a very good program that encourages a healthier life for our senior citizens. We know that as they get active and maintain their level of activity a number of subsequent illnesses are reduced, ranging from diabetes to falls preventions. We know that often when senior citizens have a fall that can precipitate a serious spiral in their general health and wellbeing. It is an important initiative as part of the Go for Your Life campaign.

In addition to that, the $10 million allocated to increase physical activity will build on participation in walking and increasing the information available to the community about the benefits of walking. A significant portion of that program will include the targeting of specific groups, such as socially isolated people, primary schoolchildren, and community sport days celebrating the upcoming Commonwealth Games.

We know that $1.8 million of that $10 million is being targeted to those already at risk of developing diabetes, and $2 million will be allocated for a coordinated

program to promote healthy eating and physical activities in schools. The Minister for Victorian Communities, John Thwaites, has also encouraged volunteering and the creating of links between people and communities. This is a broad-ranging program aimed at encouraging Victorians to participate not only in physical activity but also in their communities.

In the few minutes remaining I shall deal with the curriculum issue. Within the new Victorian essential learning standards is the strand of physical, personal and social learning. The details of this strand can be viewed on the department of education's web site. It includes health and physical education, interpersonal development, and civics and citizenship. The health and physical education program outlines the amount of time allocated for students in their school week, depending on the age level, for physical education; and of course health and physical education are compulsory parts of the Victorian essential learning standards. They mandate that for prep to grade 3 there should be 20 to 30 minutes of physical education a day. It says that for years 4 to 6 it should be 3 hours a week of physical education; and in the secondary schools area — years 7 to 10 — there should be 100 minutes a week each of physical education and sport. This program covers not only the area of physical activity but also the area of health and general physical education.

Returning to the second point in the motion, which urges the government to reinstate health and physical education as a core discipline, this cannot be done when the government has not uninstated it. Therefore we have a motion before the house urging the government to do what it is already doing — tackling the problems associated with childhood obesity, which it is doing in part through the Go for Your Life program but also in the core curriculum I outlined just a moment ago. The government is continuing with the compulsory component of health and physical education in our schools across all year levels. Referring to the third part of the motion, the government is already implementing the Go for Your Life campaign in our schools.

Finally, the government agrees that literacy, numeracy, languages, the arts and humanities cannot be enjoyed without good health. Therefore the government proposes to participate in this debate and take the opportunity to reinforce the important message of the link between physical activity and good health, and its relationship to participating in the community as well.

Before I commenced my contribution Mr Drum asked me about the matter of schools complying with the core curriculum requirements, and I guess the answer lies in the accountability of schools through their principals to school councils. I have served on a school council; I spent four years on one.

Hon. Bill Forwood — Did it survive?

Mr VINEY — I did not hear the interjection, but I went on to the council because Jeff Kennett tried to close my kids' school. Fortunately we kept it open, and last night was my son's grade 6 graduation. The school has gone from strength to strength thanks to the fact that that community kept it open. Unfortunately 300 other school communities were not able to do that.

The real process of accountability in our education system and of holding schools to account for sticking to their core curriculums lies with the principals and their relationship with their school councils. In my experience of not only the school council I served on but of my contacts over many years, school councils take their jobs very seriously and are well aware of the essential learning areas and the school curriculums mandated by the department of education. They are more than capable of holding their school principals and staff to account for the education of their students.

I do not believe in the old days of school inspectors going out and inspecting schools to ensure they had done their 100 minutes of physical education or any other particular part of the curriculum. It may have worked, but it was not necessarily a flexible enough system to allow school communities to meet the needs of their students and school communities. A system of school accountability is in place based on the ability of school councils to work closely with their principals to ensure that their students get the best education.

We will not be opposing the motion, but on behalf of the government — and I have consulted with my leader on this — in future we will reserve the right to put forward amendments to such motions to make some sense of them rather than be faced with motions urging the government to do what it is already doing but couched in terms that suggest the government is not fulfilling its obligations in these areas. We are prepared to make amendments in the future, but we would rather work with the opposition and get motions that we can jointly support.

Hon. D. K. DRUM (North Western) — It is quite surprising how quickly Mr Viney has forgotten what it is like to be in opposition, with the government continually bringing before this house legislation which has some very sensible parts and which opposition parties find it impossible to vote against, but often sprinkled among that positive legislation are some very nasty barbs that we therefore have to debate and argue against. Some of the issues Mr Viney has spoken about

in relation to the government being put in a difficult position with this motion relate directly to where the opposition parties live. Often we come into this house to debate a whole range of bills and motions that have a combination of positive aspects, but sprinkled among them are some negative aspects which need to be defended on behalf of our constituents. I would like to thank Mr Viney for the opportunity of having an informal chat before he spoke on the motion in an attempt to clarify the situation that currently exists within the school system.

I congratulate the Honourable Andrew Brideson for moving this motion, because it brings to the fore an aspect that we tend to take for granted. Those of us who have been to, or who are lucky enough to have our children attend, schools with an active physical education program tend to think it is the norm and to take it for granted that these rates of participation are the norms across the sector. A motion like this makes us realise that that is not necessarily the case and that we really need to regulate the participation and activity rates and the willingness and cooperation of the school system to achieve the outcomes that we desperately need.

It is not just the legislators in Parliament who are calling for these outcomes. We have been joined by the Australian medical fraternity and others in the health system; by the judicial system; by elite spokespeople throughout the community, such as David Parkin, Steve Moneghetti and the like; and by VicHealth. With this motion we are garnering the support of a whole range of people in the community who realise that we need to congratulate the government on its Go for Your Life program and that we need to push it out to the schools. It was great to see on a web site that a $2 million-odd program is already to be introduced into the schools; we also need to seek a whole range of measures to combat obesity.

While I take Mr Viney's path that the government has not uninstated health and physical education from the core learning curriculum, it has certainly watered it down. We have to be very careful about any attempts to water down physical education within our schools. Often legislation is introduced into this place on a premise that it will change legislation to more closely mirror what actually happens in the community. Therefore if in any way, shape or form what happens in the community is relaxed, we will in turn follow with legislation — and it in effect becomes a snowball. We have to be very careful about letting physical education slip to the slightest degree. The changes that happened only two months ago in this state are treading a very fine line by watering down physical education to being no longer a key learning subject and making it one of five or six disciplines that are considered in a range of activities, as opposed to leaving it out there as a stand-alone, along with maths, the sciences, English and the like. We have to be very careful about any attempts by educators to not treat physical education with the degree of importance that our community demands.

I have mentioned Steve Moneghetti. He has been an active supporter of physical education for our youth and has delivered many inspirational speeches on the issue. I would like to read a little of the Moneghetti report, which was prepared for Victorian schools. Part of the foreword to his report states:

> Schools have a responsibility to develop young people's skills in and attitudes towards physical activity and sport. It is widely recognised and most recently stated in the Victorian junior sports policy that physical activities and sports help to develop self-confidence as well as cooperative skills, yet all of the available evidence indicates that over the past decade there has been a steady decline in the physical skills and fitness of young people and a decline in participation in sport, particularly among teenage girls. This trend must be reversed.

It is worth having that on the record, because it is a very clear, straight-to-the-point document. I would like to follow on from Mr Andrew Brideson, who referred to David Parkin, who was very sceptical of the downgrade that came across the education system last month. He is reported as saying that:

> ... he was amazed the government was looking to water down children's involvement in physical education at a time when obesity rates were soaring.
>
> The research is unequivocal that obesity levels are increasing and activity levels are decreasing ...
>
> Every child in primary school should have access to a well-taught health and physical education program. It should be a core program ...

I would also like to thank David for his continued involvement in this field, because it is an area where we need people to be strong, loud and active. Unless we have people like David Parkin, who is so well respected within the sporting fraternity, it would be easy for this debate to be swallowed up in academia. We have to be very careful about that.

I will go through some other aspects of it. I would like to contribute to the debate some statistics from the Australian Council for Health, Physical Education and Recreation (ACHPER). Between 1982 and 1992, which were called the 'flexible years':

> ... physical education became an optional subject which led to the 1992 Senate Inquiry into Physical and Sport Education, finding:

> ... physical education is being dramatically reduced throughout Australia and that there is a lack of political commitment to address the problems ... the state departments of education are responsible for providing all aspects of school-based physical education.

That is some background to the years from 1982 to 1992. Then the Kennett government reinstated physical education as a core activity and put in time lines that the education system needed to follow. In 1996 the Kennett government mandated that schools must teach 20 to 30 minutes of physical education (PE) daily to students from preps to year 3, 180 minutes weekly from year 4 to year 6, and at least 100 minutes of sport and 100 minutes of PE from year 7 to year 10. According to the Australian Council for Health, Physical Education and Recreation there was a high rate of initial compliance but the minimum time allocated to schools has declined since 1999. That is where we need to be directing much of our attention — not necessarily to what is written down in policies or directions to the education system but to what is happening within schools.

I gave a question without notice to the Minister for Sport and Recreation about that. The minister assured this chamber and therefore assured Victorians that physical education in schools has been and was still mandated. Mr Viney has just backed this up. Therefore it is a legal responsibility of schools to deliver the time lines set down by the government of the day. Our worry is how we implement the accountability of this mandate. How do we find out whether or not the students in Victorian schools actually are receiving the time allocations that this government has mandated? We need to make sure, and it would be good if following speakers were able to offer some sense of checks and balances on this issue, because we have seen some statistics.

It was very hard to get this information from the education department because these statistics do not exist on web sites. The data we have available from ACHPER say that in 1997 we had 97 per cent of primary schools meeting the time requirements. In 1999 that had dropped down to 80 per cent. By 2002 we believe it was just above 70 per cent, so there has been significant decrease in the primary schools delivering on the requirements. In secondary schools in 1997 it was around 90 per cent. In 1999 it had slumped to around 70 per cent and then for 2002 we were unable to find statistics. But the trend shows the decline in physical education delivered by schools to the students. Mr Brideson indicated that schools are counting lunch periods and recess periods as recreation time. That is unacceptable.

These days there is overwhelming evidence that fat children are becoming fat adults, and fat adults are producing more fat children. The cycle goes round and round. We have to understand that in some instances schools may be the only chance for these children who are otherwise facing a life of obesity. They have a chance to be involved in activities that break that cycle. We have to look to outside influences such as schools or sporting organisations for opportunities to break out of that obesity cycle, because we know that children from lower socioeconomic sectors of the society participate in fewer community-based physical activities and children from middle to upper-class socioeconomic sectors enjoy much better involvement in such programs. For many children, school-based physical activities offer the only opportunities for developmentally appropriate regular physical education. Therefore we have to bring this to the fore.

In 1999 a survey statement about physical education was put to over 3000 parents. They were asked:

> If for any reason a subject had to be dropped from your child's school curriculum, that subject should be physical education.

Of 3000 people, 85 per cent strongly disagreed or disagreed with that. That gives us a strong, clear picture of how parents and the general community view the importance of physical education in our school system.

I have some quotes from Dr Rob Moodie, the chief executive officer of VicHealth. He pointed to a study in the *Medical Journal of Australia* in June that reveals that:

> ... obesity among Australian children aged 7 to 15 had tripled in the last decade. Physical inactivity is responsible for around 8000 deaths per year in Australia and costs the health system at least $400 million in direct health care costs.

That is per year. These are enormous numbers and highlight the problem we are talking about here today. I am glad that the government will not oppose this motion because it gives it the opportunity to go through with bipartisan support. We can always be critical of the government for not going that little bit extra and supporting the motion, which would have been significantly better.

Professor Paul Zimmett from the International Diabetes Institute in a letter to the Minister for Education and Training in the other place states:

> Compelling evidence now exists which proves that the progression to type 2 diabetes can be prevented in at-risk people by moderate improvements in their physical activity and nutrition. Schools are pivotal in nurturing behaviours and knowledge which will sustain a child through life.

Some really important aspects have been pointed out by people who work in the industry and who have the knowledge available to them. Obesity rates in boys aged 7 to 11 years have risen from 11 per cent in 1985 to 26.2 per cent in 2000, and have risen again since then. Obesity rates in girls have risen from 12.9 per cent to 28.4 per cent — the same age bracket and for the same years. The trends are exceptionally poor in the rate of childhood obesity, and we really need to be mindful of that. We need to look carefully at the reasons for childhood obesity. We need to understand what we are trying to achieve. The debate about childhood obesity needs to be looked at on balance. At the end of the day we need to understand whether or not they are the product of an unhealthy lifestyle, which is creating overweight children — the lack of exercise, watching television or playing on computers, playing games such as Nintendo, or is it related to genetic issues which cause them to spend their time in front of television or the computer playing game and playing inside.

We need to work out whether it is a product of society. The issue is still very clouded and unsure. Parents now tend to drive their children to school, and even though the Walking School Bus program is a great initiative it is nowhere as popular as it needs to be. Parents do not feel comfortable letting their children cycle to school as they used to. Manual jobs around the house are a thing of the past. We do not want our children chopping wood or going down to the shops because we are scared something may happen to them. They are things that used to occur. We have fewer children living on farms which created very active lifestyles. We need to research what the causes are. Is it children's lifestyles creating this obesity problem or is it related to our food intake, a diet of fast foods, creating lack of activity and health conditions forcing children to stay inside more so than they did in the past.

I refer to one aspect regarding a development school in Sydney when I was living in that city. Endeavour High School in the south of Sydney went to the next degree by becoming a sport-specific school and targeted students and parents of students for students gifted in sport but struggling with academia. They figured that so many of our talented sportspeople were unable to concentrate on their studies because their mind was elsewhere throughout the course of the day. Endeavour High School put in place an elite coaching program and targeted specific sportspeople and had outstanding results in two areas. Firstly, these students' academic scores improved significantly. That was significant because the students came from all over Sydney and spent considerable time in travelling to participate in their particular sports covered by the curriculum. Secondly, their retention rates were far and above those of similar students at their existing schools.

I would be interested to hear from the government whether there are plans in Victoria or even existing schools heading down this path. I believe they would be well advised to check out the success rate that Endeavour High School has been able to achieve. The Endeavour High School experiment was based on outstanding success gained by similar schools in Canada and the United States, so there is research out there.

I want to talk about the Go for Your Life program. I commended the government for that earlier, because I think it is great just like the Life. Be in it program before it with Norm and so forth. I believe it needs to go further. We need to push our youth and adults not just to be active, but to go the extra step forward and urge people to get involved in team sports. Team sports have the ability to give the mentoring provided by the infrastructure with the social support given to our youth involved in team sports as opposed to using a skateboard, riding a bike or other individual sports. They might get them active, but the benefits from those individual sports are more limited. I would like to see the Go for Your Life program have an arm that is pushing people towards team sports where so many other benefits are applicable.

In closing, I express my disappointment with a current advertisement on the television which is denigrating to football codes. It shows the coach in front of his players telling them how they can go about sexually assaulting women, abusing women, getting drunk after the game and so on.

This television ad is the most stupid of all time. It is quite insulting to anyone who has been involved in any football code, whether it be soccer, Australian Rules or either of the two rugby codes. To see that some whiz-kid at a marketing company thinks it is a good idea to see a football coach out the front telling his players to get drunk, to swear, to insult and assault some female at a pub later on shows a total lack of respect for coaches. It portrays football clubs in all codes in a denigrating fashion, and I voice my disapproval of it.

Hon. B. N. ATKINSON (Koonung) — There is on old saying that no doubt many in this chamber would have heard from aged aunts or others in their families — that is, if you do not have your health you do not have anything. I guess that is very much a truism and something we need to bear in mind as we approach issues such as curriculum planning and community

planning as policy-makers. It is very important for us as a society to ensure that as much as possible people have the opportunity to live healthy lives and to avoid some of those factors which we know contribute to severe illness and death, such as the use of tobacco, the excessive use of alcohol and poor dietary habits. These factors can lead to serious health complications.

The opposition has brought this motion to this chamber with open hands. Whilst Mr Viney suggested there was some tactical manoeuvring in this motion, I assure the house there is not. Whilst I heard the form of words that he might have preferred and that he felt the government would have been able to support with this motion, I do not believe they are terribly much out of sync with the words that are presented in the motion and are certainly not much out of sync with their sentiments. The contribution made by the Honourable Andrew Brideson was magnanimous in that it recognised some of the government's accomplishments in this area. Members of the Liberal Party have no problem with that because for an extended period there has been a recognition that these areas of health and the development of sporting and physical opportunities for young people very much enjoy bipartisan support. There is no doubt that the hallmark of that bipartisanship is the VicHealth agency, which has played an enormous role in changing community attitudes to health by encouraging people to be more active in their lives and to take more time for exercise and for themselves, and perhaps to monitor some of their habits such as the consumption of tobacco, alcohol and food products that are not necessarily conducive to their good health.

Through this motion Andrew Brideson has brought an important issue to the Parliament. He is to be commended for that. I note that government members do not intend to oppose the motion. I congratulate them for going that far in the debate because it indicates there is joint concern on both sides of the house that we ought to be trying to invest wherever possible in preventative activities to try to ensure that people do not end up as clients of our health system and do not indulge in such behaviours because of a lack of information. We need to try to ensure that people know that at some stage in their lives these behaviours will come back to visit them through illness or serious degradation of their lifestyles, which might well have been avoided by better behaviours earlier on.

Obviously the previous speakers in this debate have referred to the importance of the school system in delivering a physical education and sports program to young people. As the Liberal Party spokesperson on sport and recreation obviously I concur with the views which have been put by the Honourable Andrew Brideson and the Honourable Damian Drum and which were accepted by Mr Viney in his contribution today — that is, that the school system is important in terms of establishing some of the good behaviours in young people that will hopefully give them long and healthy lives.

It occurs to me that when most people in this chamber were children they left school on any day of the week probably to go home and play cricket, football or some other sport in the backyard or in the street. That was a fairly common thing for most of us who grew up in the 1950s, the 1960s and probably the 1970s. But then somebody invented this infernal contraption called a computer. Somebody else had come along with something called Nintendo, and whilst they might be great whizzbang things that I cannot possibly fathom — the Opposition Whip knows I have trouble with my pager; there is absolutely no way I can fathom a Nintendo or some of the computer games — essentially what that technology revolution has meant is that many young people do not go home to play sport, either organised sport or sport in the backyard or in the street with friends and so forth. Many of them go home simply to play computer games.

Whilst those games may create some skills for young people it would be far better if many of them were to return to some of the behaviours we had when growing up. We spent more time out playing sport and running around and being more physically active, and, as the Honourable Damian Drum said, perhaps even participating in a range of chores that had physical advantages. We walked to school — and I note that one of the initiatives of VicHealth is the walking school bus. When it was launched in Brunswick I immediately rocketed off a letter to all of my schools and suggested they take it up. I thought it was an outstanding idea both for parents who are looking for opportunities to walk and for young people in walking to school rather than being driven. I am pleased to say a number of schools in my electorate have subsequently taken it up as VicHealth has continued to promote that program.

There has been a fall in the participation rates in sport. The statistics have been referred to by the Honourable Damian Drum and I believe also by the Honourable Andrew Brideson in the course of this debate. It was established in a Department of Education and Training study in 1997 that 99 per cent of primary schools and 92 per cent of secondary schools were meeting mandated sports requirements. By 1999 that had fallen to 82 per cent of primary schools and 66 per cent of secondary schools, as the previous speaker mentioned. By 2002 it was down to 72 per cent of primary schools and an unknown percentage in high schools, but

certainly considered to be lower. The people from the Australian Council of Health, Physical Education and Recreation indicated that they believe that in fact the participation rates have fallen further in the subsequent two years.

Whilst the government has maintained the mandate on sport, it seems to be contradicted at times by other government policy initiatives, particularly the curriculum frameworks assessment that has proceeded in the past 12 months. Whilst that contradiction is there, the government claims that it maintains the mandate. The opposition certainly supports the mandate of sport and physical education time in schools. We are concerned therefore to note that the actual recognition by schools of their need to comply with the mandate is apparently falling. As the Honourable Andrew Brideson rightly said, there are a range of factors involved. Some of those factors are relative to facilities; some are in regard to curriculum crowding; and there is no doubt that some are due to the ageing profile of our teaching staff in some schools and to the limited skills and support they have to do their work.

I am particularly concerned that the member for Doncaster in the other place, who is the shadow minister for education, Mr Brideson and I have received reports from many of the physical education specialists who are employed in schools that they have those skills needed to develop effective programs for young people to participate in physical education and sport, but they are finding they are under pressure from principals not to provide the full extent of the programs they are capable of providing and that would be consistent with the mandate. That is a matter of major concern and is something we certainly want to see addressed.

The opposition believes sport and physical education is an important aspect of learning. It helps students in their learning in other core curriculum subjects. There is some very good research to show that young people who have a healthy sports and physical education program at school are able to learn more effectively in other areas of study. In other words, their concentration levels improve; they are more likely to be motivated within the school setting; and they have better learning outcomes. That has been established by research that we accept as being a valuable contribution to this debate on the importance of physical education in schools.

The federal government has in fact developed a new program to try to augment the level of physical activity available to young people because of the falling participation rates in schools. I welcome that. It is a good initiative as far as it goes, but I certainly would not want to see — and I know that professional educationalists involved in physical education do not want to see — that program replace sports and physical education opportunities in the schools.

It is important that sport is continued in schools and that it be promoted, respected and applauded by both sides of the house. It makes a very significant contribution to establishing positive healthy living behaviours in young people and to making a contribution to preventive health measures that hopefully will see us, as the Honourable Andrew Brideson remarked in his speech to the house earlier today, having fewer clients presenting with serious illnesses such as diabetes and complications from obesity that could be avoided with different behaviours, and particularly some greater participation in physical education activities. I commend the motion to the house and I congratulate Mr Brideson for bringing it to the house today.

Mr SOMYUREK (Eumemmerring) — This is a very good notice of motion. Issues related to obesity are very important. I know first-hand how important it is to lose weight. I know Ms Lovell has lost a lot of weight and she is looking very good, and Ms Mikakos has also lost a lot of weight and she is looking very good. I have lost about 20 kilograms over the last year and a half, and I am feeling great. I was suffering from a condition called sleep apnoea. It is not a condition that gets a lot of publicity, but it certainly should. Some of the symptoms are snoring, nodding off and general lethargy during the day.

Mr Smith — Is it infectious in here?

Mr SOMYUREK — It is not infectious, but you should visit a doctor because you might be a candidate for sleep apnoea. You should take note of this, Mr Smith — —

An honourable member — Through the Chair.

Mr SOMYUREK — Through the Chair, to Mr Smith. During the day there is a lack of oxygen to your lungs and possibly to your brain.

Hon. Bill Forwood — You have obviously cured it.

Mr SOMYUREK — I think I have certainly cured it. Losing weight does cure it, and I encourage members to get on to an exercise program and get professional help from a general practitioner. In fact, not enough GPs are aware of the condition because it is difficult to diagnose, and I am sure there are a lot of undiagnosed people suffering from sleep apnoea. There have been a lot of accidents for which the cause was found to be sleep apnoea, and it does not help the road toll when

people are driving around the community with sleep apnoea.

When people ask me how I lost weight I tell them, 'Exercise, exercise, exercise! — and a little bit more exercise! — and a change in lifestyle and eating habits'. It would almost be worth the government subsidising treadmills for the community, but I do not think that will happen. I spent a lot of money on my treadmill, and that is why I was compelled to use it every day, but I am not sure everyone will go out and purchase a treadmill for themselves. Sleep apnoea is not confined to adults, it is prevalent in children as well. It is a misconception that sleep apnoea afflicts adults only.

Hon. Andrew Brideson interjected.

The PRESIDENT — Order! I ask Mr Somyurek to ignore the interjections.

Mr SOMYUREK — Diabetes is another problem. Insulin-dependent diabetes is normally associated with juvenile diabetes. People with this type of diabetes normally inject themselves with insulin. People aged over 30 take a pill and that is normally associated with obesity, whereas juvenile diabetes is associated with genetic factors so obesity does not come into it. Obese young people can grow up to be obese old people and they are certainly candidates for diabetes after a certain age. These conditions add to the cost of our health system and obesity is an issue that needs to be tackled head-on by governments. I will have to wrap up my contribution at this point due to time constraints. There is a plethora of information that I could have presented to the house but members who have spoken before me have already done a magnificent job.

Hon. S. M. NGUYEN (Melbourne West) — I would like to contribute to the debate on this motion. It is important that the government has a commitment to providing physical education to high school and primary school students. People in our community are getting unhealthier every day because of a lack of exercise, and this is costing our health system a lot of money. The government needs to provide events and programs for all ages and the Bracks government is very keen to do that.

In a press release dated 10 November the government announced that it will spend $22 million on a public awareness campaign called Go for your Life. This morning I listened to a Vietnamese radio program on SBS and I heard the government's campaign advertised for a Vietnamese audience. The government committed to do that because it affects every single person in our society. A report has shown that a lot of people have a problem with obesity and diabetes, and the government will spend $10 million to try and prevent these diseases. As they get older a lot more people suffer from diabetes. The government is aware of that and will spend a further $10 million in promoting physical activity and $1.9 million in promoting healthy and active living for senior Victorians.

The government is concerned about this situation, and it does not deny how important it is to encourage our children to undertake physical activity when they are young so that they get used to it. I can see that many members are listening. In days gone by a lot of children walked from home to school and that might have taken 15 minutes or half an hour, but these days a lot of children do not walk to school because their parents worry about their safety. They worry that something might happen to them or that they might be attacked by an adult person who might use them to do something wrong. Parents take their children to school, then pick them up and take them home from school.

A lot of young children today do not exercise enough. The government would like to make physical education compulsory in the proposed Victorian essential learning standards. It will comprise the three-strand physical education standard — physical, personal and social — being set for students for all levels from prep to year 10. These strands are equally important for prep to year 3, with a mandate of 20 to 30 minutes of physical education per day; in years 4 to 6, 3 hours per week of physical education and sport, with a minimum provision of 50 per cent allocation to physical education; and for years 7 to 10, 100 minutes per week to be allotted each for physical education and sport. This is very important.

Many parents encourage their children to study, do homework and take on a lot of subjects, but they forget about encouraging their children to play sport or perform some other exercise. It is important that parents are understanding and help their children to participate in physical education by taking them to play different sports on the weekend. Parents can play an important role in taking them to venues and collecting them, encouraging and supporting them, especially those parents in the Asian community who do not regard physical education or sport as being important. I would encourage the Department of Education and Training to educate parents to work with their children and fulfil their duties by providing opportunities for physical activities. The department always welcomes the participation of schools and parents.

In conclusion I would like to say that the government is committed to providing this Go for Your Life program — —

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

Hon. ANDREW BRIDESON (Waverley) — This has been a very interesting an important debate on one of the most important and contemporary issues facing the community today. I would like to thank all participants in this debate. It has been interesting hearing the contributions of all members.

I just like to take up a couple of points that were made by Mr Matt Viney and I thank him for his gratuitous advise in relation to how we should frame motions. When we look at the work of this Parliament it is clear that we do not disagree on everything all of the time. There are common points of agreement and my aim in putting forward this motion for debate today was to flesh out areas where the opposition and the government do agree and to give the opposition the opportunity to point out areas of concern. We have certainly done that.

I would just like to mention that under the curriculum and standards framework that exists up until 31 December this year health and physical education was one of the eight key learning areas. Next year, however, with the new revised curriculum, health and physical education has been downgraded. Under the title 'Disciplined-based learning' we have the arts, English and language, humanities, mathematics and science as a separate and distinct area. In a second area we have physical, personal and social learning, and included in that area is health and physical education, interpersonal development, personal learning, civics and citizenship. There is definitely a very clear perception among physical education teachers in schools, sports administrators and sports participants out in our community that this government is downgrading health and physical education. One of the reasons for bringing this debate on was to highlight that fact and to air our concerns.

Also the Australian Council for Health, Physical Education and Recreation believes the consultation process for implementing this new curriculum has been flawed and rushed, and that those involved in the changes have failed to accept the advice of experienced and professional educators and supporters of physical education. In fact they have said there has been overwhelming support for retaining physical education as a key learning area and there has been almost total rejection of the proposals to make this into a second string of the new curriculum.

One of the major areas of concern that the opposition has pointed out is in relation to the funding of health and physical education in schools. We are concerned that the money that has been allocated for the Go for Your Life campaign will be spent not on the end user, but on glossy and spin initiatives in the media. We firmly believe that funding needs to be carefully targeted to ensure maximum benefit to the end user — and in the case of schools that is the students.

In conclusion, I would just like to wish everybody in this chamber a good, physical Christmas, and I hope everybody comes back in the new year as fit and well and physically healthy as Mr Adem Somyurek.

Motion agreed to.

HOUSING (HOUSING AGENCIES) BILL

Second reading

Debate resumed from 14 December; motion of Ms BROAD (Minister for Housing).

Ms ROMANES (Melbourne) — I am pleased to finally have the opportunity to speak on the Housing (Housing Agencies) Bill, which amends the Housing Act 1983 to provide a regulatory framework for non-profit rental housing agencies serving the needs of low-income tenants.

The legislation has been prompted by the Bracks government's significant investment into the expansion of affordable housing through some $70 million for housing associations and the need to protect this investment and to provide a regulatory framework to protect low-income Victorians who will be tenants in the housing association properties. It is also essential that a regulatory framework is in place to encourage private sector financiers to invest in social housing and thereby to leverage extra funds and make sure that there are extra units of housing stock available for low-income Victorians to occupy.

The government has already announced the six successful organisations that are the prospective housing associations, and these are: Community Housing Ltd, Loddon Mallee Housing Services Ltd, Melbourne Affordable Housing, Port Phillip Housing Association, Supported Housing Ltd and Yarra Community Housing Ltd. These are well-respected, community-based organisations with extensive experience in providing low-income Victorians with affordable housing.

The legislation provides for the registration of non-profit rental housing agencies and the regulation and monitoring of these agencies, and does that through

the creation of the office of the registrar of housing agencies. The registrar may register a rental housing agency either as a housing association or a housing provider and from time to time may determine performance standards to be met by non-profit rental housing agencies which are to be approved by the minister. But most importantly, those performance standards will be developed with the assistance of a community reference group which will include members of relevant housing organisations in Victoria. They will look closely at the performance standards that would be relevant for housing associations and rental housing cooperatives.

A further part of the legislation is the setting out of a complaints procedure, and there are many tenants who raise governance issues with the Minister for Housing and with members of Parliament, and I am sure no doubt with the Ombudsman. Within this legislation there is a requirement for internal complaints handling and a register of internal complaints within the housing agencies, and the requirement for a resolution within 30 days, the possibility of a referral to the registrar within a reasonable time frame, and any determination by the registrar reviewable at the Victorian Civil and Administrative Tribunal. The legislation also sets out an annual reporting regime that is suggested for the agencies.

After discussion with the housing associations there have been some changes to the exposure draft that was circulated in October. The Bracks government has listened to their concerns about some provisions in the exposure draft and has acted to address them in this version of the bill before the house today. The amended bill gives organisations greater independence to enter into social partnerships and joint ventures, and the director of housing will only have a registered interest in land belonging to agencies if that land was funded or provided by the director of housing. Furthermore, the new framework will not apply to rental housing cooperatives until July 2005, allowing an additional six months for more discussion and work with them. That in particular is in response to a lot of concern amongst rental cooperatives about the inclusion in the bill of clause 6, which provides for proposed section 144 in the Housing Act 1983 and gives the director the power to terminate any head leases with the 11 rental housing cooperatives specified in proposed schedule 9, which is inserted into the act by clause 15 of the bill.

As I said, that will now come into effect on 1 July 2005 and will provide six further months to work with the cooperatives on an appropriate funding model, and to look at how the new regulatory framework will work for the rental housing cooperatives. I stress 'for' the rental housing cooperatives and not 'against' them. It is timely for me to add that despite some of the views that have been circulating in the community in response to the exposure draft of this bill, the bill is not about closing down rental housing cooperatives. It is not about threatening any tenancy amongst housing agencies, but is an opportunity to bring all non-profit rental housing providers under one consistent framework. The members of those agencies could be forgiven for having such fears, given Kennett's efforts to disband — —

Hon. Bill Forwood — Mr Kennett!

Ms ROMANES — Mr Kennett's efforts to disband cooperatives in the 1990s, but I wish to assure members that the legislation before the house today is not about closing down cooperatives and it is not about throwing tenants out of their homes. It is about the improved effectiveness of housing organisations, improved accountability and transparency, and making sure that low-income tenants are protected under the new regulatory framework.

It also acknowledges that cooperatives and housing associations are not private organisations but organisations which manage very significant and important state assets on behalf of the community. As a result of the legislation, cooperatives will be able to register under the new framework and will have three years to do so from 1 July 2005.

I met with members of the Carlton Rental Housing Cooperative (CRHC) to discuss the proposals that we are dealing with here today. I found it a very enlightening opportunity to understand the way rental housing cooperatives operate. The CRHC has 42 properties; some contain single tenants; some have couples and some have couples with dependents. The cooperative has been in existence for 21 years and 10 of its members are from the original group that started it. One 93-year-old still lives independently within the cooperative. It reflects the importance that the cooperative places on managing its activities and decisions as a housing group, looking after the rights and safeguarding the security and safety of its members.

It has a coordinating committee of seven people. It meets monthly and oversees the work of the two coordinators. It has subcommittees on areas such as rent arrears, maintenance, participation and grievance. It provides regular training on governance issues and opportunities for the growth of its members in terms of skills such as using computers and gaining confidence

in managing their affairs. It has members from many different cultures and backgrounds.

From the way I am speaking, President, you would guess that that cooperative has been very successful in creating a great sense of community amongst its members. It seems to be a model housing cooperative with a lot to share about how to run an effective organisation. I am sure a lot of its practices will be incorporated into the performance standards for cooperatives in the future.

Cooperatives like the CRHC have nothing to fear from this bill. It is disappointing when some people spread fear that these changes constitute a threat to tenancies and create insecurity amongst people. It is disappointing, but perhaps understandable, that there is some unnecessary fear of change which the government is introducing in order to improve the effectiveness of housing agencies that are providing for low-income tenants. We understand the fear but I wish to allay it.

A letter circulating to members of CHRC from one of the workers says, 'We also fear that the new strict regulatory requirements will undermine the structure of our tenant management'. And yet the very performance standards that are being incorporated into the act are designed to encourage tenant participation and self-management and to encourage the very activities that are encapsulated in the operations and work of the Carlton Rental Housing Cooperative itself.

The housing agencies bill is very important. It sets up the new regulatory framework in preparation for the enhanced work of housing associations and the enhanced program of affordable housing in this state. It builds on the Bracks government's record of revitalising public housing which will continue in the years to come. It builds on the extra investment that the Bracks government has made in the maintenance and upgrade of public housing stock — $320 million more than in the preceding four years under the previous government. It has spent $283 million over and above Victoria's obligations under the commonwealth-state housing agreement on affordable housing and homelessness.

It builds on the important neighbourhood renewal program which is now operating in 15 neighbourhood renewal projects on public housing estates across Victoria. It builds on the community jobs program which is an essential part of the neighbourhood renewal initiative, and it builds on the efforts to tackle homelessness and to increase funding under the supported accommodation and assistance program, which has gone from $51 million in 1999–2000 to $70 million in 2002–03 — an increase of more than 40 per cent — and it has been increasing ever since.

Overall, the housing agencies bill is a very big step forward for housing for low-income citizens of this state. It deserves support from all sides of the house. It lays the foundation and the framework for the work of the housing associations and increases the effectiveness and support for housing rental cooperatives in this state. I commend the bill to the house.

Hon. W. A. LOVELL (North Eastern) — I rise to speak on the Housing (Housing Agencies) Bill. In doing so I would like to express my disappointment that this very important issue got caught up in last night's procedural debate. I have not been in this house for very long, but I have been here long enough to understand that the procedures of the house are extremely important. To the best of my knowledge in the time I have been here it is unprecedented that the government would introduce a bill at 9 o'clock at night and expect it to be debated forthwith. It is not only unprecedented, it is also bad practice. I would like to express my disappointment with the Leader of the Government's motion that the bill be debated forthwith and that Ms Romanes be heard as the next speaker.

I have listened with interest to Ms Romanes's contribution, but I would have preferred, as is the practice of this house, that the government's lead speaker had responded to the matters raised by the opposition's lead speaker.

The purpose of this bill is to amend the Housing Act 1983 to create the regulatory framework for the government's plan to establish non-profit community housing associations for the provision of low-cost housing to low-income people. There is a bit of history to this bill. It has arisen out of the government promise at the 2002 state election to introduce housing associations in Victoria. The government released a discussion paper in December 2003. It released an exposure draft of the bill on 11 October 2004. The consultation period for the exposure draft was only 11 days, from 11 October to 22 October, and the bill was then introduced on 19 November.

The housing industry has expressed disappointment and concern that the consultation period for the draft bill was extremely short and peak bodies were given very little time to consult with their members on this important piece of legislation. I have here a paper that came to us from the Victorian Council of Social Service (VCOSS). It says:

> One concern of everyone was the short time frame for comment on the exposure draft: it became available on

> 11 October, there were briefings on 18 and 19 October, submissions were due on 22 October ...

That is not very conducive to considered input from the sector. It does not instil much confidence in the government's commitment to working in partnership with the sector. That probably sums it up. Government members are fairly arrogant. They told us on the Fair Trading (Enhanced Compliance) Bill that they did not need to consult with the community, and obviously they feel that same way about all legislation: they know better than the community sector.

The Liberal Party does not oppose this bill, but as members of the party we too are disappointed with the government's rush to put this legislation through with so little time for consultation.

The main provisions of the bill are to add a new part to the Housing Act 1983 to enable rental housing associations to be established as registered housing associations or registered housing providers. To be registered an agency must have a non-profit structure and must have the provision of affordable rental housing to low-income people as its primary focus. It is anticipated that this will allow the associations to raise money from private sources to expand their stock of affordable housing. Six organisations have been identified as those that will be granted the status of registered housing agencies. Their names are set out in the second-reading speech. They are Community Housing Ltd, Loddon Mallee Housing Services Ltd, Melbourne Affordable Housing Ltd, Port Philip Housing Association, Supported Housing Ltd and Yarra Community Housing Ltd.

One of the keys to the survival of those associations will be their size. They need to be large enough to be viable. The Liberal Party has heard that the Office of Housing has already had discussions with at least two of these organisations to try to get them to merge so that they would become large enough to ensure their viability and survival.

Most of this bill is concerned with the creation of the new office of the registrar of housing agencies, which will act as the regulator for the new entities. The registrar will monitor the performance of the agencies against performance standards and will have the power to intervene in the running of housing associations if he or she feels they are being managed poorly, including power to sack their boards and force them to merge. The registrar will have an interest in the assets of the association where funds from the Office of Housing have been used to acquire or develop such assets. The registrar's actions will be governed by guidelines set out by the minister which will be published in the *Government Gazette,* and the registrar's decisions will also be reviewable through the Victorian Civil and Administrative Tribunal.

The bill will amend the Housing Act to remove references to the Minister for Housing that have now become redundant, to provide new regulatory powers and to insert a provision dealing with improper interest in contracts. The bill also cancels the perpetual head lease of 11 housing cooperatives that were established in the 1980s.

The government's plan to establish housing associations was first flagged in the social housing innovation project report, known as the SHIP report, that was prepared by Hal Bisset and was released during the government's first term. In his report Mr Bisset talked about a large transfer of public housing stock to the housing associations. We now know that will not happen under this legislation, and that could be a major stumbling block to the success of these housing associations. In the absence of any substantial investment from either the state or federal governments it is generally acknowledged that investment from the private sector is required if the stock of housing available to those on low incomes is to expand.

The model selected to attract these funds is based on the experience of housing associations in the United Kingdom. The model used by the UK had the following features. The government and local authorities transferred large amounts of stock to housing authorities; provided substantial capital investment for the expansion of housing authorities; had control of the amount of subsidy received by tenants through the payment of housing benefits; and used planning powers to mandate a provision of social housing in new developments — which is a long-time practice in the United States of America as well. Housing authorities were able to borrow money at the lowest commercial rates available, almost as low as those at which the banks lend to each other. These were the preconditions for the success of the UK model, and none of these are present in the Victorian government's model — or those that are present are there in a very much weakened form.

In the Victorian model the government has ruled out large-scale transfers of public housing stock to housing authorities as was suggested in the business report. It now says that transfers will be modest. The government is not providing large-scale capital investment to housing authorities. It has allocated $70 million to be spent over three years which will cover all of the six nominated associations. That is only around

$3.8 million per year per association, which is a very modest contribution indeed. More importantly the Victorian government has no control of the subsidy that the tenants will receive, as rent assistance in Australia is paid by the commonwealth government and not directly by the Victorian government. Unlike the UK model it will not be able to have any control over the subsidy the tenants will be receiving.

The Victorian government has not said that it will use planning powers to mandate the provision of social housing in new developments, but it is giving itself that power through clause 10 of the Planning and Environment (Development Contributions) Bill, which was passed in this house last week. It will be interesting to see whether the government uses that power further on down the line.

The Victorian government is not expecting that housing authorities will have access to cheap capital, unlike the UK model. That could also be a stumbling block in the housing authority's ability to raise the funds to increase housing stock that will be needed to house low-income tenants. The whole scheme is predicated on the commonwealth government continuing to pay rent assistance to tenants. We have a situation where a state government project is reliant upon federal government funding to ensure its success. The commonwealth government is broadly supportive of this proposal with the proviso that any stock acquired through the commonwealth-state housing agreement will remain ineligible for rent assistance as it is under the current arrangements. At present only the poorest people — those who are in imminent risk of homelessness or who have some other complicating factor which makes it difficult for them to access the housing market in Victoria — who qualify for public housing have any real prospect of being housed. This narrow range of tenants tends to concentrate people with antisocial, drug and alcohol problems in public housing.

I spoke to a public housing tenant on Sunday who told me how grateful she is to have access to public housing. She is in a group of seven units and her life is made unbearable by two of the other tenants in those units. At 3 o'clock one morning she had to move her car because one of the tenants was throwing furniture out of the apartment and had set fire to it in the driveway of the units. On another night there was a great deal of commotion in one of the units. She and her neighbour were very concerned for the children who live in that unit. Her neighbour risked her life by entering the unit to find a mother behaving irrationally because she had taken a lot of alcohol or some other substances. The woman I spoke to said that the very sad thing was that the children were sitting watching television as if this was another ordinary everyday event. Both she and her neighbour felt particularly sad about that situation. They are concerned about the health and welfare of the children who live in that unit. There were many other tales she told me of what goes on in these public housing units. It truly is a very sad situation to hear of people having to live in that environment.

The current public housing eligibility criteria can meet a broader range of tenants to be housed than are currently being housed. If public housing were to have a broader range of tenants, the increase in revenue would permit the expansion of the sector and would break this problem that we have — the ghetto mentality — that is evident in so many of Victoria's public housing estates, not just in the block of units that I have spoken about. We have several public housing areas in Shepparton. Unfortunately each one of them has its own individual problems. When I was growing up in Williamstown I had my first experience with public housing when 12-storey flats were being built on Nelson Place and Ann Street — —

Hon. D. McL. Davis — They have the best view in Williamstown

Hon. W. A. LOVELL — They do. I am not sure, but if the Office of Housing decided to refurbish the flats and sell them off, it probably would get $1 million each for them. The people who moved into the units after they were built lived with a concentration of lower income people and families with significant problems.

One of my early childhood memories is going with my mother to the public housing flats that were on Ann Street. Mum was collecting newspapers for the church auxiliary that she belonged to. We walked up to the eighth floor of one of these apartments and collected newspapers from a kind and genuine lady. On the way down we were greeted by a group of people who were not of the same calibre as the lady we had encountered when we visited her apartment. I remember Mum being quite frightened and concerned, particularly because she had children with her, because this group of youths played with Mum's mind. I do not think they were a physical threat to us, but they certainly made it known that they were tough and wanted to threaten us, a young mother and her children, for being on their turf.

Parkside estate in Shepparton has been another area where there have been considerable problems with people who come from a low socioeconomic area. It is an area where people have congregated. The social problems of the area have expanded because so many people congregate together. We are now going through a renewal project at the Parkside estate in Shepparton. It

is hoped it will give people a greater sense of community and responsibility for the homes they live in.

I remember watching that estate being built. I went to Wanganui Park High School, and we used to ride our bikes through there every day as the estate was being built. When those houses were first built in the 1970s they were of a standard equivalent to the housing that young families were building on a private estate nearby. They were very good quality public housing homes, but unfortunately it did not take too long before they became very run down and dilapidated. But it is hoped that the renewal project will instil a sense of pride and community in the Parkside estate, and I wish the project well.

When this renewal project was first spoken about we were told that there would be no loss of public housing numbers in Shepparton as a result of it, so it was disappointing to read in the local paper recently that 64 cluster units and 30 conventional houses are to be demolished. These will be replaced by 22 detached dwellings and 126 medium-class units, which is an increase of 54 dwellings, but all these new dwellings will be private housing stock, so there will be a loss of public housing available to the people of Shepparton.

For housing authorities to receive the large-scale private investments required to reach the size to enable them to be viable they will need to draw tenants with a much broader range of incomes than those in public housing currently have. Under this scenario it seems reasonable to suppose that for housing authorities to succeed they will need to draw most of their tenants from the higher end of the eligibility criteria. For this reason it is concerning that the government has chosen to make two of the associations disability providers, as nearly all disabled people rely entirely on benefits to make ends meet.

Disability accommodation shortage is another major problem in my electorate. I have been dealing with many of the families of disabled people, especially in the Shire of Moira, where we have an ongoing crisis in disability accommodation, but the problem extends right throughout the Hume region. It is important that people with disabilities do not have very much interruption to their lives. They do not cope very well with being shifted around and disrupted too much. It also important for them to remain close to their family homes, because in many cases their parents are elderly and have limited ability to travel long distances to visit their children. In my office I hear about case after case after case of people not being able to get accommodation for their disabled family members or people who have been offered accommodation that is 70 to 100 kilometres away, which restricts their ability to visit their family members and is also terribly disruptive to their lives given that they have become comfortable in the surroundings of the centres they attend. It is a considerable disruption to their lives and often very detrimental to their health to have them moved around the countryside as well as being placed in new homes and new centres.

The shadow Minister for Housing, the member for Caulfield in the other place, attempted to obtain the modelling on which the government's plan for housing authorities has been based, but she was denied access to it. She tried to obtain it under freedom of information (FOI), but the government refused her request.

Hon. D. McL. Davis — So much for openness and transparency!

Hon. W. A. LOVELL — Yes, so much for openness and transparency — we heard all about that in the second-reading speech last night when the minister brought the bill in here. She referred to the interests of openness and transparency, but when the opposition put in an FOI request for her modelling — —

Hon. D. McL. Davis — Maybe the minister will provide that modelling at the end of the second-reading debate.

The DEPUTY PRESIDENT — Order! Mr Davis knows interjections and conversations with the speaker are disorderly.

Hon. D. McL. Davis — Even when they do not interrupt?

The DEPUTY PRESIDENT — Order! They have interrupted the speaker.

Hon. W. A. LOVELL — The government refused the FOI request for that modelling, and in the briefing the government provided to the opposition it swore that no such modelling existed. If the government's modelling for the housing authorities does exist, we would appreciate the minister making it available to the shadow minister, Helen Shardey, so, in the interests of openness and transparency, the opposition can scrutinise it. From Mrs Shardey's discussions with the designated association it seems it has not been privy to any of the planning processes either. We ask why the government is being so secretive. Is there a problem with this plan, or was no modelling done at all, and is the government just flying by the seat of its pants in introducing this bill? How can we know if the

government will not provide the modelling for us to scrutinise?

One of the main concerns raised with the opposition is in relation to clause 144 of the bill, which deals with rental housing cooperatives. The clause provides the power for the director of housing to terminate a lease between a rental housing cooperative and the director of housing. One of the rental housing cooperatives which has approached the Liberal Party with concerns about clause 144 is the Sunshine-St Albans Rental Housing Cooperative Ltd. I will quote from a letter I received from Deb Silversides, who signed it on behalf of Sunshine-St Albans, West Turk and Elderly Services, Carlton, St Kilda, Williamstown and South-East rental housing cooperatives — so she represents more than just Sunshine-St Albans. In her letter Deb says:

> Our greatest immediate concern with the exposure draft of the bill was with clause 141: Power to terminate existing leases. This clause has been amended to now become clause 144: Power to terminate existing leases. The amendments within this clause do nothing to alleviate our concerns, as all that has happened is a minor shift in time lines which really amount to bureaucratic processes rather than removing the intent to dismantle rental housing cooperatives. We do not believe clause 144 to be consistent with the spirit of the bill and suggest that the addition of this clause was opportunistic and a last-minute addition by the director of housing to unnecessarily dismantle the rental housing cooperative program.

The letter goes on further to say about commonwealth rent assistance, or CRA, that:

> Hidden within this bill is the decision to abolish the state-funded rental rebate system for all community housing tenants and in its place it is proposed that community housing tenants access commonwealth rent assistance. This cost-shifting exercise undermines the security of the community housing sector and is fraught with problems. There are also possible legal implications in attempts to access CRA. The state government is removing itself of its responsibility of ensuring that community housing rents remain pegged at 25 per cent of income. In documentation that we received at our one and only briefing session with the Office of Housing, reference was made to rents for housing associations being able to be 'flexible' — this is not very comforting for people on 'fixed' incomes.
>
> This bill does not work in the interests of low-income Victorians.

The statement at the end is fairly strong.

I received a second letter, again from Deb Silversides on behalf of the Sunshine-St Albans Rental Housing Co-operative, after the bill had been passed by the Assembly. It says:

> We have now read through all of the debate thus far on the bill and note that the government has not responded adequately to our concerns especially in relation to clause 144: Power to terminate leases. All they keep reiterating is that they have allowed more time before termination occurs. This does not address the issue.
>
> ...
>
> Our properties are owned by the director of housing and we have always suspected that one of the reasons to attempt to get rid of co-op head leases is for our stock to be transferred 'elsewhere'.

I ask the minister to take up the concerns raised by Deb Silversides of the Sunshine-St Albans Rental Housing Co-operative and at least give her an answer. If the minister cannot alleviate her fears, she should at least tell her the truth — she should tell her what the government is trying to do by this bill, not hide and try to do things in secret. As I said, the rental housing cooperatives are concerned about clause 144. Perhaps in summing up the debate the minister will give an indication of her intentions in order to alleviate those concerns, but she needs to respond directly to Deb Silversides.

I also have a copy of a letter written by David Imber of the Tenants Union of Victoria to all members of the ALP. It says:

> Our concerns are as follows:
>
> > Nowhere in the bill are there clear protections that specify that the assets must be managed and maintained for low-income earners.
> >
> > Nowhere in the bill, with one minor exception, are the agencies nor the registrar required to act in the best interests of tenants, nor even to house a widespread group of tenants including those with complex needs or those exiting homelessness services.
>
> ...
>
> Our organisations have been promised that the performance standards, which will be made by ministerial direction, will allay our fears. However, those standards are not even available in draft form and with the bill having been watered down in favour of the prospective providers we are not convinced that such strong standards will be delivered. Furthermore, performance standards will never be able to replicate the strong hard-wired protections that only you can ensure are in the bill.

Again I ask the minister in her response to address the concerns raised by David Imber. These issues highlight the fact that the government has failed to consult properly, failed to allay the fears of tenants who are scared that they will be forced to pay higher rents and failed to allay the fears of rental housing cooperatives, whose members fear that they will lose the autonomy they have as a cooperative. This is an act of a very arrogant government.

Housing is one of the biggest issues that members of Parliament deal with on a day-to-day basis in our electorates. In fact I often joke with my electorate officer that the supervisor at the Office of Housing has become her best friend because she is on the phone to her so often, trying to sort out housing issues in my electorate. It is very important that we look at alternate ways to provide low-income earners with access to low-cost rental housing. I hope that the model will be a success, but I believe the government has a lot more work to do on it to make it a success.

In the Hume region, where my electorate is based, we have a severe shortage of public housing available. In Shepparton around 400 families are on the waiting list and almost 100 more are on the transfer list. The scenario is the same throughout my electorate. Whether it be in Wangaratta, Wodonga or Echuca, families are on waiting or transfer lists. Those on the transfer list include families who are in homes that are not at all suitable for their needs. Yet we have the government reducing the amount of public housing stock in the electorate, not increasing it. It is a major concern in the electorate.

I encourage the minister to invest more heavily in public housing stock because it is a major problem in my electorate, and I know that that is replicated right throughout Victoria, especially in country Victoria, where there seems to be a severe shortage of public housing. With those few words I wish the bill every success. I hope the housing agencies will be a success, because we certainly need to do everything we can to provide adequate, low-cost rental properties to low-income families in Victoria.

Hon. D. K. DRUM (North Western) — I also am delighted to take the opportunity to speak on this bill, because the philosophy behind it is very much shared by The Nationals — that is, to try to create some sense of entrepreneurship in the public housing sector. I think members on all sides of politics have realised that they do not want to nor can they afford to stay in the market as the owners of so many billions of dollars worth of public housing stock, whether in state or commonwealth government. We need to develop ways to leverage against private investment, mum and dad investors, philanthropists with a leaning towards socially conscious investment projects, right through to developers who are keen to develop a percentage of their estates into low-income and affordable housing projects.

I thank and congratulate the member for Rodney in the other place, Noel Maughan, for researching this bill for The Nationals. Noel is a tremendous advocate of affordable, low-income and social housing and does a lot of work with people who are struggling to find suitable housing within his electorate of Rodney. He has a good understanding of the legislation before the house today.

In my electorate of North West Province, based in the City of Greater Bendigo, I have a good relationship with the community-based housing association, the Loddon-Mallee Housing Services, run by Ken Marchingo and Lloyd Cassidy, to mention just two. They are very forthcoming with practical knowledge of how things happen within the City of Greater Bendigo. People do not realise it, because it goes on behind closed doors, but every night of the week the Loddon-Mallee Housing Service puts 200-odd families into emergency housing. Some of those families stay in emergency housing for up to three months; some are there for one night, but it is a significant but somewhat hidden problem and we need to be aware of the fact that every night in that region 200-odd families are holed up in emergency housing, either escaping an abusive father or husband, and simply unable to find a roof over their heads.

In a recent example a caravan park operator was insisting that all his casual and even some of his permanent tenants vacate the park prior to Christmas. I am yet to get to the bottom of that one to find out what the full story is, but there is a whole range of accommodation issues. With Christmas approaching, most of us think we are stressed out with some of the work pressures upon us, but when we think about it, there could be nothing worse, other than the death of a family member, than the enormous stress on families who are worrying about whether they will have a roof over their heads, even if it is only a caravan, for the Christmas period.

This bill implements the government's affordable housing policy that was announced prior to the 2002 election. The objective is to provide government funding to not-for-profit housing associations. It makes a wider range of housing options available when the government is able to leverage upwards in its investment in public or social housing. What the government is introducing here is similar to a program that has been in operation in the Netherlands for nearly 40 years.

We were very interested in the facts that came through at the departmental briefing we were given. After 40 years of the program the Netherlands government has now reached a situation where it does not have to contribute because the program has created a rolling fund and very little government money is now needed

to top up the public and community housing stocks. If we are able to reach a similar outcome in this state and in this country, it would be of amazing benefit to our low-income families and the way they are able to go about their daily lives.

The objective is to provide greater variety and choice of affordable housing for low-income families. The scheme uses private sector capital, expertise and partnerships to build affordable housing. The government has committed $70 million over three years to this project. The bill will change part 8 of the Housing Act 1983 by setting up a register of housing agencies; providing for the appointment of a registrar of housing agencies; setting out the functions of the registrar; setting out the performance standards and monitoring the requirements of the housing associations; and detailing the requirements for the registration of housing associations.

As I said earlier, the government has spent a lot of time in consultation on this bill and getting out to talk about it with community housing groups right around the state. Unfortunately the government has spent very little time on the bill itself, and by its own admission was forced to rush the drafting of the legislation through. This is possibly the reason that The Nationals, while not opposing this legislation, have pulled up short of giving it full support.

The government was only able to offer a draft bill for consideration for maybe two or three weeks, in which there was a lot of work going backwards and forwards. The government worked very hard to come up with this final bill, but it was hurried through and we are still unsure about some of the issues. I spoke to the Minister for Housing before beginning my contribution, and I have a few questions that I will put to her later on. I hope she will be in a position to answer them in her summation of the second-reading debate.

As I said, we believe that there is a very strong investment market at the moment in the private sector. Unfortunately, the vast majority of the investment is taking place at the top end or the middle range of the market. Therefore, everyday developers are leaving the lower end of the market alone. That is making it very difficult to increase the housing stock which we need to look after people on low incomes.

This legislation will offer the opportunity to create six housing associations. They are Community Housing Limited, Loddon Mallee Housing Services Limited, Melbourne Affordable Housing, Port Phillip Housing Association, Supported Housing Limited and Yarra Community Housing Limited. Five of those six organisations are located in Melbourne, one is regionally based and one of the Melbourne-based agencies has a history of doing work throughout regional Victoria. However, there are still quite a few concerns out there in regional Victoria that certain groups have been left out of the loop in relation to getting hold of some of the $70 million so they can in turn leverage that money against the private sector.

I am led to believe that under this bill smaller community groups which are unable to be registered as housing associations will have the opportunity to seek registration as housing providers. Registered housing providers will have far less capacity in turnover terms than the housing associations. To be registered as housing providers, organisations will need to seek funding on a project-by-project basis. I hope that some of the communities in my area in north-western Victoria, such as the Birchip community, will be able to seek registration as housing providers.

There is an ever-growing waiting list for low-income rental accommodation in Birchip; that waiting list is 22 at the moment. Birchip may seem like a small town, but burgeoning industries in the area such as the Birchip Cropping Group, the enormously successful P-12 school, the Buloke shire council, Grampians Water and Wimmera Mallee Water mean there is very strong demand for housing in the township of Birchip. The Birchip community was hoping to be caught up in the housing associations but it was unsuccessful. However, I am led to believe that once the register is in place it will be considered for registration as a housing provider. Birchip will then have to go out, along with so many other small communities in regional Victoria, and seek registration as a housing provider and seek funding on a project-by-project basis. I hope that is the case.

The government intends that the leveraging which will take place under this bill will be at the behest of community groups. They will have the opportunity to have land gifted across to housing associations so they can then enter into favourable arrangements with banks and end up minimising the initial capital outlay on so many of these projects. The eventual outstanding debt to be incurred by these projects will be minimised and the return on the investment dollar will be much greater, and much more attractive to potential investors.

One of the questions The Nationals asked at the briefing was whether the housing associations will have a licence to go and enter into lease-buy arrangements for low-income housing. We are all aware that people who have a pecuniary or long-term interest in a house have a far better chance of maintaining that house in a

better condition. We were keen for the government to explore this option and possibly even go a bit further than it has already done. The government is going to leave it up to the individual projects so if the housing association convinces the register that a particular project which may have a lease-buy component is worthy of support, it will treat that application on its merits.

We think that is highly laudable, but we would have liked to have seen a bit more encouragement of lease-buy arrangements. The one proviso which was very clearly pointed out to The Nationals was that any moneys raised by a lease-buy agreement would need to be retained by the housing association and used for stock. Where a house may have been leased for 5, 10, or 15 years and then purchased by the resident, the income from the sale of the house would be used by that housing association to build new housing stock. The most attractive part of this bill from The Nationals' point of view is hopefully it will give housing associations around Victoria licence to act in a more entrepreneurial fashion.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Electricity: generation capacity

Hon. BILL FORWOOD (Templestowe) — My question without notice is directed to the Minister for Energy Industries. I refer to the comments yesterday by NEMMCO's general manager, Les Hosking, who said:

> Because of the growing use of airconditioning, demand is going up and current supply and whatever new generation and transmission is planned is not keeping up.

Will the minister assure Victorians that there will be sufficient supplies of electricity this summer, or will there be blackouts as there were under his predecessor?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the member for his question. First of all, I should make it clear to the house that the only blackouts that have occurred were as a result of mismanagement of the electricity industry by the previous Kennett government. That mismanagement resulted in a shortage of available capacity not very long after we came to power. Members here know — and anyone who reflects on this would know — that as soon as you get elected you do not immediately and suddenly produce additional capacity. It takes time to get additional capacity on board.

When we came to power we were mindful of the fact that the Kennett government had sold out Victorians in relation to not just selling the electricity industry but also in terms of making sure that there was available capacity. We set about ensuring that we did get available capacity, and my predecessor played a crucial role in ensuring that Victoria brought on stream an additional 1000 megawatts of capacity in order for us to be able to deal with the summer peak periods. Indeed since that action was taken by her, and subsequent actions also were taken by me, we have been able to maintain capacity.

The honourable member is correct in saying, as is NEMMCO, that we have a significant problem in relation to airconditioners and the exponential use and purchase of airconditioners. I guess it is as a result of the reducing cost of putting in airconditioners, particularly split systems, which are now available at fairly low cost compared to what they once were. We can expect therefore that there will be additional demand required. I should say that in that context I was pleased to have been able to encourage Snowy Hydro in making a decision to build a new peaking power station at Laverton with a capacity of something like 300 megawatts. That will ensure that we continue on this track of providing capacity as the demand increases.

I can also inform the house that we are on track in relation to Basslink as well, which will provide on a further 600 megawatts of intermediate and peaking capacity that will be available for Victoria.

We have taken a number of these actions. I still remain disappointed that the opposition has not been prepared to support the proposed investment at Mortlake power station by Origin, which would add an additional 1000 megawatts of capacity. Nonetheless we are proud to be a part of having brought on over 1000 megawatts already, and having a significant amount of new capacity coming in the pipeline as well.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — My supplementary question to the minister relates to the tender that is currently under way in relation to load sharing, and my question is: who will pay for the cost of NEMMCO's current attempts to minimise blackouts by tendering for extra power supplies from big business prepared to forgo power in an emergency?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I can inform the house that unlike Queensland, where negotiations on load sharing occurred on the basis that ordinary domestic consumers

and businesses were not given priority under the agreements of that particular government, Victoria is fortunate in having in place a priority regime so that in the event anything were to occur our domestic and commercial consumers would be the last to be affected. We have arrangements in place with Alcoa to allow load shedding to occur on a rolling basis because it is possible to shut down a potline for up to 2 hours without having an effect.

Sport and recreation: Access for All Abilities program

Ms MIKAKOS (Jika Jika) — My question is directed to the Minister for Sport and Recreation. I ask the minister to highlight to the house how the Bracks government has listened and acted to improve access for people of all abilities to sport, leisure, arts and cultural activities?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — We all know how important sport and recreation is in the lives of everybody in the community, in particular the leisure activities of people of all abilities. The government has recognised this with the state disability plan and has set about improving access for people of all abilities to sport, recreation, leisure, arts and cultural activities. They have been identified as a priority. One must also appreciate that the Access for All Abilities program has done significant work in assisting community groups and organisations to finetune the way in which they interact with either the mainstream community or being inclusive and bringing into the mainstream community people of all abilities. This has resulted in many community organisations adjusting their priorities so that they can include people of all abilities in a way which has meaning to not only those who might be perceived as having a disability, but also to community organisations that realise there is a need to adjust their practices so they are far more inclusive in their interaction with the broader community.

As part of our continued commitment to see this take place we have instigated a round table on leisure and disability inclusive of arts, tourism, sport and recreation, which has brought a significant number of groups together around the table to discuss future challenges. Having undertaken an expression of interest in September, and inviting applications in the development and delivery of inclusive opportunities and practices, the membership of the round table includes organisations such as the Victorian YMCA, the Municipal Association of Victoria and the Victorian Network on Recreation and Disability, or Vicnord, just to name a few.

We will see a fantastic outcome as we all work in partnership into the future to finetune our practices or face the challenges, which we all need to do if we are truly to be an inclusive community, and to share the commitment between us to ensure that those groups which feature in the round table are listened to and that we support their challenges and work together in partnership to make sure that we govern for all Victorians.

Commonwealth Games: aerial advertising

Hon. C. A. STRONG (Higinbotham) — My question is to the Minister for Commonwealth Games. I refer to an undertaking given in May by Melbourne 2006 in regard to the exemptions from the Commonwealth Games Arrangements Act on non-commercial aerial advertising. What action has the government taken to put those exemptions into place?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question, as I always welcome questions from the opposition in relation to all matters on sport or the Commonwealth Games. One should appreciate that as part of the Commonwealth Games Arrangements Act the commercial rights that are integral to the delivery of the Commonwealth Games are not only an important revenue-raising source but also a critical component to guaranteeing there is no ambush marketing as part of the processes of delivering the Melbourne 2006 Commonwealth Games. In recent years we have seen skywriting or the signs that trail off the back of aeroplanes during significant major events in Melbourne.

Hon. Bill Forwood — Name one!

Hon. J. M. MADDEN — A number of signs have been written in the sky that do not come to mind, Mr Forwood, but I am sure if I stood out on a Saturday afternoon I might see one of those signs written during the course of one of these major events. I can say to Mr Forwood that I have much better things to do than he has.

What is important is that the commercial rights of the games delivery do not allow for ambush marketing. That is important not only for the Melbourne 2006 Commonwealth Games but also for the Australian Commonwealth Games Association, and particularly important for the Commonwealth Games Federation because it has its own existing commercial relationships.

We are in the process of ensuring that we work with these groups and where opportunities provide for either commercial relationships, which are complementary, or allow for a particular access right within a particular circumference around games venues, those issues will be worked through with the particular stakeholders who no doubt would be concerned about these issues.

Supplementary question

Hon. C. A. STRONG (Higinbotham) — I thank the minister for his information on the finer points of ambush marketing. When will some of these issues that he has outlined be implemented to help businesses that will be affected by this act?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — One of the interesting things about the recent launch of the guide to the games is that it has generated an enormous amount of enthusiasm in the community and a high degree of expectation, which is what the games guide is about. But what we are conscious of, Mr Strong, is the fact that many of those potential stakeholders who have commercial operations have also had their expectations heightened, and we will work with them closely over the next year to ensure that we alleviate their concerns. They can feel very confident that we will do everything in our power to ensure that we do not undermine the operation of their businesses into the future.

Consumer affairs: refunds

Hon. R. G. MITCHELL (Central Highlands) — My question is to the Minister for Consumer Affairs. At the moment many of our kind, generous constituents are busy buying Christmas gifts for their loved ones, families, friends and others. Can the minister advise the house how the Bracks government has been listening and acting to help ensure that our constituents are fully aware of their rights to a refund when they may be returning goods after Christmas?

Mr LENDERS (Minister for Consumer Affairs) — I thank Mr Mitchell for his question and for his ongoing interest in all issues regarding his constituents, particularly how we get advice to constituents on refund policies.

Hon. Bill Forwood — I reckon you should take that shirt back!

Mr LENDERS — To take on board Mr Forwood's interjection about my shirt, if I were to purchase my shirt — which was actually a gift from my spouse — and not be satisfied with the purchase, it becomes a very material question as to what my rights as a consumer are. Mr Mitchell is asking, 'What are my entitlements and how can I be sure of my rights if I go back to a trader to return my shirt?'.

The other day I actually had great pleasure — and I know Mr Atkinson would enjoy doing this with me one day — in going down the main street of Yea, knocking on traders' doors and asking them about their refund policies and what they understood their rights and responsibilities to be. I have done the same thing in a few other areas as well, including Brandon Park Shopping Centre. The feedback that I often get about refund policies is that it is one of the least understood areas of our consumer law.

We need to get a good balance in place. Often those people who purchase presents for their loved ones, as Mr Mitchell said, have problems because the person it is purchased for might not want the gift, so how do we return it? Our refund policy is clear: under the Fair Trading Act if a person buys an item and that item is not fit for its purpose, that item can always be returned provided there is evidence of the purchase. The advice that I periodically give to consumers is to keep their receipts, credit card vouchers or direct debit vouchers.

However, if it is fit for its purpose and the consumer does not like it — so hypothetically, if I did not like the shirt I am wearing, which I do like — then that is not a reason for return under the Fair Trading Act because the fact that someone changes their mind or finds a better price somewhere else is purely part of market forces.

Our challenge, for the benefit of Mr Mitchell's constituents and everybody else, is how to communicate this message. Whether we are knocking on the doors of traders in Yea, Brandon Park or other places, Consumer Affairs Victoria gives them useful information. We have some very good kits for traders, and traders welcome them. These kits will advise them of refund policies and the rights and obligations of traders. There are even little posters available, which show the refund policies in plain English terms, so that the trader can trade with confidence, and the consumer can come forward with confidence, to exchange goods or request a refund. Particularly at the time of the Boxing Day sales, people are wanting to change goods. We will supply as much information as possible to consumers through the airwaves and every other possible means so that they understand the situation; and we will also provide information to the traders to show them the rights and obligations of consumers and traders, and to make the traders and the consumers more confident.

Christmas should be about fun and about giving. Unlike the federal Treasurer who says, 'No presents; give your children love', which is a good sentiment, we know that most families will want to give presents within their means, and we want to ensure that our laws are in place so that we can have a fair exchange of goods, a sound refund policy, and we want traders and consumers to do it so that everybody is happy at Christmas. We are listening, we are acting, and we are delivering the goods to make Christmas happy.

Questions interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! Before I call the next question I acknowledge the Honourable Gerald Ashman, a former member of this chamber, in the gallery.

Questions resumed.

Wind farms: capacity

Hon. P. R. HALL (Gippsland) — My question today is directed to the Minister for Energy Industries. At a recent forum put on by the Australian Wind Energy Association the minister was reported as saying that Victoria has current installed wind power capacity of 92 megawatts. Given the government's target of 1000 megawatts of installed capacity by 2006, can the minister advise the house where all or at least some of the remaining 908 megawatts of wind towers will be located?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question. Yes, I did address the wind conference and inform the delegates of the current capacity in relation to wind in Victoria. I informed them that when we came into power there was no renewable energy in wind in this state.

We have been able to install 92 megawatts; our target is 1000 megawatts, and I am happy to inform the house that that will involve hundreds of jobs in regional Victoria — jobs which the opposition would have us forgo by having a moratorium and not continuing to develop renewable energy in this state. I have said to this house before that when I talk about wind energy, it is not simply about the number of turbines that will be going in, it is also about an industry.

We want an industry in this state around renewable energy and around wind. That involves us getting investment in blade manufacturing — for example, with the announcement of Vestas in Portland; and it involves us getting investment in the manufacturing of the towers — for example, through Keppel Prince and other facilities that are able to produce them. We want to maximise the amount of manufacturing and industry activity around wind, not just put the turbines in. We want to do this because we want to expand the industry and have an export orientation as well, allowing us potentially to export to other states, to New Zealand and into the Asia-Pacific region as well.

We have an opportunity to build a multimillion dollar — in fact, by some estimates a multibillion dollar — industry around wind development. The member is well aware of announcements that have been made in relation to particular wind developments — at Portland, for instance, where the announcements involve about 195 megawatts of capacity. That is supported by the local area. He is also aware of the Bald Hills project and the fact that that has gone through a planning system and two environment effects statement (EES) processes. The only thing that has the potential to hold up that particular project is the opposition's colleagues in Canberra, who, are, through the federal minister for environment, again trying, after two EES processes, simply to hold up this project. It is about time the opposition showed a bit of leadership. I am pleased to see that the opposition leader is with us here today, because he ought to — —

Honourable members interjecting.

Hon. Bill Forwood — On a point of order, President, the honourable member has been in this place long enough to know that he does not refer to members of the public or otherwise who are in the gallery. I suggest you tell him to behave — —

The PRESIDENT — Order! I uphold the point of order. The minister is aware that he should not recognise anybody in the public gallery, so I ask him to conclude his answer.

Hon. T. C. THEOPHANOUS — President, I call on the Leader of the Opposition — not in this place, because I do not think he can show any leadership, but the Leader of the Opposition in another place — to take some responsibility with renewable energy. We have a potential industry here in wind power. It ought to be supported by both sides of the house, and we should not allow the fact that the National Party is trying to wag the dog — what is it?

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — The tail is wagging the dog. You should not be giving in to that;

you should be supporting wind energy. Come on board; your leader can do it. If he only put his mind to it, he could — —

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

Supplementary question

Hon. P. R. HALL (Gippsland) — On a supplementary question, given the great local community interest in wind farm developments and so that the public can be better informed on this matter, will the government establish a central registry of wind farms that have either been constructed or approved or of those seeking approval?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am not sure what the honourable member is seeking from me. The wind farms that have been announced are a matter of public record. When there is an application for a wind farm, it is obvious that that goes through a public process, through an EES, through a planning permit and so on. I do not know what the honourable member further wants to know, but if he wants to put a request to me for the detail around where wind farms have been given planning approval, I would be happy to make that available to him. I will do so on his request.

Aboriginals: government initiatives

Ms ROMANES (Melbourne) — My question is to the Minister for Aboriginal Affairs, Gavin Jennings. The Bracks government listens and acts, as we all know. Can the minister advise the house how the Bracks government has delivered for indigenous Victorians throughout 2004?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank the member for her question and her ongoing concern for the wellbeing of Victorian Aboriginal people. Despite the fact that there are many disadvantages that Aboriginal people in this state and around the nation continue to face, there have been many successes that I can report to the house. They relate to reforms by the Parliament of laws that apply in this state and to a number of programs we have been involved in and are very supportive of to try to improve the quality of life for Aboriginal people.

The first and most obvious improvements to the statutes of the state of Victoria were the amendments to the constitution. I am very pleased to congratulate all members of this chamber who voted in support of that monumental reform of the constitution, which acknowledged, for the first time in 150 years, that Aboriginal people are the custodians of the land which became the state of Victoria.

I also thank members of this chamber for their support for two other pieces of legislation. The reforms to the Koori court with the recent passage of the Children and Young Persons (Koori Court) Bill will add to the important role the Koori court plays throughout Victoria in trying to make sure that there is a reduction in the connection between Aboriginal people and the criminal justice system and that there is maximum devotion to mitigating that connection in the years to come.

Another important reform this house supported was the changes to the administrative arrangements at Lake Tyers. While much work is to be done in the Lake Tyers community, a fantastic partnership has been established between government agencies and the community at Lake Tyers. It is hoped that partnership will in the near future restore a quality of life to all Aboriginal people who live at Lake Tyers.

A number of programs have been introduced. One of the programs I would like to highlight is a response to the Indigenous Family Violence Task Force, which made recommendations to the government after two years of consultation with Aboriginal communities throughout Victoria about the ways in which we can mitigate family violence in Aboriginal communities. The government allocated in excess of $11 million in the most recent budget to a range of services that will try to assist Aboriginal communities in that endeavour. They include healing centres, Aboriginal family decision-making processes, which will add to the network — a rare resource — —

Hon. Bill Forwood interjected.

Mr GAVIN JENNINGS — Yes, absolutely. The money goes to Aboriginal community organisations to support workers in the field to assist the capacity of communities to withstand the rigours of family violence.

There are other specific programs, which I have reported to the house previously, such as the great new family service that we opened recently in Echuca, the Njernda family services centre, which I am very pleased that we have been able to provide. There have been a number of fantastic events that members of our community have been part of, engaging with Aboriginal people, providing some encouragement and support.

One of the most significant events was at Federation Square earlier in the year. It was the launch of a

$1 million program to establish a support network for young indigenous leaders — a very important program that, we have great confidence, will see the emergence of leadership qualities within the next generation of young Aboriginal people.

We have seen the repatriation of human skeletal remains from Museum Victoria, returning these items to their traditional owners to enable traditional burials to take place on country — it was a very important event. We have seen other ceremonies, such as the fantastic art display we held in Queen's Hall in this Parliament during National Sorry Week. Parliament, and all the visitors to it, will benefit from a couple of residual pieces of artwork, thanks to the sensible purchasing policy of the presiding officers.

Public liability: sports clubs

Hon. B. N. ATKINSON (Koonung) — I direct a question to the Minister for Sport and Recreation. To save him the trouble, this is the fourth question this sitting — unfortunately, the Minister for Small Business keeps me busy. Is the minister aware that a number of local government authorities are requiring sports clubs to agree to hold harmless clauses in grounds and facilities leases and agreements?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome Bruce Atkinson's fourth question. It is interesting, because with only a few days left it would probably be difficult for Mr Atkinson to surpass the previous spokesperson — Ian Cover from the previous opposition — who asked me nine questions without notice in his first year.

Hon. Philip Davis — On a point of order, President, it is absolutely inappropriate for the minister to be responding to a question in this way, bringing into his discussion commentary about former members of the opposition in this place.

The PRESIDENT — Order! The Honourable Bruce Atkinson, in his lead-in to the question to the minister, made reference to the number of questions he had asked. I think the minister was responding to that, and I think he has responded accordingly. It is time for him to move on to respond further on other matters that the member raised.

Hon. J. M. MADDEN — Thank you for the ruling, President. In response to Mr Atkinson's question, we are very conscious that there is no doubt some pressure on local community-based clubs. The pressure is placed upon them by a number of local government councils transferring the risk, as it were.

One of the issues that has arisen in relation to insurance in recent times is the fact that people are very risk-conscious, and they are also very conscious of transferring that risk. One of the emerging issues we are seeing at a community level is that not all but some local governments on occasion seek to transfer as much risk as practically possible to some of the sports clubs. The issues are far more sophisticated than the volunteers sometimes have the capacity to deal with, and hence they have to outsource information from experts in the field, adding to the costs for those organisations. That has not only placed a great deal of anxiety upon some of the volunteers but has also heightened the degree of anxiety over whether or not people should volunteer for these positions.

That is one element we are conscious of, but the other element we are conscious of is that in some ways and in some instances or on some specific occasions some of these councils are not taking up the risk they should be left with. They are transferring too much risk to the sports clubs and in many ways getting off the hook.

We are addressing this issue. We are seeking to establish a system with the Municipal Association of Victoria to encourage local governments to adopt a uniform policy on the way in which they enter into agreements with community sporting clubs and organisations, so that in a real sense the sporting clubs or community groups can feel confident that they are comparing apples with apples, because we currently have an inconsistency between some municipalities which creates a fair degree of anxiety. We are anticipating that at a later date we will be able to make some very positive announcements about what we expect to be substantial progress in this matter.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — I thank the minister. I understood the answer that he gave and that he is doing something to investigate the issue, which I appreciate. I wonder if the minister would extend the investigation by his department to the legal status of hold harmless clauses in agreements struck between local government authorities and sports clubs and provide an assessment of the risk and liability that could potentially be transferred from councils to sports clubs and their officials, volunteers, players and supporters.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Many of the issues the member mentioned in detail in that supplementary question are part of what we are particularly concerned about. In many ways some councils might be scaring off

community groups when they do not really have the ability to transfer some of these risks anyway, because they may not be entitled to do that given that they are the main owner or provider of the assets.

We are looking at working with the Municipal Association of Victoria in relation to many of these issues to see if we can address them in a uniform way to give confidence to community groups and also to reinforce the obligations of municipalities across Victoria, some of which might in specific instances seek comprehensively to transfer those risks to community groups that do not have the capacity to absorb them.

Oil and gas: exploration

Mr SMITH (Chelsea) — My question is to the Minister for Resources, the Honourable Theo Theophanous. Can the minister advise the house of any recent announcements and reports that highlight how the Bracks government has listened and acted in the minerals and energy sectors resulting in new discoveries and new jobs in provincial Victoria?

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS (Minister for Resources) — I am pleased to answer the question from Mr Bob Smith, who is very interested in what happens in the mining industry in regional Victoria. I want to outline some of the discoveries and investment that have taken place in the Victorian resource sector, but I also want to mention, taking up the interjection from Mr Forwood, yesterday's announcement by Lakes Oil about the finding of oil in the Gippsland basin. This is a very important discovery because it is the first time that oil has been discovered onshore in the Gippsland basin. It was discovered by drilling significantly deeper than has been done in the past, more than 2000 metres deep. The company discovered high-gravity oil in its Wombat 3 well. This significant, exciting discovery has shown that it is possible for Victoria to find new oil and new gas not just onshore but also offshore by drilling to greater depths. It also vindicates the Bracks government's encouragement of investment in new exploration as well as the government's Victorian Initiative for Minerals and Petroleum and other programs providing the raw data that is required to facilitate that kind of exploration.

The discovery highlights the massive investment in oil and gas exploration by Australian and international companies in Victoria, with almost $500 million having been committed to exploration over the next few years. The Australian Bureau of Agricultural and Resource Economics December 2004 report on minerals and energy development confirms that Victoria has moved to third position amongst the states — after Western Australia and Queensland — in attracting resource projects. For the first time in at least 10 years, if not longer, Victoria has moved ahead of New South Wales in the value of committed resource projects. ABARE reports that committed projects in the minerals and energy sector in Victoria now top $2.3 billion. It really is a great time to be the resources minister in Australia.

This comes on top of other developments in the gold sector. We are seeing a gold renaissance, which has been described by the *Age* as another gold era dawning in Victoria. It is all happening in the resource sector under the Bracks government to the benefit of Victorians and their future.

Aboriginals: federal Labor policy

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Aboriginal Affairs. I refer the minister to comments made by the incoming ALP national president, Mr Warren Mundine, that the Howard government is taking the right direction in indigenous affairs and urging the ALP to embrace the Howard government's indigenous policies. Does the minister agree with Mr Mundine and will he commit his government to follow the Howard government's lead in its concerted efforts to tackle real problems in indigenous health, education and employment and offer, as Mr Mundine says, needed 'drastic and radical change'.

Ms Mikakos — On a point of order, President, the Leader of the Opposition is asking the minister to express an opinion — contrary to rule 1.03 — about a matter that relates to national political affairs, not a matter of state administration. I ask you to rule the question out of order.

Mr Smith interjected.

Hon. PHILIP DAVIS — On the point of order, President — Mr Smith said that I should go gently, so I will — I am not seeking an opinion from the minister. I am raising an issue of significant public policy with respect to the minister's portfolio. I have to indicate that I believe the minister is only too willing to respond, as is appropriate, given the purpose of question time.

The PRESIDENT — Order! The Leader of the Opposition mentioned Warren Mundine and the ALP's position and the federal government's position and asked whether the Minister for Aboriginal Affairs would commit the Victorian government to similar policies to those adopted by the federal government. I

rule that the question is in order. I do not uphold the point of order, and I call on the minister to respond.

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank all members who have spoken during the course of the asking of this question for their concern to make sure I am well positioned. Knowing my role within the government, I am very clear about my responsibilities in making sure I answer this question. I thank Ms Mikakos for intervening and being concerned about the proper process of question time. Fundamentally I am very happy to answer the question of the Leader of the Opposition. This is an issue I voluntarily entered into during question time in the week prior to the comments made by Mr Mundine, who is a member of the commonwealth government's National Indigenous Council. He also happens to be an office-bearer of the Australian Labor Party, an organisation that I am very proud he is a member of, as indeed I am a proud representative of the labour movement.

We are particularly mindful of the need to find a new way of doing business with Aboriginal communities — absolutely. I voluntarily reported back to the house after the ministerial council meeting where the states and territories took it upon themselves to ask the federal Minister for Multicultural and Indigenous Affairs, Senator Amanda Vanstone, about the direction of the commonwealth in relation to mutual obligations and shared responsibility agreements and what the concerns of states and territories may be about the true partnership that needs to underpin those arrangements. I volunteered on that occasion, have said since then and will continue to say that the Victorian government recognises that we have a long way to go to try to find the most appropriate way of developing programs.

The only quibble I might have with the question asked of me was that it asked whether we would follow the lead of the commonwealth government. I would prefer not to say 'follow the lead' but rather that establishing appropriate partnerships together by working in conjunction with the commonwealth and working in conjunction with Aboriginal communities is the best way forward. I think mutual obligation is a two-way street where we have to develop real partnerships and apply real tests.

There is much commentary in today's media about the test that may apply to what the commonwealth expectations may be for funding regimes and whether Aboriginal communities should be rewarded for what is described in today's press as normal behaviour or the normal expectation of a parent or whether we should try to change the community relationships and structural issues and make sure there is the appropriate level of infrastructure to enable new power relationships to form within Aboriginal communities. That lies at the heart of the challenge that confronts this nation. I am very happy for us to find a collaborative way through. I am not particularly interested in taking pot shots from the gallery.

If I were to express an opinion it would be that I might have some concerns about what I foresee in the commonwealth's current position, but I am optimistic that it will find a way through in partnership with the states and territories and in partnership with Aboriginal communities.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — It would be in order for me to say that the opposition welcomes the minister's response. To pick up some of the threads, it is important for us to have a concerted national direction on this. I therefore ask: will the minister advise the federal Labor spokesman, Senator Kim Carr, to change tack in that the Australian Labor Party has been, and I quote:

> ... touchy, feely and nice and politically correct but what we have created through the last 30 years has failed.

Therefore I ask: will the minister convey this to his national colleagues to ensure that we do have harmonisation regarding this policy area?

Honourable members interjecting.

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — In fact I should be, as a matter of process, Ms Mikakos, less reluctant to answer this question.

However, I indicate that in the last 24 hours I have had a fulsome conversation with my colleague, Senator Carr. Senator Carr has a sense of obligation and responsibility on behalf of the labour movement and the Labor Party to represent a point of view in terms of the importance of the two-way street in the mutual obligation debate; the importance of underpinning that this should not be ideologically driven but driven on the basis of mutual respect and regard.

Senator Carr's comments have been strident. I acknowledged in my conversation with him the importance of our being focused on delivering better outcomes and developing appropriate partnership arrangements. People might express the view in a slightly different way, but they are valid issues to be discussed.

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

Information and communications technology: government initiatives

Hon. H. E. BUCKINGHAM (Koonung) — I refer my question to the Minister for Information and Communication Technology. The minister has previously highlighted the importance of the Bracks government listening to the needs of the information and communications technology industry (ICT) to assist its growth. Will the minister advise the house of a recent example of how listening to the ICT industry and acting to meet its needs have promoted growth?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the member for her question. It is the first opportunity I have had to put on the record my wish to welcome her back to the chamber. It is good to see her here.

I would like to inform the house of the work the government is doing for the information and communications technology (ICT) industry to ensure we are meeting its needs. Members in this house would be aware that we do listen to the ICT industry in developing our programs to assist the industry. One of the issues it brought back to us — an area the industry wanted to see us concentrate on — was the development of communities of interest, clusters and networks.

In response to that we have acted and set up a range of industry clusters in radio frequency identification devices, microelectronics, open source, computer games, e-learning and photonics which are now running very successfully with the industry.

The Victorian Photonics Network was formed to give an opportunity for those in this area to network, collaborate, and most importantly to gain global recognition. What is being done in this sector is world class. For those of you who may not be aware of what photonics is, it is about the movement of light and, in this instance, the movement of data and the manipulating of light to move that data and transfer it. This science enables us to use ultrabroadband via optical fibre — that is, broadband that is greater than 100 megabytes.

The Victorian Photonics Network is one of a number of clusters the state government took on a delegation across to Atlanta to attend the world's largest fibre optics event in 2003. One of the companies we took across was CEOS, a Victorian small-to-medium enterprise that specialises in photonics. While in Atlanta people from CEOS met with representatives from Hitachi, a company name many members will recognise from television screens and the like. Hitachi is also a major communications company, and Hitachi and CEOS have formed a partnership. Today the Minister for Innovation and I were able to announce the culmination of this relationship — that is, an investment of $10 million by Hitachi for a research and development and commercialisation partnership between CEOS and Hitachi. This partnership will result in 50 new jobs and will generate an estimated export income of approximately $50 million.

CEOS will further develop its passive optical network technologies, which Hitachi will commercialise into the global fibre-to-the-home market that is now worth $US100 million annually. This is a great example of how the Bracks government is working with Victorian small-to-medium enterprises in information and communications technology to connect them to the very companies that give them access to the world market. This is taking the best of information technology and innovation that we have to offer to the world market to companies that are able to mass produce.

The Bracks government will continue to deliver for the ICT industry in this state and to work with it to help it to grow globally.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 1981, 2031, 2033, 2034, 2217, 2267, 2269, 2270, 2290, 2291, 2449, 2499, 2501, 2502, 2522, 2527, 2681, 2731, 2733, 2734, 2755, 2915, 2965, 2967, 2968, 2988, 3199, 3201, 3202, 3222, 3297, 3336, 3339, 3840, 3841, 3900–03, 3905, 3907, 3974, 3975, 4043, 4136, 4141, 4154–60, 4163-66, 4177–79, 4181–86, 4300.

HOUSING (HOUSING AGENCIES) BILL

Second reading

Debate resumed.

Hon. D. K. DRUM (North Western) — As I stated earlier, the Housing (Housing Agencies) Bill is going to make $70 million available to various groups and housing associations around Victoria. Effectively the way they go about leveraging these moneys will be limited only by the ability of the building industry,

developers and the administration within the housing agencies to think outside the square and come up with interesting and exciting projects.

Developers who find themselves short of capital investment to make a prospective project financially viable may now be able to approach a housing association that is going to have access to a broad pool of $70 million. The housing associations will be prepared to inject some capital funding over a whole range of percentages and effectively create that additional capital to lower the investment costs of developers, therefore a whole range of building propositions will become financially viable and be put on the market as low-income affordable housing, whether it be public housing, community housing or whatever. If developers and land-holders are prepared to let a housing association have a controlling interest over the project, then they should be able to access that funding of $70 million.

There are real issues on the ground at the moment, and I am sure the minister is well aware of the issues in public housing — they arise in this chamber from time to time. These issues include the shortage of public and community housing stock and the long waiting lists for it. The Nationals understand that as well as there being long waiting lists to get public or community housing there are also people who need to be moved from inadequate or inappropriate housing to a more appropriate level of residence. Nowhere near enough money is being made available by the state government for the maintenance of existing housing stock. The government is always under pressure to come up with more finances to adequately maintain the stock that is available. Some houses have been classified as not being able to stay in the housing stock, and therefore a time line has been put on their exit from the stock. If they have a short time line placed on them, then there will be growing pressure for those houses to have an inadequate amount of money spent on them.

Some people are living in houses that are in a state of disrepair and do not have a long lifespan, therefore there is a real reticence on the part of the government to spend maintenance money on those residences. The Nationals understand that, but the reality is that a lot of houses out there are in a very poor state, and that is why we are quite excited about this proposal. This proposal has the capacity to create more public and community housing and to not only create more of a community but also to establish a private sector interest in low-income and affordable housing. We think that if we can get those partnerships created and established, that will lead to a much better situation for all.

In closing I would like to put to the minister some of the questions we spoke about earlier. In particular I refer to proposed new sections 131 and 132, which deal with the introduction of a new board that will be appointed by the registrar. The Nationals would like the minister to assess the possibility of that registrar-appointed board of the housing associations being able to be appointed on a needs basis. That would show a greater degree of faith in the boards of the various housing agencies and their ability to outsource the skills they need and lead to greater input of the available skills from the various housing association boards.

The second point I would like the minister to clarify is the level of appreciation and recognition that is going to be given if these housing associations achieve the ultimate outcomes we are hoping they will. A whole series of land parcels effectively will be gifted from various communities across to the various housing associations. We would like to see this happen some way or other. I know it is possibly premature to ask the minister how it will happen, but I hope the minister can assure communities around Victoria of that gift and commit parcels of land or other resources to housing associations and organisations to ensure that they will be recognised in the future.

The third point I would like the minister to comment on is the situation where a community already has an existing facility under community housing control and has a certain parcel of land that would be suitable for expansion, and it therefore would possibly be able to meet the criteria and access the housing association's money. How would the association take a controlling interest in only that parcel of land where it contributes to a new development and not the deed of title for the whole of the existing development?

In closing I leave those questions with the minister so she can do her best to reassure the community that it will be catered for. We do not oppose this legislation. We are quite excited about the vast majority of it and wish it has the outcomes in regional and rural Victoria that we hope it will.

Mr SCHEFFER (Monash) — The connection between housing and wellbeing has been examined and debated extensively for a long time. The causes and effects are hard to establish and that has resulted at various times in poor housing policy and urban planning. Nevertheless, safe and secure housing is a fundamental requirement for all citizens in a good society and from its provision many personal and community benefits flow. These include better general

health, a sense of self-worth and a willingness to participate in the life of the community for its own sake.

Where housing needs are not met there are negative pressures on the capacity of people to access education and employment. Where housing is tenuous it is harder to form positive family relationships, to integrate into the community, to remain healthy or to avoid involvement in crime. A lack of secure housing leaves people vulnerable.

Housing affordability is a key public policy debate and was the subject of Royal Melbourne Institute of Technology's Gavin Wood's excellent Oswald Barnett Oration earlier this year. Wood looked at what was happening in the housing market and who the winners and losers are. He said:

> Employment participation rates among recipients of housing assistance are relatively low and there are concerns about poverty and unemployment traps among housing assistance recipients. Only 25 per cent of non-disabled working age recipients of commonwealth rent assistance are in any form of paid employment, while a somewhat higher 30 per cent of non-disabled working age public housing tenants are in paid employment. These chronically low rates of employment are symptomatic of the increasingly marginal position occupied by those in disadvantaged housing market circumstances.

Wood presented a compelling case that the polarisation of the housing market leads to spatial polarisation of affordable housing and that this impacts unequally on lower income people and people on benefits to access jobs. He said that the stock of low-rent housing is shrinking despite the fact that there is a large increase in the total stock of private rental housing. All this is occurring alongside a reduction in commonwealth expenditure which amounted to 18.6 per cent in the 10 years up to 2003.

The Victorian government's social housing policy should be seen as one component of a broader policy agenda. Good housing policy can stand as the basis for the success of other policy initiatives such as health, education, immigration, community economic development and income security.

The principal objective of the Housing Act 1983 was to ensure that every person in Victoria had adequate and appropriate housing at a price within his or her means — a very laudable objective. The escalating market value of housing over the past 15 years or so has given many Victorians, especially those who live in urban centres that are well provided with infrastructure, an increase in the value of their assets. In Monash Province this escalation has become extremely worrying, notwithstanding the current easing off in the market value of properties. The local papers have in the past year described areas of Caulfield and other close-by areas as a millionaire's playground. I can understand that property owners have been pleased with this turn of events, but the more reflective amongst them will see that when median prices jump by some 50 per cent, as they have in Caulfield North, there are adverse social impacts.

Price hikes make it very tough for first-home buyers to buy in and this has had a big negative effect on social cohesion as young people who do not have sufficient assets behind them are unable to afford to live in an area which was once home to a broad range of people: the well off and the not so well off, the long-term inhabitants and the more recent arrivals, and young people with families as well as older people. When young people raised in this area are forced out because of the increased housing prices, communities consequently break up.

The figures show that young couples are delaying having children and one of the reasons for this is the difficulty in finding funds to buy a home. Renting a flat is fun when you are young and you do not have children, but it does not provide much security after the lease ends in 12 months or so. In general flats in Victoria are not built with families in mind. The only serious option is to buy a house, if you can afford it.

A priority of the Bracks government has been to increase housing affordability and to reverse the neglect of public and social housing in this state. The government has invested generously in public and community housing since 1999. It has purchased and constructed new housing and dramatically increased the number of properties, as well as upgrading and redeveloping existing stock. The government has also linked this investment to new programs such as neighbourhood renewal, which is designed to create jobs and training opportunities to break cycles of disadvantage.

In her ministerial statement *Building Stronger Communities and a Fairer Victoria* the Minister for Housing, Candy Broad, described the neighbourhood renewal program as a landmark program that was tackling inequality head on. The minister said that the government had invested $108 million in neighbourhood renewal since 2003. Some 2500 properties have been upgraded, about 130 new properties have been built and over 1000 jobs have been created. Access to health care and community support is also being stepped up and residents are setting the priorities and leading the changes themselves in partnership with the government. Neighbourhood renewal is one element of the

government's determination to close the gap between low-income communities and better-off communities, and the government has indicated that it will invest an additional $90 million in this program.

The government is also putting its affordable housing strategy into place to expand affordable housing options in public, social and community housing, as well as in private rental and home ownership. During the 2002 election campaign the government promised that it would create new housing options for low-income Victorians and attract investment from local government, community organisations and the private sector.

Last month I opened the Liardet Community Centre housing development in Port Melbourne. This is a joint venture between the state government and the City of Port Phillip that provides affordable housing to meet local needs. The government invested some $878 000 to fund the construction of six purpose-built units. The City of Port Phillip provided the site as well as a financial contribution of about $290 000. The new units are fitted around the existing Liardet Community Centre and are designed to be accessible and safe as well as providing personal and private space. All units are fully self-contained with their own bathroom and kitchen facilities, and most have fantastic views of the surrounding area. Residents have direct access to a range of services, legal information, educational services and links to community-based organisations in the area. This is an example of how partnerships can increase the availability of affordable housing in an area where the price of real estate excludes the less well off from buying in. The tenants of the Liardet Street development are valuable community members who put into their neighbourhoods. If they were forced out of the area, the community as a whole would be the loser.

The Housing (Housing Agencies) Bill represents another step in the government's policy objective of providing more affordable housing through leveraging government funds to encourage and make possible private-sector investment in social housing. This will provide a greater increase in supply than would be possible through the conventional path of public housing purchases. The purpose of the bill therefore is to provide a regulatory framework through a registration system for non-profit community housing agencies that provide low-cost rental accommodation for low-income people. Such rental housing agencies can be registered as registered housing associations or registered housing providers. It is necessary to regulate not-for-profit housing agencies to protect the state's investment and to ensure that they continue to fulfil their responsibilities in protecting low-income and often vulnerable members of the community who will be living in these properties. Registration is also necessary because it provides security for potential private-sector investors who need to be confident that their investments are secure and that the properties are well managed.

Under this bill housing associations will be able to attract other funding sources in the private sector using the government's $70 million investment. That will increase the number of dwellings over and above what could be provided by other means or what the $70 million could provide on its own through purchases. The government has announced that six organisations have expressed interest in becoming housing associations, including the Port Phillip Housing Association in my electorate. This announcement has been widely welcomed by many individuals and organisations in Port Phillip. The Port Phillip Housing Association grew out of the St Kilda Housing Association and is one of the pioneers of community housing in this country. Its performance over many years has been characterised by excellent management of its assets, cyclic maintenance regimes and building and upgrading programs. The association is widely respected for the high-quality accommodation it provides to its tenants and for its responsiveness to their needs. This includes disability access and providing for the changing life-cycle needs of tenants. The rights of tenants are also protected and their participation in decision making is promoted.

The Port Phillip Housing Association also has a reputation for introducing many innovations in energy efficiency and environmentally sound building design. The Inkerman Oasis development is a lighthouse project. It is a partnership between the City of Port Phillip and Inkerman Developments Pty Ltd. This is a $50 million development consisting of 237 units in six buildings of 3 to 5 levels which incorporate a range of ecologically sustainable design features. The Port Phillip Housing Association will manage a proportion of the apartments that will house tenants who meet the association's criteria.

Hon. Andrea Coote — Excellent facilities.

Mr SCHEFFER — I agree. All this has been achieved, I guess, because of the unique partnership the association has with the City of Port Phillip, which was in turn forged in the relationship between the St Kilda council and the St Kilda Housing Association. The great achievements in social housing in the City of Port Phillip are the product of years of careful action

research combined with a community-supported risk-taking approach.

The Port Phillip Housing Association has an asset-management program which includes a fully costed management plan for every unit, which stretches decades into the future and which is fully funded through its long-term financial plan. The association staff respond to maintenance emergencies around the clock. Without the Port Phillip Housing Association thousands of traditional low-income residents would have been forced out of the area. I have no doubt that the Port Phillip Housing Association will prove to be a great contributor to the ongoing exploration of new ways to maximise the availability of affordable housing that the provisions of this bill make possible. I commend the bill to the house.

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise to make my contribution to the Housing (Housing Agencies) Act 2004 and in doing so will indicate that the opposition will not oppose the bill for a range of reasons. I also note in the context of the debate on this bill that the relevant minister who has carriage of this bill is not present. I would have expected that, as a huge swag of bills is coming into this house surrounding the minister's housing portfolio on this occasion, she would at least have made the effort to be here to respond on the bill. I just want to put that on the record.

I refer to the speech of the previous speaker, Mr Scheffer, and say that he made a very reasoned contribution. However, it had an up-in-the-clouds quality about it when you consider how those policies will be delivered through this piece of legislation for the good of the broader community. Sadly that was where he failed, and that has been the case in a number of instances in this debate. I would have preferred to have heard where the application of this bill will take us in the future. We can all talk about the ideology surrounding the need for public housing, and I do not think anyone on this side of the house would disagree. However, in the context of legislation which is going to be applied to the real world and real people, we would like to have had a more measured contribution that told us where it is going to apply and how it is going to apply.

The bill goes into a variety of different areas, and as a preamble I will refer to what has led to the introduction of this bill because there will be a significant change in the way the government proposes to deliver housing in the broader community. I wish to put on the record my concern about the fact that despite the rhetoric we heard from the previous speaker the housing situation in this state and the delivery of housing to those in need under this government over the last five years has gone backwards.

An article in the *Australian* of Wednesday, 14 May 2003, gives an interesting state-by-state outlook, particularly the reference to Victoria. I will read the first paragraph, which expresses most about where we are at in terms of this government and the realities of the situation, not just the Bracks spin we continually hear. The article says:

> The public housing crisis is hurting most in Victoria's regional areas where waiting lists have more than doubled since the start of the decade.

I do not need to say any more. The realities are that this government is not delivering on public housing. It cannot deliver on the needs. It just astounds me that speaker after speaker on the other side gets up and talks about what should happen, how important it is to apply this legislation for the broader good of the community, how the legislation is meant to be delivering social reform, social outcomes, and dealing with people who are the most needy. The government says, 'We are there for you', but the realities are that it is not. In reality it is the Liberal Party that always comes to the defence of those most in need. What the government does is to take a lot of people's taxes, stuff itself inside its own little castle and deliver very little where it is actually needed.

This bill comes from the social housing innovations project, or SHIP report, which was initially set up back in November 2000. This was a consultant's report by Mr Hal Bisset to the Office of Housing in the Department of Human Services. Mr Bisset made 42 recommendations. The report flagged the department's plan to establish housing associations and look at various models. One of the models selected was based on housing associations in the UK and had a range of different features: that the government and local authorities transfer large amounts of stock to housing associations; that the government provides substantial capital investment for the expansion of housing associations; that the government has control of the amount of subsidy received by tenants through the payment of a housing benefit; that the government uses planning powers to mandate the provision of social housing in new developments, which is a long-term practice in the United States of America as well; and that the housing associations be able to borrow money at the lowest commercial rates available, almost as low as that which the banks lend to each other. It would need to be established in that framework because of the fluctuations of the housing market and the way that the housing market can move in the day-to-day activities.

None of those preconditions for success are present in this government's model. If they are it is in a weakened, whittled-down form. For a start the government has ruled out large-scale transfers of public housing stock to housing associations as was suggested in Mr Bisset's report. It now says that the transfers will be modest. The government has not provided large-scale capital investment to the housing associations, and in fact $70 million only has been allocated over three years to all six nominated associations, which works out at about $3.8 million a year each.

The Victorian government has no control over the subsidy that tenants will receive as rent assistance as paid by the commonwealth. The Victorian government has not said that it will use planning powers to mandate the revision of social housing and new developments, although it has given itself that power through clause 10 of the Planning and Environment (Development Contributions) Bill. The Victorian government is not expecting that housing associations will have access to cheap capital.

The reality is that this model is destined to fail, which is disappointing in the sense that there are those on the other side who have given impassioned speeches about how they believe the sector should be managed and how the sector should be run. It is disappointing because there are those believers on the other side who would like to think that the government would actually deliver an outcome. It is clear in my view that there is major concern and this concern is backed up.

I refer to a report by Jacobs, Marston and Darcy, *Changing the Mix: Contestation Surrounding the Public Housing Stock Transfer Process in Victoria, New South Wales and Tasmania,* which is an urban policy and research document dated September 2004. On page 255 the overall process is put into fairly basic terms:

> Despite the recommendations of the SHIP report and the announcements of the government to develop growth housing associations, there has been no large-scale stock transfer in Victoria and there is no clear government position on whether this will happen in the future.

It is not going to happen.

> At the time of writing, it remains unclear whether large-scale stock transfer will be part of the funding strategy for the government's election commitment to develop the four growth housing associations.

In actual fact there is no indication in the bill that this is going to occur and it will put undue pressure on the housing associations in terms of their capacity to manage this particular industry. There is not enough funding available, the government has not thought out the relationships that are going to have to be established between the commonwealth and state governments, and it has not thought about where it is going.

I refer to clause 5 and to division 2, which is headed 'The Registrar of Housing Agencies', of proposed new part VIII. Proposed new section 74 (1) states:

> There shall be a Registrar of Housing Agencies.

It surprises me that again another government agency is overseeing a government agency. I have put on the record before, and I repeat: I am flabbergasted at the amount of internal bureaucracy that this government continues to roll out.

There are a variety of other measures within this bill that I do not propose to go through. In summation, this has not had broad support. On 3 December Sunshine/St Albans Rental Housing Cooperative sent me a fax marked 'Urgent' with respect to this bill. It has major concerns about a number of issues. There is also the significant social housing innovations project or SHIP report, which over numerous pages details 42 recommendations. But this government has developed its own agenda and its own policy about what it wants to do. In its fax the Sunshine/St Albans Rental Housing Cooperative says:

> Hidden within this bill is the decision to abolish the state-funded rental rebate system for all community housing tenants and in its place it is proposed that community housing tenants access commonwealth rent assistance. This cost-shifting exercise undermines the security of the community housing sector and is fraught with problems.

This bill is fraught with problems and this government is fraught with problems. This government has no idea, no direction, no vision. This is yet another example where the SHIP report has absolutely no correlation to the Bracks government's spin and rhetoric.

I again put on the record that I am disappointed that the minister who has carriage of this bill is not in the house to respond. I do not oppose the bill.

Hon. C. D. HIRSH (Silvan) — I have had a longstanding interest in affordable housing. My interest has lasted over 25 years. I was a member of the Labor Party policy committee in the late 1970s when the party housing policy was developed — that policy which was implemented in 1982. Right through the late 1970s and the 1980s I worked as an advocate for affordable interest rates for first-home buyers and in the late 1980s as the chair of the ministerial advisory committee on women and housing. We produced a major policy document in that area. Our rental cooperatives were

established and worked throughout that time with the concept of community-managed housing as opposed to the centrally managed general public housing sector.

This new bill which takes community housing management to a new level is aimed to create a regulatory framework to support the non-government housing sector and to provide security for affordable housing assets. It is an extremely interesting bill in that the particular model has not been used in Victoria before. There will be two levels of this new housing sector which will be registered housing associations or registered housing providers. The registered housing associations, of which six have already been selected to start this new program, will be able to expand the amount of available, affordable community housing for low-income Victorians through borrowing in the private sector.

They will be able to borrow using the leverage of government funds they already have to provide the basis of their housing. It moves this provision of housing away from government, and when I first knew of the bill I was concerned about that, but the strong regulatory framework around the bill seems to provide adequate protection both for housing stock and more particularly for the tenants of that stock.

The registered housing providers will not be involved in expansion of stock or borrowing, and it is to this form of agency that the current rental housing cooperatives will have the opportunity to go. They have until July next year to work out what they would like to do. They will then come under the regulatory framework of the new sections of the Housing Act. It is a very important way to go, remembering that I have been lobbied by some of the cooperatives who said, 'The government is going to close us down'.

It appears that this is not the case, but the model under which cooperatives operate will change if they want to stay in the new regime. They will need to satisfy the regulations, and like other providers they will be able to register, and the government has said that that is what it would like the cooperatives to do. I have made inquires of the government and have been assured that the cooperatives are very much welcomed under the new regime and the government hopes that they will apply and join. The perpetual leases will no longer be there, but they will fit as housing providers under the new regime.

The performance standards which the associations will have to meet are quite strong, and it is important that they exist particularly when they are going to be dealing with the private sector. It will mean that if in fact commonwealth funds shrink further and the commonwealth-state housing agreement is not renewed in 2008, hopefully there will be a vibrant new housing sector in Victoria providing housing for lower income Victorians.

The concept of negative gearing for housing investors is useful in that it allows private rental housing stock to increase quite dramatically, and of course the competitive aspect of this pegs rents at some sort of reasonable level. However, this housing sector is totally irrelevant to lower income Victorians. Even with rent assistance they cannot meet the private sector market rent levels that are expected of them. So government involvement in housing is absolutely crucial.

It is a pity that in Victoria in the 1980s we did not go the way of some of the European countries where a government housing sector is one of the regular housing sectors; there is very little private rental, and up to 15 per cent of housing stock is government owned. Families rent with security of tenure as a part of everyday living. It is not a welfare sector; it is true public sector housing. In Victoria, partly through commonwealth policy in the 1980s we went along the lines of public housing remaining — it was never more than 5 per cent of stock in Victoria — a marginalised housing sector regarded as welfare housing only for lower income people, and as such it has been somewhat stigmatised in the past.

That is a great pity, and it is far too late now. With privatisation as it is, I do not think we will ever move to have a large government housing sector. It is a great pity that that did not happen. Certainly in the Australian Capital Territory and in Darwin I know there is a very large housing stock — 30 per cent of housing stock in Darwin is owned by the commonwealth government. People who are transferred up there to work in government as teachers and so on automatically rent a government-owned house. But it has not happened in the states, and I do not think it will.

There has been some criticism — and I have made some inquiries about this — that the government-owned and run sector could be somewhat eroded by this new policy of housing agencies. I have been told that the provision of public housing will continue to be the main role of the Office of Housing. The housing agencies bill will enable an expansion of community or social housing and will answer the needs of many lower income Victorians.

There is going to be a reference group consisting of nominated agencies of the Community Housing Federation of Victoria, housing associations, ministerial

housing council representatives, and including organisations such as the Tenants Union of Victoria so that the needs of tenants are kept very high on the agenda.

I want to speak briefly about the public housing sector in my electorate. In the Ringwood area there is some public housing, but one of the major groups of constituents that come to see me are constituents who are having trouble dealing with bureaucracies and government departments. I want to sincerely record my thanks to the manager of the eastern region of the department, Bernadette Brown, and the team leader at Ringwood, Alison Jones, for the marvellous help they have given me in helping prospective tenants through the necessary paper work and bureaucratic processes to obtain housing. I have found them to be cooperative, very willing to assist and receptive so the people who come into my office usually end up being housed in an affordable way.

I will conclude by referring to Mr Scheffer's remarks about housing being a basic need that you cannot participate properly in life without. I know Mr Dalla-Riva regards that as rhetoric, but it is a well-proven fact that without the security of being able to live somewhere that you can afford to pay for, you cannot do much else. I hope that over the next few years, given that commonwealth funding for the commonwealth-state housing agreement in Victoria has dropped 18.6 per cent in real terms in the last decade, this will fill that gap and provide affordable, comfortable, secure housing for a whole range of Victorians.

Hon. A. P. OLEXANDER (Silvan) — It gives me pleasure to contribute to this debate on the Housing (Housing Agencies) Bill, and in doing so I reiterate the opposition's position that it will not oppose this legislation. We of the opposition have decided on that and have held back from a full-support position because we see this legislation as having significant flaws. We believe the bill has three or four key flaws that will hamper the effectiveness of the stated objective of the bill, which is to create housing associations.

In principle, the opposition supports housing associations. Two years ago when I travelled to the United Kingdom on a parliamentary trip I was fortunate to be briefed on, among other things, the housing association scheme that operates there. The briefing was extremely interesting. The schemes that are run in the UK are seen to be largely very successful and, interestingly, are supported by all sides of the political spectrum in that country. British Labour, the Conservatives and the Liberal Democrats in the United Kingdom all support the concept and the principle of the creation, running and management of housing associations.

Of course there are differences in emphasis between the various parties: the involvement of the private sector is one that is debated from time to time. However, there is general agreement that the flexibility, the personal initiative and the efficiency that housing associations are capable of providing to the housing sector are valuable and worthy of support. The Liberal Party in Victoria shares that view but is very concerned about the four key flaws in this legislation that the sector has pointed out to us. We are also very concerned that the actual model that has been so successful in the United Kingdom has been disregarded in a few very important ways. We believe that will hamper the effectiveness of the creation of the housing associations as provided for by this bill.

One of the features of the UK model is that local authorities and the government transferred large, very significant amounts of housing stock to the housing associations. That will not happen in the Victorian model, and that is a key flaw because it was one of the key requirements for the success of that program in England and Scotland. In addition the UK government provided large amounts of capital infrastructure and investment for the expansion of the housing associations, and this again will not be a feature of the Victorian model under the proposed legislation.

We understand that investment in public housing under the public sector asset investment program has, under the Bracks government, been reduced significantly for each and every one of the last four financial years. That is flying in the face of the experience in the UK, where the investment capital going into public housing was increased and substantially improved. In the UK the government had control of the amount of the subsidy received by tenants through the payment of housing benefits, which is not the case in Victoria with the commonwealth being involved at that level; and the government in the UK used planning powers to mandate the provision of social housing in new developments.

The United States of America has also had that experience: where new developments being built within the private sector planning provisions were made so that sections of those communities and those developments could be designated as public housing. Members of the opposition understand that although there is the power to do so under another piece of legislation, this government has ruled that out as an option. That is a serious flaw as well.

The final flaw in the differences between the UK and the Victorian models is that housing associations in the United Kingdom were able to borrow money at the lowest commercial rates available, almost the rates at which banks loaned money to each other — at significantly reduced interest rates. That was set up by the government with the involvement of the private sector. Those arrangements were critical because housing associations, being in charge of their own governance, had enormous say over the structure and the type of housing that was being provided and money was required to do what they were planning to do. This was fast-tracked by government. We understand that no similar arrangements have been made in Victoria. Therein lie the key differences between what has been such a successful program for housing associations in the UK and what is happening here in Victoria. It is very different indeed.

It would have been nice had government members come into this place and acknowledged that the public housing stock and sector model it chose to build upon in this state is fatally flawed. They have denuded it. They have removed all of the key drivers that made the UK model, on which theirs is based, so successful. That is fatal for this program. We are concerned that this legislation will not deliver the benefits that the government says it will.

We are also concerned because of the feedback that we have received from the sector. My colleagues on the opposition side have already outlined in detail what these concerns are. I will just recap them briefly for the benefit of members opposite.

Firstly, the short time frame and lack of consultation on this bill were stark and were mentioned to us by everybody in the sector who was concerned. There was simply insufficient time for feedback and input. This is something the government has lectured the opposition about for years. The government has said it is the government that consults, but it certainly was not consulting last night at 9 o'clock when it introduced the bill without notice. It certainly was not consulting in the previous weeks when it was ignoring, disregarding and not providing the sector with an adequate opportunity to put its views as to what the final contents in this legislation should have been. Consultation was a huge problem, and the opposition has a huge problem with that.

Secondly, the opposition is still unsure whether the model on which the scheme is based, which is the basis of this bill, actually exists. We were told during the briefing that it does not exist, but we understand freedom of information requests to seek out that modelling have been made, and that would determine whether the plan is viable or not. We would seek some answers in this debate from government members about that. In a debate of this type, it would be illuminating for all of us to understand what the modelling says or even if it has been done. If it has not been done or if it does not exist, then why not? As it is such a significant reform, it should have definitely been done.

Thirdly, the opposition and significant parts of the sector share concerns about clause 144, which is:

> Power to terminate existing leases

We agree with the sector that the government has not adequately dealt with its concerns.

Fourthly, we are concerned about the performance standards for housing associations. The Tenants Union of Victoria has expressed concerns that they were not codified adequately in the legislation and that they have been left to other mechanisms — either ministerial, order direction or regulation. It is less than happy with that approach.

Certainty and stability of the performance standards for the sector would have been delivered in a piece of legislation which the tenants union could have fed into and had an input into, but it was not allowed to do that.

I was disappointed by the contribution made by the previous speaker when she painted a picture of the situation facing public housing tenants and people seeking public housing in the eastern region, which region we share, as being pretty well okay. The picture that Ms Hirsh painted for the chamber was that virtually everybody who attended her office in their search for public housing got it.

I can tell members that it is not the experience in the eastern or northern regions of Melbourne — on the contrary, there has been an alarming blow-out in public housing waiting lists in that area. Charitable organisations and semi-government funded organisations which are working tirelessly to house people in crisis cannot place those people. There is an enormous crisis which has blown out over the last four years, which is the period that the Labor Party has been in government in this state.

If the Labor Party wants to delude itself that it is the social justice party by talking about social justice, it should have a look at the difference in the waiting lists from when the last Liberal government was in power with the waiting lists that exist today. There is a huge difference. I will take one of the indicators. In the eastern metropolitan area of Melbourne, the early

housing or emergency waiting list has blown out by 144 per cent in the four years since the Labor Party came to power. During the watch and stewardship of this minister and this government the list has blown out by 144 per cent.

In the north of Melbourne it is worse. The explosion in the early housing or emergency waiting list in northern metropolitan Melbourne for the same period since the Labor Party has been in office has increased by 209 per cent. They are not small increases; they are increases of dramatic proportions, and they are having a huge impact on the ability of the sector to cope with demand. There are now hundreds of families who are unable to find accommodation, more than was the case, since the Bracks government came to power. This government has form in terms of housing and it has failed in terms of public housing. It has failed the people of the east and north of Melbourne.

The evidence speaks for itself. In the eastern and northern regions there are nearly 1600 more families on the emergency waiting lists for public housing than when Labor came to office in 1999 — 436 more families in the east and 1157 more families in the north. These are only the increases in early housing lists since Labor came to power.

Agencies in the local regions are completely aware of this terrible situation. When government members come into this place and try to lecture the opposition about their commitment to social justice, I wish they would have a look at the blow-outs in these figures and tell the 1600 extra families in the east and the north how committed they are to social justice and how much better the social justice indicators are under the Bracks government. They are clearly not! There is no doubt that this government has failed in its responsibility to people on low incomes who desperately need public housing. The sector knows it and the community knows it.

Eventually the Bracks government will have to acknowledge that there is something terribly wrong with its approach, and it will have to change it if it wants to retain the confidence of the people it claims to represent. But what have we seen in terms of funding for public housing from this government over the last three years? In 2002–03 public housing stock capital expenditure under the public sector asset investment program was $196.8 million; in 2003–04 that figure went down dramatically by about $100 million to $99.2 million; in 2004–05 the government lopped off another $30 million, and it is now $69.5 million. They are the final total expenditure figures for each of those years.

Does that sound to any member of this place like a record achievement in public housing? It actually sounds to me and to the sector like this government is disinvesting in social infrastructure. It is slashing social infrastructure and pulling money out of the sector at a rapid rate of knots — $30 million in just the past 12 months! The government is cutting while the waiting lists are exploding. It does not seem to make sense from a policy perspective for the government to be, on the one hand, talking about its great commitment and the wonderful things it is doing for public housing while, on the other hand, ripping the guts out of the sector at the same time. It is ripping investment out of the sector.

Mr Viney interjected.

Hon. A. P. OLEXANDER — Mr Viney, I will take up that interjection — —

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! The member's time has expired.

Hon. A. P. OLEXANDER — Later!

Mr SOMYUREK (Eumemmerring) — I rise to make a contribution to the debate in support of the Housing (Housing Agencies) Bill 2004, the main purpose of which is to amend the Housing Act 1983 to provide a regulatory framework for the non-profit rental housing agencies serving the needs of low-income tenants.

At the outset I will speak on a couple of the points Mr Olexander made. He claimed that the number of people on waiting lists has gone up since the Bracks government came to office in 1999. We vigorously dispute the statistics he quoted.

Hon. A. P. Olexander interjected.

Mr SOMYUREK — Hang on! The statistics show clearly that on 19 June 1999 there were 46 000 people on the waiting lists, and in September 2004 there were 35 000 people on the waiting lists. That is despite the fact that migration into Victoria increased the population, so that is a fair reduction in the waiting lists. The figure referred to by the opposition includes transfers between different homes by ministry tenants, so the wrong statistics have been quoted. The bottom line is that the figure has gone down from 46 000 people to 35 000 — that is some achievement. In relation to the early housing statistics, what used to be in place for the early housing — —

Hon. Richard Dalla-Riva — On a point of order, Acting President, the member is debating the figures for

things that are not relevant to the bill before the house, and I ask you to bring him back to the bill.

Mr Viney — On the point of order, Acting President, this is a wide-ranging debate. The previous speaker raised the issue of waiting lists both in his own region and more generally, and the member on this side is responding to that part of the debate. I ask that you rule that there is no point of order.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! There is no point of order; it was frivolous. I ask the member to resume.

Mr SOMYUREK — I will not say it was obtuse. I am responding to the issues raised by the Honourable Andrew Olexander. I think it is appropriate that he get a response. I am paying him some respect by answering some of his questions.

As far as early housing is concerned, what used to be in place was the rents market test, which was a dehumanising experience for potential tenants. It involved their going around to various real estate agents, applying for about five or six properties and being knocked back, rejected, on all of them. The real estate agents then had to stamp forms stating that these people's applications for early housing had been rejected. The criteria were very stringent. As I said, it was humiliating and dehumanising. The fact that these people were after early housing, or quick housing, should not have meant that their dignity was destroyed in the process. I congratulate this government on getting rid of that process, but I accept that as a result of that early housing applications have probably blown out a little bit.

Hon. Richard Dalla-Riva — You just said they had not.

Mr SOMYUREK — Early housing, Mr Dalla-Riva! It is frightening that Mr Dalla-Riva has spoken on this bill — he does not know the difference between early housing and waiting lists. He spoke on this bill for 15 minutes, but that is an indication of what Mr Dalla-Riva knows.

This legislation is mainly due to the significant and to some extent groundbreaking investment of $70 million this government is making in the expansion of affordable housing through strategic partnerships with the non-government, not-for-profit housing sector, with the establishment of housing associations and greater engagement with private financiers.

Housing associations will be able to attract funding from private sector sources, so the government's investment of $70 million will be leveraged and the housing associations will be able to deliver more housing units than the government have had it invested the money directly into purchasing housing stock of its own. Therefore the regulatory framework is required to protect private sector financiers that will be investing in social housing through the system. The regulatory framework is also necessary to protect low-income Victorians who will be tenants in the properties owned by the housing associations. Many community agencies are receiving state government funding and managing state government assets, and it is proper that they be accountable through the framework. I understand that it is the government's intention that eventually all community housing providers will be regulated under this particular framework.

It is important to stress that housing associations are not intended to be a replacement of public housing, which will remain the cornerstone of housing assistance, and that public tenants' conditions, tenure and rents are not affected by the legislation. However, it will give low-income Victorians access to new and additional affordable housing. This is part of a commitment that the government made to the electorate as part of the affordable housing policy announced before the last election.

As someone who grew up in housing commission accommodation, I understand the importance of low-cost housing to low-income members of our community. Certainly the Dandenong district of Eumemmerring Province is a socioeconomically depressed area. It is an area of need and one of the greatest issues in Dandenong is housing. My electorate office probably has two housing issues coming through it a day, or maybe every second day — that is, an issue a day.

Hon. Bill Forwood — Is that one a working day?

Mr SOMYUREK — Maybe one a day. One reason that that is such a problem in Dandenong is that people who have traditionally lived in the inner city — in places like Collingwood, Carlton, Fitzroy and such suburbs that have become gentrified — have been priced out of the property market in those suburbs. They have been migrating out of the inner city and Dandenong is probably the area closest to the city that they can afford. The advantage of Dandenong is that it has in place services to be able to cater for the needs of those people. For example, we have a great transport system and transport husbands employment. Dandenong is the manufacturing hub of Australia, producing about 40 per cent of the national output.

Pressure is also coming from rural areas such as the Latrobe Valley. People migrate towards the cities due to lack of employment opportunities. Dandenong is the closest they get to the city before they start facing higher rental costs. Again the services and employment opportunities in the region make Dandenong a good option for those people.

Another pressure comes from the fact that Dandenong takes in the most refugees of any area in Victoria. All of them have housing needs, naturally, because they have just come into the country, but they also have unique housing needs. The latest refugee group seems to be Sudanese, whose families are large. We do not have much five-bedroom accommodation. The families need almost two houses and that is an issue that we also need to tackle, but that is beyond the scope of this bill. All these pressures combine to make housing a major issue in Dandenong.

The neighbourhood renewal project is another example of the government having done some good work in investing in public housing stock. That project not only upgrades existing public housing stock but also focuses on improving local job opportunities and the built environment. The Doveton-Eumemmerring neighbourhood renewal project is the first formal partnership between a municipality and the state government. The Bracks government has contributed some $1.6 million to the project and the City of Casey has contributed $1 million. The partnership is working quite well at the moment. Most of the state government's contribution — $810 000 — has gone to the upgrade of existing housing stock in the area.

In conclusion, housing is a very important issue. It is unacceptable for a country as rich as Australia to have large numbers of citizens homeless. The bill addresses some of the housing issues in this state. I commend the bill to the house.

Ms BROAD (Minister for Housing) — I reiterate that the bill sees the culmination of a substantial body of work to establish the platform for delivery of more housing, particularly more housing options for low-income Victorians, including those who are most vulnerable in private markets where rental and mortgage payments have been subject to sustained increases.

Importantly the bill delivers on an election commitment by the government to increase the supply of housing for low-income Victorians. In particular it establishes housing associations and provides the important regulatory framework for non-profit housing providers to participate as partners with publicly managed housing in meeting the needs of low-income Victorians. This initiative of the Bracks government is supported by a budget commitment of $70 million over four years to establish the foundation for growth.

I would now like to deal with some specific matters raised in the course of the second-reading debate. Firstly, in relation to a number of matters raised by the lead opposition speaker, the Honourable Wendy Lovell, the government has repeatedly assured rental housing cooperatives that it is far from the government's intention to close them down. In fact it is the government's very keen intent that they register as housing providers under the new legislation once it is in place, and they are invited to do so. As we have repeatedly said, the other matters that rental housing cooperatives will need to address in accordance with the new framework, including future funding models, will be the subject of further discussion with the rental housing cooperatives by the government and we look forward to that discussion in the coming months following the proclamation of the legislation.

Secondly, the government is certainly aware of the concerns expressed by the Tenants Union of Victoria, but it does not share its view that the safeguards provided are inadequate to ensure that properties will remain for the purposes of affordable housing. It is important that these amendments be read in the overall context of the Housing Act 1983. The government believes adequate safeguards are contained within the act. In relation to the important matter of the performance standards, the government has already invited the tenants union, together with other significant stakeholders, to be members of the reference group which has been formed for the specific purpose of drawing up the performance standards. We are very keen to have the input of the tenants union and I have already had discussions with it along those lines.

The matter of the release of modelling work was raised by a number of speakers in the second-reading debate. The reason I gave previously, and which I am happy to restate in the house, for the government's not having made that work publicly available is that it is important that prospective housing associations demonstrate a viable business case and do not rely on government modelling. The government has followed a formal process of registration of intent which prospective housing associations have had to participate in, and it would have undermined that process to give them access to government modelling. That is the reason it has not been done.

I will take this opportunity to respond to a number of matters raised by the Honourable Damian Drum in his

contribution. In relation to the powers of the registrar to intervene, those are strictly limited to circumstances where the agency is unable for some reason to meet the performance standards or the registration criteria and where the agency has not responded to a recommendation of the registrar in respect of an appointment to the board of the agency in the above circumstances. It is the government's expectation that most agencies most of the time will choose their own board structure through normal democratic processes. However, they will need to ensure that the board members possess a good balance of skills such as financial management, property management, tenant involvement and participation, as well as an interest in community housing. In summary they are the sorts of skills everyone would want to see represented on the board of a housing agency.

Secondly, it is expected that cash or other assets provided to housing agencies or housing providers by communities will form part of the provision of properties for low-income Victorians, so that as a result in many cases there will be a mix of funding sources, including funds from the director of housing. In those cases the provisions relating to protecting the director's interests would protect those public assets. Of course if local communities or community organisations make their own contributions to housing providers, it is always open to those organisations to establish the conditions for those contributions in the same way as the government, through this legislation and through the director of housing, proposes to place conditions on public contributions. Those are matters for the community and the providers to work out between themselves.

Thirdly, communities which currently own and operate affordable housing and wish to seek access to further properties may certainly do so by partnering with housing associations which have access to government funding or they can seek to register as a housing provider in their own right. Both those avenues are open to them. In those circumstances the existing properties owned by the community agency can remain in community ownership or can be transferred or leased to the housing association. Those are matters for the community agency and the housing association to work through. The important point is that at the end of this we see more stock on the ground for low-income Victorians.

There are many existing arrangements — for example, through the social housing innovations project — where councils which have contributed resources in the form of land and other arrangements have ensured that over a period of time those community assets will come back to them. They are protected in that way, and we see that similar arrangements can be entered into in the case of housing associations.

In concluding my reply I wish to commend the bill to the house. I look forward, as I believe many speakers in this second-reading debate have indicated, to this new model providing more affordable housing for Victorians on low incomes who need access to affordable housing into the future.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

I thank honourable members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

TRANSPORT LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 14 December; motion of Ms BROAD (Minister for Local Government).

Hon. R. H. BOWDEN (South Eastern) — I rise to make a contribution to the debate on the Transport Legislation (Amendment) Bill. This is by no means an unimportant bill, because it contains several important initiatives which the government has put into the legislative process, and not all of them are moves the opposition is comfortable with. I have been in this place for many years now, and in general the then opposition used to complain about the use of omnibus bills when the Kennett government was in office. This is a classic omnibus bill, because it will significantly affect 11 acts of Parliament and make notable amendments to them. A characteristic of omnibus bills is that they contain many clauses relating to different acts, and this one certainly does that. There are some good things in this bill which are supportable, and there are other things which are cause for real concern.

The government's departure from the spirit of the transport provisions affecting heavy vehicles is a concern. It has departed from the spirit of the approach and there are people in the heavy vehicle industry who are quite disappointed with the approach the government has now taken. As a matter of fact, they are not at all comfortable with the limitation on the reasonable-steps defence for operators and drivers and the extension of the penalty aspects of the provisions in this bill. It is not easily understood why the state government would depart from the spirit of a negotiation entered into over a long period of time by very responsible operators with national inputs. Victoria is now going its own way on this, and the evaluation of several members of this house is that it is not a very comfortable approach. The bill extends the chain of responsibility to mass dimension and load restraint offences and appears to be taking a punitive and zero tolerance approach. I think that is wrong.

It is regrettable that the government has broken with the spirit of the negotiations which have taken place, but we will cover this later. It is my understanding that we will be going into committee on this bill and those aspects and questions will be attended to then. We in the opposition are not happy about this move.

There are aspects of the bill that I would like to suggest to honourable members are supportable and logical and, in terms of community expectation, quite supportable. It is very interesting to look at the second-reading speech. It is an unusual second reading inasmuch as it is comprehensive and at the same time relatively clear. Not all second-reading speeches are comprehensive and clear. This one is in the better category, so as we move through the debate honourable members may want to obtain a copy of the second reading and have a look at that.

I would like to cover several aspects of the bill. In the transport area, apart from my earlier comments, the bill extends the minimum periods for people who have been convicted for a second time under the drink-driving legislation to fit interlocks and thereby comply with the law. A Magistrates Court can now extend the period so that the fitting of an interlock device for those committing a second offence can be extended from six months to three years.

The positive aspect of the legislation is it will further impress on the offenders that the use of interlocks will give them mobility, the reminder that the use of interlocks is important, and that they are a constant reminder to offenders that the community takes a second conviction for drink-driving extremely seriously. I believe the extension of time over which interlocks are now required to be used is supported and is one that in general the community would feel is a positive contribution to road safety.

In this bill Victoria Police is enabled to issue parking infringement notices for municipal areas where penalties have been prescribed but then changed in the municipal regulations and by-laws. I would suggest to honourable members that there could be circumstances where two different levels of penalty could apply to parking offences or other infringement situations but this bill clarifies the situation so that there can be no doubt, once the bill passes, that Victoria Police officers can issue an infringement notice. It will be of secondary importance whether the financial penalty under that infringement notice happens to be identical to the prescribed penalty. The bill gives Victoria Police the power to take that action. That is a positive and clarifying move and will assist the orderly flow of traffic and the required positive safety arrangements for traffic.

The bill has departed from the recommendations of the Road Safety Committee. When it comes to the consideration of licences for drivers aged 75 or over, the VicRoads practice of having a three-year licence will be continued. It is possible now for any driver aged under 75 to have either a 3-year or a 10-year licence, but the bill provides that upon attaining the age of 75 a Victorian motorist will be able to apply for licence renewal only for three years. That was not the recommendation of the parliamentary Road Safety Committee, and I will return to that in due course.

Victoria has a vehicle securities register for the protection of assets. This was put in place several years ago to assist the tracking of offences, to minimise offences and the illegal seizure of vehicles. I understand that the register has worked quite well. It has been helpful for owners of vehicles, for the policing authorities and for the finance industry because the assets are important. Generally speaking the purchase of a motor vehicle is the second most important and expensive purchase most people make — after their purchase of a family home and accommodation arrangements — so in broad circumstances the vehicle securities register is well regarded.

This bill will change an aspect of that to help the motor industry be more efficient and to facilitate the administrative processes involved in the acquisition and transfer of vehicle titles and vehicle registrations. It will reduce from 14 to 7 days the time in which the application must be made for cancellation of a registration entry. In those seven days a motor dealer can now improve the cycle involved in his

administrative paperwork. I think that is a good thing and I support that provision. It will give motor car traders the ability to expedite accommodation of their customers. We understand that the industry welcomes that, which we support.

The CityLink operation has been in place for several years. One could dwell on some aspects of CityLink, which I will not. I point out that a journey from Dandenong to the Melbourne Airport at many times of a typical week is not meeting the total time expected for the cost benefit that has been touted by CityLink from time to time, but that is not part of the bill.

The bill will enable those infrequent users of CityLink, and those who may be visiting from other states or from country Victoria, to receive the charge applicable for that service in the form of an invoice rather than an infringement notice. Thankfully reports and statistics indicate that the actual misuse of CityLink is less than 1 per cent. It has been suggested that it is 0.7 per cent by volume of vehicles that use CityLink. As we know, the community of Victoria is a law-abiding, conscientious group of people. The 0.7 per cent detection rate of people using CityLink without specified approval is low, which is gratifying.

There are many people who through genuine mistakes and honest lack of knowledge of the CityLink arrangements use CityLink, and it is a positive feature of the bill that they are able to receive that notice and request to pay on an invoice basis. There is a mechanism in the bill that if that concessional and helpful approach is not accepted by the person concerned, the infringement process can be triggered with other aspects of it. The arrangements for people who inadvertently use the CityLink facilities are acceptable.

One aspect of this omnibus bill that is puzzling — and it may as well be in this bill as any other bill — is the rolling-stock matter. There will be contractual differences between manufacturers of rolling stock and the public transport operators, which I would have thought would be routine commercial, engineering and marketing difficulties. There is a mechanism in the bill that where disputes arise between producers of rolling stock and engineering qualifications in relation to the suitability of rolling stock for the accreditation of rolling-stock operators and so on to be adequately consulted and decisions to be made.

The Secretary of the Department of Infrastructure has the ability to ensure that the disputes and circumstances causing difficulties can be resolved if there is a deadlock between the producers and operators within the system. Access and completion of those deadlocks is a good thing and something that we could support.

The major problems the bill presents for consideration by the house are the unusual, extensive and potentially expensive public transport plans where it is necessary to provide for the secretary of the department to approve the public transport impact plans for events that may involve an expected public gathering of 10 000 people or more, or where there is less than 10 000 people expected at an event, to which I shall return shortly. Regrettably from time to time we have all had accidents of one form or another in the use of our vehicles, and often the administration and the paperwork of those insurance claims and resolution of the arrangements that are necessary to finalise those accidents and repairs involve knowledge of the other party and other people involved. It has been the practice over many years for Victoria Police to provide appropriate information about the names, addresses and details of a basic kind of the parties involved in a road accident or other situations where vehicles might have had police attendance where damage has occurred.

It is an important aspect of the insurance industry, and indeed for the people in our state who have vehicle insurance, that the police are able to provide information to help the orderly and satisfactory resolution of claims. It appears that there were doubts under certain legislative arrangements whether Victoria Police officers could or should continue the process of providing information that they gather in relation to accidents and damage to property. The bill makes it clear that the Victoria Police can continue to provide appropriate information to those who have a need for that information, and that is supportable, reasonable and sensible. We are supportive of that and encourage members of the Victoria Police to continue to do the good job they have done over decades in helping the community to resolve insurance matters where motor vehicles are concerned. That is helpful, and we are pleased that the bill clarifies any doubts about whether appropriate information to suitable people can be provided. There are safeguard provisions in the bill that cover the inappropriate supply of information and use of information. The opposition is quite supportive of that measure where insurance claims are involved and where it is necessary to expeditiously cover the impacts of those claims.

I would like to come back to the drivers licence provision. There was a great deal of work done by the all-party parliamentary Road Safety Committee. I refer honourable members to a report by that committee titled *Inquiry into Road Safety for Older Road Users*. This document is from the parliamentary library, and

the report is dated September 2003. Mr Stoney is extremely excited and enthusiastic about the good reputation of that committee, and justly so.

In its report the Road Safety Committee recommended that from 65 years of age up to 80 years of age there should be a five-year renewal, and that then there should be a two-year renewal process from the year 80 onwards. That recommendation is quite interesting because it was the result of an all-party committee which did extensive research interstate. It travelled and consulted widely, and its recommendation was put forward after a lot of consideration.

The government's response to that particular recommendation is provided in a document titled *Government Response to the Report of the Road Safety Committee of Parliament on Road Safety for Older Road Users* dated April 2004. The state government came back with the formal response of, 'No, we do not accept that; we have an alternative,' and it is contained within the bill. The bill provides that from 75 years of age onwards licences will be available for three-year periods; and up to 75 years of age the licence arrangements will continue as they are at present, with which we are familiar.

It is a fact that the representation of older drivers and older passengers in vehicles is quite high; and we take, as everyone does, the incidents of injury and death very seriously. It is regrettable that older people are represented in the statistics at a much higher percentage of death and injury than we would like to see.

Balancing the regulations and the laws is extremely difficult because we should, as we do, encourage mobility and self-reliance; and as long as people are physically able to drive safely, with their full faculties, they should be encouraged to do so. The government's response of a three-year program is somewhat worrisome because the Road Safety Committee took a long time and covered a lot of research before it made an important recommendation, which was not accepted. That is cause for considerable reflection — and I have detailed what that recommendation was.

In the information available to me from the inquiries I have made, it seems that the reason for the government retaining a three-year approach from 75 years of age and beyond is simply to conform to the present practice of VicRoads. That is my understanding. The opposition would not be happy if the recommendation of the joint all-party parliamentary committee was rejected because it was bureaucratically inconvenient for VicRoads.

The key point is that we have to do what is in the best interests of safety, fairness and mobility, and the good, safe use of motor vehicles; and it is not a good enough reason to introduce the three-year situation, which I have explained here at length, just because it might be administratively convenient to a government department — if that is indeed the reason.

It was suggested in the parliamentary process that it would be a good idea if the licence renewal document involved the driver in a self-assessment process, and this was considered at length. All in all we are a little concerned at the non-acceptance of the parliamentary committee's work, and feel that the three-year arrangement has not been fully explained.

I want to come back to an item I mentioned earlier on, and that is an issue under the general heading of public transport plans. This is quite controversial. The bill refers to a public gathering or a festival or other event involving two levels or groups of people — one is 10 000 people or more, and the other is less than 10 000. A reading of the bill would suggest that public transport plans will apply to both large and small groups of people. But I cannot find in the bill — and I would welcome someone pointing this out to me — an accurate description of what is a small group and whether it is less than 10 000. This is cause for real concern. In the bill a fee is required for a small group — be it 25, 50, 150 or 1000 people — and I find that approach of the requirement of a fee and a plan, where the director of public transport is required to have advance notice of 120 days of this group being assembled in a public area, quite bothersome. It appears to be very bureaucratic; it appears to involve quite substantial penalties; and then there is the fee process.

For a group of scouts, a small group from a school, or a group of sporting enthusiasts wanting to go into a public area and walk down a street or do something else where there is the possibility of interaction with a public transport facility, it would be somewhat of a worry, because it would mean that the organisers of such events would have to give — in the smaller group category — 120 days notice, develop a plan, work with the department and react to and interact with communication, and then pay the fees involved. I think this is a cause for very great concern.

The public transport plans mean that if there is to be a public demonstration by a union group or by some group concerned about some social issue — and that could be over a wide range of issues — then the organisers must, under this legislation, give the director 120 days notice and provide information of a quite detailed nature. I think the expectation that minor

groups are to give 120 days — or four months — notice of an event, where there could be the remotest possibility of interaction with public transport, is cause for concern.

Over the years at Parliament House we have seen many a demonstration at the top end of Bourke Street. I suggest to honourable members that whether the numbers were 10 000 or more, which requires 150 days notice, or whether they were 10 000 or less, which requires 120 days notice — probably all those demonstrations would not have complied. I wonder whether it is an accidental incursion on the right to gather, the right to publicly associate and the right to demonstrate under appropriate circumstances and under respectable and legitimate arrangements. A literal interpretation of the clauses that affect the public transport plans would indicate — and I will be helpful and generous — that this is not the government's purpose. I suggest to government members that the practical result of these public transport plans might, to a large extent, not only be a bureaucratic and administrative problem, but also cut back on the use of public association and public gatherings for peaceful and social purposes.

The undertakings required in the bill to notify of arrangements in such advanced time frames, to pay a fee, and to meet all those requirements, is cause for significant concern. Do they apply to a school group going to the zoo? Do they apply to a peace parade? Do they apply to groups which want to express religious views and celebrate important religious events in our very successful multicultural community? Where those events interact with the community and public transport facilities, and so forth, the administrative burdens of this bill are quite significant and, with respect, I think quite severe.

I have covered most of the major items. I would like to mention an aspect of clause 48 of the bill, which addresses the issue of drivers of taxis and hire car operators being able to legally drive in, operate in and take fares along the border region of Victoria. Representations to the opposition have suggested it would be helpful if the government could clarify and give an undertaking that there will be a helpful, reciprocal arrangement with the New South Wales government so that Victorian taxidrivers, hire car operators and people licensed to drive appropriate commercial passenger vehicles can legally have that reciprocal right in New South Wales. The bill is silent on that issue; it generously gives that concession to people from New South Wales and other states but it is silent on the issue of what we get in return. In the committee stage I will be asking the minister to help members understand what the arrangements are.

I want to return to a point that I made in the early stages about the transport arrangements. The opposition went to considerable trouble to consult many companies and organisations in the transport field such as the Victorian Farmers Federation, the Livestock Transporters Association of Victoria, the Victorian Automobile Chamber of Commerce, the Motorcycle Riders Association, Yarra Trams and Bus Association Victoria — many organisations. One of the issues I really want to take up is the extension of the chain of responsibility to the principle of mass, dimension and load restraint offences.

There are situations where road transport operators of heavy vehicles do their best — they go to the wharf, they pick up the container, the documentation is given to them in good faith by people in the industry, and the documentation is legal, genuine and honest — yet for very minor reasons they might not strictly comply with the letter of the law regarding the necessary load limits, weights or precise dimensions. From reading the second-reading speech and a consideration of the bill, I am concerned and suggest to honourable members that the appearance of a zero-tolerance approach is not helpful or efficient.

For the purpose of this debate I would like to make it clear that we are not for an instant condoning the breaking of the law. We are not suggesting that penalties should be waived where there is a deliberate flouting of the regulations. We are not suggesting for a moment that people who take advantage of the road regulations should be given an easy time. However, there are many circumstances where the operators, drivers and owners of transportation businesses act in good faith, and I think the term 'reasonable steps' is an adequate defence. I suggest to honourable members that in rural areas at harvest time there are situations where the wheat trucks go out into the fields and it is impossible to determine accurately — to the finest percentage — that a wheat truck is only loaded to the maximum.

It may be technically breaking the law by a few kilos — 100 kilos or a very small percentage — but I would hope that the provisions of the bill are understood and applied in a sensible and helpful way to industry, the farming community and livestock transport, because if a zero-tolerance approach and a strong, revenue-driven approach were taken — and I am not saying that is the reason for the bill — and an over-officious interpretation of the bill were to be applied, that would be unhelpful to our economy and to the transport

industry. It would be a disadvantage to our economy, and quite frankly it would be self-defeating because over a period of time the law and the regulations would be subject to severe criticism and not respected — and we need to have laws respected.

As I said at the beginning, this bill contains some major provisions, and some provisions are quite supportable. It is a significant bill. It brings enhanced powers of a notable kind to the policing and management of the heavy transport industry. We are not comfortable with the approach the government has taken to the extension of the chain of responsibility to the issues I have talked about — mass, dimension and load restraint offences. We are not comfortable with the suggestion in the second-reading speech that the thrust of this is to control, regulate and so forth — that is necessary but it appears heavy handed. We are disappointed that the spirit of the model legislation that was the subject of considerable discussion by responsible and serious operators in the transport industry was not accepted by the government of Victoria. We wish it had been. So far we have not had an acceptable explanation as to why Victoria has gone it alone, particularly with the harsh provisions and penalties that are contained in the bill, and in the near future we will be asking in committee why that was so.

We are not opposing the bill. I have illustrated some of the things we are supporting, some of the things we are uncomfortable about, and in relation to the transport part of the bill, what we are disappointed with. With those words I conclude my contribution.

The Nationals amendments circulated by Hon. B. W. BISHOP (North Western) pursuant to sessional orders.

Hon. B. W. BISHOP (North Western) — The Nationals are delighted that the government in the other house picked up and put in place a couple of our amendments. One was to make the bill somewhat more sensible with respect to penalty defences and penalties. The other one came about because we found as we went through the bill that one particular clause was in conflict with another. We thank the government for picking up our two amendments. We have more that we will present in the committee stage, and we invite the government to do the same and accept those.

On behalf of The Nationals I am pleased to speak on the Transport Legislation (Amendment) Bill. There is no doubt about it — this is a real omnibus bill. We are critical of the fact that an omnibus bill is used to amend some very important legislation, particularly in relation to the heavy transport industry. We would far sooner see issues of such importance dealt with in a separate bill so that we could get a tighter focus on those provisions than is possible with an omnibus bill. We are quite concerned that this Victorian bill has drifted away from the model bill that was debated amongst ministers and others some time ago. As others have said, it goes across 11 acts. I will not bother listing those 11 acts, but it is a real grabbag. You might say to yourself, 'I wonder why those issues were not dealt with before?'. We seem to be running over the top of legislation we have dealt with in the past. However, as it requires being tidied up, so be it.

The Nationals have consulted widely, as is the case with every bill we look at. On this bill we have received enormous support from Neil Gow, the national manager for government relations with the Australian Trucking Association. Neil was really handy. He was right on top of the bill. He had been through the model bill and had a tremendous knowledge of the trucking industry and the legislation. Certainly our job would have been a lot tougher without his expert assistance. We thank him very much for that. He also brought along to one of the meetings John Beer, president of the livestock transporters. John was good too because he put his perspective quite clearly from that area. The Victorian Farmers Federation (VFF) has been good because of its promotion of its grain harvest transport scheme.

We consulted with many others on our way through this bill. One I would like to mention is a trucking operator from near Mildura, Ken Wakefield, who supplied the technical details we needed to back up some of our arguments. Of course David Cumming from the Royal Automobile Club of Victoria is always good value and ready to give some advice on particular issues. There is one person I would like to thank very much in my initial remarks — that is, Clay Manners, The Nationals' policy adviser. Clay has done a great job on this bill and has certainly made it much easier for those of us who have the task of standing up in the house representing the party on this bill.

As I said, the bill is a grabbag of amendments across 11 acts. It starts off with the Chattel Security Act. The bill reduces the period in which the discharge of a registered security must be reported from 14 days to 7 days, which will speed up the processes.

The bill makes a heap of amendments to the Melbourne City Link Act 1995. You could spend half a day in this house going through them, but I have no intention of doing that. One of those amendments, however, is a good idea. If a person happens inadvertently to get on to CityLink or goes on the system with no e-tag or

pass — and it can happen quite easily — they can be sent an invoice to clear the matter up. I think it is a good, practical and sensible way to go. It will be of advantage to country people who may come down to Melbourne from time to time and find themselves on the CityLink without an e-tag or pass.

It was interesting to pick up that one of amendments says it allowed the 'regulation of the conduct of people on roads'. We wondered what that meant. The answer we got from the officers during the briefing was that if someone was vandalising roads there were regulations to handle that.

Mr Bowden spent some time on another interesting issue — the amendment which allows people over 75 to have a licence issued for a period shorter than 10 years. Certainly in the briefing we were told that it would be three years, but when I read the bill I could not see the term 'three years'. The bill just says 'for shorter terms than usually apply'. Perhaps someone in the chamber can show me where the term 'three years' appears in the bill. I cannot see it. Perhaps it might be explained in the committee stage.

I would like to spend a few moments on the particularly interesting issue of older drivers, which quite often causes strong and sometimes emotional debate. It is a very important issue in rural areas because if our 75-year-old and older — or younger — residents do not have access to a drivers licence and have no access to other forms of transport that makes life very difficult for them.

The Road Safety Committee, of which I am a member along with the Honourable Graeme Stoney and the Honourable John Eren in this house, had a reference to look at the issue of older drivers. It was a fascinating task and one I enjoyed very much. I believe the committee did an excellent job. If any member has the time the committee's report is a large document but has a lot of basic and good practical commonsense in it. The committee looked comprehensively at the issue of older drivers, including what happened throughout Australia. The statistics indicate that older drivers are more exposed to accident and injury than younger drivers, but the statistics are a bit tricky. The bottom line is that often people over 75 years are more frail and therefore more likely to be injured or even killed.

The Road Safety Committee heard a huge amount of evidence on that reference. It heard from lay people and highly skilled professionals. The committee looked at all the issues, including dementia — a tough issue for older drivers — and the effects it has on older drivers. The committee came to the view that older drivers self-regulate. They know when to go to the bank or the shops or to entertainment. They go when there is less traffic and it is easier for them. The committee's recommendations were developed after some pretty tough debate, which I am sure many members of the committee would remember. I strongly believe it came out with the right balance between safety, access and mobility issues. The committee debated medical testing. It was a good debate, and again I say I believe the committee made the right decision.

The committee took the view that the 10-year licence period was too long for older drivers. After a lot of consideration, and I mean that, the committee recommended that for people aged between 65 and 80 years a driving licence would be available for a five-year term but after 80 years it would be issued every two years. There was a very good reason for that. From 65 years onwards, possibly even before that, there are substantial changes in eyesight and in many cases some early signs of dementia. The thrust from the committee was for self-assessment. It does work, and we have seen it work. We believed it was fair and reasonable for it to start at 65 years. We believe that unfortunately the government has missed the mark on this — and I do not know why. It has shortened the renewal period for people of 75 years of age or older to three years rather than it beginning after 65 years. I do not know why the government has taken away that opportunity for self-assessment. I have heard it may be something to do with VicRoads administrative sector. I would have thought that in today's world of computers and associated issues that would be a manageable process, particularly when talking about road safety. I am disappointed with that amendment. It is frustrating from the point of view of the committee, which put a lot of work into it and came up with a good recommendation which was basically ignored by the government when it had the chance to pick it up in this bill.

The Nationals support the amendment provided that the period for which the installation of an alcohol interlock machine is a condition of a licence being extended from six months to three years if it is a second offence. That is a good idea. It will increase the transparency of the operation and should work much better. A number of other amendments are sensible and give more flexibility.

I want to comment on the amendments to the Transport Act set out in clauses 46 and 47 of this bill. These provisions give the secretary of the department the opportunity to ensure access in relation to accreditation. It is an interesting part of the bill. The Nationals

thought the amendment was reasonable. New section 115A, which is inserted by clause 46, states:

> ... the Secretary may accredit a person as an operator of rolling stock even though the person does not have the agreement referred to in that section if the Secretary has directed the person ...

The Nationals have argued for some time that rail access is quite limited. During the briefing it was clear that that sort of wording in the provision could create some good precedents. I know it sounds simplistic, but it seems to us that if you swap the word 'accreditation' for the word 'access' it would help to lift the competitiveness of rail in Victoria. I am sure the house is well aware of The Nationals concern that the government has shown great inaction in relation to rail access.

Hon. J. M. McQuilten interjected.

Hon. B. W. BISHOP — I beg your pardon! As I said, The Nationals have shown great concern about the government's inaction over rail access during the recent sale of Freight Australia to Pacific National. We called on the government clearly and often in the open to buy back the track lease because we believed that would increase the competition available in Victoria.

We have seen the lessees, the people who lease the track, use blocking tactics to stop other rail operators getting on the track. The Nationals appeal to the government to have a decent look at that provision and see if it could put it in the Transport Act, which would alleviate a lot of the difficulties we are having now. I could speak in great detail about that, but if government members are fair dinkum, they might have a look at it and put it in the Transport Act, which would certainly alleviate a lot of the difficulties our rail operators have. They would like to have access to the rail track, but certainly cannot under the current provisions.

Before moving on to other issues I want to touch on clause 53, which says in effect that if an event is likely to disrupt public transport, the director of public transport must be notified and a plan and a fee may be required. David Cumming from the Royal Automobile Club of Victoria was kind enough to respond to us on that issue. He wrote:

> However, one area that has the ability to make life difficult for some is part 10, division 10 — 'Events Affecting Public Transport'.
>
> It seems a lot of trouble to go to and may impact on areas such as community groups, the RSL et cetera.
>
> The government needs to guarantee that community events will not be impacted if the group cannot afford or has not had the ability to provide a public transport plan.

Certainly some concerns have been raised about that, and I invite the minister in the summing-up period or during the committee stage to make some comments on that — that is, penalties, how it will recover losses and whether there is any right of appeal. The Nationals could not see that in the bill, so that might be something the minister could pick up during that time.

I move to clause 41 of the bill, which adds new parts 10 and 11 to the Road Safety Act 1986. This clause deals with the chain-of-responsibility concept in this bill, or extends it from what it has been in the past. The first amendment of The Nationals would be to insert a new part 12. This part would contain proposed section 227, which concerns the Victorian Farmers Federation's grain harvest transport scheme, but I will come back to that later. The Nationals support the chain-of-responsibility concept, but believes this concept must be fair and reasonable, must be practical and must have a national thrust. It must have a national thrust because the house is well aware that the transport industry, which is predominantly what we are talking about, moves across borders at will, and that interstate transport has become highly efficient and highly necessary for this nation to survive.

It is our understanding that this bill is not based on template legislation, and I suspect it would have been far better if it had. Template legislation would have meant we would have taken a more national approach to this particular issue, but this has been linked up to model legislation, and that has been put together as a policy decision. I understand that ministers met in May 2000 and had a go at it and then did a further two years work. That work saw the Australian Transport Council approve this model bill in November 2003. What surprises us is that the Victorian Minister for Transport must have taken part in those discussions. He must have been part of the signing off of those discussions, so The Nationals cannot understand why this Victorian bill in this particular area moves away from the model bill when all that process has been gone through. It is interesting to note an extract of the policy document, which, as I said, was signed off on by the transport minister in May 2000. I will quote just one sentence:

> The proposal also provides for some reasonable latitude for unintentional loading error. This is because it is proposed that action is only taken for a breach in this range where the offender has clearly not taken any reasonable steps to prevent the breach.

That flies in the face of what this bill does. This bill rips away from many of our people reasonable steps of

defence. That paragraph in that particular document, which was signed off on by the minister and others, clearly says that some latitude should be given and that there should be reasonable steps of defence. The Nationals translate that to mean that those provisions would be put in place, but they are not, so members of The Nationals are cross about that. We believe that takes away some of the reasonableness and the practicality of the whole bill. Moving away from the model bill also takes away the national cross-border thrust as well.

The Nationals are quite disappointed in that and simply ask, 'Why has the government moved away from the model legislation that everyone has worked so hard for? Why has three or four years of work, or probably longer, gone into the model bill when someone in Victoria has made the decision to be different to everyone else?' Government members made a decision away from the committee that looked at older drivers, which is one issue, and now they have made a decision to move away quite dramatically from the model bill. Is it the minister or the people who are advising the minister? What are they doing? Are they trying to prove a point and that they know more than anyone else?

Everyone knows, or ought to know, that we need some leniency and a bit of latitude in the transport industry, because every now and then an unintentional overload occurs. It sometimes occurs, but I am sure they are not big overloads. It is very difficult to load exactly to the mark, and that is why The Nationals have a very strong view that reasonable steps of defence should go right through this bill, and they do not in total. Some people are excluded from it, and that is most unfair.

The transport industry is a sophisticated, powerful and very efficient industry. I suggest to the house that the cowboys have gone from the industry because they would not survive in the tough, competitive conditions that people work under today.

Hon. R. G. Mitchell interjected.

Hon. B. W. BISHOP — Mr Mitchell laughs.

Hon. R. G. Mitchell — Why don't you laugh? I reckon you have no idea.

Hon. B. W. BISHOP — I spent a day — —

Hon. R. G. Mitchell — Well done! Congratulations!

Hon. B. W. BISHOP — That is the typical attitude of Mr Mitchell. He just does not believe anyone who has any practical understanding of an industry, one in which I have spent a fair bit of time. The transport industry is highly efficient and certainly stays within the law.

I use the example of an area where they grow stone fruit. There might be four lots of pallets. They ring up and the truck driver asks how much the pallets weigh. They tell him, and so he loads four lots of pallets on the truck. He has not got a weighbridge or a mechanism for weighing it, and therefore in some instances there may be a slight overload. Has he got a reasonable-steps defence, or has he not? This bill, if not amended, does not give him a reasonable-steps defence. We do not believe that is fair. It is a different issue if you loaded your truck in a warehouse, where you would have some way to ascertain its weight.

I know that people who cart grape juice in B-double trucks find that if the Baumé, which is the sugar content in the grape juice, varies, it can alter the weight of a load quite substantially. It is very difficult to know that at the time. There needs to be some reasonable-steps defence for those unintentional small overloads. That is why we have, through our amendments, attempted to give operators and drivers, who have been excluded across a number of the areas from reasonable defence, what we believe is a fair go.

I do not want to talk too much about the amendments because we will do that in the committee stage, but certainly amendments 6 and 7 that we will put forward give an opportunity for a reasonable-steps defence across all levels of breaches and operation. We think that is fair and reasonable. Our amendments 2, 3 and 5 simply line up the definition of the masses on these vehicles to what the model bill says. We want to do that simply because we want some consistency across Australia. We do not want South Australia having a different rule to what we have. South Australia may well have said the model bill is a good thing; it has had a lot of consulting and they will go with that, but Victoria could hare off down another path.

Amendment 4 tries to solve some of the difficulty in understanding one of the clauses in relation to weights. It would make it far easier to understand if we put some notes in the clause. The Nationals do not believe there is any point in making laws if people do not understand them.

We had a couple of amendments which the government picked up and utilised, which is good. We wish to insert in the bill through our amendment 9 provisions dealing with formal warnings for very good reasons, an appeal against formal warnings and a withdrawal section as well. We believe they are part of the system in the road

transport industry and should be in this bill. Amendment 10 inserts the Victorian grain harvest transport management scheme into clause 41, provided amendment 1, which tests that, is agreed to.

To conclude, I wish to talk briefly about this scheme. We wish to insert a new part 12 into clause 41. The Victorian Farmers Federation has done a great job in relation to this issue. Ian Hastings who is the president of the Victorian Farmers Federation grains group, Simon Price who is its policy director and many others have done a lot of work in this area. They have lobbied many members of Parliament and sent out heaps of letters supporting this scheme.

There is no doubt that anyone who has been involved in a grain harvest would understand the difficulty in accurately loading trucks in the paddock at harvest time. While I am talking about the harvest, I was saying to my colleague Mr Baxter at lunch that it is a pity this harvest has been very tough. We have had drought conditions and very low yields, and many people are in real trouble. It will probably be the third year in a row that they will not have a positive return. To make it worse, all of a sudden while we were praying for rain all year we are now getting torrential rain across much of the grain belt. I hope and pray that it does not damage the grain, but it certainly has every chance of doing so — Murphy's law applies again!

From personal experience I know it is very difficult to accurately load a grain truck at harvest time; in fact, it is almost impossible. The trucks are not level on the ground; they need to be parked in paddocks that are sometimes rough and sometimes soft underfoot. The trucks can be loaded while they are moving if you are loading directly out of the header and the machines keep moving. There are different weights of grains. There are heaps of reasons why you cannot accurately load a grain truck at harvest time in the paddock.

Even the fact nowadays of auger size — many of the field and haul-out bins now have very big augers — has an effect because when they pound the grain into a truck they push it down much harder than a smaller auger would do. All that has to be taken into consideration. On our farm we have painted marks along the sides of the trucks to make sure we get the loads right, but still it varies. You cannot get them accurately loaded even if you paint the sides of the trucks in different colours for different grains. You can do it all the time, but you will still find it very difficult. Years ago we had a scheme where there was a tolerance of a couple of tonne. It lasted for a few years, but it disappeared over time.

The VFF did something pretty sensible: it looked around for a precedent. It came up with the AgForce grain harvest scheme that was introduced in Queensland. The system has been in place for many years and has worked very well. The VFF has used that Queensland experience in what it has done here. I will not read the whole media release of 25 February 2004 issued by the Minister for Transport and Main Roads, the Honourable Paul Lucas. The heading is 'Queensland Transport gives farmers a helping hand'. One of the paragraphs says:

> Loads are kept to within 7.5 per cent of legal mass, and the good news is that in recent years since the scheme was introduced, the Department of Main Roads has reported a reduction in road damage during harvest time.

Mr Lucas goes on to praise the scheme, which is a joint venture between the Queensland government, Queensland Transport and the farming organisation, AgForce, and it has worked very well.

I point out strongly that this is not an overloading scheme; it is a tolerance scheme. The proposal is open to all, but they must register and must cart that grain to the nearest appropriate receival point. In other words, they cannot load the truck in the paddock and head off 300 or 400 kilometres to a port or something like that. If farmers step outside the confines of what the scheme sets down — and I will go into more detail on that in the committee stage of the bill — there is a stepped process for dealing with them and they can be removed from the scheme and lose that tolerance they have gained. It is a strongly self-regulating scheme and we envisage that there would be more than one receival agency involved, as well as farmers and transporters.

The scheme works very well. Reports would go through to the administrators and also to VicRoads on anybody exceeding the tolerance level. Members of The Nationals think this is a win-win situation. VicRoads officers would not be on the roads all the time: they would not have to be because the reports go back; it is a self-regulating scheme. Farmers can get some tolerances which, as I have said, they need because it is difficult to load the trucks accurately, and roads are certainly protected. Again, I refer to the media release from the Queensland Minister for Transport and Main Roads. Throughout that media release the minister praises the scheme, says how good it is and how well it has worked in Queensland.

This is not a scheme that has been dreamed up by someone on the back of an envelope; it is a scheme that has been in place in Queensland for many years. It is accepted by the Queensland government; it is accepted

by the farmers, by the road management authority and everyone else, and it has worked very well.

To sum up, The Nationals will not oppose this bill. Obviously, we will be moving our amendments in the committee stage. We do not have any trouble with the concept of the chain of responsibility, but it must be fair and reasonable. We are concerned that Victoria has moved away from the model bill and we are trying to put our amendments in place in the interests of the national thrust which we believe is very important. They are also important in the interests of a fair go for the fellows who drive, load and operate the trucks, and the trucking industry itself. I say again that the trucking industry has cleaned up its act and if anyone does not believe that they should go and have a decent look at how the trucking industry works. I have nothing but high praise for it.

The other issue I raise is that this bill is so tough it does away with democracy and it does away with any equitable treatment across the industry. If the government is prepared to accept the amendments The Nationals propose, democracy and equity will be returned. I hope the government takes that on board and sees the reasonableness of the amendments — it has had plenty of time to look at them — and I urge all members to support the amendments in the committee stage of the bill.

Ms ROMANES (Melbourne) — It is with pleasure that I rise to speak on the Transport Legislation (Amendment) Bill, which provides some very useful and commonsense changes to 11 acts, thereby leading to substantial improvements in the transport area.

With respect to amendments to the Transport Act, the bill continues the efforts of the Bracks government to facilitate the safe, efficient and sustainable use of our public transport system. Clauses 19, 46 and 47 deal with accreditation of rolling-stock operators. These amendments prevent the potential for abuse of the rolling-stock operator accreditation provisions, not only in relation to the normal operation of the rail system but also in the context of state projects. If a manager of rail infrastructure is using safety issues to deny access to the rolling stock of an operator, under these provisions the Secretary of the Department of Infrastructure can step in and direct parties to give effect to certain arrangements. This amendment demonstrates that the government takes rail safety very seriously. The necessity to deal with this issue through legislation is yet another example of the shortcomings of the previous coalition government in changing the operation of the rail industry in Victoria when it sold off rail infrastructure and created problems for rail access ever since.

Another major area that has been highlighted by Mr Ron Bowden in his contribution is the public transport plans for special events which are covered — —

An honourable member interjected.

The ACTING PRESIDENT (Ms Hadden) — Order! Interjections across the chamber are disorderly.

Ms ROMANES — As members of this house know, the government has a strong commitment to improving public transport services in Victoria. This has been evidenced most recently with the release of Linking Melbourne, the metropolitan transport plan. Clause 15, which amends section 91, ensures that event organisers give consideration to the likely impact of their events on public transport services and, if necessary, allows the operators of those services to take appropriate steps to ensure proper planning takes place.

It seems to me it is not unreasonable that the government, through this legislation, is endeavouring to require event organisers of large events that are reasonably likely to affect public transport services to apply to the director of public transport through proper notification so that those who are involved with public transport — the relevant council, Victoria Police and transport operators — can be alerted to the possible consequences of certain large events being held. As is outlined in the clause, the director of public transport can, subsequent to receiving such a notification, require that a public transport plan be drawn up and have certain conditions apply to the event. It is not unreasonable that likely affected parties be notified and consideration given to these matters.

In relation to Mr Bowden's comments about the definition of 'events' the bill is clear in that this will only apply to an event as specified in clause 53 which inserts proposed section 193. The provision says it will apply to an event only if:

> ... it is reasonable to expect that the event will require the deviation, delay, replacement, supplementation or cancellation of a regular public transport service provided by a passenger transport company or a bus company.

We are talking about a major disruption. I have sat in this house for a number of years now and every second day Mr Bowden raises issues about people sitting in their cars in congested areas of the city; he asks what can be done. I think he would be the first one to complain if he were sitting in a tram or bus or was in the public transport system when the ripple effect of a

major disruption to regular public transport services impacted on his life. I suspect, however, that he never does sit in a tram, train or bus and therefore would never understand the impact of — —

Hon. R. H. Bowden — On a point of order, Acting President, I am in the chamber, which is obvious, and I resent the pointed criticism that is coming from Ms Romanes. I do not think her comments are relevant to the bill, and I certainly do not want my views on very serious public safety issues in the Cranbourne and Dandenong area to be part of debate on this bill. It is a reflection on me and I take offence at it. I ask you to suggest to Ms Romanes that she ceases being personal and gets back to the bill.

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! I am not prepared to uphold the point of order at this stage. I do not believe that what the member was saying was worthy of a point of order. However, I draw the member's attention to the bill and ask her to restrict her comments thereto.

Ms ROMANES — To get back to the bill, clause 53 deals with public transport plans for a special event that will disrupt public transport. It stipulates a time frame for the giving of notice of a proposed event, but in the event of a demonstration or another kind of event that is held at notice shorter than the 120 or 150 days— —

Hon. J. A. Vogels interjected.

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! Mr Vogels will have his turn.

Ms ROMANES — Proposed section 201, to be inserted by clause 53, provides that alternative arrangements can be made if the time available for giving notice to the director is limited — that is, for an event that has not been well advertised and known about for months in advance. The bill also provides that the director may set a fee for dealing with such public transport plans — but I emphasise 'may'.

The possibility of an event organiser incurring a cost comes into play if the event organiser fails to comply with the provisions of this part of the act and fails to assist the relevant authorities to make appropriate provision and preparation for an event that might disrupt the lives of many people should there be major hold-ups.

As I mentioned before, in an effective public transport system a hold-up in one place is going to have a ripple effect right across the whole system, so it is very important that the various organisations, whether it be councils, Victoria Police or public transport operators in particular, are well aware of any major event that is likely to cause a disruption to regular traffic. This provision is a very important part of the bill.

Under the amendments in the roads area there will be a further improvement in terms of the options under clause 11 for those who drive on CityLink without arranging toll payment in advance. It will be possible under this amendment to receive an invoice in the first instance before moving on to an infringement notice phase. This removes one of the harsher features of the CityLink tolling system, and it continues the Bracks government's innovations for the many motorists who use CityLink infrequently, such as country travellers, interstate visitors and international tourists. I am sure they would much prefer to receive an invoice rather than an upfront infringement notice, and that is a great improvement in service for those drivers to facilitate their use of CityLink without making advance payment arrangements.

In the limited time I have left I want to go to the point about the licence permit periods for people aged 70 years or over. I am aware of the comments made by Mr Bowden about the recommendations in the Road Safety Committee report. I suggest to Mr Bowden that the government has noted, as it does for every parliamentary committee report, what the suggestions were. However, it is the fact that currently licences can be renewed for 3 or 10 years, and rather than moving to add two additional renewal cycles of 2 and 5 years for older drivers, which would then end up creating four different renewal periods in the system, it has been considered more appropriate to have a wider use of the three-year licence. Otherwise the whole licence system would need to be reconfigured to accommodate those two additional renewal cycles. The proposal therefore in the amendment is to change the current licensing requirements to provide greater opportunity for self-assessment by offering drivers aged 75 years or over a three-year renewal period. This puts a little bit more pressure on the older drivers to consider their situation but does not make it unnecessarily complex in terms of too many options for renewal periods in the renewal system.

VicRoads is reviewing the information currently provided with the licence renewal notice to bring to the attention of drivers their obligations and the significance of medical conditions to facilitate self-assessment. It will also investigate the most cost-effective way of making that information available at the time of licence renewal. That is a very important initiative on the part of VicRoads because I am sure

members of this house will be aware that a lot of people whose medical condition may be deteriorating in different ways sometimes are not aware of the impact that might have on the things that they do, particularly when they are driving a vehicle. Driving has implications for others on the road and therefore it is important that the impact and effects of perhaps changing eyesight, hearing, or mobility and movement can all affect the capacity of drivers to drive effectively and safely on the roads. The three-year period for the renewal of a licence will be important for VicRoads to help people to take into account their own medical situation and to make a decision about that while they are looking at a renewal of a licence.

As I said at the beginning, there is a range of useful changes in this omnibus bill. It continues the Bracks government's effective administration and implementation of transport measures in this state. I commend the bill to the house.

Hon. ANDREW BRIDESON (Waverley) — I feel somewhat obliged to speak on this bill as I was the chairman of the parliamentary Road Safety Committee in the 54th Parliament and it was my committee that commenced the research into the older age group. Unfortunately the election interrupted my time on that committee, and it was the committee of the 55th Parliament which concluded that research and came up with the recommendations.

I am going to deal only with that section of the bill that pertains to licence renewal for drivers over age 75 years. I must put on the record that I am a little disappointed that the government did not accept in total the recommendations of the previous committee. It seems to me that the only reason it did not do so was for administrative purposes. It was obviously easier for VicRoads to continue the system that is being put in place, but I am somewhat bemused that in this day of technological advancement somebody in VicRoads or somebody external to VicRoads could not come up with some new whizz-bang computer program which would alleviate the problem which obviously exists.

I was very fortunate in my time on the Road Safety Committee to do an international study tour on this very topic. I was also privileged to meet some of the world's leading researchers in this area. A couple of names come to mind: John Eberhard from the United States; and Paul Boase in Canada. We met with some of the leading people in the Netherlands, whose names I cannot pronounce — —

Hon. J. A. Vogels interjected.

Hon. ANDREW BRIDESON — But I should refer to Mr Vogels for that. We also met with some leading researchers in the United Kingdom and in Belgium. That is not to say that we do not have amongst the best researchers here in Australia. In fact, I am going to refer to *Ageing and Transport Mobility Needs and Safety Issues,* which is a research paper of the Organisation for Economic Cooperation and Development in which some of our very own Victorians feature significantly. None more so than Eric Howard who is the general manager of road safety at VicRoads. The other Australians include Michael Hull, who is well known; James Langford, who I think now works in Tasmania; and Dr Brian Fildes who works with the Monash University Accident Research Centre. In my view that centre is one of the leading research organisations in the world. Australia is also well represented on the editorial committee of that paper with Eric Howard and Jim Langford playing a leading role.

I want to explode the myth that older drivers are a threat to other road users, because if you look at the research they are not. Along with many other members in this chamber I suppose, I am rapidly approaching that age group of older drivers. I will not go into the definition of an older road user, but from the time we get our licence at 18 years we become a little bit older each year, and subsequently the deterioration of things like eyesight affects our driving capacity.

The second-reading speech made reference to self-assessment. I know that if it is a rainy night I no longer go down to the 7-Eleven to buy a chocolate bar. I walk instead of drive because it is healthier for me.

Mr Pullen interjected.

Hon. ANDREW BRIDESON — You are right, Mr Pullen, it is also part of my fitness regime! I know a lot of people self-assess and that is certainly to be encouraged.

Are older drivers a threat? According to recent research in the United States of America and the United Kingdom, it has been proved that contrary to common belief older drivers do not prove to be an excessive risk to other road users. However, they are more likely to be injured in accidents, but the reasons for that are their greater physical frailty and because of their typical accident patterns. Older drivers do not present a special threat to other road users. Data from the USA shows that older drivers are involved in a smaller number of accidents resulting in the death of other motor vehicle occupants or pedestrians in other age groups. Older drivers also tend to have different types of accidents than younger drivers. A larger share of accidents of

older drivers involve collisions with another vehicle. They also have a smaller share of single vehicle and speed-related accidents. According to the research, older drivers tend to be legally at fault in their collisions. A greater proportion of their crashes occur at intersections where typically the older driver is turning against oncoming traffic with right of way on the main road.

On the other hand, older drivers smaller share of accidents per number of licensed drivers probably reflects their slow, conservative and cautious driving style. Older drivers are under-represented in single-vehicle accidents involving loss of control or collisions due to speeding or risky overtaking. For those who are aged 80 years or more, the percentage of angle collisions typically involving intersection situations is more than double that of the youngest group. The high percentage of angle collisions where an older driver's vehicle is hit from the side by an oncoming vehicle helps to explain why older drivers tend to be the ones injured in their accident. I think that should explode the myth that older drivers are more dangerous.

One of the interesting things that I learned during my studies on this topic is that it is essential to try to keep older people mobile and to keep them in their vehicles rather than out of their vehicles. If you take frail people out of their motor cars where they are preserved in a cocoon — if you like — they are at greater risk of becoming an accident statistic. The chassis of a motor car is like a cocoon. Put them out on the streets, and you only have to look at the Victorian road statistics of current times to see that the older age group are definitely over-represented in pedestrian fatalities. If we can keep them in their cars, we are likely to keep them in safer situations.

I would also like to record what occurs in other countries in relation to licence procedures, and I will try to use countries which are relatively comparative to Australia. In the United Kingdom there are mandatory renewals for three-year periods from age 70 years. So that is a little more harsh than the standards that Victoria is currently implementing. There has to be a self-declaration of ability to meet vision standards, and any medical condition that could affect driving must be reported to the licensing agency. No renewal is required in France, and there are no medical requirements for renewal. One only has to visit France and witness the driving behaviour there to understand that perhaps they should go down the path that Victoria is going down. It is the same in Germany. The situation is a little more harsh in the Netherlands, and I can see why Mr Vogels is now living in Australia. At 70 years a medical review is required every five years. The medical requirements depend on a person's physical condition; a medical review may be more frequent and a vision test is required. We spoke at length with the Dutch authorities and found that the process for renewing licences for those aged over 70 was very lengthy and time-consuming.

In New Zealand, our closest neighbours, as reported in the Organisation for Economic Cooperation and Development (OECD) document, no renewal is required until age 71, and from then onwards a medical review and an eyesight test are required. Once a person turns 71 their licence is renewed for five years, and at age 76 it is then renewed every two years.

The country that really surprised me was Sweden, which has a policy of zero tolerance for road fatalities. One would have thought the Swedes would have a very tough licensing regime, but that is not the case. No renewal procedures are required in Sweden, and there are no medical requirements for the renewal process.

That is a quick overview of what occurs in other OECD countries. Compared to what is being implemented by the Victorian government, it is probably not too onerous. However, I would have liked the government to have gone down the path that the Parliamentary Road Safety Committee went down.

I could go on, but if anyone has the opportunity to read this booklet — there are not too many available — it is well worth reading. On that note, the opposition does not oppose the bill, and I hope that this specific area of the legislation is implemented without too much difficulty.

Hon. R. G. MITCHELL (Central Highlands) — I rise to speak on the Transport Legislation (Amendment) Bill, which introduces a number of reforms that are important to a variety of acts in the transport and police and emergency services portfolios. The area that I want to concentrate on is the implementation of a model bill developed by the National Transport Commission with regard to heavy vehicle mass, dimension and load restraint requirements.

It is a well-known fact that breaches of transport laws occur. By extending the chain-of-responsibility principle, which already applies to driving hours and dangerous goods legislation, to heavy vehicle mass, dimension and load restraint offences, we recognise that those in transport have an obligation to ensure their compliance with road and transport laws.

I point out that the Bracks government is at the forefront of heavy vehicle reform in Australia, and we,

as members of this government, are proud of that. We are very proud that we have taken this lead, and in 2003 Victoria was the first state to introduce the enhanced investigatory powers of the national transport reform process. This bill again shows that we lead the way with our implementation of the heavy vehicle mass, dimension and load restraint requirements.

We are concerned to ensure the safety of all heavy vehicles on our roads, and this bill goes a long way to ensure that happens. I have spent many years in the transport industry, a lot more than Mr Bishop has — his one day: I have probably been involved in the transport industry for over 5000 days, whether it be driving, working with tow trucks, supplying parts or working on the vehicles themselves in a variety of roles. I know first-hand the problems that this vital industry faces and the pressures put on those who work in the industry and have a career in it. I have attended many accidents involving heavy vehicles where undue pressure is put on the owner-driver or company drivers to go a little bit over weight, to go a little bit faster; and good, hardworking people are forced to flout the law in order to keep an income flowing to their families.

I can recall when I was working at a major vehicle franchise that some operators found that by removing from the dashboard the wiper washer relay, which turns on the wiper washers, they could disable the speed limiter. Once this was found out the operators and owners of those fleets encouraged their drivers to do it because it allowed them to deliver more freight in shorter times, which then allowed the operators to reap the rewards. This was done at the expense of the drivers of the vehicles. Anyone who knows anything about the transport industry knows that drivers are under a helluva lot of pressure from owner-operators and freight forwarders who keep squeezing them, because there are quite a few owner-drivers out there who run on the smell of an oily rag. They may have great incomes, but when you start looking at their outgoing expenses most of them do not even take home the basic wage. They keep getting pressure applied to them to cut their rates lower, and to do this they have to do more runs and they flout the law. That is to the detriment of us all and of an industry which is vital to the operation of this country.

Because of the increase in speeding vehicles over the years, the government is funding specialist equipment for Victoria Police to check speed limiters on trucks. The sooner this is done, the better it will be for all. That will start to take out some of the cowboys in the industry. I know some people do not think there are cowboys in the industry, but let me tell those who think that way that they should spend an evening at a roadside truck stop or at petrol station, and see them come in and go out up the road to Tarcutta and back within 8 hours, which is far too short for the speed limit; and then they go back home, get a quick couple of hours sleep, go in for a quick hamburger and head back off again.

Last year the government looked at putting point-to-point speed cameras on the Hume Highway — again, an intelligent decision that will save lives. If people do not think that, they are really living in a cocoon, and they should have a hard dead serious look at it.

Those who put the pressure on transport operators should accept that they have a responsibility. They contribute to the issues and to the costs that Victoria faces, and they should accept the responsibility. This bill extends the chain of responsibility to the freight consigners and receivers, to those who load the trucks, to the packers, to the operator-managers and to the freight schedulers. Every one of those people has a part to play and contributes to the overloading of trucks and the issues that face us, so why not make them cop it? Why should the driver be the one who cops the brunt of the problems when unfortunate things happen?

The bill provides for three categories of breach of heavy vehicle offences — minor risk breaches, substantial risk breaches and severe risk breaches. The bill also provides for an increase in the level of fines where the breaches result in a risk to road safety and infrastructure. Infrastructure is very important when we talk about road safety. I know some people would like to see trucks with a little bit more weight, a little more comfort — it is not always possible to be 100 per cent sure of the weights. I remind those people that a weight limit is a weight limit.

It is not a mean or a modal average. It is an actual limit. When you overload trucks there is pressure on bearings, hub seals, tyres, springs and shackles. If one of those things fails you then have up to 62.5 tonnes rolling over on top of a family or taking out a bridge or a road. Then there is a large cost to the government. It is not hard for these things to happen. The weight only needs to be a little over the limit. Two tonnes is a fair bit of weight over the maximum weight of allowable use. These are things that we need to be careful of.

The bill also provides for stronger powers for police and VicRoads officers to direct the movement of heavy vehicles when an offence occurs. The other heavy vehicle provisions in the bill allow for the establishment of a certification scheme for drivers of vehicles which pilot overdimensional vehicles and enable the owners

of heavy vehicles that are registered interstate to be prosecuted for offences committed in Victoria.

There has been talk about the reasonable-steps defence. In these provisions the absence of the reasonable-steps defence for drivers and operators is appropriate. It is considered appropriate particularly given the level of control over the freight task that the owners and drivers of vehicles have. Drivers should be aware of what they are carrying. They have a responsibility. If the vehicles are going over the weight limit, there are products out there such as mobile scales which can be fitted to vehicles and can give readouts of each axle weight. The reasonable-steps defence is consistent with the existing liability arrangements for drivers and operators in Victoria. Further, the reasonable-steps defence elements of the model bill are not considered essential for implementation across all our jurisdictions.

I congratulate VicRoads because it has issued a series of fact sheets on the chain of responsibility. These have been out for a while. There is an overview of the fact sheets, and there are fact sheets for consigners and receivers, loaders and packers, drivers, operators, managers and schedulers of the industry. These are fantastic sheets because they explain the chain of responsibility. They are clearly written and easy to read. They explain who is covered by the chain of responsibility and the rights, responsibilities and obligations of those involved, and the enforcement powers. They are fantastic and easy to read. It is great that VicRoads has been able to issue them.

The Bracks government is very conscious of road safety. We have made some fantastic achievements with our Arrive Alive strategy. We have seen the road toll fall to the lowest it has been in many years. We have seen falls in injuries. That is important because a sick or injured person is an ongoing cost for the community. We have had many initiatives over the last three years. We have tackled drink-driving, drugs and driving and on-road safety treatments. We tackle speed management all the time. We are tackling pedestrian safety, motorcycle safety, heavy vehicle safety, and we work with the community.

I will touch on the licence permit periods for people aged 75 years and over. When this was floated earlier there was a misconception that the government was going to make you go for a licence test every three years if you were 75 years and over. All the government has done is to allow those who are over the age of 75 to have a 3-year licence rather than a 10-year licence. This is fair and reasonable. Others say, 'What about two or five years?'. Why do we need to change the structure? The VicRoads computer system works. We do not need to change it. If we did go and change it I guarantee that those who like to harp, whinge, cry and carry on would be out there saying, 'We are wasting money on updating VicRoads stuff. We are confusing old people'. It is high time that those on the other side woke up to themselves and started to realise that what we are doing is consistent, fair and reasonable. There is not a lot more that you can ask for. I commend this bill wholeheartedly to the house.

Hon. J. A. VOGELS (Western) — As a few people have pointed out, the Transport Legislation (Amendment) Bill is an omnibus bill covering CityLink, the sale of roads, drivers licences for older driver, drink-driving, alcohol interlocks, public events, public transport plans, the assignment of taxi licenses, and extensions to claims of responsibility for heavy vehicle owners and operators. I will go through some of the issues raised by the bill that concern me.

Amendments to the Road Management Act passed through this Parliament only early this year. There are already amendments in clause 20, which concerns the conduct of people on roads. Clause 20, which inserts proposed clause 15 in schedule 5 of the act authorises VicRoads to sell land within the boundaries of a discontinued road or part of a discontinued road. Hopefully VicRoads will still liaise with local councils before it sells any of the roads owned by a local council. Sometimes it is very important that local councils are part of that dialogue. Even though VicRoads might not want the road anymore, that does not necessarily mean it should be sold. The government is amending legislation that went through this Parliament only earlier this year. A lot of that is to do with the sloppy work that is done before these bills come to the house. The Occupational Health and Safety Bill went through the lower house last week. It had 42 amendments — —

Mr Pullen interjected.

Hon. J. A. VOGELS — Was it 45 amendments? Members can bet their bottom dollar it will be back here in the next 12 months with another 45 amendments because that is part and parcel of what seems to be happening around here.

There is a major concern with amendments to the Road Safety Act, particularly clause 41, which deals with the chain of responsibility for mass, dimension and load restraint. These amendments were supposed to implement the recommendations of the National Transport Council. The Australian Trucking Association, the Victorian Transport Association and livestock transport associations have all been involved

across Australia with the various ministers for transport in developing a model bill to cover the chains of responsibility. You would have thought in a county like Australia, where trucking and freight cross borders all the time, you would have model legislation which would be exactly the same in every state.

The principles of the model policy provide reasonable latitude for an unintentional loading error. Action will be taken only if, for all intents and purposes, it is obvious that the offender was out to beat the system, so to speak. I agree there would be very little excuse for a transport operator who has overloaded a truck with containers or items when he knew their exact weight when they were being loaded onto the truck. There is no problem with that. Such items would include containers and kegs of beer, for example, because you would know how much they weigh before you put them on the truck. With a milk tanker, for example, you would know the exact weight of the truck from the number of litres of milk loaded into it. However, it is much more difficult out there in the farming situations in rural Victoria to estimate a load of livestock such as cows, a load of hay, a load of silage, a load of grain or a load of timber.

As we know, the Victorian Farmers Federation (VFF) has been lobbying for quite a while to allow a tolerance of 7.5 per cent during harvest time. If you travel around rural Victoria at the moment you will see a lot of harvesting going on, and you can see silage rolls, hay rolls and harvesters out in the paddock harvesting grain. It is going on full bore. But, given the differences in moisture content and the size of grain, every load can vary, and it is pretty tough to ask every farmer to know exactly what weight a load of grain is when it leaves the paddock to go onto the road; you would almost need a weighbridge on every farm. There should be a bit of leniency, and the VFF has been asking for a tolerance of about 7.5 per cent when products are being delivered to the nearest silo, factory or wherever. From there on — two or three months later when it is being loaded out of the silos to be taken to wherever — there should be no excuse, because it can be measured accurately on the weighbridges at the silos.

The restriction on the dimension of loads also concerns me, because hay and silage, for example, carted from farm to farm can vary. A lot of the machinery and equipment can make hay rolls, square bales or silage rolls et cetera measuring 5 feet 6 inches or whatever in length or width. Obviously it has to be economical to shift the load of hay or silage, and you need to be able to load the maximum amount, but sometimes it is 2 or 3 inches too wide under the legislation. Surely proper signs indicating there are wide loads, flashing lights, speed limits et cetera would be appropriate. These sorts of things need to be done carefully, but they can be done, otherwise it will bring a lot of our agriculture industry to a standstill.

I support the comments made by the Honourable Andrew Brideson when he referred to older drivers. Older drivers are probably much safer on our roads than most of our younger drivers. Most of the older drivers I see drive very carefully — —

An honourable member interjected.

Hon. J. A. VOGELS — Sometimes they are a bit too slow, but that is better than being a bit too fast. A typical example of an accident involving an older person is when they back out of an angle parking area and hit a car because they have found it a bit hard to turn around and look, but there is usually not much damage and injuries are rarely incurred.

It is important that older drivers in rural Victoria do not have their licences taken away from them automatically at a certain age — I know the bill does not provide for that — because in many cases in rural and regional Victoria cars are their only means of transport to do the shopping, attend social activities, visit their doctors et cetera. If you take their licences away from them, they will lose all their mobility. It is very important for us to look after older people. They are actually very good at self-assessment. My parents and many other elderly people I know do not drive any longer. They get to the stage of saying, 'The roads are too busy, I am not going to go out, I have handed in my licence'. We do not need the heavy hand of the law getting involved in that.

I would also like to make a few comments about public transport and events. I understand that if more than 10 000 people are likely be involved in an event, a permit must be obtained, 150 days notice must be given to the director and a plan must be put in et cetera. I can understand that. Recently down our way we had the Great Victorian Bike Ride pass through, and from about 10 o'clock in the morning until 8 o'clock at night, 8000 cyclists went past our farm. I can understand the need for a public transport plan when an event involves 8000 competitors. The Great Ocean Road was blocked for a day.

An honourable member interjected.

Hon. J. A. VOGELS — No, I do not have a problem with any of that. But it concerns me that the bill does not state how many less than 10 000 people could be involved in an event — is it 50, 100 or 500? It

just says if you are having a public event that could block some traffic, you need to get a transport plan.

On my way to Horsham on Anzac Day I went through a small town and saw the Anzacs marching up the main street. A couple of buses and a heap of cars were pulled up behind them, because they had taken over the main street. Good luck to them. I have no idea whether they had a public transport plan, but under this legislation they would have needed one. Sometimes when we walk out onto the steps of Parliament House we see rallies, and I am sure the organisers would not have given 120 or 150 days notice that they would be coming to Spring Street to protest against the toxic waste dump, for example. They often block parts of Spring Street and Bourke Street. I have been out there as a protesting farmer marching up Collins Street and blocking everyone — on purpose, actually, because we wanted our message to be heard. Hopefully those things will not be affected by this bill.

As I said the opposition does not oppose the bill. There are some very good amendments to the acts contained in it. I have some concerns about a few of them. However, the Liberal Party will be pleased to support the amendments to be moved in the committee stage by The Nationals.

Hon. ANDREA COOTE (Monash) — In the short time I have to speak on this bill I must say it has been very interesting to hear the contributions to the debate.

This omnibus bill covers CityLink, the sale of roads, older drivers licences, drink-driving, alcohol interlocks, public events, public transport plans, assignment of taxi licences and extensions to chain-of-responsibility legislation for heavy vehicle owners and operators.

In today's debate members have heard a range of different opinions and experience and we have learnt quite a lot of interesting facts. I agree with the Honourable John Vogels that the contribution by our colleague the Honourable Andrew Brideson was very enlightening. I was particularly interested to hear the Honourable John Vogels's view as a member of a farming community and about some of the difficulties farmers face in weighing and understanding their loads.

I would like to speak about older road users. In my portfolio responsibility as the shadow Minister for Aged Care I deal with issues relating to older road users frequently. We are an ageing community. We need only look at the intergenerational report prepared by the federal Treasurer, Peter Costello, before the handing down of the 2002 federal budget to see what the ramifications will be for an ageing Australia. The Productivity Commission has just produced a comprehensive analysis of the impact of ageing Australians on this country and its economics.

We must consider not just the economics of the ageing population and the ramifications for Victoria and Australia but also the personal involvement of older people and the ramifications of the ageing population on things such as drivers licences. Much research that has been done shows that older people stay fitter and healthier for longer if they have their independence and feel that they have dignity, choice and flexibility in their lives. One way of achieving that is to have a driver's licence. I know a driver who has just got his very first speeding fine — and he is 94 years of age. He was driving at 2 kilometres over the speed limit and he is absolutely beside himself. Nevertheless, he has been a very good driver for many years.

Older people take driving very seriously. If we consider the types of vehicles that older people have been driving, we realise that when they started driving vehicles were very different from those being driven today. Members will agree that today's vehicles are safe, with airbags and effective braking systems. We also have very stringent road rules to ensure that transport vehicles, including cars, are up to scratch and safe. That is very pleasing. But older drivers need to be regarded with extreme respect and dignity. It is extremely important that we understand they are aware of their driving skills and the ramifications of an accident. When dealing with older Victorians it is important to ensure that all those matters are taken into consideration.

Anyone who has had an older relative will know that a very difficult situation can arise. People have to consider when is the right time to say, 'Stop driving', 'It's time for you to take out a series of cab charges', or 'Don't drive any more; we will drive you'. Many older people decide themselves. As the Honourable John Vogels said, they are very good at self-regulation, and the excellent report of the Road Safety Committee has much detail about that; indeed, that is to be encouraged. As the Honourable John Vogels said, the bill does not provide for taking away the independence of older drivers or suggest that their licences should be taken from them. The bill provides for the time frame to be changed. Older drivers will not be provided with a 10-year licence but over the age of 75 they will be able to get a 3-year licence.

I refer to some of the recommendations made in the report of the Road Safety Committee, which was chaired by the Honourable Andrew Brideson in the 54th Parliament and by Ian Trezise, the member for

Geelong in the other place, in the 55th Parliament. I commend the entire committee on an excellent and comprehensive report. I know that people in the aged care sector have looked at the report with great care. Many of the recommendations in the report have been well researched and are very relevant and pertinent.

One of the findings of the committee was that there is not a lot of empirical evidence. It is always very difficult to make recommendations without proper empirical evidence. I suggest that the government take the opportunity to put in place some decent research programs so that with an ageing population we can have a much greater understanding of some of the implications and ramifications for older drivers.

The recommendations made under 'aged-based assessments' include:

> That VicRoads, in conjunction with relevant organisations, develop and implement a standard medical assessment to determine fitness to drive for those aged 80 years and over who wish to renew their licence.

That is commendable. We must be very careful that people do not take a vigilante position and that older people are not intimidated but that it is a positive process that gives those who need an outlet the opportunity to be able to say, 'Yes, my time has come. I'd like to find an alternative and either change my driving practices or hand in my licence altogether'. Under 'licensing issues' the committee recommended:

> That all drivers be required to complete a health questionnaire when renewing their licence. This questionnaire should be available in other languages.

I certainly agree that it should be available in other languages. The idea of completing a comprehensive health questionnaire is quite a step as long as it is not seen to be an enormously big stick that is intimidating or concerning for older people. It needs to be done hand in glove, with the some opportunity for talking about counselling, options and some of the other issues relating to licences. That could be a positive experience for older people rather than being considered negative. The recommendations go on to say:

> That VicRoads expand the information provided in the *Victorian Older Drivers Handbook* and distribute it with licence renewal forms to those drivers 60 years and over. This handbook should also be translated into other languages
>
> That VicRoads develop education and publicity strategies to address older road user safety issues for drivers, health professionals, families, friends and caregivers. To ensure the success of these strategies targets be set on how to reach the correct audience and programs be evaluated.

It is essential to have such a program in place for public relations, because it is not just for the older drivers but also for their carers, their family members and the broader community to understand the sensitivities of people and the issues involved with dealing with older drivers.

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

Hon. ANDREA COOTE — Prior to the dinner break I said that my colleague the Honourable Ron Bowden gave an excellent speech on this issue and covered in great detail the elements of the bill. As I told the chamber, I am concentrating on older drivers because that is my portfolio area. I congratulated other members of this chamber on speeches which were most interesting and enlightening. However, there are a number of issues about older drivers which I will raise.

A salutary example to consider is pedestrian deaths and incidents. I know it is not relevant to this bill, but it is interesting to put it into context when we are discussing older people and older drivers on our roads. People aged over 65 represent 35 per cent of the casualties and problems as pedestrians with road accidents, which is a major concern.

Unless we have a proper public transport system in this state older drivers are not going to have any alternative. It is absolutely imperative that this government get itself into gear, sort out public transport and make certain that when older drivers in this state have given up their drivers licences they have an opportunity to make sure they have cheap, safe and flexible access to public transport. I particularly refer to the people in rural and regional Victoria, because as the Honourable John Vogels has said, they of all people need their drivers licences simply to do the things we take for granted, such as going to the doctor or doing their shopping. Older drivers also do a significant amount of voluntary work. In the country and city alike voluntary work makes up a big part of daily life and, as I said earlier, if older people are engaged with their community they stay fitter and healthier for longer.

While I am on the topic of public transport and the elderly I want to bring to the attention of this chamber the multipurpose taxi service which is an absolute and utter disgrace. The multipurpose taxi program has been capped by this government and it is an appalling situation. Tomorrow a group of people are going to hold a rally outside Myer. They are people who traditionally were supporters of this government — for example, Council of the Ageing, Carers Victoria, the Victorian Council of Social Services, the Australian Medical Association, the University of the Third Age,

or U3A network, the Older Persons Action Centre and the Victorian Association of Health and Extended Care. All of them are going to be at the demonstration. They have sent out a brochure which says, 'Give us back our taxi Bracksy'. It says:

> Older people are being disadvantaged by the new arrangements for subsidised taxis for people with disabilities.

and

> We think that it is time for everyone to take a stand.

It then asks, 'What is the problem?'. The problem is that there is a list of conditions that qualify people to participate in the service. Many older people are disabled by an unlisted condition or because of the combined effects of a number of lesser conditions — for example, arthritis, which together with other musculoskeletal conditions cause more disability than any other medical condition, is not on the list. Many users of multipurpose taxis have a cap of $550 per annum on their subsidy and this allows only an average of one 12-kilometre return trip a week. This is a cold and heartless government. Look at what this government has done to older drivers, not only with the multipurpose taxi purpose program. It has imposed an $80 fine — and it is a fine, another tax — on older drivers' car registration fees. It is just appalling. The government does not care about older drivers.

I am pleased to see the Minister for Aged Care is in the chamber. He can take this on board and convince his cabinet colleagues to do something about the older drivers on our roads, to make certain that older people are looked after in this state. It is a cold and heartless decision the government has made and I am very surprised that the minister has not done more to encourage his colleagues to wind back the clock and do something about it.

I return to the excellent report put together by the Road Safety Committee to look at this issue in Victoria, and am mindful of the fact that this report was put out in 2003. It talks about drivers licence renewals. My concern is that licence renewal programs do not financially jeopardise older drivers. If licences are to be renewed on a three-yearly basis, I hope older drivers can be confident that they will not be charged exorbitant fees on a regular basis and be discriminated against because they are older and have to renew their licences more regularly than the 10-year period paid for by other drivers. I hope the government takes that on board. I hope older drivers will not have to pay considerable additional amounts to drive on Victorian roads.

The renewal periods in Europe beyond a determined age are interesting. In the United Kingdom it is three years from the age of 70. In Denmark it is four years from the age of 70, then three years from the age of 71, every two years from the ages of 72 to 79 and then every year from 80. It is every five years in the Netherlands and 10 years in Italy until the age of 50. There is quite a variety of options out there and I think it is important that we continue to monitor this as we see the Victorian population ageing. We need to look at the research and make certain funding is allocated to research about older drivers on our roads to make certain older drivers are not discriminated against financially or intimidated by any health issues. As my colleagues have said, the Liberal Party does not oppose this bill. I hope older drivers are careful.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 and 2 agreed to.

Clause 3

Hon. R. H. BOWDEN (South Eastern) — I have a question about clause 3. The second-reading speech appears in yesterday's *Daily Hansard.* On the left-hand side of page 86, four paragraphs down, the speech refers to this clause and the Chattel Securities Act 1987. According to the second-reading speech and my reading of this bill, the present register indicates that the registration of the vehicle must be removed from the register within 14 days, and this bill is changing that to 7 days. My question of the Minister for Local Government is: how fixed is the word 'must'? Must is usually interpreted as mandatory so is this an optional or a mandatory seven days? Is a fine automatic if the person, institution or financial organisation which holds the security interest and has put that note on the register does not change that within seven days?

Ms BROAD (Minister for Local Government) — As the committee would expect, in response to the member's questions 'must' does indeed mean must. For a person who is charged and found to have contravened this requirement the penalty is 5 penalty units.

Clause agreed to; clauses 4 to 20 agreed to.

Clause 21

Hon. R. H. BOWDEN (South Eastern) — I have a question seeking clarification of this clause. Clause 21(1) begins:

> If VicRoads has discontinued the use of a road or part of a road, it may in accordance with this clause ...

And it is all described there. My question is: are there prescribed procedures for VicRoads to publicise what roads are discontinued and what roads are not needed? Is the disposal mechanism widely publicised? How will it be publicised so the community can consider the wisdom or otherwise of selling that property? There are situations where a road has been needed, may not be needed at the present time but could be needed at some time in the future. In the past in some cities, and I guess here too, we have seen property disposed of unwisely. Will there be a very precise procedure for widely publicising the planned action of disposal of those discontinued roads?

Ms BROAD (Minister for Local Government) — The short answer to the honourable member is yes, there will be. The member may recall an earlier piece of legislation which passed through the Parliament — the Road Management Act — which will establish a register of all roads and their status and which will assist in the public access to this information.

Clause agreed to; clause 22 agreed to.

Clause 23

Hon. ANDREA COOTE (Monash) — I ask the minister for clarification. I understand the term will be for three years. Can the minister clarify that for me and also tell me how much the renewal of those licences will be at that time by comparison with the 10-year licence renewal that we have at the moment?

Ms BROAD (Minister for Local Government) — I am not able to give the member the exact amount, but I can indicate to the member that it is certainly less pro rata for three years than the equivalent pro rata for 10 years. Three years is not referred to in the bill, so that is a government decision — a matter of government policy — which VicRoads will be enabled to implement as a result of the provisions in this bill.

Clause agreed to; clauses 24 to 34 agreed to.

Clause 35

Hon. R. H. BOWDEN (South Eastern) — I have a question about clause 35. Proposed section 35(5) says:

> If a municipal council fixes a penalty —

and so forth. Then paragraphs (a) and (b) indicate that a member of the police force can issue a parking infringement notice with respect to an alleged infringement. Could the minister confirm whether it is possible that there may be two infringement fines relating to the same offence? For instance, there may be a certain financial penalty fixed by a council for that infringement or there may be the same or a different one under the regulations.

I am not inferring that there would be two infringements issued. I am saying there would be one infringement issued, but is it possible under this clause, if the council fine were $40 and the regulations were $50, to have two different or distinct financial penalties for the same offence?

Ms BROAD (Minister for Local Government) — In response to the member, I can indicate that as councils are able to set a penalty which is higher than that set in the regulations, in relation to an infringement issued by a member of the police force this provision will allow for the amount to be set at either the regulation or at the higher amount if the council has set a higher amount.

Hon. R. H. BOWDEN (South Eastern) — I have a subsequent question. Would the police officer know which of the two would be the greater or lesser? I am asking a difficult question, I realise, but how would a police officer who may be on roster and so forth know that the fine is different to the regulations or that there may be a differential? I would like some clarity on that if it is possible.

Ms BROAD (Minister for Local Government) — I am further advised that the most significant thing about this provision is that where a member of the police force issues an infringement notice at the amount fixed by regulation, which may be lower than that set by the council, it is ensured that the infringement notice is nevertheless valid, and that is the purpose of the provision.

Clause agreed to; clauses 36 to 40 agreed to.

Clause 41

Hon. B. W. BISHOP (North Western) — I move :

1. Clause 41, line 12, omit "and 11" and insert ", 11 and 12".

This amendment is straightforward and provides for the insertion of proposed part 12 in that particular clause. That will also give us the opportunity to insert the Victorian grain harvest transport scheme, which is the issue we are debating. Amendment 1 will also test

amendment 10, which inserts the full details of the scheme.

The Victorian grain harvest transport scheme has been brought to our attention by the Victorian Farmers Federation (VFF). Obviously there has been a lot of work done on this particular scheme. Earlier today I mentioned the president of the VFF grains group, Ian Hastings; policy director, Simon Price, and many others. Another young man, Geoff Nalder, vice president of the grains group, has also done a lot of work on this particular proposal.

The proposal comes to the Parliament because it is almost impossible to accurately load grain trucks in the paddock at harvest time. I have had personal experience of that over many years, and it is almost impossible. The paddocks are not level and at times the truck could be moving, because with modern machinery the headers often unload on the run into the truck so it is very difficult to get an exact amount of grain into the truck.

Further, in today's grain agriculture there are many more products than when I first started farming, so the different grains have different weights. That adds to a heap of reasons as to why it is difficult to load a truck accurately.

Time has progressed and there are now other innovations, and farmers use field bins with rather large augers that can shift a lot of grain quickly. When those augers start up and unload into a truck they pound the grain into the truck and it has a different weight density than a slower auger with the grain floating into the truck. There are heaps of reasons why it is difficult to accurately load trucks.

On our farm, as on many farms, we have taken the initiative of marking the sides of the trucks with different coloured paint to make allowances for different weights and volumes of grain. It still does not work. It does not matter how hard you try, it is particularly difficult to accurately load the vehicle, regardless of whether you have the lines marked around the truck.

As harvest time is a busy time in the grain belt, people are harvesting at night to try to get the crop off. This year we have seen instances — although it was a poor year with rain damage to the grain reducing farmers' returns — where it has been a rushed time, so that again adds to the complexity.

As I said earlier today we had a scheme a few years ago that gave a 2-tonne tolerance. That lasted for a while, but it gradually disappeared. The Nationals believe the VFF did a great job. The VFF looked around, and rather than reinventing the wheel went to Queensland where its opposite number, if you like, AgForce, has in place with the Queensland government a good scheme in relation to the transport of grain at harvest time.

I have one of the documents with me in which it is very well spelt out. The success of the Queensland scheme is without doubt. The supporting documentation is from the Queensland transport and main roads minister, the Honourable Paul Lucas. On 25 February he said in a media release headed 'Queensland transport gives farmers a helping hand':

> Mr Lucas said the Grain Harvest Management Scheme recognised the difficulty of in-field loading of bulk grain, with varying moisture contents and densities, to within an accurate weight tolerance.
>
> 'The scheme was designed to alleviate some of these uncertainties, as it allows growers and transport operators to take advantage of certain scheme limits set above normal regulation mass limits, when loading grain in the field', Mr Lucas said.
>
> 'Loads are kept to within 7.5 per cent of legal mass, and the good news is that in recent years since the scheme was introduced, the Department of Main Roads has reported a reduction in road damage during harvest time.

The article further states:

> Queensland Transport Regional Director (Southern) Dr Judith Lloyd said the overall intent of the scheme was to allow for an efficient grain harvest and at the same time protect the road infrastructure by eliminating gross overloading.

That is what the Queensland government thinks of the scheme. It has been welcomed with open arms by the farming community, by transport operators, by the Queensland government and the road organisation in Queensland. The Nationals think it is a telling recommendation of something the VFF has had the capacity to work through to reach a good result for all parties.

I make a strong point that this is not an overloading scheme. It gives some tolerance for farmers who are paddock loading where it is difficult, as I have said, to get an absolutely accurate load. This scheme is open to all, but you must register, and that is how the process works. Farmers or transport operators cannot cart long distances — for example, they could not load in the paddock at Swan Hill and cart their grain down to Geelong; they must cart to the nearest appropriate receival point, and that is reasonable for all parties.

The tolerance levels are 7.5 per cent of the maximum gross, and, of course, if you go over that there is a step process as to how they manage the scheme. If you go

too far or you are too much overloaded you are removed from the scheme and therefore you lose the protection of that tolerance that the scheme provides for those farmers and transport operators who are registered in the scheme. It is a strong, self-regulating scheme. Obviously the receival points need to be involved with the scheme as well, and that has worked very well in Queensland. If there is loading over the 7.5 per cent, that is reported through to the road managers. That is the way the scheme works, and that is why it is self-regulating.

The Nationals see this as a win-win-win situation: VicRoads inspectors are not on the road all the time because they simply do not need to be; farmers are given some tolerance in a difficult time when they are trying to get their harvest off and where it is almost impossible to accurately load their vehicles; and the roads are protected as well. It is fair enough in this debate, due to the good work that the Victorian Farmers Federation has done in bringing this proposal to our attention and to that of many other people, to give a snapshot of its views on this particular subject. I will refer to the VFF policy.

In its introduction it says the Victorian government has introduced chain-of-responsibility legislation for the road transport industry, meaning that anybody, not just the driver, who has control in the transportation of goods to and from a farm can be held responsible and made legally liable for road law offences. These laws, coupled with strict nil tolerance of overloading, leave farmers, as consigners of bulk loads, unfairly exposed to legal penalties. It is almost impossible for farmers to load in the paddock bulk commodity products, such as grain, to the exact weight by guessing when the truck is legally full, with variability of up to 10 per cent. In-field loading is not only complicated through variability in grain weight unit, but also by differing auger types and unloading speeds with some trucks being loaded by up to three different augers.

The VFF does not condone overloading in any form but recognises the difficulty operators have loading grain to exact weight, and supports the introduction by VicRoads of a tolerance scheme specific to the grains industry as is operating successfully in Queensland. A moderate tolerance available to participating transport operators loading grain in-field would recognise that grain weight can vary substantially due to moisture contents and densities. The Victorian Farmers Federation requests similar understanding for the grains industry as is provided to the livestock transport industry with volumetric loading and other industries with the VicRoads mass management accreditation scheme.

The proposal of the VFF for the Victorian grain harvest transport scheme is as follows: to address the challenge facing grain growers in complying with new chain-of-responsibility laws. The VFF has investigated road transport regulations in other states. Chain-of-responsibility legislation has existed in Queensland for several years, and industry and government have successfully developed a scheme with a proven track record in providing safe and efficient grains transport from the paddocks to receival site. The VFF proposes adoption of a similar scheme in Victoria.

In 2000 Queensland Transport and AgForce worked together to establish the grain harvest management scheme to recognise the difficulties of in-field loading grain to within an accurate weight tolerance. The intent of the scheme is to provide efficiency and flexibility while recognising this difficulty and the need to protect the road network. Participants in the scheme receive mass tolerances of up to 7.5 per cent on regulation and 10 per cent on axle or axle groups, provided manufacturers' limits are at no stage exceeded. The tolerances apply for grain transported from the farm to receival site. Grain transported by road from receival sites, with even ground and regular loading augers, is expected to be loaded in the regulation mass limits. Farmers' transporters and grains receival sites all participate in the scheme to provide a whole-of-industry approach to road mass compliance.

The VFF goes on to talk about the Queensland scheme, which is an example of industry and government working together. The Queensland scheme's vision is principally to remove the 'cowboys' from the industry and to bring industry participants and road authorities together as one. The scheme is basically self-policing, therefore cutting road authority compliance and enforcement costs. It has essentially removed heavily loaded rigs from the road. Queensland Transport supports the scheme because it is achieving compliance and reducing the burden on road assets through industry self-regulation rather than enforcement, and enables the authority to better target its limited road compliance and enforcement resources to non-participants.

The scheme is strongly supported by industry, with 70 per cent of all grain delivered in Queensland during the 2003–04 season under the grain harvest management scheme. That is the VFF's proposal, and to further enlighten the house on the proposal I wish to incorporate a table, which I have cleared with the President, Hansard and the leaders.

Leave granted; see table page 2256.

Hon. B. W. BISHOP — Quite simply the table explains how the process works, and I will simply explain the first block. It says that for vehicles that are up to 7.5 per cent over regulation gross mass limits there will be no penalty, provided the manufacturer's limits are not exceeded. However, if the truck's gross mass weight is greater than 7.5 per cent but less than 15 per cent over regulation gross mass limits, on the third breach in this category within 12 months the vehicle will be removed from the scheme. The third point is:

> Greater than 15 per cent over regulation gross mass limits.

The action taken is that the vehicle is immediately removed from the scheme, and of course it is then exposed to the full force of surveillance without any tolerance being extended.

We in The Nationals believe this is an innovative scheme. It is a scheme that has been truly tried and tested in Queensland. It has worked very well there. It is welcomed and applauded by the government and by the road authority there, as well as by the farming community, the transport community and the grain industry as a whole. We believe it is absolutely essential that that be placed in the transport system in Victoria, and we urge all members to support our amendment.

Ms BROAD (Minister for Local Government) — As Mr Bishop has indicated in his contribution, this first amendment is also a test of amendment 10. The government does not support the amendments, and I think it is important to outline the reasons why, because it is an important issue.

Essentially the government's view is that it considers it is not appropriate to enact legislation to deal with these matters in the way that the member has proposed. However, I believe it is also important to acknowledge that according to the advice that I have been provided with, there are ongoing discussions between VicRoads and the Victorian Farmers Federation regarding the establishment of a grain harvest management scheme to address the important issues that have been raised. I am advised that VicRoads has committed to continuing to work with the VFF to develop a mutually acceptable scheme in time for the 2005–06 grains season, which is an important commitment.

It is also important to point out that the proposals being put forward here for proposed changes to the legislation are amendments which are certainly not consistent with the model bill. In the course of the second-reading debate a range of issues were certainly raised about departures from the model bill, where the government has departed in relation to some matters where it believes there are important reasons for doing that. I think the member has raised points and concerns about departures in other areas. In this case this would clearly be a departure from the model bill, and the government believes that that is not appropriate and that it is appropriate to deal with these matters through the ongoing discussions between VicRoads and the VFF and to strive to reach a mutual agreement about a management arrangement.

I would also like to place on the record that the government believes it is leading the way in relation to heavy vehicle reform in Australia, and that we believe this is being done in a way that conforms with the spirit and intent of the model bill while recognising the particular circumstances and legal context in Victoria and the policy decisions which the government has made.

In summary, the government believes this is an important matter, that the discussions which are ongoing between the VFF and VicRoads are very important discussions, and that there is a commitment to have a mutually agreed arrangement to deal with these issues in place in time for the 2005–06 grains season.

Hon. W. R. BAXTER (North Eastern) — I have listened to the minister's remarks, and I am disappointed that the government is not taking up this amendment because I think Mr Bishop has advanced some very cogent reasons for why such a scheme ought to be adopted in Victoria. I do not want to canvass again the various reasons and examples he gave about the difficulties that farmers experience in a paddock situation.

It is fair to say that the hallmark of good legislation is that it is practical. The examples Mr Bishop gave indicated how impractical it is for farmers to be confident they are loading their trucks in accordance with the proposed act and that this tolerance scheme would at least give some leeway but has some very stiff requirements attached to it, including registration and the nearest appropriate silo and that if you transgress, you are immediately removed from the scheme anyway. It seemed to me that it has some prickles on it that would cause farmers to be very, very careful indeed. I am therefore disappointed the amendment is not being taken up. On the other hand I am encouraged by the minister's undertaking that discussions will continue with the Victorian Farmers Federation with a view to having a mutually satisfactory scheme in place for the next harvest.

I ask the minister, though: will such a scheme require a legislative amendment to the act or is it capable of being brought in without amending the act that is before the committee tonight and subsequently amending it next year?

Ms BROAD (Minister for Local Government) — In response to Mr Baxter I can indicate that I am advised that it is not envisaged that legislation would be necessary, but if it transpired that it was necessary to consider legislation, then that is something the government would examine.

Hon. W. R. BAXTER (North Eastern) — I thank the minister for the advice. I would like it if the minister were able to confirm that even if legislation were required it would be the anticipation of the government to have that legislation through this house in time for the 2005–06 harvest.

Ms BROAD (Minister for Local Government) — I should reiterate that I have been advised that legislation is not expected to be necessary, and that this can be done by gazettal. The commitment to have this in place by the 2005–06 grain harvesting season is a firm commitment so I do not wish to speculate about circumstances which the government does not expect to be necessary. But the commitment is there that the government will do everything that is necessary, if required, to have this in place for the 2005–06 grain harvesting season.

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

Ayes, 22

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Carbines, Ms	Mitchell, Mr
Darveniza, Ms	Nguyen, Mr (*Teller*)
Eren, Mr	Pullen, Mr (*Teller*)
Hadden, Ms	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr

Noes, 18

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hall, Mr
Bishop, Mr	Koch, Mr
Bowden, Mr	Lovell, Ms (*Teller*)
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Drum, Mr (*Teller*)	Vogels, Mr

Pair

Buckingham, Ms	Davis, Mr P. R.

Amendment negatived.

The CHAIR — Order! I call Mr Bishop to move amendment 2 in his name which will test amendments 3, 4 and 5. Mr Bishop can foreshadow those amendments.

Hon. B. W. BISHOP (North Western) — After discussion with my colleagues it has been suggested that amendment 2 will test amendments 3 and 5, but it will not test amendment 4. I will move amendment 2 on the assumption that it tests amendments 3 and 5. I move:

2. Clause 41, page 57, line 18, omit "less" and insert "not more".

This amendment changes the definition of a minor mass breach from less than 5 per cent of gross permissible mass, or half a tonne — to not more than these levels. The reason we are putting this amendment forward is to make the bill consistent with the national model bill. If the bill is passed in its current form there will be a slightly different threshold for a minor breach in Victoria than in other states adopting the model legislation. It may be argued by the committee that this is a small issue, but it is equally true to say that the inconsistency can be easily corrected by a small amendment.

There is no doubt among the people we have spoken to that there is confusion in the road transport industry about this matter, because our constituents and the Australian Trucking Association have raised this issue with The Nationals.

I am interested that this has not been picked up in the bill presented to the house because ministers around Australia have been through this process and have put the model bill together. Our Victorian minister, as we understand, signed off on this in 2003. The Nationals would argue strongly that we should have national uniformity by using a model bill to ensure we do not have this nonsense occurring across borders where obviously road transport operates.

Hon. W. R. BAXTER (North Eastern) — I support Mr Bishop in this amendment because the transport industry is a nationwide industry and borders should not be allowed to create artificial barriers — it should be a seamless industry. I thought that was the intention of the model bill agreed to by all the ministers, as Mr Bishop has explained. This government has prided itself on taking the lead with model bills in quite a few

other examples we have had before the chamber in this sitting and in earlier sittings. It seems very curious to me that this minor change, albeit an important change, has been made to the model bill, which will therefore cause confusion and inconsistency in Victoria.

I listened with interest to the minister's response to Mr Bishop's first amendment, and one of her defences for not accepting that amendment was that it was not in accordance with the model bill. The minister cannot have her cake and eat it too. She cannot use that argument on amendment 1 and use the opposite argument on amendment 2 when it does not suit her. I say the committee should accept this amendment so that it maintains and retains consistency with the model bill.

Ms BROAD (Minister for Local Government) — In responding to Mr Bishop and Mr Baxter I indicate that we seem to be in furious agreement about at least one thing, that it is desirable to stick with the model bill unless there are very good reasons for departing from it. The thing is, though, the very clear advice to me is that the amendment moved by Mr Bishop is not consistent with the break point between minor and substantial breaches of mass limits in the model bill. We seem to have very different advice. I am relying on the very good departmental advisers who have given me very clear advice that the amendments moved by Mr Bishop are not consistent with the model bill. That is the reason why the government does not support amendment 2, which is testing several subsequent amendments.

Hon. B. W. BISHOP (North Western) — I thank the minister for her explanation. Will the minister explain where the difference is?

Ms BROAD (Minister for Local Government) — As I indicated to Mr Bishop, I understand that the treatment of the break point between minor and substantial breaches of mass limits as set out in the bill is in accordance with the model bill. The proposed changes in Mr Bishop's amendments are not consistent with the model bill.

Hon. W. R. BAXTER (North Eastern) — We seem to be in the situation where we have both taken professional advice. The advice The Nationals have received from a good source seems to be at odds with the advice the government is relying on. I do not have that advice with me at this moment, although I have despatched a rider for it, but I dare say that I cannot hold up the committee pending its arrival. I maintain that my advice is as good as the government's and I am sticking to my guns.

Hon. B. W. BISHOP (North Western) — On that point, if The Nationals can prove that our amendment follows the model bill closely, can we have an assurance from the minister that the government will agree to that amendment?

Ms BROAD (Minister for Local Government) — I congratulate Mr Bishop on his endeavours to have his amendment supported, but I am not in a position to give such an undertaking on behalf of the government. I stick very firmly with the advice provided to me, that this amendment is not consistent with the model bill.

Amendment negatived.

Hon. B. W. BISHOP (North Western) — I move:

Clause 41, page 57, after line 25 insert —

"**Examples:**

1. The gross mass limit of a particular B-double under the regulations is 62.5 tonnes. It is stopped on a road and is found to weigh 65.0 tonnes. In this case the breach of the gross mass limit is a minor risk breach because the amount by which the limit is exceeded (65.0–62.5 = 2.5 tonnes) is less than 5 per cent of the maximum permissible gross mass (5 per cent of 62.5 tonnes = 3.125 tonnes).

2. The mass limit for a particular truck under the regulations is 8.0 tonnes. It is stopped on a road and is found to weigh 8.5 tonnes. In this case the breach of the mass limit is a substantial risk breach because the amount by which the limit is exceeded (8.5–8.0 = 0.5 tonnes) is not less than either 5 per cent of the maximum permissible gross mass (5 per cent of 8 tonnes = 0.4 tonnes) or the 0.5 tonnes referred to in paragraph (a)(ii). If the truck's weight when stopped had been found to be 8.4 tonnes, the breach would have been a minor risk breach because the 0.4 tonnes excess would have been less than the 0.5 tonnes referred to in paragraph (a)(ii), even though the 0.4 tonnes is not less than 5 per cent of the maximum permissible gross mass.".

I happened to have had in my pocket that unnumbered amendment, which I have just moved, in relation to this particular issue because due to the fact the figures — —

The CHAIR — Order! Excuse me, Mr Bishop, we have amendment 4 on the list of amendments 1 to 8 that you provided for us that we have not dealt with yet.

Hon. B. W. BISHOP — Thank you, Chair. That is the amendment we are now talking about. Obviously if the government had accepted our amendment prior to this, we would have run with the amendment as listed on the original sheet. However, we now need to go with the one you have in front of you. The reason we are asking these notes to be put in — —

The CHAIR — Order! Mr Bishop, are you moving amendment 4 that appears on the first page of the list of amendments numbered 1 to 8 or is it your unnumbered further amendment?

Hon. B. W. BISHOP — I am moving my further amendment.

The CHAIR — Order! So you are withdrawing your first amendment numbered 4?

Hon. B. W. BISHOP — Yes, I am. The reason The Nationals are moving this amendment is that substantial approaches have been made to us because of widespread confusion in interpreting this particular clause. A number of senior people in the industry have interpreted the clause to mean that a minor breach is limited to overloading by less than half a tonne.

The example we have presented, which is included in our 'further amendment', for the government's consideration explains exactly how the clause operates. From our point of view we believe there is no point in having laws that are not understood by people. It is much better to have a note attached when it appears to be a complicated process that the clause is trying to explain, so we put this amendment up in good faith in an attempt to reduce the confusion over that clause.

Hon. W. R. BAXTER (North Eastern) — I want to explain to the committee perhaps what Mr Bishop is trying to achieve here. He is trying to insert into the bill an example of how a very complex and complicated clause would operate in practice. The reason we have had to put forward this fresh amendment in substitution of amendment 4 on the original list of amendments is because Mr Bishop's amendments 2 and 3 were not passed, so the example given in the numbered amendment 4 is not accurate and the substituted unnumbered amendment to clause 41 accounts for that fact.

There is plenty of evidence that we are now increasingly seeing in acts of Parliament, footnotes, notes and examples which help the person studying the act to understand how it operates, and that is the purpose of this amendment. One only need look through this bill to see, for example, that notes are attached to clauses 24, 32 and 38, but particularly with clause 176, which we are yet to get to, a note and an example are included in the bill.

The precedent is already set — it is there — and The Nationals see that it would do much for the elucidation of this particular clause and for the edification of people who are in the industry and trying to understand what it means if they had this practical example included in the bill, because elsewhere in the bill examples and notes are provided, and we see no reason why there should not be consistency, particularly on this very complex provision.

Ms BROAD (Minister for Local Government) — In response to Mr Bishop and Mr Baxter, I am advised firstly that the use of examples is not consistent with the model bill provisions. In relation to the points that Mr Baxter was making, whilst there are some notations in the government's bill, I am advised that there are not examples in the sense that are being proposed with this amendment. The government does not believe it is appropriate to place such examples in the bill.

Hon. W. R. BAXTER (North Eastern) — I am very disappointed in the minister's response. Perhaps we are engaging in semantics. Perhaps if Mr Bishop's amendment had not been headed 'Examples' but had been headed 'Notes' it would have fallen within the parameters that the minister has just outlined to the committee. If committee members care to look at page 74 of the bill they will see a note which says:

> Note: Section 187 provides —

and it goes on to explain how proposed section 187 operates. That is exactly what we were trying to achieve with this amendment, so I am very disappointed at it not being accepted.

Amendment negatived.

The CHAIR — Order! We now move on to Mr Bishop's amendment 6, which will also test his amendment 8.

Hon. B. W. BISHOP (North Western) — I move:

> 6. Clause 41, page 72, lines 23 to 28, omit all words and expressions on these lines and insert —
>
> "(3) A person charged with an offence under this section has the benefit of the reasonable steps defence.".

This amendment puts into place a reasonable-steps defence for operators. We think it is very, very important because it extends the reasonable-steps defence to operators — in other words, trucking companies — for all minor, substantial and severe breaches. As it stands the bill only provides operators with a limited reasonable-steps defence where a person has relied on shipping container weight declarations. The words inserted are exactly the same as in proposed section 173(4), which gives loaders access to a full reasonable-steps defence. We believe this is quite a reasonable and equitable way to go forward.

We believe that because the government bill takes a very hard-line approach to enforcing the mass, dimension and load restraints regulations. Under the legislation consignors, packers, loaders, operators, drivers and consignees have a very strict and onerous responsibility to ensure the road laws are complied with. However, whereas consignors, packers and loaders have access to the so-called reasonable-steps defence, operators and drivers do not. That gives consignors, packers and loaders an opportunity to defend a charge laid under the legislation in a number of ways. For example, they can claim they did not know or could not have reasonably known they were breaching the legislation. They also have a defence if they are complying with all relevant standards and procedures under a registered industry code of practice. By not extending the reasonable-steps defence to operators and drivers we believe this bill is totally unreasonable, inconsistent and undemocratic.

The bill as drafted also undermines the role of industry codes of practice. We should be encouraging the whole of industry and particularly operators and drivers to adopt and comply with sensible codes of practice. Our amendments give truck operators and drivers access to the reasonable-steps defence. It is only fair and reasonable that these groups have the same defences as others in the transport chain. If they act in good faith and have taken reasonable steps to comply with the legislation they should not be prosecuted for inadvertent breaches.

Ms BROAD (Minister for Local Government) — In relation to Mr Bishop's amendments 6 and 8, I am advised that these amendments are not consistent with the model bill provisions. The government's position is that the reasonable-steps defence should not apply to operators for two reasons: firstly, because of the level of control over the vehicle by operators; and secondly, because it is not consistent with existing liability for drivers and operators. In relation to the model provisions in the model bill, the reasonable-steps defence is limited to minor risk breaches only. Given that this is also a test of amendment 8 I am advised that the government's provisions are consistent with the model bill inasmuch as if a person relies on a container weight declaration and where that person ought to have known that would result in a mass limit breach, they do not have the benefit of the reasonable-steps defence. Again we come back to this question of consistency with the model provisions, and the clear advice to me is that these amendments are not consistent with the model bill provisions.

Hon. W. R. BAXTER (North Eastern) — Mr Bishop and I are quite prepared to acknowledge that this amendment is not entirely consistent with the model bill, but I make the point very strongly indeed that neither is the government's bill consistent in this respect with the model bill. It is a bit rich for our amendment to be rejected on the grounds that it is not consistent with the model bill when the government's own bill before the house is not consistent at this point.

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

Ayes, 22

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Carbines, Ms	Mitchell, Mr
Darveniza, Ms (*Teller*)	Nguyen, Mr
Eren, Mr	Pullen, Mr
Hadden, Ms	Scheffer, Mr (*Teller*)
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr

Noes, 17

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hall, Mr
Bishop, Mr	Koch, Mr (*Teller*)
Bowden, Mr	Lovell, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr (*Teller*)	Stoney, Mr
Davis, Mr D. McL.	Vogels, Mr
Drum, Mr	

Pair

Buckingham, Ms	Davis, Mr P. R.

Amendment negatived.

Hon. B. W. BISHOP (North Western) — I move:

7. Clause 41, page 73, lines 15 to 20, omit all words and expressions on these lines and insert —

"(3) A person charged with an offence under this section has the benefit of the reasonable steps defence.".

This amendment is quite similar to amendment no. 6. The difference is that this amendment attempts to put into place reasonable steps of defence for drivers. Under the proposed bill The Nationals argue that in a practical sense truck drivers could not argue before a court that information provided to them by a third party regarding the weight of pallets they loaded was wrong. They could not argue that the overloading was the result of an unforeseen change in weather conditions such as rain or even humid weather that caused their load to take up moisture and consequently exceeded the vehicle mass limits. We are attempting to change that.

It is true to say that other participants in the transport chain — consignors, packers and loaders, and we tried to get the operators a reasonable defence but the government knocked that out on the last vote — can defend a breach resulting from such an honest mistake provided they can show that they took all reasonable steps to prevent this from occurring.

The Labor government is stepping away from drivers and leaving them totally exposed. Mr Smith ought to be interested in this. They have not got any reasonable steps of defence.

Mr Smith — Why are you naming me?

Hon. B. W. BISHOP — I thought you would be interested, Mr Smith. I think you are a fair man. In this particular instance this government is taking away reasonable steps of defence for drivers, the people we thought it would be supporting in this bill. The Nationals find this inexcusable on the part of the government. We cannot understand it and we urge it to have a rethink, support this amendment and stand up for the drivers in our community.

Ms BROAD (Minister for Local Government) — In relation to Mr Bishop's amendment no. 7, it is the government's policy that the reasonable-steps defence should not be applicable to drivers for exactly the same reasons that were outlined in respect of Mr Bishop's previous amendment no. 6.

The reasons being that the arrangements the government is putting forward are consistent with the existing liability for drivers and operators, and that this is perfectly appropriate given the level of control over the vehicle.

In relation to the point that Mr Baxter made on the previous amendment which is on this same subject of the reasonable-steps defence and the model bill provisions, these provisions are that the reasonable-steps defence is limited to minor risk breaches. In any event the government's policy is that this defence should not apply to drivers for the reasons I have outlined, which are the same as applied to the previous amendment.

Hon. B. W. BISHOP (North Western) — In relation to what the minister has just said, we would agree that a driver would have reasonable control over the vehicle, but the fact of the matter is that does not excuse the government for removing the reasonable-steps defence. Reasonable control over the vehicle may mean that the driver would pull into an area and ask someone what the load was. If there were no weighing devices there, the driver would be told what the load was and would take that in good faith. But the government is removing any reasonable steps of defence if the driver's vehicle was found to be inadvertently overloaded through no fault of their own.

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

Ayes, 22

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Carbines, Ms	Mitchell, Mr
Darveniza, Ms	Nguyen, Mr
Eren, Mr (*Teller*)	Pullen, Mr
Hadden, Ms (*Teller*)	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr

Noes, 17

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hall, Mr
Bishop, Mr	Koch, Mr
Bowden, Mr	Lovell, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr (*Teller*)
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL.	Vogels, Mr (*Teller*)
Drum, Mr	

Pair

Buckingham, Ms	Davis, Mr P. R.

Amendment negatived.

Hon. B. W. BISHOP (North Western) — I move:

9. Clause 41, page 116, after line 19 insert —

"Division 5A— Formal Warnings

212A. Formal warnings

(1) An inspector may, instead of taking proceedings against a person for a contravention of a relevant heavy vehicle offence, formally warn the person if the inspector believes—

(a) the person had taken reasonable steps to prevent the contravention and was unaware of the contravention; and

(b) it is appropriate to deal with the contravention by way of a formal warning under this section.

(2) A formal warning must be in writing.

(3) A formal warning may not be given for a substantial risk breach or a severe risk breach of a mass, dimension or load restraint limit or requirement.

(4) In this section, **'proceedings'** includes action by way of an infringement notice.

212B. Appeals against formal warnings

(1) A person to whom a formal warning is given may, within 28 days after the warning is given, appeal in writing against the giving of the warning to the Magistrates' Court.

(2) After inquiring into the circumstances relating to the giving of the warning, the Court may—

(a) affirm the warning; or

(b) cancel the warning.

(3) A cancelled warning is to be treated as if it had never been issued.

212C. Withdrawal of formal warnings

(1) A formal warning may be withdrawn by a person who is, or who is a member of a class of person that is, authorized to do so by the regulations by serving on the alleged offender a written notice of withdrawal within 21 days after the formal warning was given.

(2) After the formal warning has been withdrawn, proceedings may be taken against the person for the contravention.

(3) In this section, **'proceedings'** includes action by way of an infringement notice.'.

This amendment follows the National Transport Commission model legislation which allows authorised officers or police to issue formal warnings as an alternative to taking proceedings. They can only be given formal warnings to minor breaches of the mass dimension and restraint laws and are intended to be used where the person has taken reasonable steps to prevent the contravention or was unaware of the contravention.

We believe that these step warnings that need to go into the bill are essential to the process of cooperation in the transport industry, and in this amendment we have also made provision for appeals and withdrawal of the formal warnings. The insertion of formal warnings would be a great step forward in relation to cooperation in the transport industry and should be included, as they were in the original model legislation.

Ms BROAD (Minister for Local Government) — In response to Mr Bishop's amendment 9, which is not supported by the government for the reason that — —

Hon. R. G. Mitchell interjected.

The CHAIR — Order! Mr Mitchell it is very hard to hear across the chamber and the minister is on her feet.

Ms BROAD — To continue: the reason that the government does not support Mr Bishop's amendment 9 is that formal warnings are not included in the bill because there is no precedent for formal warnings and no acknowledged role for formal warnings in Victorian law. I think it is important to point out that whilst formal warnings are an element of the national uniform model, they are designated as not being essential for nationally uniform outcomes. The reason these matters were not designated as essential for national uniform outcomes is precisely because jurisdictions across Australia deal with warnings quite differently and in the case of Victoria, formal warnings are an issue of enforcement policy and practice rather than law.

Hon. W. R. BAXTER (North Eastern) — The minister is really traversing a very narrow tightrope, isn't she?

Mr Smith — And doing it very well!

Hon. W. R. BAXTER — A real trapeze act, Mr Smith. On the one hand she is rejecting amendments being moved by Mr Bishop because they are not in accord with the model bill; now he moves an amendment which is absolutely in accord with the model bill, yet the minister does not want to accept it for all sorts of extraneous reasons — that somehow or other it is not the tradition in this state to have formal warnings.

Maybe we could be innovative, maybe we could have a bill that was consistent with national legislation and in so doing introduce what is perhaps a new but nevertheless a very worthy concept to this state, and a concept which has been agreed to by all transport ministers and signed off by the Victorian transport minister in the other place at the transport ministers conference when the model bill was agreed. I reject the minister's reasons for not accepting the amendment and I invite the committee to accept it.

Committee divided on amendment:

Ayes, 18

Atkinson, Mr	Forwood, Mr
Baxter, Mr (*Teller*)	Hall, Mr
Bishop, Mr	Koch, Mr
Bowden, Mr (*Teller*)	Lovell, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr

Drum, Mr	Vogels, Mr

Noes, 22

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Carbines, Ms	Mitchell, Mr
Darveniza, Ms	Nguyen, Mr
Eren, Mr	Pullen, Mr
Hadden, Ms	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr (*Teller*)	Thomson, Ms
McQuilten, Mr	Viney, Mr (*Teller*)

Pair

Davis, Mr P. R	Buckingham, Ms

Amendment negatived.

Hon. R. H. BOWDEN (South Eastern) — I draw the minister's attention to proposed sections 199 and 200, which are inserted by clause 41. If possible I would like some information about the aspect of possible reverse onus being written into the bill. As I read proposed sections 199 and 200 there is deeming of offences by officers, employees and directors of corporations and companies, and the description is complete in the clauses and sections that I have mentioned. Is it a requirement that even though a director or a partner of a business or an employee who is not actually with the vehicle and not driving the vehicle but who may in fact physically be a long way away — —

The CHAIR — Order! I advise members on Mr Bowden's side of the house that it is very difficult for Hansard to hear Mr Bowden.

Hon. R. H. BOWDEN — Because deeming is mentioned consistently through proposed sections 199 and 200, and given the reading of these clauses, it could mean that an officer of a company, a partner in a partnership or a director of a company is deemed to have committed an offence even though that person may be several hundreds of kilometres away from where the vehicle is at the time of the alleged offence. Since the word 'deeming' is used, is it in fact reverse onus on the directors, partners or those people who are not part of that scene where the offence occurs? Has the government written into this bill a reverse-onus clause?

Ms BROAD (Minister for Local Government) — In response to Mr Bowden I can indicate that while these deeming provisions are included in the proposed sections he has referred to, there are equally provisions which provide for a defence where a person who has been deemed to commit an offence can demonstrate that they have taken reasonable steps as a defence to that offence.

Hon. R. H. BOWDEN (South Eastern) — Further on the same line of questioning, does this then mean that the directors, senior management, partners and so forth have to go to court, actually appear and go through legal processes to present that line of defence every time an allegation is made against a vehicle for an offence? Must they go to court and engage in the full process of the law because of the deeming provisions?

Ms BROAD (Minister for Local Government) — I am advised that if the matter proceeds to the point where charges are laid, then that is a court procedure which would have to be dealt with through the courts.

Hon. W. R. BAXTER (North Eastern) — On clause 41, I seek the committee's indulgence for a moment to draw attention to two matters that the minister raised earlier when discussing amendments moved by Mr Bishop. I was advised a moment or two ago that in fact formal warnings are a part of Victorian law. I am not suggesting that the minister has misled the committee because she might have been restricting her remarks on formal warnings in that they are not part of what the transport inspectors do; but I am advised that the police have the power to make formal warnings under Victorian law.

However, the other matter I draw to the attention of the house where I think the minister may have misled the committee was in opposing Mr Bishop's substitute amendment 4 on the grounds that inserting an example would set a precedent because there are no other examples in the bill, although there are notes in the bill. I simply draw the committee's attention to clause 22 where in fact three examples are given, so I say that particular defence now falls.

Clause agreed to; clauses 42 to 62 agreed to; schedule agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

In so doing I thank members for their contributions to the debate and in the committee stage.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

SAFETY ON PUBLIC LAND BILL

Second reading

Debate resumed from 14 December; motion of Ms BROAD (Minister for Local Government).

Opposition amendments circulated by Hon. E. G. STONEY (Central Highlands) pursuant to sessional orders.

Hon. E. G. STONEY (Central Highlands) — I feel qualified to make a few comments on this bill because I have spent most of my life working on and around public land in the high country. Although I rarely speak about this, I feel obliged to present my credentials before I make these comments.

At an early age I started using pack horses to bring supplies into our grazing lease. I carted up the first hut on our grazing lease on horses when I was 15 years old. An old jeep track was put in. We had an old Ford jeep and the tracks were gradually put in through the high country. It was very dangerous and there were lots of accidents. My children now work our lease, and I regularly ride around Sheepyard Flat and Howqua Hills. Most public land is dangerous country but it is very exciting country. I have seen and helped at many accidents. I have seen a skier plunge 400 feet down an icy mountain, hit a tree and just survive. I have assisted with many search and rescue operations. I speak with first-hand knowledge of how easy it is for people to be hurt and to be lost, even today with mobile phones and the latest technology. I have seen many dangerous things on our public land and those dangers are still there.

No bill will make those dangers safer and no bill will protect stupid people from themselves. However, I support legislation that will keep people away from obvious and dangerous works such as timber operations. I especially support legislation that will keep away people who want to place other people in danger through protest demonstrations. There has been a desperate need for measures to protect the safety of timber workers in our forests who are going about their legitimate and legal duties. The opposition has called for stronger measures for some years now, including when Mr Carlo Furletti — who held the shadow position that I now hold — moved a private members bill a couple of years ago. There have been ongoing protests against logging for some years — protests which have become more confrontational and dangerous. Protesters have deliberately put themselves at risk while making their point. There is great danger in the logging coupes and to the trucks that take the logs out of the coupes.

The main purpose of the bill is to provide safety in our state forests for legitimate forest workers. This will be done by enabling the establishment and enforcement of public safety zones which restrict public access within those areas to certain times. The bill provides that the Secretary of the Department of Sustainability and Environment will be able to declare areas within state forests as public safety zones for the purposes specified, including the safe conduct of timber harvesting operations, orderly and safe conduct of fuel reduction burning and fire suppression activities, management of public recreational activities, and to protect flora and fauna, water and soil resources and cultural and historical values.

Apart from the protection of the timber workers who go about their legitimate tasks, the opposition has some concerns with the objectives of this bill. The bill is long overdue as far as the timber industry is concerned. It was flagged during debate on the Sustainable Forests (Timber) Bill. I welcome the bill as much as it addresses the problems affecting the forest industry, and I will address that in my contribution tomorrow.

The bill has gone too far. There are concerns that many other issues and activities on public land have been gathered up by the bill. There have been strong concerns expressed by the four-wheel drive movement, beekeepers, prospectors, miners and many others. I will demonstrate that they will be gathered up in this bill when there is no need for that to happen. The opposition will move a series of amendments in committee to protect the rights of other groups. Our particular concerns are with clauses 4, 5, 9, 23 and 24.

It is clear to me that the government has seized on this bill to widen and double its powers relating to public land. The government completely ignored the plight of the timber industry and is now under the pretext of public safety and on a whim stopping the rights of anyone to go anywhere. The opposition expresses concern about the lack of accountability with no retrospective public review of implementation of zones; the potential for mining exploration licence-holders to be inadvertently excluded; the provisions to create public safety zones for protection of flora and fauna, water and soil resources and cultural and historical values which do not have a safety aspect, yet are in the

bill and are contrary to the bill's purpose; and enabling regulations to be made prescribing other purposes for which a public safety zone can be declared.

I would like to backtrack and remind the house of some of the recent problems encountered by forest workers and the problems that have led to this bill. Tomorrow I will enlarge on those issues.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Rail: V/Line wheelchair access

Hon. P. R. HALL (Gippsland) — Tonight I wish to raise a matter for the attention of the Minister for Transport in the other place. It concerns V/Line access for wheelchair-bound persons. I have recently received a letter from Julie McKay, who is the integration manager at Traralgon Secondary College. She has been working with children with disabilities for at least the last 10 years.

Recently Julie took a number of students on a trip to the Melbourne Zoo. One of those children is a 13-year-old who is permanently wheelchair bound. Julie notified V/Line in advance of the travel requirements of this particular person and others.

The wheelchair used by this student is an electronic one; it is a bit longer than a manual wheelchair, so access to a normal carriage on the V/Line service is extremely difficult. Consequently the child ended up being put in the guard's van along with the attendant carer. While the carer was able to sit in a nearby carriage on the way down, the train was fully booked for the journey back, so the carer was required to sit on the floor of the guard's van for the $2^1/_2$ hour journey from Melbourne to Traralgon. Julie McKay states in a letter:

> Can I make it very clear that I have no issues or problems with the staff. At all times, the V/Line staff were as helpful as they could be. My issue is with the design of a modern-day train that does not allow access by all patrons. Many people in electric wheelchairs need to use the rail system, particularly those in the country. I strongly believe it is inappropriate, and in fact discriminatory, for this group of disabled people to have to travel in the guard's van.

I am sure all members of this house would agree with that comment. Having people travelling in the guard's van raises a health and safety issue too, particularly given that it was a very warm trip, and at times it was dusty in that guard's van.

Obviously carriages need to be redesigned, or at least existing carriages need to be modified so that people using electric wheelchairs are able to access V/Line services. I ask the Minister for Transport in the other place to turn his mind to this particular problem and attend to it as soon as possible.

Midland Highway: Peter Ross-Edwards Causeway

Hon. W. A. LOVELL (North Eastern) — I wish to raise a matter for the Minister for Transport in the other place regarding the roadworks that are about to begin to upgrade the Peter Ross-Edwards Causeway.

As the minister is well aware, these works are necessary because the current road is well below the minimum safety standard. The lane width on the causeway is as narrow as 2.7 metres, while the current safety standard is 3.5 metres, and the six bridges on the causeway do not have any shoulders, which is a requirement according to the current safety standard.

Two reports have identified that this road is below the safety standard. The first is the safety audit undertaken in 2001, which was released only after I put in a freedom of information (FOI) request for the document in 2003. The safety audit labelled the causeway as being clearly inadequate and outlined recommendations for improvements, including lighting the entire road and widening the lanes.

The second report, which was also released only after I requested it under FOI, is the causeway planning study compiled in 2002. The planning study made eight recommendations to the government for the upgrade of the road, ranging from the basic upgrade that would bring the road up to the bare minimum safety standard but without lighting to a six-lane divided highway with lighting. Seven of the eight proposals included lighting for the entire section of the road. In last year's budget the government allocated funding for the basic upgrade of this road — the one that does not include lighting.

This is a very lonely section of road at night as it crosses the river flats that separate the two population centres of Shepparton and Mooroopna. It is also a road that twists and turns, and it has several sharp turns as it approaches the bridges. As this road runs through what is predominantly bushland, the area is very dark. It is a section of road that needs and should have lighting.

VicRoads has reported that up to 30 000 vehicles per day currently use this road, and with the communities

of Shepparton and Mooroopna growing rapidly, the number of vehicles using this road to travel between the two centres will increase significantly over the next few years. In fact there is a proposal to develop a 1500 to 1800-lot housing estate on cleared land on the northern side of the causeway. The majority of traffic will access the estate via the causeway.

The *Shepparton News* of 9 December carried a story on the causeway upgrade. It reported that the widening works will begin in the middle of next year, with contracts to be called for in the first quarter of the year. It is expected that it will take 18 months to complete the works. The government should not waste the opportunity it has to install lighting at the same time as the other works are undertaken. I call on the minister to provide the additional funding needed to install lights on the Peter Ross-Edwards Causeway at the same time as the widening works are undertaken, and to provide a safer road to service the growing community of Shepparton and Mooroopna.

Emergency services: funding

Hon. KAYE DARVENIZA (Melbourne West) — I raise a matter for the attention of the Minister for Police and Emergency Services in the other place. It concerns what action he and the government are taking to ensure that emergency service organisations right across Victoria — such as the Country Fire Authority (CFA), the State Emergency Service (SES), lifesaving clubs, the ski patrol and the coastguard — have the necessary updated specialist emergency equipment to be able to carry out their very important work. That work is, of course, not only about responding to emergencies when they occur — which can mean the difference between life and death and valuable property and assets being lost or saved — but also the important role they play in educating the community, making people aware of potential hazards that exist or are likely to occur, and providing very important advice about how they might be able to protect themselves and their property from such hazards occurring.

The work of emergency service organisations is mostly carried out by local volunteer members. They are very dedicated people and in fact are the backbone of Victoria's emergency services. They are actively involved in fundraising in their local communities. It is fantastic to see the level of support that communities give their local volunteer emergency service organisations. The specific query I have is: what actions are the minister and the government taking to ensure those organisations have the funds to meet their specialist emergency service needs?

I also acknowledge and congratulate the government and the minister on the significant funds, in excess of $200 million, that have already been allocated to emergency services since the Bracks government came to office in 1999 — important things like boosting CFA funding by an additional $39 million for 190 new fire trucks, $11 million towards new and upgraded fire stations, putting in place a single SES statewide emergency number, just to mention a few. The organisations are important.

Fernlea House: planning

Hon. A. P. OLEXANDER (Silvan) — Tonight I seek the assistance of the Minister for Planning in the other place. I raise a zoning issue which may have the effect of derailing a vital community project which I have kept members informed about over the last couple of years.

I have often spoken about the developments at Fernlea House, a inpatient palliative care service which is being developed from the ground up in the community. The house is a bequest — somebody left the house to the group in their will. Members of the group have worked tirelessly — they have put thousands and thousands of volunteer hours into fixing up the house and grounds. They have had large donations from right across the community, including one of $20 000 from a community bank. Recently the group was fortunate to obtain from the commonwealth government $800 000 in establishment funding for the establishment of Fernlea House as an inpatient palliative care service in the outer east. This is all fantastic work.

However, due to the research and investigations of a quite brilliant young journalist in the outer east, Mr Brendan Roberts of Fairfax Community Newspapers, it has been discovered that under Melbourne 2030 the house is in a green wedge A zone, which precludes any activity like the running of a hospice within that zone. Members can imagine that the group and the community supporting the group are very keen to have this issue resolved. They are keen because of the desperate need for the service and also because of the huge amount of effort the community has put in to get the service to the point where it is today. We understand that zone A does not allow for a hospice of this type to be run within its parameters.

I am asking for the urgent intervention of the Minister for Planning in the other place. I would like her on behalf of the community and the Fernlea House group to contact the Shire of Yarra Ranges and Fernlea House Incorporated and grant them an exemption so that they

may operate a hospice regardless of the fact that they are currently within a green wedge A zone.

Automotive smash repairers: insurance assessors

Mr SOMYUREK (Eumemmerring) — My request is for the attention of the Minister for Small Business, and it concerns insurance assessors. I understand that certain insurance companies pay assessors according to the percentage of money they remove from a quote for smash repairs. The consequence of this is that assessors have a huge financial incentive to facilitate the very lowest quote. This is a problem because at the moment there is a general perception that the quality of workmanship and the safety of motorists are of secondary importance to these insurance companies.

Exacerbating the situation is that according to the Victorian Automobile Chamber of Commerce many of these assessors are not qualified and accredited smash repairers. When you consider that modern motor vehicles are fitted with intricate technology it is difficult to comprehend how these assessors' opinions override those of the expert recommendations by qualified and accredited smash repairers. Consumers and people in the industry are concerned that as a consequence the consumer may not get the best and safest repair to his or her vehicle and the poor old panel beater will be forced to work for even lower pay.

In this highly technical industry unqualified insurance assessors who have a strong financial incentive to offer the lowest possible quote have the power to override the qualified and accredited expert. Insurance companies should not be perceived to be more interested in profit than in their customers' safety and the value of their customers' assets.

I ask the minister to investigate the investment payments to insurance assessors and how many assessors hold industry qualifications.

Police: Eumemmerring Province

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise a matter for the attention of the Minister for Police and Emergency Services in the other place. I draw the minister's attention to a serious incident which I am informed took place last week at the Pakenham police station where the officer who was on duty was lured from the station by someone tapping on the window or door. The officer went outside and was set upon and bashed by a person who had a key or a weapon in their hand, which inflicted fairly substantial facial injuries. This occurred at a time when the officer was the only person rostered on duty at Pakenham. As the minister should be aware, there has been longstanding concern about the shortage of police in the Pakenham and Casey areas.

On 6 December I received a letter from Paul Mullett, the secretary of the Police Association. He wrote:

> We write to bring to your attention the critically inadequate level of police resources at the Narre Warren and Pakenham police stations and to call on you to take urgent steps to help address this situation.
>
> The Police Association ... is very concerned that police numbers at these stations have not changed in many years despite a rapidly growing population in this district.
>
> The association raised these concerns with the government and the Victoria Police force as early as October 2002 upon the release of the National Institute of Economic and Industry Research report which found that the districts of Casey and Cardinia were short a total of 42 police officers. The association still maintains that this number of additional police is required in these districts.
>
> It has reached a point where police officers in the front line at Narre Warren and Pakenham police stations are struggling to provide the community with adequate foot, bike and even van patrols — the very mechanisms that are recognised as preventing crime. Moreover the current level of resources is placing enormous stress on our members which in turn compromises their ability to provide an adequate policing service.

The letter goes on to outline seven resolutions passed by police members at Narre Warren and Pakenham calling on the government to act. The minister has been aware of this issue for more than four years. The events of last week demonstrate why the shortage of police in Casey and Cardinia continues to be a problem. There is a problem at the Pakenham station, there is a problem at the Narre Warren station and that has been exacerbated by the opening of the Endeavour Hills police station which merely diverted police numbers from the existing stations. There continues to be a problem at Endeavour Hills.

Given this issue and the incident last week I again call on the Minister for Police and Emergency Services to provide extra police resources in the Casey-Cardinia area.

Hobsons Bay: safe driving program

Hon. S. M. NGUYEN (Melbourne West) — I wish to raise a matter for the Minister for Transport in the other place, the Honourable Peter Batchelor. This issue relates to ongoing concerns about the risks and the costs associated with dangerous driving practices on our roads in Victoria. I am proud to be a member of the Bracks Labor government because it has listened and

acted when it comes to taking action to curb the excessive number of deaths and injuries on our roads. Some of the measures that have resulted in a decline in the annual road toll include additional speed cameras to slow motorists down; 40 kilometre-an-hour speed zones around metropolitan schools; the recent introduction and the commencement this week of random drug testing; and a reduction in the tolerance level where motorists are travelling in excess of the designated speed limit. These measures have worked but there is more to be done.

I have been notified of various incidents in the City of Hobsons Bay involving dangerous driving practices which have been known to occur along the Esplanade adjacent to Williamstown beach and in the Altona beach area. The City of Hobsons Bay has undertaken a range of measures to try to address some of these issues. These initiatives include the installation of temporary bollards, a reduction in the speed limit in the vicinity of the bollards to 40 kilometres an hour, and the installation of double solid lines along the Esplanade between Garden and Victoria streets.

The council has indicated that it will now introduce an irresponsible driving local law which will make it an offence to drive a vehicle so as to deliberately cause or attempt to cause a skid or other mark on the road or in a public place or to drive in such a manner that it creates indentations on the surface of a road or public place. The advertising of this proposed law is in place with a view to it being introduced sometime around Christmas.

Hobsons Bay has written to me requesting that the government seriously consider introducing legislation to impound offending drivers' vehicles. I certainly welcome the input from the City of Hobsons Bay and have no doubt that our government will consider such a proposal, together with a whole range of other initiatives and continue to work towards making our roads safer into the future. I ask the Minister for Transport to take action with the Hobsons Bay City Council on this matter.

Aquaculture: licence fees

Hon. PHILIP DAVIS (Gippsland) — I raise a matter for the attention of the Minister for Agriculture in the other place. The aquaculture industry in Victoria is in diabolical straits at the present time. I have had representations from the Port Shellfish Company, the proprietors of which are Stuart and Sheryl Raines.

The Raines have written and advised me that they have some particular challenges in their business, which they have been operating as husband and wife for the last 22 years. While there have been some environmental and other challenges with respect to the ongoing success of the business, the major problems for their business and the mussel growing industry as a whole, and in particular aquaculture at large, is the increasing cost of compliance in Victoria and the unfortunate negative view that there seems to be within the government and Fisheries Victoria about this important industry.

Aquaculture licences are due for renewal on 31 October each year and just recently the Raines received their renewal notice. Their letter states:

> The management and compliance part of the licence has risen by 135 per cent.

Their licence cost for 2003 was $2567.77, whereas the cost for 2004 was $3723.02, which is an overall increase of 45 per cent.

According to the Raines, cost recovery, which was introduced on 1 July along with the introduction of PrimeSafe fees, has caused the cost of mussel farming in Victoria to be priced out of the marketplace. Before cost recovery was introduced Victoria was already the most expensive state to carry on mussel farming businesses. The letter from Mrs Raines says:

> Now with the introduction of the cost recovery and PrimeSafe fees, we are being disadvantaged ...

I make the point that this is not just the Raines's own view as an individual business but the Victorian Aquaculture Council has made the point this week that Victoria's industry is stagnating, that there has been a collapse of licence renewals from 300 to 100 this year and that half the mussel farms in the state are on the market. I therefore ask what action the minister will take to relieve the burden of compliance on the aquaculture industry in Victoria and stop this terminal decline into which the minister has put Victorian aquaculture.

Bushfires: Creswick

Ms HADDEN (Ballarat) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services in the other place, the Honourable André Haermeyer. The matter is both serious and urgent given that the summer fire restrictions commenced on Monday, 13 December, and a bushfire warning notice has been published advising Creswick, Wattle Flat and Dean district residents who fall within the jurisdiction of the Newlyn-Dean Rural Fire Brigade (RFB) and the Creswick Urban Fire Brigade (UFB).

The action I seek from the Minister for Police and Emergency Services is that he urgently intervene in a potentially dangerous situation and ensure that the Hepburn Shire Council immediately rebuild the Niggls Bridge on Niggls Road at Creswick. The council recently dismantled the historic bridge and has made the road impassable to emergency services and local traffic. The local Country Fire Authority (CFA) has advised that over the past two years the Newlyn-Dean RFB and the Creswick UFB have been working hard to keep open the Niggls Bridge and Niggls Road to no avail. The two brigades have written letters and attended many meetings with the Hepburn Shire Council and the Department of Sustainability and Environment, and the CFA says that neither will take responsibility for the work to be done on the road and the bridge.

The Niggls Bridge and road are gazetted by the state government to the Hepburn Shire Council to maintain, and as it is gazetted land the council collects rates from landowners within the area. Until August this year light traffic could still use the bridge even though it was dangerous and in bad repair. Now the council has partly dismantled the decking of the bridge making it not able to be crossed. The CFA has advised district residents that if there is a fire the users, residents and ratepayers of the Creswick bush area are in real danger of being trapped in the bush, as are the emergency services, especially if a fire were to come from the north or west, as this is the only road in or out of that area of the bush.

The local fire brigades have had to make a hard decision. In the case of a fire in the area they have decided they will not enter the bush until the fire has reached the Old Melbourne Road, which in effect would mean the township of Creswick would be wiped out. The CFA sincerely regrets this decision, but it is necessary for the safety of the firefighters, and that needs to be maintained at all times. The residents truly understand that. So until any change in the circumstances, the CFA urges local residents and users of the area to be well prepared for the fire season and to plan ahead what action they will take in the event of a fire in the area. The message is simple: get out! And so will the CFA, which cannot enter the area because the bridge has been dismantled and the road has been made impassable.

The lives of these rural townships, and the native flora and fauna, should not be placed in danger and put at risk by the incompetence and intransigence of the Hepburn Shire Council.

Responses

Mr GAVIN JENNINGS (Minister for Aged Care) — The Honourable Peter Hall raised a matter for the attention of the Minister for Transport in the other place about the design and capacity of the regional rail network to cater adequately and appropriately for people with disabilities who may have limited access to that rolling stock because of their wheelchairs, and asked the minister to take some action to remedy that situation at the earliest opportunity.

The Honourable Wendy Lovell also raised a matter for the Minister for Transport in the other place seeking that he support the allocation of funding for lighting on the causeway redevelopment between Shepparton and Mooroopna.

The Honourable Kaye Darveniza raised a matter for the attention of the Minister for Police and Emergency Services in the other place seeking his assistance to ensure that essential service organisations such as the Country Fire Authority, lifesaving clubs and coastguards have appropriate resources to ensure they have specialist equipment to support their regular emergency activities across the state.

The Honourable Andrew Olexander raised a matter for the Minister for Planning in the other place seeking her assistance in a zoning issue relating to the green-wedge restrictions of the planning regime to facilitate a palliative hospice service under the name of Fernlea House in the Shire of Yarra Ranges.

Mr Adem Somyurek raised a matter for the attention of the Minister for Small Business seeking her support to ensure that insurance assessors are appropriately accredited and that the minister undertake a review to ensure that within that industry there be appropriate degree of accreditation.

The Honourable Gordon Rich-Phillips raised a matter for the attention of the Minister for Police and Emergency Services in the other place seeking his support for increased police presence within the Casey-Cardinia area, and drew particular attention to the Pakenham police station.

The Honourable Sang Nguyen raised a matter for the attention of the Minister for Transport in the other place. He acknowledged the safe driving program and various measures that have been undertaken by the government to improve safety on our roads but sought the minister's assistance in contacting the Hobsons Bay City Council to introduce traffic-calming measures within its municipality.

The Honourable Philip Davis raised a matter for the attention of the Minister for Agriculture in the other place seeking his support for the aquaculture industry, in particular the mussel-growing section of that industry, and the minister's intervention to reduce the cost of compliance and registration that applies within that industry.

Ms Dianne Hadden raised a matter for the attention of the Minister for Police and Emergency Services in the other place wanting his intervention to ensure that there be appropriate availability within the road network — in particular a bridge in question within the Shire of Hepburn — to ensure that firefighters and the Country Fire Authority within that region have access to the community so that the members of the Creswick community are not vulnerable due to bushfires this season.

I will ensure that all of these matters are passed on to the ministers concerned.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 10.28 p.m.

Summary of Sanctions and Enforcements in the proposed Grain Harvest Transport Management Scheme

The sanctions and enforcements under the scheme are summarised by the following table:

Gross Vehicle Mass Limits	**Action**
– Up to 7.5% over regulation gross mass limits	– No penalty provided the manufacturer's limits are not exceeded
– Greater than 7.5% but less than 15% over regulation gross mass limits	– On the third breach in this category within 12 months vehicles removed from scheme
– Greater than 15% over regulation gross mass limits	– Vehicle immediately removed from scheme
Axle Mass Limits	**Action**
– Up to 10% over regulation axle mass limits	– No penalty provided the manufacturer's limits are not exceeded
– Greater than 10% but less than 20% over regulation axle mass limits	– On the third breach in this category within 12 months vehicles removed from scheme
– Greater than 20% over regulation mass limits	– Vehicle immediately removed from scheme

Source: Document prepared by the Hon. Barry Bishop, MLC, based on information supplied by AgForce Queensland and Victorian Farmers Federation.

(see page 2240)