PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Tuesday, 13 September 2005

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By authority of the Victorian Government Printer

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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The Hon. P. R. HALL

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Drum, Hon. Damian Kevin	North Western	Nats	Smith, Mr Robert Frederick	Chelsea	ALP
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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
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Tuesday, 13 September 2005

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.02 p.m. and read the prayer.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I wish to acknowledge a former Leader of the Government in the Legislative Council, Evan Walker, and welcome him to the house today.

ROYAL ASSENT

Message read advising royal assent to:

House Contracts Guarantee (Amendment) Act
Local Government (Further Amendment) Act
Melbourne College of Divinity (Amendment) Act
Racing and Gaming Acts (Police Powers) Act
Vagrancy (Repeal) and Summary Offences (Amendment) Act
Working with Children Act.

ABSENCE OF MINISTER

Mr LENDERS (Minister for Finance) — I advise the house that the Minister for Sport and Recreation is away on ministerial business and will not be here for question time.

QUESTIONS WITHOUT NOTICE

Gas: Port Fairy supply

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Energy Industries. I refer to the endless announcements made by him and the Minister for State and Regional Development in the other place in relation to the natural gas extension program and in particular to the many announcements made about connecting gas to the Port Fairy township. Given that the map issued by SP AusNet indicates that nearly half that township will be left off the reticulation grid, what action will the minister take to keep faith with the reasonable community expectations that gas would be connected to the homes and businesses of those residents?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I will tell you what was the reasonable community expectation: it was that this government would deliver on its $70 million gas extension program to regional Victoria. Deliver we will. We will deliver to 34 Victorian towns. That is 34 more towns than the previous government ever even contemplated delivering natural gas to. That is 34 towns and perhaps as many as 70 000 to 80 000 — —

Hon. Philip Davis — You said it would be 100 000!

Hon. T. C. THEOPHANOUS — I am happy to take up the interjection. We have said 100 000 and it will be between 70 000 and 100 000. But we have always made it clear that it depends on the take-up. We hope the take-up is so high that it goes over 100 000. I know that Mr Davis hopes it is a lot less than 100 000 because that might be 100 000 Victorians who might stop even contemplating voting for his side of the house. Those Victorians recognise the importance of the delivery of natural gas to those towns.

Port Fairy is one of the towns that the government announced would be connected to natural gas. Port Fairy is one of many towns including Paynesville, Creswick, Barwon Heads, Camperdown and any of the 34 that we are talking about. Those 34 towns are going to be connected, but we never said that every single person in every one of those towns would have access to natural gas. What we said was that natural gas would go to the 34 towns, and it will go to those 34 towns. Obviously given the way the rollout occurs it is not always the case that every single resident in the vicinity of or in the region around the town will necessarily be able to access the program.

We make no apology whatsoever for the way we have rolled out this particular program and will continue to roll it out. This is a very important infrastructure project for regional Victoria. It will provide regional Victoria with access to natural gas in places where traditionally it has not been able to access natural gas. As we have stated many times before, regional Victorians can expect to gain between $600 and $1000 in savings per annum as a result of the natural gas extension. That is a fantastic boost for the regional Victorians who will access this important program.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I took great interest in the minister's response. He said, 'Deliver we will. It will go to 34 towns but we never said it will go to every resident'. I put to the minister that his behaviour on this matter is duplicitous. Therefore, given this embarrassing revelation, along with the failure to reticulate nearly half the town of Creswick, how many more of the 32 towns which the government has pledged will receive reticulated gas will be

disappointed because only half the residents and businesses will be able to access that gas supply?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The Leader of the Opposition's position on this is totally hypocritical, because when you had power in this state you did not care about regional Victorians. You never delivered — —

The PRESIDENT — Order! The minister should direct his response through the Chair!

Hon. T. C. THEOPHANOUS — The other side never delivered natural gas; instead it sold the gas system to private interests. That is what it did — it set about selling it. It sold it in a worse way than is happening at the moment with the sale of Telstra, because it did not care about regional Victoria. We are the ones who care, and we are the ones who are delivering.

Seniors: multicultural communities

Ms ARGONDIZZO (Templestowe) — My question is to the Minister for Aged Care. Can the minister advise the house what action is being taken by the government to improve access to home care for Victorians from culturally and linguistically diverse backgrounds?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank Ms Argondizzo for her question and her concern about the wellbeing of older members of the community in Victoria who come from culturally and linguistically diverse backgrounds. Indeed one of the great features of the Victorian community is that it is made up of people who come from the best part of 200 countries around the world and now call this place their home. About 180 languages other than English are the first languages spoken in homes right around Victoria. Of those in our community who are over the age of 65, 40 per cent were born overseas.

It is a challenge for us to ensure that services are provided to this diverse community in a way that addresses their needs. Part of my responsibility is home and community care. At the moment only 20 per cent of home and community care services are provided to the 40 per cent of the population who come from those diverse backgrounds. It is a challenge for us to rise up and meet their expectations, whether that be through language, through food or through the appropriate assessment of the needs of older members of the community from those diverse backgrounds. We are continually tested on whether we have met the challenge of those members of the community.

I am pleased to say that I have been associated with a program which operates through home and community care in Victoria and on which I have reported to the house before — the Cultural Equities Gateways program. It is a program that allocates $6 million over three years to try to improve the delivery of culturally appropriate meals, bilingual services and other capacities in the provision of home and community care. There are about 500 providers of home and community care throughout Victoria, and the challenge to each and every one of those is to provide that degree of culturally aware and responsive services.

I am pleased to say there is some evidence that we are having some success in this regard. Last Friday I attended a function under the auspices of the action on disability within ethnic communities organisation — a group of providers and activists in the field of community care who have come together to assess how well we are travelling and to improve the degree of caring and responsiveness to members of our community from diverse backgrounds. The group has scanned the field of 500 providers and reported the positive result that 94 per cent of them have actively participated in this program and have made themselves accountable as to whether they are improving their services. This dovetails with and augments the work we are doing through the Cultural Equities Gateways group.

Hon. Andrea Coote interjected.

Mr GAVIN JENNINGS — I am very pleased to hear that the opposition spokeswoman is concerned about the quality of food provision. In response to the interjection, I have had a number of the meals that are provided, whether they be halal meals, kosher meals or other meals designed to address the different palates of members of our community from the great range of diversity that is Victoria. Indeed, it is a challenge for us to try to ensure that the meals we provide through the Meals on Wheels program are part of that responsiveness to and recognition of the diversity in our community. The report I launched on Friday at the Northcote town hall in part recognised that, by encouraging us to increase the number of bilingual workers and ensure assessments are done in a culturally sensitive way to meet the needs of that diverse community.

Information and communications technology: HealthSMART strategy

Hon. D. McL. DAVIS (East Yarra) — My question is to the Minister for Information and Communication Technology. I refer to the $323 million HealthSMART

information and communications technology strategy being undertaken by the Department of Human Services, and I ask: what oversight or coordination role has the minister or her department had in developing this strategy, and what role will the department have in the implementation of HealthSMART?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I know it is very hard for the member. He would prefer to ask questions directly of the Minister for Health but obviously does not have the opportunity to do so. Nor is he prepared to furnish members of the lower house with the questions he would like to ask the minister. HealthSMART is the responsibility of the — —

Hon. Andrea Coote interjected.

Hon. M. R. THOMSON — It has not changed, and nor has the questioning — members continue to ask ministers questions about matters for which they do not have portfolio responsibility.

HealthSMART is a very important project for the health portfolio. It will see up-to-date technology being used to provide better services for Victorians. Let me assure the member that the HealthSMART project is the responsibility of the Minister for Health. I have every faith in the Minister for Health's ability to ensure it produces the outcomes the government is expecting in relation to providing better and more efficient services to Victorians.

Hon. D. McL. Davis — On a point of order, President, I asked the minister very specifically what oversight or coordination role she or her department had had, and she did not address that question in any manner whatsoever.

The PRESIDENT — Order! I do not uphold the point of order. The minister was responsive to the question the member asked. As I have indicated to the house on previous occasions, and as my predecessor indicated on numerous occasions, a response by a minister to a question is a matter for the minister concerned. Whether the member likes the answer or not, those are the rules of the house. The minister responds, and the member has a chance to ask a supplementary question to have the minister's response elucidated.

Supplementary question

Hon. D. McL. DAVIS (East Yarra) — I note that the Minister for Information and Communication Technology failed completely to respond to that question about what role she or her department had in oversight or coordination. Three hundred and twenty-three million dollars is a huge spend by the Department of Human Services on this important information and communications technology (ICT) project, but the minister has effectively indicated to the house that her department and her office have had no oversight or coordination role whatsoever in that process. I ask the minister again whether she intends, as this project is rolled out, to ensure that it is consistent with government ICT policy, and what steps will she take to ensure that the HealthSMART project is consistent with whole-of-government ICT policy?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I think the member is alluding to the Office of the Chief Information Officer. As I have indicated to this house, we have responsibility through that office for whole-of-government ICT projects. The HealthSMART project is an initiative of the Department of Human Services. It is a project that is to be funded over a number of years to provide better health facilities and services to the community through the use of technology. It is a very innovative program that will ensure Victoria has state-of-the-art health services reaching as far as possible right throughout Victoria and that Victorians can have confidence that the technology that backs up their health services is the best that can be provided to them. I have every confidence that will occur.

Aged care: funding

Ms CARBINES (Geelong) — My question is to the Minister for Aged Care. I refer to the release last Sunday of a policy paper by the National Rural Health Alliance, calling for improved commonwealth funding and administration of aged care services in regional Australia. Can the minister report on the Victorian government's support for aged care, particularly in regional Victoria, despite inadequate commonwealth government aged care funding to Victoria?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank Ms Carbines for her very timely question. She and other members of the house may have noticed the weekend's reportage of a conference that was held in Canberra over the weekend, conducted by the National Rural Health Alliance and Aged and Community Services Australia which drew attention to the malaise in the provision of aged care services throughout this country and fairly and squarely sheeted home responsibility for that shortage of service to older members of our community to the commonwealth government.

The report that came out of this conference was launched by the former Nationals leader, Ian Sinclair. He made particular note of the shortage of aged care facilities right throughout Australia. Indeed, he joined in criticism of the sector that was expressed by Greg Mundy, the chief executive of Aged and Community Services Australia, who said that the aged care systems in Australia were inadequate and there was inequity between what was available in the country and the city. He is also reported as saying:

> There are problems with access to services — nursing homes, hostels, but particularly to community care. The choices you get in the city, to remain living in your own home for a lot longer are not as available outside the metropolitan areas.

Indeed Ian Sinclair did not blanch at taking a pot shot at his former colleagues in the current federal government by saying they needed to lift their game and that all states and the commonwealth needed to get together to provide that degree of care to communities right across the jurisdiction.

I can say — and not for the first time in this place — that the Bracks government recognises its obligation to older members of our community right throughout regional Victoria. Not for the first time I report to the house that 162 of the 196 public sector residential aged care facilities in Victoria are in regional and rural areas. Indeed 37 of the 39 facilities that the Bracks government has undertaken to redevelop during the course of its nearly six years in government are in rural and regional areas. In terms of that degree of investment — the $258 million that we have committed to the redevelopment of those services right throughout country Victoria — $244 million of that $258 million has been allocated to redeveloping those services in rural and regional areas.

The Bracks government in Victoria is standing up. Despite the trend right around the country where states are getting out of public sector residential aged care, the Bracks government is saying, 'No, we have a commitment to older members of our community who live in rural and regional areas, and we will stand by them by providing service and quality residential aged care when they need it. When you grow old in your community and you are not as independent as you once were, we will provide the service'.

The commonwealth and not-for-profit sector — the private sector — are not meeting the Bracks government's commitment to those communities. If it were not for the investment of our government, those communities would find they were deprived of the services they so desperately need. Indeed Victoria is $60 million underfunded each and every year by the commonwealth in the provision of aged care, and each and every day within the hospital system in Victoria 538 people are waiting to receive residential aged care — that is, a cost to Victoria of $107 million each and every year. Come on, Commonwealth, get real and join in the commitment to older members of our community!

Food: labelling

Hon. W. A. LOVELL (North Eastern) — I direct my question to the Minister for Consumer Affairs. Food Standards Australia New Zealand has had in place for 10 years standards that require fresh fruit, vegetables and seafood to be labelled with country-of-origin information, or at least as imported product, and packaged fresh produce must declare the country of origin. While FSANZ is responsible for developing food labelling standards, in Victoria the Department of Human Services is responsible for implementing and enforcing the standards. Given the failure of the Department of Human Services to enforce country-of-origin labelling on these products in Victoria, what action has the minister taken or will she take to ensure Victorian consumers are fully informed?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — As the member indicated in her question, it is not my responsibility; the responsibility resides with the Minister for Health in relation to her department's responsibility to ensure goods are properly marked. It is also the federal government's responsibility to ensure that goods are marked with country of origin.

Honourable members interjecting.

Hon. M. R. THOMSON — Had opposition members listened to the question, they would have heard the member refer to the federal government's responsibility regarding country of origin. It is important that consumers ask the right questions to be fully educated in knowing what questions to ask. Consumer Affairs Victoria certainly puts out a lot of education material to students and the general public about questions they should ask about product and about the standards that need to be met in relation to product. We take that educative role very seriously. Let me say again — as has already been indicated by the question — we have no responsibility as a department to ensure that food-of-origin labelling is occurring. However, should there be incidents where there is a deliberate intention to mislabel and deceive consumers, then that is a matter for Consumer Affairs Victoria and is one that it would follow up.

Supplementary question

Hon. W. A. LOVELL (North Eastern) — Given the minister's clear power under sections 46(1) and 47(1) of the Fair Trading Act to intervene where labelling standards are not being met, what action will the minister and her department take to ensure the enforcement of the standards?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — As I indicated, there are areas where the standards set are the responsibility of Consumer Affairs Victoria, and food is not one of them. As I have also indicated, where there are indications of food being mislabelled, or where consumers are being deceived intentionally as to origin and mislabelling, then that is a matter for Consumer Affairs Victoria and that would be taken up.

Aged care: wound management

Mr PULLEN (Higinbotham) — My question is to the Minister for Aged Care, Mr Jennings. Can the minister advise the house of recent initiatives by the Bracks government to improve the management and treatment of wounds suffered by older Victorians?

Honourable members interjecting.

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank Mr Pullen, and indeed the opposition, for their roaring enthusiasm for the way in which the government is trying to support the more effective treatment of wound management that adversely affects the quality of life for many older members of our community.

Mr Pullen may or may not be aware that on any given day perhaps up to 15 per cent of older members of our community may suffer the pain and inconvenience of having a pressure sore or ulcer. In many instances they are quite debilitating and bedevil the quality of life for many members of our community, particularly those in residential care and those who are infirm or bedridden. Pressure sores are very difficult to heal and are extremely painful. We are trying to find ways to mitigate them now and in the years to come.

One of the commitments we have made as a government is to replace all our bed stock in public sector residential aged care throughout Victoria. In the last two years we have replaced $2 million worth of mattresses throughout the system to try to ensure the provision of beds and care meet the needs of the older members of the community who are frail and have loss of skin integrity. That is one of the key indicators of quality of life in later years.

Through research we are trying to find ways to address the needs of these members of the community. Earlier this year I committed $550 000 to a research project into the scope and prevalence of bed sores, ulcers and pressure ailments of the older members of our community, and ways we could treat them through new techniques and technology. That includes new ointments and other forms of treatment, and the way they can be put together and case managed effectively to reduce the incidence of bed sores. The funding of these new treatments at the moment is not an endeavour that the commonwealth has demonstrated a commitment to. I issue a challenge to the commonwealth to join us in the project to find the most appropriate wound management treatment regime to meet the needs of older and vulnerable members of our community.

On Saturday morning I launched the opening of the conference of the Wound Management Association of Victoria, which is a group of people who have come together to develop best practice in relation to wound management. They are dedicated people who, as I indicated to them, are not doing a very glamorous job. They are absolutely committed to trying to provide the most timely and respectful service. At the launch of that conference, where they came together to share their knowledge and expertise, I announced a further $570 000 to replace the mattress stock to provide the most acute care for the most vulnerable residents throughout Victoria to ensure they have the most responsive, secure and safest beds to lie on. I encourage all those in the sector to improve our performance in wound management because it will improve the quality of life for all senior Victorians.

Building industry: warranty insurance

Hon. P. R. HALL (Gippsland) — My question without notice today is directed to the Leader of the Government in his capacity as Minister for Finance. I ask: can the minister advise the house how many claims are made against the estimated $120 million paid by Victorian builders each year in the form of builders warranty insurance?

Mr LENDERS (Minister for Finance) — I thank the Leader of The Nationals for his question. To assist the member and the house, in answering the question I will give some background to builders warranty insurance. When I became Minister for Finance in February 2002 it was just after the collapse of HIH which, as members will be aware, covered most of the builders warranty insurance. Also it was not long after the September 11 tragedy. The combination of the two meant the insurance industry was squeezed, with the

result that Victoria was not going to have any builders warranty insurance at all within a matter of weeks. In that environment the Victorian government, with New South Wales, brought in a 10-point plan to stabilise builders warranty insurance.

The key features of the plan were to make it an insurance of last resort rather than first resort, and to address some of the reasons this product was not available any more. Fundamentally the reasons were that rather than hold a builder accountable for incomplete work, the claim was going through insurance at a later date, sometimes six or seven years after the event. It was becoming generally unaffordable for consumers with or without claims and it was ineffective for consumers who had claims because they might be waiting with a defective house for months on end while an insurance claim was being prosecuted in the courts, and the remedy for the structural faults in the house was not being addressed.

Hon. D. McL. Davis — It didn't look too good on Friday night.

Mr LENDERS — I take up Mr David Davis's inane interjection. He forgets about the collapse of HIH. Mr David Davis should look to his colleague Mr Koch, who was on the administrative committee of the Liberal Party at the time. HIH paid $200 000 into the coffers of the Victorian branch of the Liberal Party as it was collapsing and letting down consumers. Let us get that right for the record.

Honourable members interjecting.

Mr LENDERS — I invite the Leader of the Opposition to check the Australian Electoral Commission return if he says that is not right. To turn to the material point of Mr Hall's question, the context — —

Honourable members interjecting.

Hon. P. R. Hall — On a point of order, President, I am having difficulty in hearing the minister's answer which he was about to give to my question.

The PRESIDENT — Order! I do not uphold the point of order, but members should make less noise in the chamber.

Mr LENDERS — Thank you, President, for your assistance, and for the assistance of the Leader of The Nationals. I would happily talk at length on builders warranty insurance. We have had the situation of market failure and we stabilised the market, which by now means that we have six market insurers — and I heard on *Stateline* the other day that it was eight. I am delighted that there are more builders warranty insurers in the Victorian market now. Mr Hall's specific question was how many claims were put in. I would challenge his figure of $120 million in premiums because I think he has overshot the mark by about 20 or 30 per cent, but the point is how many claims are in. We do not have the exact claim figures, but we do know from Vero Insurance, the market leader of the six or eight builders warranty insurers — I will give Mr Hall a more detailed figure later — that in the order of 30 or 40 claims a week are settled by the largest of the six insurers. Again, off the top of my head, there might be one or two, or even three, builders a week in total that default, and claims from them and others are in the order of that figure. I may stand corrected, and I will get Mr Hall a more exact figure, but that is the figure from the largest builders warranty insurer.

We are looking at a market that had total failure. In the context of Mr Strong's comments on the *Stateline* program the other day, I note that his mentor the former member for Brighton, Mr Alan Stockdale, would have described Mr Strong's comments about an insurer of first resort as magic pudding land. If Mr Strong wants the price for consumers to go up, he should not follow the advice of his colleague Mr Stockdale and go to an insurer of first resort. In response to Mr Hall, they are the ballpark figures, but I am happy to take the question on notice and get a more exact figure for Mr Hall on what the claims are and what is available in the public domain.

Supplementary question

Hon. P. R. HALL (Gippsland) — I thank the minister and I look forward to those detailed answers in due course. In return I will prove how I get the $120 million that he thought I had overestimated in terms of premiums paid. By way of a supplementary question, I ask: as builders warranty insurance is a statutorily-mandated scheme, what processes has the government in place to monitor the scheme's effectiveness?

Mr LENDERS (Minister for Finance) — In the minute available I will try to give Mr Hall a fulsome answer. Without avoiding the question, the conciliation aspects are the responsibility of my colleague the Minister for Consumer Affairs and the building enforcement is the planning minister's responsibility. Between those two ministers what the government seeks to do as far as enforcement goes is when a builder does not comply the Building Commission under the planning minister will have the responsibility to get a builder to comply by fixing the defect when it happens

rather than after the event to try to rectify it as an insurance matter, and also under my colleague Ms Thomson again Building Advice and Conciliation Victoria seeks to advise consumers to fast-track how these things can be done before it gets to that area.

We have sought to get a scheme in place that deals with consumers' issues when they arise, but above and beyond that this was a solution to a problem that emerged in 2002. Since then this government has referred to the Victorian Competition and Efficiency Commission the entire issue of builders warranty insurance and the building industry generally for it to report back on whether our regime is the best one. We will receive that report and we will act accordingly to look after consumers, builders and the Victorian economy.

Seniors: active living programs

Hon. KAYE DARVENIZA (Melbourne West) — My question is for the Minister for Aged Care, Mr Jennings. Can the minister advise the house of recent initiatives by the Bracks government to extend the healthy and active living program for seniors to support older Victorians in remaining active and healthy?

Hon. Andrea Coote — We have had this answer before. We do not need to hear it again; we will incorporate it.

Mr GAVIN JENNINGS (Minister for Aged Care) — Older members of our community may be mortified to know that the opposition clearly does not want to hear the good news about the support provided by the Bracks government for the older members of our community, but I know Ms Darveniza does. I thank those on the government benches, and sometimes I even thank The Nationals for their concern about the wellbeing of older members of their community.

This house has heard before about the program for healthy and active living. In November I reported to the house on $600 000 worth of programs that have been provided by our government to support the healthy and active lifestyle and indeed physical activity that benefits older members of the community. They come together in social cohesion and social inclusion; they enjoy one another's company and are provided with a range of physical exertion, from low impact right through to strength training.

Hon. Andrea Coote interjected.

Mr GAVIN JENNINGS — And Pilates comes somewhere in between! The benefit of these programs is demonstrated throughout Victoria. Indeed in Queen's Hall we have had the annual awards for strength training on a number of occasions. The expertise and capacity of older members of our community are improving. They are getting out there and improving their quality of life and their rigour in terms of the muscle definition in their bodies; their hearts and lungs benefit from physical activity, and we see that being demonstrated every day.

I am pleased to say that just over the weekend I approved an additional program that is being jointly sponsored by the International Diabetes Institute and the Rumbalara Football and Netball Club, a wonderful organisation in the Goulburn Valley region that provides support to many hundreds of members of the community right across the age group in terms of physical activity, and is closely aligned with best practice in terms of health and emotional wellbeing. It extends the envelope of those programs and is very innovative in the way it seems to work with mainstream providers. In this case the International Diabetes Institute has expertise in terms of strength training and the way in which it can mitigate against diabetes.

Hon. Andrea Coote interjected.

Mr GAVIN JENNINGS — Professor Paul Zimmet is the director, as perhaps the opposition spokesperson would have known. Professor Zimmet is a well-recognised expert in the field of diabetes prevention, mitigation and treatment. The institute and the club have had a program called Lift for Life which actually has provided a great degree of assistance to older members of the community and any well-informed member of the community in mitigating against diabetes.

Any well-informed member of the community, including the opposition spokesperson, may know that diabetes is extremely prevalent within the Aboriginal community. The Shepparton and Goulburn Valley community has a degree of evidence to suggest that older members of its community have poor health status and deserve that degree of support. So, together, the Rumbalara Football and Netball Club and the International Diabetes Institute will develop a program. They have been provided with in excess of $83 000 to develop that new program and develop that degree of support. It builds on the fantastic community effort of the Rumbalara Football and Netball Club, which was in three grand finals at the weekend. It got there in one and was just pipped out in two, but it is a great encouragement to the Aboriginal community now and into the future.

Banyule: councillors

Hon. J. A. VOGELS (Western) — My question is to the Minister for Local Government, Ms Broad. At last night's Banyule City Council meeting a motion of no confidence was moved against the mayor, Cr Greg Ryan, and the deputy mayor, Cr Jenny Mulholland, regarding breaches of section 79 of the Local Government Act. On this occasion the mayor and deputy mayor removed themselves from council premises, along with two ALP councillors, leaving no quorum to vote on the matter. Does the minister intend to act under section 85(6) of the Local Government Act, which states that 'the minister may order that as from the date specified in the order' these councillors are incapable of remaining councillors, and sack them?

Ms BROAD (Minister for Local Government) — The member is reminding us all of the attitude to local government of members opposite, particularly those in the Liberal Party, with their frequent and regular calls for numerous sackings and the removal of councils. That is in marked contrast to the very careful approach adopted by the Bracks government, which the recent investigation and decisions in relation to the Glen Eira council demonstrated. That followed a process initiated by the council itself in which the government instituted a very detailed investigation by an inspector and then dealt with that information in an open and transparent manner. The approach to local government of the opposition spokesperson on local government is very different and certainly does not accord with this government's commitment to treat local government with respect and as an important tier of government in its own right. It is now recognised under the state constitution as a result of the actions of the Bracks government.

A range of issues have been raised over an extended period of time in relation to the Banyule council. Matters which have been referred to me and to my department have been properly investigated and dealt with. If there are further matters which require attention, as the member opposite knows, I am more than willing to take material that he might want to provide, either to me or my department, and have those matters dealt with properly. I also indicate again to the member that constantly standing up in this place and simply calling for sackings and the removal of councillors or of entire councils or of using red cards and yellow cards — whatever other schemes the opposition might want to dream up from one day to the next — is not the basis on which the Bracks government conducts its relationships with local government. The member is going to have to deal with this in a serious way if he believes there are issues here which deserve investigation. I will always deal with those issues seriously if he cares to produce information which under the Local Government Act requires investigation.

Supplementary question

Hon. J. A. VOGELS (Western) — I thank the minister for her answer. The Glen Eira council was sacked for not being able to make decisions. Surely the stance taken by four Banyule councillors in removing themselves from the council chamber so there was no quorum also removed them from making decisions. I ask the minister whether if I give her the information, she will then investigate whether they have breached the Local Government Act?

Ms BROAD (Minister for Local Government) — The member might also recall that there have been instances when members on the other side of the house have removed themselves from this chamber for the purposes of calling into question a quorum. I am sure that if they are going to start pointing the finger at councils about removing quorums from meetings, if they are not to be complete hypocrites they might need to have a look at their own behaviour in this chamber from time to time. I have already indicated that if the member provides me with information that deserves investigation, then I will certainly refer it to my department to be investigated.

Veterans affairs: administration

Mr VINEY (Chelsea) — My question is to the Minister for Consumer Affairs. Can the minister advise the house about the action that is being taken by the government to ensure that due importance is given to veterans issues in Victoria?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The Bracks government recognises the important role played by veterans in our community over time, both in defence of the community and in providing services overseas. The house will be aware of announcements by the Premier in relation to taking a lead role on veterans issues in the Victorian government. This decision was welcomed by the veterans community and will lead to some changes and improvements in the way in which the government deals with issues that are important to our veterans.

A key change is in the introduction of a new veterans bill. The government has demonstrated a commitment to consult with the veterans community over that process and has been doing so since October last year. We have more recently released an exposure draft of

the new bill to allow comments from the ex-services community and other stakeholders. Those comments and the conclusion of the consultation period ended last Friday. This bill will strengthen the relationship that veterans and ex-services personnel and organisations have with the government. The bill will also lead to better regulation of patriotic funds that are held within Victoria.

Hon. B. N. Atkinson — On a point of order, President, the purpose of question time is to ask a minister a question that is pertinent to their administration. I wonder under what jurisdiction the minister is answering this question. It seems to me that she has been at pains to say that she is the Minister for Information and Communication Technology and the Minister for Consumer Affairs. How does this legislation and government service to veterans fall under either of those ministries?

Hon. M. R. THOMSON — On the point of order, President, it may have escaped the notice of the member, but I've had responsibility for the Patriotic Funds Act, and if he continues to listen he will find out exactly why I am answering this question.

The PRESIDENT — Order! That clarifies the point of order raised by the member. There is no point of order.

Hon. M. R. THOMSON — The reforms also respond to the increasing importance of Anzac Day and the importance that Victorians are placing on and their recognition of the contributions of our veterans. The bill will create a new Victorian veterans council that will advise the government at the highest levels. A minimum of 8 of the 11 council members will be veterans and from the ex-service community.

Mr Smith — Excellent!

Hon. M. R. THOMSON — I am glad Mr Smith has acknowledged that, because I know he has a great interest in it. The rest of the members will be appointed on the basis of the skills and experience that they can bring to the council to help it perform its functions. The bill will establish a new Victorian veterans fund to support projects which educate Victorians and the community about the history of our armed services and will help them to commemorate and recognise the contribution and sacrifice of veterans. The director of consumer affairs will take responsibility for the regulation of the veterans organisations, and the Patriotic Funds Council will no longer be in place. The bill will demonstrate that yet again the Bracks government is creating strong and caring communities which are being developed for all Victorians.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 1488, 1497, 2198, 2817, 4046, 4455, 4693–95, 4702, 4703, 4705, 4726, 4747, 4748, 4750, 4754–56, 5041, 5045–47, 5049, 5196, 5200–03, 5264, 5274.

MEMBERS STATEMENTS

Graffiti: removal

Hon. ANDREA COOTE (Monash) — Graffiti is a scourge that is right across our community. We see it on railway stations; we see it on buildings; we see it on public places all over this state. It is an absolute disgrace. It is unsightly, it is insulting and it is ugly.

Yesterday I went to the Moorabbin train station with an anti-graffiti advocate, James Gobbo. There we saw extensive graffiti which has transformed the public place into a state embarrassment; it is appalling. As Mr Gobbo said, the people of Moorabbin and Bentleigh deserve better outcomes from their local member and the Bracks government.

The Leader of the Opposition in the other place, Robert Doyle, has said that a Liberal government would ban the sale of paint cans to minors — which would help the situation — and that graffiti offenders would help clean vandalised surfaces. A Liberal government would also provide additional funds to target graffiti hot spots as well as introduce a statewide hotline to work in partnership with local government to attack and clean graffiti swiftly.

I suggest that the government looks at the graffiti sites because they are absolutely appalling, and that it also has a closer look at the Liberal Party's taking a lead on this issue. I commend Mr Gobbo for the work he has done looking into this graffiti issue in the Moorabbin and Bentleigh area, and I suggest that this government does something about it.

Schools: reading challenge

Ms ARGONDIZZO (Templestowe) — In February this year Premier Bracks launched the Victorian Premier's reading challenge. He invited all Victorian students in years 3 to 9 to read 12 books by 16 August.

Over 126 705 students from 1375 schools across the state answered the Premier's call. They embraced the challenge and have read more than 1 million books in the past six weeks — 58 260 students have read 12 books or more. I am delighted to report that over 2000 students from the 24 Manningham schools in Templestowe Province completed the challenge by reading at least 12 books each during the past six months.

On 7 September at the National Gallery of Victoria Premier Bracks commended 30 schools, including Doncaster Secondary College, for outstanding achievement in the Victorian Premier's reading challenge. He awarded each school a certificate and new books for their school libraries. I would like to congratulate each and every student who took part in the reading challenge. Whether a student read 2 books or 12 books the important thing is that they were motivated to embrace the challenge and discover the pleasure of reading. I also congratulate our school principals, teachers, librarians and, above all, the thousands of parents who supported this worthy educational initiative. The challenge was designed to foster a love of reading and the development of literacy skills among children. I hope the challenge has inspired each and every student to appreciate the enormous value of literacy to their personal development. I hope our children will take part in even greater numbers during the next Premier's reading challenge in 2006.

Government: performance

Hon. RICHARD DALLA-RIVA (East Yarra) — The Bracks Labor government continues its process of going nowhere. Let us look at the examples of major project blow-outs and overruns. The government has overspent $2.5 billion. An examples is the fast rail project, which had a projected a cost of $80 million but which is now costing Victorian taxpayers $750 million to save around $2^1/_2$ minutes. Spending is overblown on the synchrotron, on the state library redevelopment and the on National Gallery of Victoria redevelopment, just to name a few. The government cannot manage.

The government continues to blow Victorian taxpayers money on consultancies, on the cost of the state logo, on its fat cat bureaucrat bills, on cabinet meeting food bills and on the media monitoring. It even proposed to spend $400 000 of taxpayers money on a single, solitary tree, in addition to what it was going to spend the blue trees! We have had a blow-out of something like 15 000 extra bureaucrats. We keep hearing about extra authorities and statutory bodies being formed and established. We have seen elective surgery waiting lists blow out. We have seen increases in tax such as the parking tax in the city. It has even slugged the pensioners an extra $80 a year. Police fines are up; stamp duty is up; land tax and insurance are up. It is an absolute disgrace.

Australian Intercultural Society: summit

Mr SCHEFFER (Monash) — I congratulate the Australian Intercultural Society on its national security and harmony summit, Muslims in Australia, held in the Melbourne town hall last Saturday, 10 September. I particularly congratulate AIS program coordinator Orhan Cicek, on the leading role he played and his opening address on behalf of the society. The 400 people who attended the summit heard from a number of distinguished speakers including John Cobb, federal Minister for Citizenship and Multicultural Affairs; Adem Somyurek, a member for Eumemmerring Province in this house, who read a message from the Premier; Murray Thompson, opposition spokesperson for multicultural affairs; Sheik Fahmi Al-imam; Malcolm Thomas, president of the Islamic Council of Victoria; and George Lekakis, a Victorian multicultural commissioner.

The Australian Intercultural Society describes itself as a non-government organisation that strives to succeed in the development of a harmonious multicultural and multifaith Australia. The organisation was established in 2000 and since its formation has played a crucial role in integrating multifaith communities with mainstream society. Its objective is to create a society that is welcoming and respectful of all people, regardless of race, religion or cultural values. The contributors spoke of their concern over the unfair, unreasonable and increasing suspicion of Muslims in Australia as a result of the inexcusable acts that have been committed by a handful. The summit released a communiqué of eight agreed principles that included a commitment that all resident Muslims are subject to and protected by Australia's laws and respect the nation's democratic principles — —

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

Landcare: Goulburn Valley

Hon. W. A. LOVELL (North Eastern) — I wish to congratulate some Goulburn Valley residents who were recipients of awards in the recent Victorian Landcare awards. The Bangerang community based at Shepparton was awarded the Alcan Landcare indigenous community award, an award that recognised it as an outstanding community group that has adopted sound land management practices and is working

towards sustainable land use. Sunday Creek residents Allan and Sheila Stute were awarded the sustainable farming award from the Goulburn Broken catchment region, an award that recognises significant contribution to Landcare, shown through sound land management practices and sustainable productivity. The Landcare awards were presented at a special reception hosted by Governor John Landy and Mrs Lynn Landy at Government House. Both the Bangerang community and the Stutes will go on to represent Victoria in the national Landcare awards. I congratulate the Bangerang community and the Stutes on the success of the awards and wish them the best of luck in the judging of the national Landcare awards next month.

Human rights: Nunawading forum

Hon. H. E. BUCKINGHAM (Koonung) — Last evening I attended a public forum in Nunawading on human rights where the guest speaker was Julian Burnside, QC. Mr Burnside's presentation was both inspirational and educative. His personal accounts of defending refugees' rights and his stories of their incarceration, including the harrowing story of attempted suicide of a 10-year-old girl, reinforced my belief that mandatory detention is an inhumane policy. In the past nine years 12 000 Australian refugees have arrived illegally in Australia. Of this number over 9000 have been found to be genuine refugees and granted asylum.

Mr Burnside also spoke about the proposed federal terrorist legislation strategically announced last week by the Prime Minister to take the heat from the Telstra sale. The proposed legislation must be scrutinised closely because once hard fought for and long-established human rights are diminished and lost, we are all diminished as a society and as a nation. The current detention and expulsion of Scott Parkin is an example of this. I look forward to an informed and vigorous debate on this proposed legislation. There is much at stake.

Heatherdale Tennis Club

Hon. B. N. ATKINSON (Koonung) — I wish to advise the house that last Saturday I attended the unveiling of new tennis courts by the Heatherdale Tennis Club. It is very exciting because these courts will save 3.2 million litres of water a year. It is a water-saving initiative under the Smart Water program of the Department of Sustainability and Environment, Yarra Valley Water, Whitehorse council and Heatherdale Tennis Club. Eight tennis courts have been converted to a new surface called Classic Clay, because it does not require watering like en-tout-cas or other surfaces and will result in a very substantial water saving at this club. I believe that wherever possible when new courts are going in we ought to be looking at using this surface. Saving that amount of water is a significant achievement and something to be encouraged.

I extend my congratulations to the members of the Heatherdale Tennis Club. It is often hard for a community organisation to get members to agree to an initiative. It has obviously cost it a great deal in capital, and it can be very difficult to get members to agree to move into untested waters. I congratulate them on being prepared to take this move. It is certainly good news for the community.

Carers: rally

Ms ROMANES (Melbourne) — This morning I joined my parliamentary colleagues from another place the member for Morwell, Brendan Jenkins; the member for Narracan, Ian Maxfield; the member for Macedon, Joanne Duncan; and the member for Narre Warren North, Luke Donellan, and a number of members of the opposition at a rally organised by the Gippsland Carers Association around the theme Walk a Mile in My Shoes, which highlighted the many difficulties faced by carers of dependants with disabilities. The rally coincided with the group's visit to the House of Representatives in Canberra to lodge a petition and deliver a log of claims to the commonwealth government seeking support for improved services, including services responsive to the needs of people with disabilities and their carers.

As we learnt from the those who spoke, carers face a range of often complex needs and difficulties. We acknowledge their commitment and the contribution they make in caring for dependents 24 hours a day, 7 days a week. An important priority for the Bracks government since it was elected has been to increase funding for people with disabilities by over 40 per cent, but I acknowledge there is still much to be done to support carers in looking after their loved ones. The extra $120 million allocated over the next four years through the A Fairer Victoria program will go some way towards meeting those needs. Mr Peter Hall got it right this morning when he said this should be a non-partisan issue. I welcome news of additional commonwealth-state funding to assist ageing carers, who are a particularly needy group.

Carers: rally

Hon. D. K. DRUM (North Western) — Along with my colleagues from The Nationals, this morning I too was on the steps of Parliament House to join the Victorian family carers association in an awareness campaign titled Walk a Mile in My Shoes. About 60 to 70 carers were present on the steps of Parliament, and we listened to accounts of the debilitating trials that are the everyday life of those who care for people with disabilities. Carers had travelled from all over Victoria to vent their anger and present their log of claims to the government, and it was a shame that the member for Morwell in the other place, Brendan Jenkins, and Ms Romanes were the only Labor members of Parliament visible — the only ones with enough decency and courage to attend this rally.

Currently carers are neglected. We need to acknowledge that the care and love they give and the backbreaking — and heartbreaking — hard work that they endure for the wellbeing of their loved ones is saving this Victorian government hundreds of millions and possibly billions of dollars. It is time the government took a serious look at the current funding models and committed to making wholesale changes to the way in which it allocates the general revenue budget of this state. We cannot go on basing disability funding on historical data and simply increase the amount by whatever advocates for the disability sector can aggravate out of government. We need to put in place a model of care for people right across the disability sector — from those with minor disabilities who need minimal assistance to those with profound disabilities who need constant and individual care. Once we have worked out what is needed, we can look at what it will cost.

Geelong: sport

Hon. J. H. EREN (Geelong) — September is always an electrifying time for sports fans in Geelong, and the past weekend was no less thrilling than past September weekends. Firstly, commiserations to the Geelong Football Club following its nail-biting loss to Sydney on Friday night. It was great to see the Cats giving it a red hot go in the final series and, as they say, there is always next year.

Lots of other football action happened at the weekend. In the Geelong and District Football League, Thomson took out the senior flag against Corio, and in the GDFL reserves Bannockburn defeated Bell Post Hill to become premiers. North Geelong won the under-18 premiership. For the first time the GDFL senior netball A grade team is in a grand final, following the success of Werribee Centrals over North Geelong. I have spoken many times about netball in this chamber, and I am glad to see it is doing so well. It is also great to see soccer doing so well in Geelong. At the weekend the Geelong Rangers cemented their place as provisional league 1 champions with a hard fought win over Hoppers Crossing at Myers Reserve. The Rangers will now be promoted to join fellow Geelong-based teams, Corio and Geelong, in division 3 of the state league. The North Geelong Warriors will also be promoted after being crowned division 2 champions. They will now compete in division 1 of the state league, which is a fabulous effort considering division 1 is only one division away from the Victorian Premier League.

Once again congratulations to all the teams that played at the weekend in all sporting endeavours. I look forward to going to the Geelong Football League grand final at Skilled Stadium this Saturday to see the Newtown and Chilwell Football Club play South Barwon. I am sure that will be a great game. May the best team win.

Drugs: treatment programs

Hon. D. McL. DAVIS (East Yarra) — My point today relates to the government's cuts to its program of assistance for general practitioners and community health centres which treat those suffering drug addiction. More than 10 500 Victorians use methadone and related programs as a safer alternative. Many of these people have been assisted through the programs that community health centres have run. It is with shock and concern that I and many others have discovered that the state government has cut these important programs. It cannot be an enormous amount of money. I am told that $1.2 million was provided in grants to 11 community health centres. That is to be cut by nine to just two community health centres offering these important drug programs.

These are cruel and heartless cuts. They will ultimately be counterproductive cuts because the government's cutting of these important drug programs will simply lead to greater levels of addiction, more crime in our community and more illness, much of which in the end will fall back on the acute health system Victoria is responsible for. I think the government has made the wrong decision here. I think it is wrong and I think it is cruel. I call on the Minister for Health to reconsider the cuts she has administered. This program should not have been cut in this way. The government should think more carefully before this goes ahead.

North-East Multicultural Association

Hon. KAYE DARVENIZA (Melbourne West) — I want to inform the Parliament how delighted I was to launch the North-East Multicultural Association (NEMA) in Wangaratta last night. Ken Jasper, the member for Murray Valley in another place, also attended the launch. This newly formed ethnic council is committed to developing, promoting and advocating the needs of multicultural communities in north-east Victoria. Its key activities will include assisting and supporting new migrants and refugees in the region and assisting in the promotion and facilitation of the regional skilled migration program. I would like to congratulate all those involved in making this happen, particularly Cr Rozi Parisotto, the president of the North-East Multicultural Association, and the five local governments: Wangaratta, Benalla, Alpine, Indigo and Mansfield. I would also like to congratulate two Goulburn Ovens TAFE graphic arts students — Joy Langmuire and Luke Simmons — for designing the NEMA logo and brochure. This is a terrific addition to rural and regional Victoria. Many new migrants come to settle in that region and many existing migrants living in the region need a great deal of support. I know this new association in north-east Victoria will be a terrific asset.

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) — I congratulate the residents of the Mallee who, under the leadership of the Save the Food Bowl Alliance and the Mildura Rural City Council, gathered on the steps of the Parliament last Thursday in a silent vigil for the 232 jobs that will be lost if the Bracks government proceeds with its plan to place a toxic waste dump in the Mallee. There was not one Labor member in sight as parliamentarians, their staff and others, like residents of the area near Violet Town that was threatened with a toxic dump before Hattah-Nowingi became the target, joined the Mallee people to show the solidarity, determination and commitment that our forefathers showed when they first settled the Mallee. The Mallee pioneers have a history of overcoming the odds and never letting an obstacle stand in their way, and that is how it is today.

It is interesting to note that questions in the Parliament from non-government parties targeted the government on the proposed toxic dump in support of the silent vigil on the steps of the Parliament. However, I was surprised that the independent member for Mildura in another place chose to use his monthly question on football rather than keeping the pressure on the government. I suspect the government is now assessing how long our communities can keep up this relentless pressure. Mayor Peter Byrne's words 'There will be no surrender' say it all, so the answer is: as long as it takes. It is interesting to note that support is increasing, particularly along the Calder Highway and the rail corridor that may be used to transport the toxic waste 500 kilometres from its source.

Western Port electorate: community involvement project

Hon. J. G. HILTON (Western Port) — On Friday I was delighted to be present at the launch of the Getting Involved — Businesspeople and their Communities project at the Hickinbotham Winery on the Mornington Peninsula. This experimental project aims to contribute to building a stronger community in Frankston and the Mornington Peninsula by encouraging and assisting local businesspeople to become actively involved in supporting their community. The project has two parts. The first involves Dr John Murphy of Mornington Peninsula Community Connections and Ms Vicki Martin, the manager of the Frankston Community Support and Information Centre, working cooperatively to provide a free information and advisory service for businesspeople who are interested in becoming involved or more involved in supporting their community.

The second part of the project is a web site which provides a range of information for businesspeople about community involvement; the web site address is www.gettinginvolved.com.au. The perceived long-term benefits of the project include increased knowledge, skills and energy for community problem solving; extra resources for community projects and services; an additional source of volunteers; enhanced management skills for community groups; wider community networks through increased links between businesspeople and community sector people; and improvement in the quality and sustainability of community services and activities. This is a terrific local initiative and I would like to wish it every success.

PAPERS

Laid on table by Clerk:

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

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 49.

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

Cardinia Planning Scheme — Amendment C33.

Colac Otway Planning Scheme — Amendment C13.

East Gippsland Planning Scheme — Amendment C33.

Golden Plains Planning Scheme — Amendment C19.

Greater Geelong Planning Scheme — Amendment C97.

Manningham Planning Scheme — Amendment C30.

Maribyrnong Planning Scheme — Amendments C38 and C41.

Monash Planning Scheme — Amendment C16.

Moonee Valley Planning Scheme — Amendment C64.

Port Phillip Planning Scheme — Amendment C48.

Whitehorse Planning Scheme — Amendments C59 and C61.

Project Development and Construction Management Act 1994 — Orders in Council of 30 August 2005 of nomination and application orders (three papers).

A Statutory Rule under the Victims of Crime Assistance Act 1996 — No. 106.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(1)(b) in respect of Statutory Rule No. 106.

NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL

Second reading

For **Ms BROAD** (Minister for Local Government), Mr Lenders (Minister for Finance) — I move:

That pursuant to sessional order 34, the second-reading speech be incorporated into *Hansard*.

The second-reading speech for the National Parks (Otways and Other Amendments) Bill contains minor amendments to reflect the fact that South West Water was incorporated into Wannon Water on 1 July 2005 and to clarify the total area being included in parks and new nature conservation reserves near Melbourne.

Motion agreed to.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

I am pleased to introduce a further bill to enhance Victoria's parks system. The bill will principally amend the National Parks Act 1975, Crown Land (Reserves) Act 1978 and Forests Act 1958. It will also amend the Heritage Rivers Act 1992, Fisheries Act 1995 and Sustainable Forests (Timber) Act 2004.

Of particular note, the bill will protect the Otway forests by:

implementing the key government policy to create a greatly expanded national park in the Otway Ranges — the Great Otway National Park;

establishing the basis for creating the Otway Forest Park; and

ensuring the end of sawlog and pulpwood harvesting in the Otway forests.

It will also enhance the parks and reserves system near Melbourne through the addition, in particular, of Melbourne Water owned land which is being transferred to the Crown. Some other amendments to several existing parks and heritage rivers will also be made.

A new direction for the Otway Ranges

The primary purpose of the bill is to create the Great Otway National Park under the National Parks Act. This splendid new national park will incorporate the existing Otway National Park and Angahook-Lorne, Carlisle and Melba Gully state parks, as well as areas of state forest and other Crown land. The new national park will cover more than 100 000 hectares, an increase in park area of more than 60 000 hectares, and will implement the park recommended by the Victorian Environmental Assessment Council — VEAC — in its final report for the Angahook-Otway investigation. I thank all those who contributed to this significant study.

The new national park will be complemented by the Otway Forest Park, which will be established under the Crown Land (Reserves) Act. As recommended by VEAC, the forest park will cover nearly 40 000 hectares. It will provide for recreation, including some activities not normally permitted in a national park, and minor resource uses while also protecting and conserving the natural and cultural values of the forest and water supply catchments.

The change in public land use in the Otways results from the decision of the Bracks government to phase out timber harvesting in the native forests of the Otway Ranges and, instead, to recognise that their sustainable future lies with their tourism value. Sawlog and pulpwood harvesting has already ended in the areas of state forest that will be included in the new national park and will end in the area to become the forest park by 2008. A new era for the Otway forests will begin.

The new national park will represent all that is special about the Otways: the tall wet forests, ancient rainforests, the drier forests of the inland slopes and the very diverse heathlands and heathy woodlands, fringed by a spectacularly rugged coastline and studded with some of Victoria's most striking waterfalls and other attractions. Internationally and nationally significant geological features, beautiful streams, tall trees, old growth forest, spectacular wildflower displays, rare plants and animals, and significant cultural heritage sites will all be protected.

This is indeed a magnificent new park of which all Victorians can be proud. It is easily accessible and will add considerably to the experience of those visiting the world-renowned

tourism attractions of the Great Ocean Road and the Twelve Apostles.

I would now like to refer to particular aspects of the bill relating to the new national park.

Protecting water supply catchments

The park will include parts of several water supply catchments currently managed by Barwon Water and Wannon Water (now incorporating South West Water). The catchments are vital for the supply of water to Geelong, Colac, Warrnambool and several other coastal towns, such as Lorne, Aireys Inlet and Anglesea. Some of the land in these catchment areas is owned by the two water authorities and is being transferred to the Crown for inclusion in the park. This will ensure their permanent protection.

Those catchments wholly in the park that are located upstream of water supply storages will be identified as 'designated water supply catchment areas'. Under section 30H of the National Parks Act, the paramount consideration in managing such areas, just like the designated water supply catchment areas in Kinglake and Yarra Ranges national parks to which the section currently applies, will be the protection of the catchment areas and their water resources.

Clauses 8 and 9 of the bill will substitute, with amendments, several sections of the National Parks Act that were inserted in 1995 when significant parts of Melbourne's water supply catchments were included in Kinglake and Yarra Ranges national parks. These provisions will then also apply to the designated water supply catchment areas in the Great Otway National Park. Barwon Water and Wannon Water, as managing water authorities, will, under an agreement with the Secretary to the Department of Sustainability and Environment, continue to have water supply management responsibilities in these catchment areas. The secretary will continue to have overall responsibility for ensuring the park is appropriately managed.

The amended provisions will also enable the managing water authorities to continue to access, control and manage various structures and installations. There will also be the ability, either through a temporary notice under section 32N or the regulations, to control human access where necessary to protect the catchment areas and their water resources.

Defining the Great Ocean Road and other arterial roads

One of the memorable experiences of a visit to the Otways is the drive along the spectacular Great Ocean Road. This is one of the world's great coastal drives. The road is not currently on a road reserve for all of its length, which is also the case for several other arterial roads which pass through the proposed national park. The bill will provide for the roads to be included in defined road reserves which, in accordance with VEAC's final report, will generally be no greater than 20 metres wide. This will help to ensure that the special character of the roads where they pass through or abut the park is preserved.

Clause 10, by inserting sections 32P and 32Q in the National Parks Act, will provide a process whereby detailed survey work can be carried out to define accurately the boundary of the road reserves and for adjustments to be made to the park and existing road reserves following those surveys. The surveying will take some time, given the lengths of the roads involved, but the bill enables the provisions to apply until 30 June 2009. This approach will also apply to the section of the Great Ocean Road that passes through Port Campbell National Park.

Protecting the Cape Otway lighthouse

The Cape Otway Lighthouse Reserve is a particular heritage feature which will be included in the national park, together with the Cape Otway cemetery, which is closed. The lighthouse, which was completed in 1848, and the associated buildings are a special part of our heritage. They make up the largest and oldest group of lighthouse keepers' quarters in Australia. This site will be a key visitor attraction of the national park. The current leases will be continued, with some amendments to one of the leases to clarify the lessor.

Clause 4 inserts a new provision in the National Parks Act to enable a new lease to be granted over a defined area at the lighthouse for the purposes of recreation and tourism where this is carried out in a manner consistent with the conservation of the heritage values of the area. This provision does not provide for the construction of new accommodation.

Establishing the Otway Forest Park

Clause 33 of the bill provides for the Otway Forest Park to be reserved under the Crown Land (Reserves) Act following preparation of a detailed plan to be approved by the Surveyor-General and the minister. Once created, the park will be managed under the Forests Act, which will enable a range of provisions to apply to the reserve. Clause 37 will allow five existing sawlog and pulpwood licences to continue until their expiry (in 2008) as well as other licences and leases. Importantly, clause 35(5) will amend the Forests Act to ensure that no new licences can be granted in the area of the forest park for sawlog or pulpwood production.

Clause 38 will amend the Sustainable Forests (Timber) Act so that the sawlog and pulpwood licences in the Otways which are included in the list of licences in the west of the state that may, under section 28 of that act, be transferred to VicForests remain under the control of the secretary under the Forests Act.

Amendments to Port Campbell National Park

The bill will also implement some changes to Port Campbell National Park. The historic Loch Ard cemetery, which is closed and for which the secretary has responsibility, will be added to the park along with several sections of unused road reserves and small areas of adjacent Crown land. Using sections 32P and 32Q referred to previously, the Great Ocean Road will be defined following survey where it is not already included in a road reserve.

The boundary of the park in close proximity to the Port Campbell township will be rationalised. A section of the town beach, the surf lifesaving club and the camping ground will be excised and permanently reserved under the Crown Land (Reserves) Act. The bill will continue the existing surf lifesaving club lease. A police residence and two sites containing Wannon Water facilities will also be excised.

Enhanced protection of the parks and reserves system near Melbourne

The second feature of the bill is the enhancement of the parks and reserves system near Melbourne. Approximately

3450 hectares will be included in Dandenong Ranges, Kinglake and Yarra Ranges national parks and Warrandyte State Park under the National Parks Act and two new nature conservation reserves — Beaconsfield and Warrandyte-Kinglake — under the Crown Land (Reserves) Act.

These parks and reserves will, in particular, benefit from the transfer to the Crown of approximately 2800 hectares of land currently owned by or vested in Melbourne Water but which is surplus to its requirements or is better included within parks. Most of the areas were recommended for inclusion in parks and reserves by the former Land Conservation Council in its 1994 *Melbourne Area District Two Review Final Recommendations*. The approval of these particular recommendations was deferred pending resolution of issues associated with transferring the Melbourne Water land to the Crown. I am pleased to advise that these transfers can now occur.

Dandenong Ranges National Park, which was created in 1987 and significantly enlarged in 1997, will see approximately 320 hectares of land added, including some purchased land and Melbourne Water land acquired for the proposed Silvan no. 2 Reservoir. The bill also refines the boundaries of this national park following a detailed review of the status of various parcels of public land in its vicinity. The investigation revealed small pieces of land, such as unused road reserves and other small areas of Crown land, which should be incorporated in the park and several other areas, such as roads and areas used by schools, which should be excluded.

The additions to Kinglake National Park include Melbourne Water land which abuts the new Warrandyte-Kinglake Nature Conservation Reserve. With an area of about 660 hectares, this new reserve will comprise a mix of Melbourne Water land and existing Crown land, including the existing One Tree Hill Nature Conservation Reserve, and in turn links to Warrandyte State Park to create a significant, protected habitat corridor. Several areas of purchased land are also being added to Kinglake National Park and small areas of Melbourne Water land and purchased land will be included in Warrandyte State Park.

Kinglake National Park will also be enhanced through the addition of Melbourne Water land in the vicinity of Tourourrong Reservoir. Its inclusion in the designated water supply catchment area of the park will consolidate the protection afforded to the catchment of that reservoir.

Similarly, some of the Melbourne Water land being added to Yarra Ranges National Park near Badger Weir, at Fernshaw and Dom Dom Saddle and in the Upper Yarra catchment, will form part of the designated water supply catchment area of that park. Melbourne Water land along part of the O'Shannassy Aqueduct will also be included in the park. This will provide an opportunity to establish a linear trail along the lower slopes of Mount Donna Buang.

The Beaconsfield Nature Conservation Reserve, covering approximately 170 hectares, will be established to protect an area of state conservation significance in the vicinity of the disused Beaconsfield Reservoir. This will be a significant addition to the reserve system south-east of Melbourne. It is intended to appoint the Cardinia Environment Coalition as managers of this reserve. Clause 20 of the bill will enable Melbourne Water, by agreement, to continue to manage and control the dam wall and other structures in the reserve.

Miscellaneous amendments

Minor park amendments

The bill will also add to Cape Liptrap Coastal Park the access roads to three Venus Bay beaches by agreement with the shire, and another area of Crown land near Rock Hill.

Several small areas will be excised from existing parks. In accordance with the government's policy on excisions from parks, these are minor and have minimal impact on the relevant parks. The excisions are:

small areas associated with roads in Dandenong Ranges, Organ Pipes and the existing Otway national parks, the existing Angahook-Lorne and Carlisle state parks, and Cape Liptrap Coastal Park;

small areas which are not required for park purposes in Dandenong Ranges, Kinglake and Port Campbell national parks and the existing Angahook-Lorne State Park; and

boundary corrections to Dandenong Ranges National Park and the existing Angahook-Lorne State Park which exclude some areas of freehold and leasehold.

In accordance with section 11 of the National Parks Act, the National Parks Advisory Council was consulted about the proposed excisions and has provided advice for tabling in Parliament. The council does not oppose the proposed excisions. Attached to its advice are additional details of the excisions.

Additions to heritage rivers

The bill will add areas to two heritage rivers under the Heritage Rivers Act. In particular, it will implement the recommendation in the VEAC's Angahook-Lorne investigation final report to extend the Aire Heritage River to a distance of 200 metres from each bank of the river where it passes through the Great Otway National Park. The Aire River is the least modified large river in south-western Victoria and contains the most rugged river gorge in western Victoria.

The bill will also extend the Mitchell and Wonnangatta Heritage River to include part of the area which was added to the Mitchell River National Park in 2002. This will provide additional recognition of the river valley upstream of Angusvale.

Amendments to the Fisheries Act 1995

The government has decided to allow the existing commercial eel licences to continue in the Great Otway National Park instead of phasing them out as recommended by VEAC. Instead, the Fisheries Act will be amended to strengthen the protection given to national, wilderness and state parks and reference areas generally. Clauses 29 to 31 will ensure that any access licence, aquaculture licence or general permit of a particular type cannot authorise commercial fishing in a national, wilderness or state park or in a reference area unless there was an entitlement specified on the licence or permit immediately before 7 March 2005. This amendment will have no impact on any existing commercial fishing operation.

Conclusion

This bill will make a significant contribution to enhancing the state's parks system and to establishing a new and sustainable future for the Otway forests that are so highly valued by the community.

The creation of the new park areas is accompanied by a significant boost in funding for the management of parks system as part of the 2005–06 state budget. This includes an additional $13.1 million over four years, plus nearly $3.4 million per year ongoing, specifically for establishing and managing the new parks in the Otways. Also, the Otways will benefit from part of an additional $19.3 million allocated to protecting biodiversity, and $49.4 million for restoring built assets, in parks across the state.

The Bracks government is proud of its record in protecting the environment for future generations and helping to create a more sustainable future for the state. The 13 marine national parks and 11 marine sanctuaries, the expanded parks in the box-ironbark region and the proposed new Point Nepean National Park are all part of a significant legacy for future generations. This bill continues that tradition and will ensure that the magnificent native forests of the Otway Ranges, as well as additional areas around Melbourne, are protected for future generations.

I commend the bill to the house.

Debate adjourned on motion of Hon. ANDREA COOTE (Monash).

Debate adjourned until next day.

SUSTAINABILITY VICTORIA BILL

Second reading

Ordered that second-reading speech be incorporated for Ms BROAD (Minister for Local Government) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Becoming more environmentally sustainable is one of the greatest challenges facing Victorians.

It is not just a challenge for us, but for all the peoples of the world.

International agreements — most notably the Kyoto protocol to the United Nations Framework Convention on Climate Change — have been debated and ratified by national governments and are gradually — perhaps too gradually — leading to more environmentally sustainable practices around the globe.

State governments share a responsibility to act as well.

This bill sets out to further that aim by establishing a new body — Sustainability Victoria — which will tackle the sustainability challenge in a more holistic, accessible and efficient way.

In addition to adopting the previous functions of Sustainable Energy Authority Victoria and EcoRecycle, Sustainability Victoria will play a role in sustaining Victoria's water resources in relation to households and businesses.

The challenge

The evidence of the world's leading scientific agencies, including NASA, the Hadley Centre and the British Met Office, about the dangers of environmentally unsustainable behaviour to our planet and future standard of living is compelling.

They tell us that in just the past decade, carbon dioxide levels in the world's atmosphere have risen by as much as they did during the previous 10 000 years.

Scientists, including Australia's former Chief Scientist, Robin Batterham, advise that we need to reduce greenhouse gas emissions by around 50 per cent by 2050 to avoid dangerous climate change — that is, greater than a 2 degree Celsius increase.

World climate records already reveal that the five hottest planetary years ever recorded have occurred since 1998.

Global warming is a reality. It is happening now. And Victorians are not immune from its effects.

In a number of landmark studies, our very own CSIRO has reported on the current and likely future impacts of global warming on Victoria.

For instance, it predicts that unless global warming is slowed, Melbourne will lose water due to less rainfall, reduced river flows and higher temperatures.

The CSIRO's 'mid-range' scenarios project an 8 per cent loss of average flows by 2020, rising to a loss of 20 per cent by 2050. Combined with population increases, this will place enormous pressure on our future water resources.

For too long we have treated the environment as an inexhaustible bounty.

We have consumed natural resources at a faster rate than they can naturally replenish.

We have considered the needs of today, but not the rights of future generations.

In Victoria, like many places around the world, we are only now feeling the consequences of many of these past mistakes.

For example —

> Since European settlement began in Victoria in the 1830s approximately 65 per cent of our native vegetation has been cleared, degrading the quality of some of our land and waterways.
>
> Inappropriate land use has led to around 670 000 hectares of land being at high risk of becoming saline and it is estimated that this could more than double by 2050.

Forty-four per cent of our native plants and 30 per cent of our native animals are either extinct or threatened.

We are creating 8 million tonnes of waste a year, half of which goes into landfill.

All up, our ecological footprint is huge. If everyone on the planet used as many of the world's resources as Victorians, we would need four planets to provide for us.

The enormity of our environmental footprint is a measure of our responsibility to change.

Facts like these necessitate action.

The vision

In response to the growing public awareness of this issue, in April 2005, the government released a comprehensive environmental sustainability framework for Victoria, accompanied by a ministerial statement to the Parliament.

The framework and statement build on a long and proud history in Victoria of protecting the environment and moving towards sustainability. Victoria's achievements began with the establishment of the Environment Protection Authority, which since 1970 has acted as an environmental guardian and has worked in partnership with business and the community to improve sustainable practices — in recent times through establishing sustainability covenants.

The framework and the statement set out the challenges posed by environmentally unsustainable behaviour and the many environmental, social and economic benefits that will flow from adopting more sustainable practices.

They also set out a series of objectives against which Victorians can measure their progress and establish a series of principles for government, businesses and the community generally to guide future decision making.

The framework and the statement had one simple, important message: we must make sustainability a part of everything we do if we are to maximise our future economic growth, maintain our quality of life and protect our unique Victorian environment.

More precisely the framework and statement set out three crucial tasks:

1. we must continue maintaining and restoring our natural assets;

2. we must use our resources more efficiently; and

3. we must reduce our environmental impacts.

Victorians have already made great progress.

Our state now has a world-leading environmental reform agenda.

We are now starting to use our natural resources more sensibly and repair the damage we have caused to our natural assets.

We have launched the Victorian greenhouse strategy;

we have released a comprehensive water policy — Our Water Our Future — including 110 new initiatives for water conservation and $320 million to ensure clean and sustainable water supplies for Victoria. Melbourne households now use an average of 19 per cent less water than in the 1990s;

we have achieved an historic agreement to boost the flow of the Snowy River from 6 to 28 per cent;

fifty per cent of waste is now recycled, and diverted away from landfills, compared to 26 per cent 10 years ago. Victoria currently leads the world in the recycling of newspapers;

we have established 13 marine national parks and 11 marine sanctuaries;

we have adopted Melbourne 2030 — a 30-year plan to protect Melbourne's livability and manage growth; and

we have set a renewable energy target of 10 per cent by 2010.

Gratifying though those results are, this progress must be maintained and its pace accelerated.

More needs to be done to change behaviour and make Victoria even more environmentally sustainable.

More ambitious targets have to be met, which are spelt out in the environmental sustainability framework — including targets for reducing Victoria's climate impact.

States like California in the United States of America have made commitments to dramatically reduce greenhouse gas emissions. As good international citizens, it is our duty to do likewise.

This is the reason why in the ministerial statement accompanying the framework, the government announced its intention to establish a new body — Sustainability Victoria, which merges and replaces two existing state government agencies — Sustainable Energy Authority Victoria, which was established by the Sustainable Energy Authority Victoria Act 1990, and EcoRecycle, which was established by the Environment Protection (Amendment) Act 1996. The new body will also have responsibility for improving Victoria's sustainable approach to water use in relation to households and businesses.

The new body is based on the understanding that environmental choices do not happen in isolation.

The things that save energy are often the same things that save water, recycle products and cut pollution.

Just as major businesses that take recycling seriously tend not to have separate bodies looking at reducing energy use, saving water and recycling, so Victoria will now have a single body to advise and assist Victorians to live sustainably.

Sustainability Victoria will lead a more holistic approach to achieving sustainability.

It will work with business and communities to put in place the programs needed to take a quantum leap forward in the sustainable management of our natural and built environment.

It will be more convenient for business and the public to access by setting up a one-stop shop for sustainability advice and assistance.

And it will deliver these services in a more cost-efficient and effective manner.

In this way, it will achieve the aims of the environmental sustainability framework in integrating environmental sustainability into our everyday lives.

The bill

I now turn to the particulars of the bill.

Purpose

The purpose of the bill is to establish Sustainability Victoria and provide for it to be the successor in law of the Sustainable Energy Authority Victoria and EcoRecycle Victoria.

It amends the Environment Protection Act 1970 to repeal the provisions relating to EcoRecycle Victoria and gives its functions and powers to Sustainability Victoria.

It repeals the Sustainable Energy Authority Victoria Act 1990.

And also consequentially amends certain other acts.

Principles

The bill sets out a number of principles to guide the decisions and actions of the new body:

> Its decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equity considerations. It is expected that this principle will take into account issues of intergenerational equity.
>
> If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. This important guiding principle is to prevent the outcome desired by many global warming sceptics, who use the claim that our scientific knowledge of the causes of global warming is incomplete to argue that we cannot set limits to emissions of greenhouse gases. The basis of the bill is that the overwhelming majority of the world's scientific experts accept the reality and danger of global warming and that in this case, the principle of safety first demands that we act to reduce emissions.
>
> Sustainability Victoria needs to consider the global impact of its actions and policies.
>
> It assumes the development of a strong, growing and diversified economy will enhance, not hinder, environmental protection. And it assumes the need for Victoria to maintain international competitiveness in an environmentally sound manner. These two principles are based on the understanding that a more environmentally sustainable economy will be a long-term source of economic growth and employment opportunities for Victoria. Acting sustainably is good for the economy.
>
> Sustainability Victoria will recognise the need to adopt cost-effective and flexible policy instruments such as improved valuation, pricing and incentive mechanisms. This principle recognises that businesses and individuals must accept responsibility for the environmentally damaging by-products of their goods and services by including the full costs of pollution, disposal and recycling into their pricing arrangements. Environmental bodies around the world today recognise this process — 'internalising environmental externalities' — as crucial to reducing emissions and waste and boosting sustainability.
>
> And finally, Sustainability Victoria will recognise the importance of facilitating community involvement in decisions and actions on issues that affect the community. This recognises that sustainability requires significant cultural change in the community. In other words, it requires the acceptance of the need to be sustainable and it requires changes in everyday behaviour — whether that be cutting down on car usage, using less water in showers and the garden, phasing out the use of plastic bags or other daily actions.

Objective

Clause 6 of the bill defines the objective of Sustainability Victoria, which is to facilitate and promote environmental sustainability in the use of resources.

At this point it is relevant to state that the definition of 'sustainability' under which the new body will operate comes from the World Commission on Environment and Development (the Brundtland commission) in its 1987 report *Our Common Future*, which defined sustainability as:

> Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Functions

Clause 7 of the bill sets out the functions of Sustainability Victoria.

The functions are broader than the functions of the Sustainable Energy Authority Victoria and EcoRecycle Victoria because Sustainability Victoria will take on an expanded role. Sustainability Victoria will assist all Victorians to integrate environmental sustainability into their everyday lives; accelerate progress towards sustainability in businesses and households; and provide advice on new technologies and areas of market failure.

For example, its functions include:

> facilitating the implementation of environmentally sustainable measures in all sectors of the Victorian economy, including local government, business and households; and
>
> encouraging and promoting the development and use of environmentally sustainable practices, markets, technologies and industries, including resource efficiency, energy efficiency, renewable energy and water.

Powers

Clause 8 of the bill sets out the powers of Sustainability Victoria. It may do all things necessary or convenient to carry out its functions, including obtaining and holding intellectual property rights, including patents, copyrights, trademarks and registered designs.

Annual business plan

Clause 19 sets out requirements for Sustainability Victoria to produce an annual business plan, including its budget, priorities and other matters set out in the bill.

Savings and transitional provisions

And finally, clauses 20 to 25 of the bill set out the savings and transitional provisions to make Sustainability Victoria the successor in law to the Sustainable Energy Authority Victoria and EcoRecycle.

This includes:

> details of the transference of responsibility for regulations, subordinate instruments, other documents and staff from the old bodies to the new one;
>
> sundry amendments to the Environment Protection Act 1970 and the Electricity Act 2000; and
>
> the repeal of the Sustainable Energy Authority Victoria Act 1990.

Conclusion

In conclusion, the establishment of Sustainability Victoria, as proposed in this bill, will make a significant contribution to the creation of a more sustainable Victoria and contribute to global sustainability.

Creating the conditions for a sustainable society here in Victoria will not be easy. The goal will not be reached overnight. But we must head in this direction. Like all long journeys it starts with a small step — changing our culture and behaviour to become more environmentally sustainable. Sustainability Victoria will help lead us to this goal.

I commend the bill to the house.

Debate adjourned on motion of Hon. ANDREA COOTE (Monash).

Debated adjourned until next day.

RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 8 September; motion of Ms BROAD (Minister for Housing).

Hon. A. P. OLEXANDER (Silvan) — When debate was interrupted on this bill last week, I was endeavouring to explain to members opposite the basis for the Liberal Party's opposition to this piece of legislation, which rests on the part of the legislation that relates to caravan parks and the reduction in the days required for a resident to be given permanent tenancy rights under the legislation from 90 days, which is the current situation, to 60 days under this legislation. That is the crux of the opposition's concern and problem with this legislation. The reason we hold that concern is that we believe it will reduce the ability of caravan park owners to differentiate, as it were, between residents and people requiring short-term accommodation, such as crisis accommodation and transitional housing, and that that will have the effect of putting more pressure on the Office of Housing to provide crisis accommodation, which is in very short supply in Victoria as it is. That shortage has worsened significantly over the last five to six years in particular regions and can only be predicted to increase further, so we see this as a potentially retrograde step for transitional and crisis accommodation housing clients.

Caravan park owners claim they are going to face a greater business risk if residents can claim Residential Tenancies Act rights after 90 days, and that they would also be forced in those circumstances in many cases to demand bonds and more stringent rental history checks before accepting crisis accommodation clients of this type and transitional housing clients into their caravan parks. There is evidence that tenants would therefore be worse off under the provision, and not better off, by having the period reduced from 90 to 60 days. That is of enormous concern to the opposition because that is the opposite effect to that which the government states as its intentions in this bill.

Often legislation comes into this place which, by nature of the way it will operate and the way that organisations in the community, particularly private sector organisations, respond to it, results in unintended consequences such as this. It is of concern to the opposition that the government has failed to recognise this despite the fact that the industry has been very clear about the impact and the active disincentive that it would have under this particular provision to provide that type of crisis and transitional accommodation. We are concerned that the government has chosen to ignore that advice to the potential detriment of some of the most disadvantaged people in our community. We certainly do not want to see that happen.

At present some operators require people to vacate their residences in caravan parks at the very end of each three-month period to avoid them having or gaining tenancy rights under the current legislation. We believe that under this bill the same thing would occur — there would be no change in that behaviour, but it would occur 30 days earlier than it currently does. That would be a very retrograde step if you are looking for crisis accommodation. I would have thought that was an obvious argument for members on the government side to appreciate.

Crisis accommodation is not long-term accommodation. It is transitional. The very nature of it is short term, and if you are doing something which militates against the private sector providing that short-term crisis accommodation, I would have thought that everybody in this chamber would recognise that that was a retrograde step. Indeed the government should have recognised that it would be a retrograde step when the residential tenancies legislation working group 2000, which advised the government five years ago on this issue, said, and I quote from page 18 and paragraph 2 of that report:

> Caravan park owners raised concerns that removing the 90-day rule may discourage owners accepting people in need of emergency accommodation as temporary occupants, who they would not otherwise risk as long-term residents. In addition, owners are concerned that removing or reducing the 90-day period would have a detrimental impact on their ability to operate their business as a tourist park, as it would compromise their ability to protect the rights of tourists, would jeopardise future bookings and have far-reaching economic effects on their business. Tourism is by far the major focus for the caravan park sector, with less than 10 per cent of sites devoted to long-term accommodation. Many owners have submitted that the 90-day period provides flexibility to both parties, particularly in assessing whether the occupier is suited to the type of high-density living which is unique to the caravan park environment. The many caravan park owners and managers who made a submission to the working group overwhelmingly supported the retention of the 90-day rule.

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

Mr VINEY (Chelsea) — I am pleased to contribute to the bill before the house today — a bill that continues with this government's commitment to ensuring we have a just and reasonable system of residential tenancy law in this state.

The bill before the house essentially looks at two key areas — one in relation to rooming houses that responds to some uncertainty that has arisen in relation to the decision of *Kirkland Fisher v. Aboriginal Hostels*. Essentially that decision resulted in persons who shared rooms in rooming houses not having the same residential tenancy rights as a person who has their own room. This legislation is designed to clarify that matter and ensure that people who share rooms in rooming houses do have residential tenancy rights.

The second component of the legislation reintroduces into this Parliament and inserts into the Residential Tenancies Act a provision that was first proposed in 2002 and on which the government has always maintained its policy position — that is, to bring down from 90 days to 60 days the threshold on when a resident of a caravan park should obtain tenancy rights. It is important in the context of this debate to note that any person in this state who takes up accommodation in any circumstance other than in a caravan park has tenancy rights from the day they move in and commence paying rent. There has been a situation until now where people in caravan parks have not obtained those rights until they have been residents for 90 days. This provision is intended to bring that threshold down to 60 days. It is true to say, to pick up some of the comments of opposition members, that owners and managers of caravan parks are not supportive of the government's policy position.

It is interesting in the context of the contributions of Mr Olexander and other members that there has not been agreement by all stakeholders in the sector on this matter. In fact, the Tenants Union of Victoria is putting a strong case to the government that tenants of caravan parks should be entitled to residential rights from the first day that they move in. The government has considered all of the arguments and has taken into account some of the views put to it by the caravan park operators. The proposal for a 60-day threshold is clearly a compromise that will provide some flexibility for caravan park owners and operators to ensure that they can accommodate people on a short-term basis outside of the normal provisions of residential tenancy laws.

It is the government's view that 90 days is unreasonable and needs to come down. After consideration it is to come down by 30 days to 60 days. It is not major or radical change. It is a compromise that has evolved and developed through the conduct of the working party that considered the views of all stakeholders and made recommendations to the minister in 2002. These positions have now been accepted by the minister. The government's policy position has never changed and it has therefore reintroduced this legislation.

It is disappointing to hear the arguments being put by opposition members because the only considerations they have taken into account and the only position they have articulated are the views of caravan park owners and operators. Clearly there are two views on this. The view of the government has been that we should work through these issues to try to find a reform process that will give the tenants of caravan parks a little more security and certainty than they currently have. That is the process we are going through by changing the threshold to 60 days.

Hon. A. P. Olexander interjected.

Mr VINEY — Mr Olexander says by interjection that park operators will move people out after 59 days. That view demonstrates why this law is necessary. I

have had discussions with caravan park operators, and I do not believe that is their attitude. I do not believe for a minute they will kick people out after 59 days because we have changed the threshold from 90 days to 60 days. The fundamental issue at stake here is affordable housing. There are people in our community who choose to live in caravan parks because they enjoy that lifestyle, but there are also people who are living in caravan parks because there is insufficient affordable housing.

I have consulted with both caravan park operators and the Tenants Union of Victoria. Ms Carbines and I had a meeting with David McIver, Robert Brown, Ken Davis and Stephen Lawler, who are caravan park operators. After talking through a range of issues we took away a number of their concerns and spoke with members of the minister's office about some of the implementation issues the operators had raised. We have had and continue to have an open dialogue and discussion with the operators. In fact, I remember speaking to Mr Brown and Mr Davis on the previous tranche of the legislation. I have also taken the trouble to listen to the views of the Tenants Union of Victoria, which represents some caravan park residents. Mr David Imber, who has written to me, points out in his correspondence that according to research there are about 7000 people throughout Victoria living in caravan parks. It is an interesting figure.

I turn to the impact of the commonwealth government's cuts in the commonwealth-state housing agreement in Victoria. Over the last 10 years we have seen significant cuts by the commonwealth government. It has cut about $760 million out of Victoria's housing fund. If you do the calculations, you find that is equivalent to about 5000 families being accommodated in affordable housing — very close to the number of people living in caravan parks. There is no question that there is a need for improvements in affordable housing in Victoria.

The Victorian government has been delivering on and putting significant resources into providing affordable housing in Victoria. In fact, since being elected the Bracks government has managed to cut the waiting list by 13 per cent. That cut has been achieved by putting people into housing, which stands in stark contrast to the seven years under the Kennett government, when it ripped into the waiting list by manipulating it and creating a segmented waiting list — it ripped into that and did not put additional funding into affordable housing. There is a stark contrast between the way this government has been dealing with housing and what the other side stands for — both what it stood for when it was in government in Victoria and what the federal government is doing in Canberra. The federal government has manipulated the waiting list and cut into the commonwealth-state housing agreement between it and Victoria.

Despite those cuts the Victorian government has been investing in affordable housing in Victoria and has been funding at a level over and above its obligations under that agreement. We have invested more than $283 million in affordable housing over and above our obligations under the commonwealth-state housing agreement. On top of that we have announced an additional $49.6 million over five years to expand the supply of social housing. The government's *A Fairer Victoria* outlines the strategic direction it intends to take in the provision of affordable housing in Victoria by expanding the supply of social housing with that $49.6 million. We have also engaged with people in the private sector to provide new and affordable housing for low-income families by working in partnership with builders on VicUrban estates, promoting the outcome of the current design competition for housing that is affordable and signing a memorandum of understanding with the Office of Housing to assist with providing new and refurbished affordable housing units. Through Melbourne 2030 we have also implemented affordable housing actions across Victoria, and we have ensured that Victoria's planning system supports affordable housing objectives.

There is a stark contrast between the approach this government has taken to affordable housing and the approach that the conservatives on the other side of this chamber take. That is why I am more than happy to support legislation that provides reasonable tenancy law to people who find themselves needing to go into caravan park accommodation. It is a reasonable approach by this government to find a compromise or a solution that actually gives people a bit more security in terms of tenancy law in the context of this government's significant investment in affordable housing in the state.

It is interesting that Mr Olexander in his contribution talked about the muddled response of the government on this matter. It has been absolutely consistent, clear and committed to providing reasonable and affordable housing for people in Victoria. If you go into the history of housing in this state, it has always been Labor governments that have invested in affordable housing. During the period in office of the Cain government in the 1980s I spent three years as a representative of tenants of an inner city public housing estate, working on an estate improvement program involving substantial upgrades. There is no question — this government has been delivering. There has been no

muddled policy approach from us in relation to this matter. It has been clear. There was a consultative process. Our policy position was made clear in 2002, and it is being consistently followed here.

Last Thursday Mr Olexander in his contribution to the debate said the opposition was not going to oppose this legislation. He was corrected on several occasions, if you look at *Hansard*, by the Honourable Wendy Lovell who said, 'We are opposing it'. He said, 'We are opposing the legislation if our amendments are not accepted'. She said, 'We are opposing'. The muddled approach has come from over there. Those members have no reasonable record on public housing or affordable housing as a result of their cuts to the commonwealth-state housing agreement. This government has a proud record. Of course we could do more. We could do a helluva lot more if the federal government came to the party and met its obligations under the commonwealth-state housing agreement and provided some decent funding to make sure people in need could have reasonable accommodation. That is one of the fundamental building blocks of a social, fair and just society. I commend the bill to the house.

Hon. ANDREA COOTE (Monash) — My colleague the Honourable Wendy Lovell put our case extremely well. The Liberal Party, as she said, is going to oppose this bill. I was particularly interested in Mr Viney's contribution, to which I will come back later. I refute his statement about the Labor Party having a monopoly on public housing. That is completely untrue. If we look at the very good record of the Kennett government minister, Ann Henderson, you can see what an excellent job she did in public housing. There was a high regard by the sector for the work she did. It is completely untrue to suggest that the Liberal Party does not care about public housing.

The purpose of this bill is to amend the Residential Tenancies Act 1997 as it relates to the residents of rooming houses and caravan parks, to give tenancy rights to those who share rooming houses with other people and to shorten the waiting period for rights for caravan parks tenants under the Residential Tenancies Act from 90 days to 60 days. This provision was introduced in a bill in 2002 and many in this chamber debated the issue. Many of the aspects that were raised in that bill have not changed since then. It was defeated by an amendment which was moved by the Liberal Party and supported by The Nationals and the Independents, just for the record.

The rooming house section of this bill, it is interesting to note, has been pre-empted by a court case which put sharing a room in a rooming house outside the protection of the Residential Tenancies Act, unlike those residents with exclusive occupancy. I will speak about some of those areas in my own electorate in a moment. This bill also contends with the issue of provisions for those tenants who share a room under the act to prevent rooming house operators from changing conditions upon which a room is let, particularly the number of people who may share a room.

I would like to speak about my own electorate of Monash Province and look at the issue in St Kilda particularly. It has traditionally been known as an area that has a significant number of rooming houses. In fact it is one of the areas that people would go to. There is an infrastructure in place which supports people in rooming houses. The Sacred Heart Mission does excellent work. It feeds over 400 people a day at lunchtime, many of whom come from rooming houses. They have a substantial meal at lunchtime and then they frequently go back to their rooming houses. Often a big basket of bread is left at the door, and people take it back for other occupants of the rooming houses. I commend the mission's work and note that over the years the infrastructure in St Kilda and the services provided by the City of Port Phillip have been wide reaching and good.

I will put on the record the changes that are happening in this area. The number of rooming houses has declined significantly. In 1954 there were 9500 registered rooming houses; in 1981 there were 3438; and in 1992 there were 1386. There has been significant pressure since 1992 through the gentrification of St Kilda and the area of Port Phillip. A number of high net worth individuals have come into these areas and taken over rooming houses, which have been redeveloped.

I give the example of the Hollywood Hotel on Beaconsfield Parade. It was a rooming house for 65 men. Many of those men had alcohol and mental health problems, but this had been their home for a significant time. Many of us in this chamber would perhaps not care to live in circumstances such as these. It was a privately owned hotel which the owners had decided to sell and which was to be renovated for upmarket accommodation. These 65 men had to leave. Where were they to go? What was to happen to them? I have to commend the City of Port Phillip and the Office of Housing for helping to relocate these people and for being as sensitive as they could be. Relocating the men posed an interesting problem. They had always lived in that area, but it was not possible to provide them with public housing because it had become so expensive there. Many of those occupants were sent to a caravan park in an outer Dandenong area.

At that time, a couple of years ago now, the caravan fee for those people would have been in the vicinity of $140 a week, which is quite considerable when you put on top of that the uncertainty these people felt on moving from an area which they knew and which had familiar infrastructure to an area they did not know. At $140 it was quite an expensive move, given that they did not have certainty of tenure. I have to say it was a very disruptive time for them.

Former Kennett government minister Ann Henderson initiated a program of public-private housing in the Regal Centre in Fitzroy Street, St Kilda. This is an excellent facility which has a section for people such as the rooming house occupants I spoke with from the Hollywood Hotel and many people who may have been homeless but who now have wonderful and very pleasant surroundings in which to live. At the front of this facility is quite expensive private housing, so there are innovative ways in which councils and others can make things better for people who need public housing and who are going to have to live in inner suburbs. I charge the government with looking more closely at what it can do to create innovative programs.

When you look at the tenor of this bill you see that it tries to protect people who are going into caravan parks and residents who are being evicted after a certain length of time. It seems to be back to front. I do not think the government has looked carefully enough at the real issues there, which are just as I have explained and outlined within my own area. We are facing an inner city gentrification. We are finding there is pressure on developers to make the areas that have been traditionally for low-cost housing and rooming houses into areas of high development for expensive housing. The government has misread this. Its emphasis on people living in caravan parks should have been on making a much greater effort to ensure that people did not have to go to caravan parks in the first place. Public housing should be provided so that people do not have to seek this type of accommodation at all.

Likewise with joint occupancy in rooming houses. I am not certain how many people in this chamber have visited rooming houses but I would like to pass on the personal experience of someone in my electorate who came to this country from Romania. She lived in a rooming house in St Kilda with several other people. It was close to a notorious brothel and she felt intimidated when she got off the train. She was a household cleaner and absolutely scrupulous in her personal hygiene and the way she lived. She had to share a bathroom, and she was terrified because she was never certain whether one of the male occupants of the rooming house would break into the bathroom. She had to share the kitchen with people who were not as scrupulously hygienic as she was. She was miserable. She put all her personal belongings on top of her wardrobe. She had married an Australian, but that had become an abusive relationship. She had kept a sort of glory box in her room and was always afraid that when she went out someone would break into her room and steal these things that she had collected at sales from various stores. She never went to the communal rooms because she felt so intimidated and overwhelmed by the other people there. For this type of person, and other people in similar vulnerable positions, sharing rooms should not even be contemplated.

I charge the Office of Housing to have a closer look at adequate housing for those in our community who need it most. Caravans are not the answer; nor is sending homeless people like the people from the Hollywood Hotel to live in these areas. It is simply not acceptable.

One of the last points that I want to put on the record is the issue of the number of elderly citizens who live in caravan parks. I know from my shadow portfolio of aged care that there are up to 10 000 people across Victoria who live in caravan parks and 55 per cent of them are elderly citizens. I have spoken here before of people who retire. At the moment the average amount of superannuation accumulated by people who are retiring is only $35 000. For people who are retiring in their early 60s that is not going to go very far. There is a trend for people to sell their assets — their main asset being their home — to buy a caravan and travel around Australia. They are called the SADs, which stands for see Australia and die. When they come back from their travels they have nowhere to live, so they go to caravan parks. This legislation is going to increasingly impact upon those people.

The baby boomers are about to hit retirement so it is imperative for this government to look into the trends that are ahead and ensure that it make appropriate plans for the enormous bubble that is going to happen right across this state.

There has been a massive move — and it will increase — from caravan parks being mainly for tourist options to being a viable permanent home. It is not good enough. In my capacity as shadow minister for ageing and carers I spoke to Jeff Fiedler, a tenancy advice worker at the Housing for the Aged Action Group. He wanted to comment on this bill, and I want to put it on the record for him. He said the bill:

> Is very unfair.
>
> That is absolutely appalling.

> Why shouldn't caravan park residents have the same rights as other tenants in Victoria?
>
> Why should they have to wait 60 days until they get support under the Residential Tenancies Act?
>
> Creates a great deal of fear and anxiety amongst elderly citizens.
>
> It is an issue of serious concern for us.

It is an issue of serious concern for elderly people and occupants of caravan parks, but it is also an enormous problem for caravan park owners. This is the issue that the Liberal Party has with this bill. Why should caravan park operators and private operators have to be in the position of providing public housing for people whom this government is not treating adequately? In fact this government, in a cavalier manner, is ignoring their needs and the public housing pressure that exists. Caravan park owners claim they will face a greater business risk if residents can claim Residential Tenancies Act rights after 60 days and that they will be forced to demand bonds and more stringent mental history checks before accepting crisis accommodation and transitional housing clients.

I have given an example of people in my own electorate. I have also given an example of people who are now retiring, and there is an increasing number of them. I charge the government with going back to the drawing board. It should go back and have a closer look at this. It should look at the fundamental issues. It should look at the pillars behind this particular piece of legislation. It should look at the trends in this state and the pressures on affordable housing. In fact I dispute thoroughly Mr Viney's assertion that only a Labor government can provide public housing. We are seeing this Labor government ignoring the public housing needs to the extent that I have outlined. I would have to say that the former Kennett government, under then minister Ann Henderson, did an excellent job in public housing. This government should go back to the drawing board and have a closer look at this. I agree with the Liberal Party in opposing this bill.

Hon. J. H. EREN (Geelong) — I am happy to speak today in support of the Residential Tenancies (Further Amendment) Bill. I have said on many occasions in this place that a good government is a government that cares for the disadvantaged in our society. This bill will assist those that need the assistance the most. Much of the work in this chamber is in trying to strike a balance in our society, weighing up the needs of our community as a whole and the needs of the individual. It is not always an easy thing to do, but this type of work — and hard work, by the way — and consultation are not things that the Bracks Labor government shies away from. This determination and commitment to fairness is more than demonstrated in the bill before us today.

The bill has two important parts. The first one is to strike that balance of rights and responsibilities between landlords and tenants in shared rooms in rooming houses; and the second part of the bill addresses the balance of rights and responsibilities between caravan park operators and long-term tenants. The bill will improve the security of tenure for people living in all forms of long-term accommodation and will protect the rights of low-income Victorians who use rooming houses and caravan parks as permanent accommodation. I have had many people come to my office over the years complaining about their landlords and the way they have been treated. I have also spoken to landlords about their concerns. On occasions there are tenants from hell, and vice versa. One of those stories was highlighted recently in the *Geelong Advertiser*. It was about tenants who did not uphold their part of the bargain. But at the same time landlords do have the upper hand most of the time, especially in the area that this bill deals with.

As I said, this bill has two main focuses. Firstly, it provides residency rights to residents of shared rooms in rooming houses; and secondly, it reduces from 90 days to 60 days the period that a resident of a caravan park needs to wait before accruing rights under the Residential Tenancies Act. I do not like to make assumptions about people's lives, but I would say that a large percentage of people who seek to live permanently in a caravan park are at the lower end of the socioeconomic scale and as such are some of the most vulnerable people in our society. That is why this bill before us today is so important to them. The provisions in this bill aim to reinforce this government's commitment to improving tenure security for people living in all forms of long-term accommodation, and particularly the rights of low-income earners.

People who seek to rent a house or a flat have the law beside them. If fully informed they will know that they have basic rights which allow them to live in a house for an agreed period of time and the conditions of that tenure. Unfortunately up until now people living in rooming houses and caravan parks have had limited or no security of tenure. We as a government understand that rooming houses and caravan parks are the permanent homes of a lot of Victorians and as such those people should have the same basic rights as other tenants across the state. Rooming houses provide an essential interface between homelessness and lower cost accessible housing, which is not duplicated by any

other form of housing. Many of the people who reside in rooming houses are among the most vulnerable and marginalised in the community and are often faced with a choice between a shared room and homelessness.

The bill will improve security of tenure for rooming house tenants in relation to shared accommodation. Previously owners could make changes to the sharing arrangements without the consent of residents. This will now change. The provisions of the bill will require rooming house owners to notify new residents in writing prior to their beginning residency whether they will have to share a room or have exclusive use of the room. Owners will need to get consent from existing residents of a room before being able to change the capacity of a room, and a reduction in rent will be required when room capacity is changed. This will not affect people renting caravans or using caravan parks on a temporary basis. It will only give long-term tenants of shared rooms and caravans more security.

I understand that the Tenants Union of Victoria wants to wipe out the waiting period altogether, while the Victorian Caravan Parks Association wants to keep it at the current level of 90 days. The association is concerned about the impact on the management of its businesses and the reduction of differentiation between residents and people seeking short-term flexible accommodation. I am confident that this bill achieves a fair balance between the rights and responsibilities of both tenants and landlords; and importantly, it reinforces the Bracks government's commitment to improving the tenancy rights of low-income Victorians and families.

We saw an extraordinary contribution last week by the lead speaker for the opposition. Actually she was the lead letter reader for the opposition. I think she read out some four or five letters, three of which I understand were from the same person to three different people. I just cannot understand what the problem is. The only change basically is that people will have rights.

Hon. D. K. Drum interjected.

Hon. J. H. EREN — The only change — and Mr Drum is not in his place — is that residents of such accommodation will now accrue the same rights, and instead of 90 days the waiting period is 60 days. I do not see anything wrong with that. I just think there is a real ideological divide here. It is something to do with the Liberals and the haves and the have-nots. This is a purely ideologically driven argument. They want one law for the Liberals and The Nationals but a separate law for other people who are disadvantaged, and I think that is just wrong.

Mr Olexander said the government had not listened to all relevant feedback regarding this piece of legislation. The government has listened. It is just that we have listened to all sides, not just the caravan park owners. That is half the problem. You have to take into account the views of all the people involved — all the stakeholders. I must admit that this bill probably does not suit the caravan park owners, but a government has to look after the disadvantaged in our community.

I will refer to *Hansard* of 6 May 1988 and what was said by Mr Hayward, the then member for Prahran. He is reported as saying:

> The opposition does not like the bill. I shall summarise the reasons why the opposition does not like the bill and then turn to the specific issues. Firstly, the opposition does not like the bill because it excessively regulates the industry. Secondly, the bill will deter investment in caravan parks and thus limit or reduce the amount of accommodation in caravan parks. Thirdly, it will … harm those whom it is supposed to assist.

The bill being debated then, the Caravan Parks and Movable Dwellings Bill, was pretty similar to the bill before us today. Further, Mr Hayward is reported as stating:

> … this intervention will add considerably to the cost of establishing and operating caravan parks and inevitably that cost will be passed on to the residents. It will also come at a high price to the community.

That was some 17 years ago — and the world did not collapse around the caravan parks back then. The opposition has not changed much in 17 years and is still opposing similar provisions. The world will not collapse around caravan parks in the next 20 years. The opposition underestimates the capacity of the people who run caravan parks. They will survive. This is a good and decent bill. The state government has broadly consulted on the issue and has tried to find a middle ground. I commend the bill to the house.

Hon. R. H. BOWDEN (South Eastern) — I rise to make a contribution to the Residential Tenancies (Further Amendment) Bill. I do not know whether I am or not, but I may be one of the few members of this house who has lived long term in both residential accommodation and caravan parks. That does not indicate a particular lifestyle, but in my teens and early 20s I was a member of an engineering team that went from place to place installing broadcast equipment in country and city television stations. We had to access the equipment at night-time — we were able to work only from about 7.00 p.m. until 6.00 a.m. — and the accommodation in those rural towns and cities was of limited nature at that time. I was also much younger then.

I found this to be a very difficult experience from an accommodation point of view. I have a huge amount of genuine sympathy and compassion for those people who have lived and live today in residential tenancies such as boarding houses and so forth. A room I once had in Brisbane at a place called Red Hill was next to the laundry. I was given that room because I was not there during the night-time; I do not know the real reason, but I can tell members it is no fun living in such residential tenancies, as I did for about six years. I found the people to be very, very fine people who were in difficult circumstances. Such people need community support. They are often on quite low incomes and in very modest financial circumstances and they need compassion and assistance. During the years I was in residential tenancies I met many fine people who were having a great deal of difficulty getting by, and I am sure that in the years since nothing much has changed. I am pleased to say that I consider the slight improvement in the circumstances of people in rental accommodation in boarding houses and residential tenancies that will be provided through this bill is a good thing.

The government should take the advice of my colleague the Honourable Andrea Coote, whom I would like to congratulate on a thoughtful and compassionate presentation. The points she made were based both on her knowledge of her electorate and the people in it and on the work I know she has done in past years as a member of the aged care and housing committee of the Liberal Party. I listened very carefully to her advice, and if the government were to take that advice it would be doing itself a very good service.

The provision in the bill that will give people in shared rooms protection under the Residential Tenancies Act is a wise and helpful move. I do not know how many honourable members have visited some of these places, but I can assure them that often they are not very pleasant. It is a difficult way of living for people of very modest means. Sometimes the people are there under circumstances they wish were different. The fact is that a significant number of people are experiencing housing problems, and the pressures on the owners and operators of rooming houses and residential tenancies are becoming much greater because of increases in property values and other economic drivers. It is a cause for concern that this may result in a decision to close down or change the operating mechanisms of these places. Anything the state government can do to improve the overall quality of the facilities in rooming houses and residential tenancies and the welfare, security and circumstances of residents would be a very good thing.

I personally suggest to the government that this could be an opportunity for it to find an ongoing way of regularly contacting and working with the owners and operators of these residential tenancies and rooming houses to find an economic and supportable way of improving the quality of residences which at times is quite marginal. Anyone who has a knowledge of these places, as I and the Honourable Andrea Coote do, would suggest to the government that anything that can be done to improve the quality of the facilities in which some of these disadvantaged people are living would be a very good and supportable thing.

Turning to the provision in the bill relating to caravan parks, from about December 1982 until about October 1983 — I am pretty sure they were the months — I lived in a caravan park at Frankston. It was not by choice but through the circumstance that I had sold my house and was waiting for the then Hastings shire to connect essential services to where I now live in Somerville. I found living in the caravan park at Frankston to be quite an interesting experience. I met some excellent people — fine people. Only on very few occasions were there circumstances that one would not enjoy.

Overall at that time I found that living in a caravan park was interesting and quite informative. It was very educational and gave me an appreciation of the way many people in caravan parks live. By and large the people who lived near us at the Frankston caravan park were friendly people, and the management went to a great deal of trouble to make sure that everyone was able to have a satisfactory residential experience there. But I did notice there were several classifications, if I could use that word, of people in the caravan park. There were the people who were there like us, who were just wanting safe and secure housing and an allotment for their caravans for short-term stays; there were tourists; and there were people who were in difficult financial circumstances. In retrospect I was pleased to see that they were given a lot of thoughtful attention and support by the then owners of the caravan park.

In caravan parks, particularly like the large one we were in, you have quite a variety of people. Not all people who live in caravan parks are on baseline or extremely modest incomes. That certainly would not have been the case with my wife and me at the time, and there were several others in that caravan park at the time — people who were touring around Australia — who had very high incomes. I hope when I buy a caravan in the future I do not become a SAD — see Australia and die; my wife and I intend to be members of the SAL group — see Australia and live. We intend to go to

caravan parks in the future and I am looking forward to that under those tourist circumstances.

I have in my electorate most of the Mornington Peninsula and the Phillip Island area and, as honourable members would know, a significant number of quite large caravan parks. The caravan park population on the Mornington Peninsula and the number of people using caravan parks on Phillip Island, particularly in the summer months, are very high. The population requires use of those caravan parks for recreation and it is a very intensive use of those facilities. Like my earlier suggestion to honourable members that a typical caravan park is made up of a wide variety of people and circumstances, that is the case here as well.

The bill is in its intent quite interesting because it puts more responsibility onto the owners, operators and managers of caravan parks to make very delicate and difficult evaluations of the personality and performance in a societal mode of people who are resident in caravan parks. I found after having lived in a caravan park for almost a year that for many weeks things could go very quietly and then suddenly World War III would erupt because of some unforeseen circumstance. It does not matter much whether it is 60, 90 or 120 days: if something is going to go bad, it will go bad. That is based on the retrospective thoughts of the experiences that my wife and I had in the Frankston area such a long time ago — in the early 1980s.

We need to be aware of very different circumstances in our economy today which are driving a fulsome and much needed review of caravan park circumstances — that is, that the cost of housing is becoming even less affordable for the average person; the requirements for housing are becoming more difficult to achieve for people of modest financial circumstances; and there is a growth in the number of people who for transit and tourism purposes need access to quality and acceptable caravan accommodation. With the growth in land values it was very difficult for caravan operators to move forward until recently when the state government reviewed and changed the land tax treatment of caravan parks. When the government did change its treatment of land tax it was very helpful to the community.

A large number of people associated with caravan parks have a big investment in land and facilities. Over a long period of time those owners, managers and operators have provided a credible community service and often at quite low financial return to themselves. An honest and complete review of the economic return on those caravan parks would show that they have been quite responsible in their profitability treatment of their tenants and the way they conduct their businesses. I am a very strong supporter of caravan parks and the facilities that they provide. I also believe caravan parks have a history, and a very positive history — —

Hon. J. H. Eren interjected.

Hon. R. H. BOWDEN — I am supporting caravan parks, Mr Eren because I believe they perform a very worthwhile service to our community. Therefore I am concerned that if caravan park owners and operators tell us that they are not happy with something it has to be given very full and complete consideration. Their history over many decades has been a responsible one. The history of caravan parks shows they have made a very worthwhile contribution to our community. Caravan parks will continue to provide that under difficult economic circumstances. I am concerned that the Victorian Caravan Parks Association is saying to us that it is not happy with the bill and I respect its advice. On the basis that caravan park operators are people with acknowledged skills and contributions, it makes me very concerned about some provisions the government is trying to put through in this bill.

Hon. C. D. HIRSH (Silvan) — I rise to speak on this bill and bring to it a strong, personal interest in housing over many years. The first speech I ever made in another place in 1985 was on the Residential Tenancies Act that a committee of party policy people had developed over previous years. In fact the Liberal Party, which hated tenants then and still does, knocked it back. While I was in Parliament the Liberal Party knocked back every piece of legislation concerning tenancy that the then government put up.

In 1985 in the upper house the bill that had been passed in the lower house was decimated by the then Liberal and National parties, which had the numbers. It was a pro-landlord, anti-tenant attitude then, and it still exists. It was expressed in Mr Bowden's speech just now. He said, 'Yes, I like caravan parks', and he then spoke with great pleasure about caravan parks. But it turns out it is the caravan park proprietors not the people who live in them who have his support and approbation. As far as people who run caravan parks go, Mrs Coote mentioned land tax. Land tax has now been abolished for caravan parks, which gives owners a great fillip in running their businesses.

However, this bill is a tenancy bill, a bill about tenants and for tenants. The rooming-house aspect is useful in that it clarifies the position of tenants living in shared rooms. I do not know how many people have lived in shared rooms. I remember that back in my student and early teaching days I used to live in a shared room. I would not like to do it anymore, not with someone I did

not know well, because you had to have a divide up the middle of the room in case the other person was either tidier or less so than you were. Sharing a room is not the ideal way to go. But if you cannot afford anything else and you are going to share a room, it is good to have the same tenancy rights as people in single rooms. It is important that everyone have proper and decent tenancy rights. If we do not have secure housing, we cannot do anything else because we are too busy worrying about the basic need for shelter.

On shelter, one of the issues with housing is that it is considered more for its investment potential than its shelter potential. That is where tenants rights are absolutely crucial. If you are living somewhere and you are likely to be kicked out at any time, you cannot enjoy and move along with the rest of your life because you are insecure and worried about what might happen next. For a caravan park resident who is going to be living there or wants to live there perhaps because they have nowhere else to live, or with an older person — often I find in the caravan parks in my electorate a lot of the tenants are older men who for some reason or another do not have a partner and are not managing very well financially — that 90 days is a very insecure time because they can be thrown out at any stage during that time. Mr Olexander referred to the fact that previously a caravan park owner might throw people out after 89 days and they would be far worse off now because the owner will be throwing them out after 59 days! That is neither what it should be nor what it is about. I believe strongly there should be no waiting period, and that a person who wants to live in a caravan park should be able to have tenancy rights from day one.

Ms Lovell argued in an informal manner that caravan park residents would then have to pay a bond. In fact the act does not preclude a landlord from charging a bond. The bond and relocation scheme should be expanded to ensure that anyone who is required to pay a bond and who is not using it again and again can get hold of that bond, can borrow or have a grant of a bond and relocation money from the community sector, from the public purse, so they can afford to have tenancy rights in a caravan park from day one. While 60 days is an improvement on 90 days, 30 days would be an improvement on 60 days and no waiting period at all would be an improvement. Members should bear in mind that at any time a caravan park owner can remove a problematic tenant whether or not they have permanent residency. The caravan park operators can manage their businesses to ensure — —

Hon. D. K. Drum — That is what the whole debate is about! They cannot get rid of them.

Hon. C. D. HIRSH — That is absolute nonsense! If a tenant is causing difficulty there are means by which that tenant can be removed. If the caravan park owner requires the caravan or the space, the tenant can be given notice. Generally immediate removal is not undertaken or is not allowed because the person will be on the streets, but if there are problems, the Residential Tenancies Act enables these things to happen. I think it is just that landlords and owners would like total control over their property so that they can decide when a tenant can go, straightaway or tomorrow or the next day, whether the tenant will have alternative accommodation or not.

When speaking on these bills people always cite the exceptional example of the tenant who wrecks the joint. Everyone can dredge up a story about a tenant who wrecks a joint. This is not what tenancy law is about. It is about ordinary people wanting some sort of security of tenure in the place where they live. I think one problem that occurred historically was that public housing used to be funded heavily under the commonwealth-state housing agreement. That was prior to the 1980s. In the past public housing was the main way in which housing for low-income people was provided. It was first started in Victoria by the former State Bank in the 1930s, I think, during the Depression. I do not know the exact year, but that is where the public housing concept first came in. Instead of funding states to build public housing, the commonwealth government started giving rent assistance to people to work — —

Honourable members interjecting.

The PRESIDENT — Order! Mr Pullen is out of his place.

Hon. D. McL. Davis — You signed off on that.

The PRESIDENT — Order! Mr David Davis!

Hon. C. D. HIRSH — Thank you, President, for your protection in allowing me to continue speaking.

Hon. D. McL. Davis — It is a very sensitive topic.

The PRESIDENT — Order! Mr David Davis!

Mr Smith — Are your ears painted on?

The PRESIDENT — Order! Mr Smith is also not in his place.

Hon. C. D. HIRSH — Historically that is what happened with public housing. It was proper, cost-rent

public housing funded by the State Bank at the behest of the state government. It was very good housing.

I will briefly go on with the history of public housing. In the 1980s the commonwealth began giving people on low incomes rent assistance to live in private rental accommodation instead of directly funding state governments to build public housing. From then on public housing became simply a small welfare tenure, which is a great sadness in Australian society today — the fact that public housing is simply a welfarised tenure rather than a proper alternative tenure that people can choose. In many European countries half or more residents live in rental housing. It is secure accommodation, and it is the norm. The money that in Australia would be used to pay mortgages is invested in things other than housing. Housing is considered to basically be shelter rather than an investment.

It would have been a good thing had Australia continued to fund public housing rather than moving into rent assistance for the private rental market. I do not believe that has helped, and I believe it is one of the reasons why we have an enormous shortage of affordable housing. The state government is doing as much as it can to improve the situation. When constituents come into my electorate office with nowhere to live, I am able to find them emergency housing through the Office of Housing, and it is very good indeed. At the moment one gentleman with a disability — he has multiple sclerosis — is having a house purpose built for him and his carer so that he will have security of tenure for the rest of his life at an affordable rent. That is what we should be providing. Over the last 25 years the state government has certainly done a lot more than previous state governments and commonwealth governments — and I speak about both sides of commonwealth governments — which have moved the low-income housing dollar from public housing to private housing.

A 60-day period before those living in caravan parks are considered residents is better than a 90-day period, and certainly it is important for tenants sharing a room in a rooming house to have tenancy protection. On those grounds I will support the bill even though it is not ideal and does not go as far as I would like to see it go. However, it is an improvement on what there was before.

Mr SOMYUREK (Eumemmerring) — It is with pleasure that I rise to make a contribution in support of the Residential Tenancies (Further Amendment) Bill 2005. The bill will improve the security of tenure of people living in long-term accommodation and will protect the rights of low-income Victorians. It will improve tenure security for rooming house and caravan park residents by improving recourse to legislative redress should a residency dispute arise.

I read with interest in *Hansard* the contributions of members of the Legislative Assembly to debate on this bill, and I have listened with interest to the preceding speakers on this bill. The comment people make about contemporary politics is that there is no difference between the two major parties. That applies in Australia and the United States and around the Western World in general. There is no point of differentiation. People package things up and product differentiate but there is no real, deep, philosophical differentiation between major parties. What I say to these people is: have a look at this bill and you will see clearly the philosophical divide which still exists between the Australian Labor Party and the opposition parties.

Opposition members oppose the bill. Their opposition is predicated on supporting the owners of capital. In contrast, Labor members seek to balance the interests of capital with those of tenants. Members opposite reflect a viewpoint where the consumer is protected by the phrase ‘let the buyer beware’ and there should be little or no interference in contracts between a seller and a buyer. In short, the opposition is on the side of the seller, who is usually the owner of capital. That is not to say that you cannot be on the side of the buyer but you need to stand back a little bit and come to a considered opinion. I believe members opposite are confusing the concept of the benefits of market capitalism with support for the organised owners of capital. They are distinct concepts. We do not have a problem with market capitalism. In fact, we all reap the benefits of market capitalism. However, you have to be able to critically analyse the interests of the owners of capital. While the government understands the need to balance the interests of buyers and sellers, and most importantly the need to protect the interests of the weakest members of our community, buyer beware as a concept does not provide a blanket guarantee that most members of our community will be protected. Government has an important role to play in ensuring that a fair market operates.

I firmly believe that society should be judged not by its wealth alone but also by the way it treats its poorest and most disadvantaged people. Housing is a fundamental need in our society. Many of those who live in rooming houses and caravan parks are unable to access more traditional forms of housing. These are exactly the sort of people who require the intervention of the state in order to ensure a fair outcome is brought about. With essential services like housing there is a strong role for state intervention in the market. In the case of rooming

houses and caravan parks, I believe the state should intervene to provide processes outside of simple contract law which allow both residents and owners to resolve disputes.

Regulation of the housing market has a long history in Victoria. Many members may not have stayed in rooming houses but in debate in the lower house and this place a lot of members indicated that they have stayed at least one night in a caravan park. During their stays in caravan parks I suggest members pick up a book called *The Land Boomers* which outlines corruption centred on the housing market in Victoria during the 1880s and 1890s. Sadly, many crooks and rogues in that era were able to reinvent themselves as the Melbourne establishment. It is a good book to read and a great way to spend the summer hours.

In conclusion, this bill aims to reinforce the government's commitment to improving tenure security for people living in all forms of long-term accommodation and protecting the rights of low-income families. I commend the bill to the house.

House divided on motion:

Ayes, 21

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs (*Teller*)	Nguyen, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Eren, Mr	Scheffer, Mr (*Teller*)
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Thomson, Ms
Lenders, Mr	Viney, Mr
McQuilten, Mr	

Noes, 17

Atkinson, Mr	Drum, Mr
Baxter, Mr	Koch, Mr
Bishop, Mr	Lovell, Ms
Bowden, Mr	Olexander, Mr
Brideson, Mr	Rich-Phillips, Mr
Coote, Mrs	Stoney, Mr
Dalla-Riva, Mr	Strong, Mr (*Teller*)
Davis, Mr D. McL.	Vogels, Mr (*Teller*)
Davis, Mr P. R.	

Pair

Theophanous, Mr	Hall, Mr

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The purpose of this bill is to put some balance in there for the most vulnerable of tenants. In considering the amendments and the bill that has been brought before the Parliament, there was considerable concern about ensuring that that balance was right. We believe we have a balance between the right of the tenant — and in this case we are talking about the most vulnerable of tenants — and the right of the landlord. In doing so we believe we have secured real tenants' rights for the most vulnerable of people in the most vulnerable of circumstances, whilst respecting the right of the landlord to be able to ensure that their tenant mix is an appropriate mix for their particular site. As we go through the clauses I will explain that in more detail, but I would like members to be aware that this is about striking a balance. It is not about one side winning out over the other. It is about striking a balance between the right of a tenant and a right of a landlord.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

The CHAIR — Order! Ms Lovell to move her amendment 1, which is a test for her amendment 2, which she can foreshadow.

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

1. Clause 4, page 3, line 7, omit '109A";' and insert '109A".'.

In doing so I would like to talk to not only amendments 1 and 2 standing in my name, but also a little to amendment 3 because that really goes to the heart of these amendments. The reason that the Liberal Party is moving these amendments is that the government is seeking to decrease the qualifying period for a person to gain residency status in a caravan park from 90 days to 60 days. We all know that this provision was first introduced as part of a bill in 2002. This clause was defeated in that bill by the Liberal Party, the Independents and The Nationals. We were strongly opposed to it at that time and remain strongly opposed to it. Not only that, but caravan park owners were also strongly opposed to it in 2002 and they remain strongly opposed to it. That is because the government first tried to bring this in as a range of amendments that came from recommendations from the residential tenancies legislation working group in 2000. A quick look at that report clearly identifies on page 18 that owners were strongly opposed to the

reduction from 90 days to 60 days for the qualifying period of residential status, and also page 20 of that report clearly identifies that an unanimous agreement could not be reached on that issue. This is certainly not something that was wholeheartedly endorsed by that working party, and it is not something that should have been included as part of the original bill or as part of this bill.

The park owners have notified the Liberal Party that there has been very little change in their industry since 2002; in fact they say that nothing has changed in their industry since 2002. Again, they say that there has been no further consultation by the government relating to reducing the qualifying period from 90 days to 60 days. The Victorian Caravan Parks Association wrote to us saying that it had not been invited to consult with the government on this issue since the outcomes of the 2000 working group, nor has any new evidence come to light that would indicate that the definition of a resident in the Residential Tenancies Act should be altered in any way. The reduction from 90 days to 60 days could quite easily be very detrimental to these people.

Hon. J. H. Eren — No, it won't.

Hon. W. A. LOVELL — Mr Eren says it will not; but, Mr Eren, have you spoken to the park owners in your own electorate because I have spoken — —

The CHAIR — Order! Ms Lovell, through the Chair.

Hon. W. A. LOVELL — Park owners are telling us that it will be detrimental to these people because park owners will be less likely to take on those people who are wanting short-term accommodation, and they will be more likely to ask people to leave when they reach the 59-day period, thereby preventing them from gaining residential status. It will also mean they will not have the full 90 days they have now to enjoy the accommodation that they have acquired in that caravan park.

This bill will affect some of the most vulnerable tenants in our society, as the minister said, but it will be because park owners will be less likely to take on those who need crisis accommodation due to a family break-up or those who need short-term accommodation when they are relocating and looking for work or for a permanent place to live. Park owners have described this as legislation by stealth. They know the government has the numbers and has introduced this provision without any further consultation with park owners. The Liberal Party believes this will not achieve what the government wants to achieve. As the minister said, it is about the most vulnerable tenants. We believe it will lead to those people being put in a more vulnerable situation because they may be asked to leave at the 59-day period. Caravan park owners should not be put in the position of having to ask these people to leave at that period. That is why we are opposing the bill.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — This is an important issue. There is no waiting period in any other form of tenancy because people are immediately covered under the provisions of the Residential Tenancies Act. In this instance there is a gap of 90 days currently and it is proposed to bring it down to 60 days. The rationale for the difference was to allow caravan park owners an ability to manage their business and the mix within their business to assure themselves that the people they are bringing in would fit within the caravan park environment. Some leniency was given to them that is not given to anyone else because of the transient nature of people in caravan parks. Ms Lovell's argument puts caravan park owners in a very bad light, which suggests that they are not really interested in the most vulnerable of those tenants. In fact they want to chuck them out as soon as possible.

Let me make it clear that there is no provision in the current act that says that you must chuck someone out of their accommodation once they reach 89 days, or, in the new provisions, 59 days. There is no provision that says you have to do that; all it says is that they have full protection of the legislation after that period if they do not have it before. In some instances in caravan parks caravan park owners have chosen to implement full protection under the Residential Tenancies Act immediately, have obtained a bond for that purpose and have given residents full protection. The light that Ms Lovell paints is that caravan park owners want to get rid of these people as quickly as possible and therefore the provisions in the act should remain at 90 days. If you are using that argument then you would do away with a limit altogether — if it is good enough for every other tenant why is it not good enough for those who are in caravan parks?

The reason we have gone for a balanced approach and brought it down to 60 days is that we believe within 60 days caravan park owners can balance the needs of their businesses, can take that into account, assess the suitability of their tenants, if that is what they want to do, and give them the opportunity to make those judgments. We have done that because we have listened to what the Victorian Caravan Parks Association has been saying. If we had not listened we may have dispensed with any waiting period and put

them in the same position, which is what the Tenants Union of Victoria wanted, of no waiting period whatsoever. We believe this provision is a balanced response to the needs of tenants and caravan park owners.

I will perhaps go through this in greater detail later, but there are provisions that once someone is fully covered under the Residential Tenancies Act a caravan owner can take action against someone in the caravan park who is not suitable because they are disruptive or putting other people or property at risk. There are protections for caravan park owners. This is legislation that should be welcomed because it will look after the most vulnerable in our community.

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

Ayes, 20

Argondizzo, Ms	McQuilten, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Mrs	Mitchell, Mr
Carbines, Ms	Nguyen, Mr
Darveniza, Ms (*Teller*)	Pullen, Mr
Eren, Mr	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms (*Teller*)	Somyurek, Mr
Jennings, Mr	Thomson, Ms
Lenders, Mr	Viney, Mr

Noes, 17

Atkinson, Mr	Drum, Mr
Baxter, Mr	Koch, Mr
Bishop, Mr	Lovell, Ms
Bowden, Mr	Olexander, Mr (*Teller*)
Brideson, Mr	Rich-Phillips, Mr (*Teller*)
Coote, Mrs	Stoney, Mr
Dalla-Riva, Mr	Strong, Mr
Davis, Mr D. McL.	Vogels, Mr
Davis, Mr P. R.	

Pair

Theophanous, Mr	Hall, Mr

Amendment negatived.

Clause agreed to; clauses 5 to 13 agreed to.

Clause 14

Hon. D. K. DRUM (North Western) — I propose that this clause be omitted. I wonder if the minister could help me in relation to the part of the clause that pertains to shared rooms with a single meter. The question I would like the minister to consider is the ability for rooming houses to charge a fee to individuals who may share a room. Clause 14 clearly states in the section that pertains to a fee that may be charged to separately metered rooms that you may not charge a fee for utilities such as gas and electricity if the room is shared. I need some clarification whether it reads as I understand it reads, or whether there are aspects to the act that enable boarding houses to recover those fees in another way.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I am advised in relation to this that under section 19 of the act, where the boarding house is in receipt of assistance from the director of housing it is able to charge a service charge under section 109A of the act which would cover water, central heating, laundry, utility services or facilities where these cannot be accurately measured individually. In those instances they are covered. I am also advised that in the case of private rooming houses that do not receive funding and are not gazetted, they are in fact able to build into their rentals the costs of utility provision.

Hon. D. K. DRUM (North Western) — How is a private boarding house able to build into its rentals those additional costs if in fact the clients or residents are paying their maximum of 25 per cent of their pension on their accommodation already?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I am advised that the 25 per cent ceiling does not apply in the private sector but does apply in the Office of Housing or public sector housing.

Hon. D. K. DRUM (North Western) — In that regard these privately run boarding houses would be unable to accept multishared rooms from people who are not on a welfare pension.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — That is not what I am saying. What I am saying is as long as they can justify fair rental, they can build in their associated costs. It is open to anyone who is prepared to pay that rental. The requirement of the landlord is to be upfront as to what the rental charge is. How they develop that rental charge would be based on what is fair rent plus their costs, and they would need to disclose that rental amount to the potential tenant. If the tenant is prepared to pay it, then that is the rent they will pay.

Hon. D. K. DRUM (North Western) — They would then be able to pay more than the 25 per cent in rental and utilities if that were their decision. If they were quite willing to pay that they could go into either a for-profit or a not-for-profit organisation boarding house?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — As I said, if it is public housing a ceiling applies, but if it is a private rental situation and the

tenant is happy to pay that amount, then that is what they pay.

Hon. D. K. DRUM (North Western) — In what category do we consider not-for-profit but private business providers of boarding rooms, such as church groups, to be in ?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — In the instance of those who have funding from the director of housing, the not-for-profit example of a church group you were suggesting, the rental has to stay with the 25 per cent cap, but there is the provision for the service fee that I outlined under section 19 of the principal act.

Hon. D. K. DRUM (North Western) — Does section 19 relate to section 108 or 109?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Section 109A.

Hon. D. K. DRUM (North Western) — So there is a right to impose a service charge under section 109A?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Yes.

Hon. D. K. DRUM (North Western) — I hope the minister is a bit confused.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — No, I understand it.

Hon. D. K. DRUM (North Western) — I think I have been given the assurances I need to take back to the respective boarding houses that were concerned to know they were going to be able to put multiple residents into rooms with single meters and charge the necessary amounts to recover the costs of utilities. If that is effectively what I am being told, then I am happy to take that forward. We will not need to divide on this.

Clause agreed to; clauses 15 to 21 agreed to.

Clause 22

The CHAIR — Order! Ms Lovell to indicate her opposition to clause 22, which is her amendment 3, which will test her amendments 4 to 9.

Hon. W. A. LOVELL (North Eastern) — I propose the omission of this clause for all the reasons that I put in relation to the earlier clause. It relates to the government seeking to reduce the qualifying period for people to gain residency status in a caravan park from 90 days to 60 days. I will not repeat all the reasons I put earlier, but I will address a few of the things that the minister said in her earlier response. The minister said that reducing the qualifying period from 90 to 60 days would still give caravan park owners the period of time they needed to achieve balance in their businesses. The caravan park owners have told us that is not the case. They are telling us that it would make planning for holiday accommodation extremely difficult for them. If people arrive in October they will now qualify for residency status in December, which means that the caravan park owners will not be able to guarantee holiday bookings that have been made with them for January. They are most concerned about that, because they do not feel it will give them the time to achieve balance in their businesses.

The minister also said this was a balanced response for both the tenants and the operators. Again this is not a balanced response. It will put more vulnerable people at risk. In a letter to the minister the Victorian Caravan Parks Association says:

> Clause 22 of the Residential Tenancies (Further Amendment) Bill does not benefit current residents of caravan parks, and will be detrimental to prospective residents, caravan park owners and the community.

The association is certainly saying loud and clear that it does not feel this is a balanced response. The park owners have also advised us that the current 90 days does provide a good balance. They say that when people come into their park, for the first 30 days or so they are on their best behaviour, that in the next period of 30 days leading up to 60 days they start to relax a bit, but that in the period from 60 to 90 days they start to display their normal behaviour. They have advised us that it is in this period between 60 and 90 days that they are more likely to ask people to leave because of problems within the park. The minister also said the government has consulted with caravan park owners. The caravan park owners have said in writing, which I quoted from before, that the minister has not consulted. I have been advised that the caravan parks association wrote to the minister, who responded to it. The picture the minister tried to paint before was that the caravan park owners were terrible people.

Hon. M. R. Thomson — No, I said that you were.

Hon. W. A. LOVELL — The minister was saying that I was painting them as terrible people because they would evict people at 59 days. But it was actually the minister who advised the caravan park owners that they could ask people to leave. A letter dated 31 August from the caravan parks association to the minister begins:

> Thank you for your letter dated 18 August 2005 regarding the Residential Tenancies (Further Amendment) Bill.

It goes on to state to the minister:

> You are entirely correct when you state that people can be 'obliged to leave' before residency right has been obtained.

The minister is the person who advised the association that people can be asked to leave at 59 days. It is certainly not me painting the caravan park owners in this terrible light. It is not the caravan park owners who want to ask people to leave after 59 days, but they have been advised by the minister herself that they certainly can ask people to leave prior to the 60-day period. As I said before, we do not believe this will provide any protection. In fact we feel it will put some of the most vulnerable tenants further at risk, and that is why we are testing this amendment and opposing the clause.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Firstly, can I say the letter clarifies what their rights will be under the new provisions. As the minister I am obliged to inform people of their rights, just as we will be obliged to inform tenants of their rights under the new provisions. What I cast aspersions about is the notion that automatically caravan park owners would want to in fact use those provisions in order to avoid the obligations under the Residential Tenancies Act. I hope and believe that the vast majority of caravan park owners who allow those tenants into their caravan parks do so with the full intention of allowing them to stay there long enough to take up the entitlements under the Residential Tenancies Act, and they will use the act for the appropriate purposes.

Can I say there are plenty of opportunities for a caravan park owner or manager to act if a tenant is causing problems within a caravan park. Immediate notice to vacate a site can be given if the resident or resident's visitor intentionally or recklessly causes or allows serious damage to the site, the caravan park or any facility in the caravan park; immediate notice to vacate a caravan if the resident or the resident's visitor intentionally or recklessly causes or allows serious damage to a hired caravan; immediate notice to vacate a site if the resident or the resident's visitor, by act or omission, causes a danger to any person or property in the caravan park; immediate notice to vacate a site if the resident or the resident's visitor seriously interrupts the quiet and peaceful enjoyment of the caravan park by other occupants; and then seven days notice to vacate a site can be given if the resident owes at least seven days rent to the caravan park owner. And it goes on. The list of provisions under the Residential Tenancies Act that protect the rights and entitlements of the owner are there and are quite explicit. There are entitlements within the existing legislation for a caravan park owner to act where there is disruption.

We believe this is a balanced response, and when I say balanced I mean having listened to the needs and requirements of the most vulnerable tenants — that is, people who are least able to look after and protect their own rights and interests — and those of the caravan park owners. What we have done here is strike a balance. We are not saying we are giving the caravan park owners what they want; we certainly are not. Nor are we giving the tenants what they would probably prefer, and that is immediate access to the legislation. What we are doing is striking what we believe to be an appropriate balance.

Hon. D. K. DRUM (North Western) — I would like to ask the minister if she would at least concede that there are several high-risk persons who would be taking these positions within the caravan parks. Under the current system a lot of these clients are in fact welcomed into the caravan park because the owners and proprietors know they have 90 days to make a decision on them. They are saying there is an opportunity for people with a history of excessively loud music, excessive drinking, drug taking and drug dealing to suppress their behaviours for a 60-day period and then suddenly come out and act in a way that will be against the respected norms of the clientele in a caravan park. We would like to see the minister acknowledge that we are not dealing with a whole heap of barbarians here who own caravan parks; we are dealing with people who take a risk in admitting people to their caravan parks. At the moment they have 90 days for that risk to come through and they can make a decision about people within that 90-day period. They are saying that at 60 days you will heighten that risk where people will be burnt; and then they will be much more circumspect as to whom they will let into their caravan parks.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Let me reiterate that I hope and believe the vast majority of caravan park owners would want to treat people fairly. I do not go to the presumption that Ms Lovell does, that they automatically want to chuck them out at 89 days, under the current legislation, or at 59 days under the bill. I understand the issue about those who may in fact damage property or act illegally. But the provisions of the Residential Tenancies Act already allow caravan park owners, even once the tenants are covered by the Residential Tenancies Act provisions — all of the provisions — to issue immediate notice to vacate if the tenants are caught acting illegally or they cause damage to a site or to a person, or if there is a potential for that to occur; or, in fact, as I mentioned before, immediate notice to vacate a site if the resident or the resident's visitor seriously interrupts the quiet and peaceful enjoyment of the

caravan park by other occupiers. That is a provision within the act already; that is there for any caravan park owner to use once a tenant is covered by all the provisions within the act.

I believe there are adequate measures for a caravan park owner to take the appropriate actions, should they have a tenant causing those kinds of disruptions, to immediately fix that. But the tenants do need protection. In many instances they are not in a position to protect themselves, and they need the legislation to come into play. As I said we believe this is balanced. We could have gone with immediate coverage. We did not because we understood the concerns of the Caravan Park Owners Association and it wanting to maintain the 90 days. We believe what we have done is to strike a reasonable balance.

Hon. D. K. DRUM (North Western) — Just on that, would the minister be able to give a precis of some of the rights that will be afforded residents once they are considered to be permanent residents that they did not have previously?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Some of them are issues around maintenance of a caravan to ensure it is properly maintained, which they do not have otherwise. They are the sorts of provisions that a tenant could expect under the Residential Tenancies Act. Also there are areas around the appropriate rental charges and ensuring that the rental charges are fair; and the ability to take action if those rental charges are in fact not fair. Those are the sorts of provisions we are talking about. Again, it is about balance. It is about being able to respect a person's right to live decently, and that is what the provisions allow for.

Clause agreed to; clauses 23 to 31 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I move:

That the bill be now read a third time.

In doing so I thank members for their contributions.

The PRESIDENT — Order! The question is:

That the bill be now read a third time and that the bill do pass.

House divided on question:

Ayes, 21

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs	Nguyen, Mr
Carbines, Ms (*Teller*)	Pullen, Mr
Darveniza, Ms (*Teller*)	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Thomson, Ms
Lenders, Mr	Viney, Mr
McQuilten, Mr	

Noes, 17

Atkinson, Mr (*Teller*)	Drum, Mr
Baxter, Mr	Koch, Mr
Bishop, Mr	Lovell, Ms
Bowden, Mr (*Teller*)	Olexander, Mr
Brideson, Mr	Rich-Phillips, Mr
Coote, Mrs	Stoney, Mr
Dalla-Riva, Mr	Strong, Mr
Davis, Mr D. McL.	Vogels, Mr
Davis, Mr P. R.	

Pair

Theophanous, Mr	Hall, Mr

Question agreed to.

Read third time.

Remaining stages

Passed remaining stages.

FISHERIES (ABALONE) BILL

Second reading

Debate resumed from 6 September; motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).

Hon. PHILIP DAVIS (Gippsland) — I rise to speak on the Fisheries (Abalone) Bill. I would like to indicate to the house that the Liberal Party will not delay passage for any unnecessary length of time. However, there are some remarks that need to be made. I would like to acknowledge that the industry stakeholders who are primarily affected by this bill — and I refer to the abalone industry — have been actively involved in the development of the bill and that therefore it is not surprising they are urging support for it, whereas all other peripheral stakeholders, including the recreational abalone sector, have no direct concern because they are not affected by the bill. The bill seeks to amend the Fisheries Act 1995 to implement a new

system in respect of the abalone fishery which provides for the separation of individual abalone quota units from the abalone fishery access licences, and to restrict the persons who can hold a fish receiver's licence to an individual, a single corporation or a cooperative. There is quite a bit more detail in the bill, but that really is the principal purpose.

The new system which will be introduced under this bill will provide that an individual abalone quota unit which is currently tied to an abalone fishery access licence will be separated so that there is in effect a change to the way that access licences can be traded. The new system will separate the two so that the quantity of abalone that is caught from the fishery access licence can be traded separately. This will allow non-abalone fishery access licence-holders to hold quota, which will provide increased competition through greater quota trading and allow quota to be more readily acquired by entities other than licence-holders.

Currently the generic quota setting, management and administrative provisions apply to all quota-managed fisheries. New quota setting will be introduced, along with management and administrative provisions specifically for the commercial abalone industry, and single abalone quota units will be able to be transferred to any entity, including people who do not hold an abalone fishery access licence.

Entitlements, transfer and notification requirements of individual abalone quota unit holders will also be specified. The minister responsible for fisheries is currently allowed to determine that specific individual quota units in all quota-management fisheries may be sold or auctioned publicly. This will be extended to include abalone quota units. The current act stipulates that specific offences and penalties apply to all managed fisheries. The amendment will mean that these offences and penalties will be effectively replicated to apply specifically to the abalone industry. Currently the abalone species of blacklip and greenlip are managed under a single, total, allowable commercial catch. The amendment will allow the two species to be managed as separate species under a total, allowable commercial catch regime, resulting in a specific quotas being set for each species based on ecologically sustainable development principles. In summary that is what this bill is about.

I would like to give a little bit of background to this industry. The abalone sector of the Victorian wild-catch fishery is the most valuable fishery we have. It is interesting to note in relative terms just what a small commercial fishing industry Victoria has. It is the smallest on a state jurisdictional basis of any fishery in Australia and is contracting. Unfortunately the demand for seafood is increasing on a global basis. That puts pressure on all fisheries, but Victoria's industry is unique. Not only is it the smallest fishery in Australia, but also it is significantly the smallest in aquaculture production in Australia. It should be the case that Victoria compensates for its deficiency in being able to access a significant wild-catch fishery by responsibly developing its own aquaculture industry, and it is notable that Victoria has failed to do so. It is of particular concern to me that in the last decade we have gone backwards instead of forwards, particularly over the last five or six years. I recall that the previous coalition government had what was called the Victorian aquaculture initiative, which was a commitment of $1.5 million a year of initiative funding to assist the aquaculture industry to develop. When I talk about aquaculture I include the abalone sector because there is clearly a lot of potential for growth in developing fish protein through aquaculture.

I am alarmed to learn that not only has the policy commitment of the present Victorian government completely lapsed in regard to aquaculture, but also that at every turn it would seem that impediments have been put in the way — for example, I understand that the investment now in aquaculture by Fisheries Victoria is only in the order of about $250 000 per annum and that there is no funding supporting the Victorian Aquaculture Council which was seen to be an integral part of industry development to encourage industry to work collaboratively and with government. There is therefore no effective leadership in the aquaculture sector.

There have been other policy initiatives by the government to the detriment of the aquaculture sector — for example, the introduction of PrimeSafe as the regulatory authority for seafood safety has effectively shut down aquaculture businesses around the state. I understand last year the total number of aquaculture licences dropped from about 300 to 100 as a result of the introduction of the new PrimeSafe regulations and fees. In the yabby sector, about which I have spoken in the house before, we saw a virtual collapse in the production of yabbies — that is, freshwater crayfish as some prefer to call them — from 65 producers down to only 3. That is a travesty. I believe we need to recognise the importance and the social and environmental responsibility — the obligation — on us to encourage the replacement of fish protein from the wild-catch fisheries that are under severe environmental and economic sustainability pressure and encourage the development of aquaculture as a alternative way of producing that important part of

the diet of many people. Fish is healthy as a food and we all need to be encouraged to adopt those healthy eating practices.

To put the abalone industry into perspective I note that the industry was established in 1962 in Victoria: I have a particular interest in its long-term success in that it is a model of managing sustainably a natural resource. Very early on the licensees in that industry recognised the need to manage the resource sustainably. They could see that the developing fishery and marketing opportunities would lead to a very profitable fishery over time and they put in voluntary arrangements in many respects to ensure that sustainability. The regulators caught up with the industry over time. Although it is now a very highly regulated industry, it is one that is regulated in cooperation with the stakeholders and the licensees. There are currently 71 Victorian licences in the abalone industry. Those licensees play an active role in ensuring the viability of the industry in the long term because their licences depend upon the sustainability of the fishery.

In contrast there are only five aquaculture, land-based abalone production systems which are presently selling any product at all. The total value of aquaculture production from those facilities is about $1 million a year. At the present time it appears there is not yet any commercial production of the offshore-based systems which have been licensed. I think there are 10 licence-holders who have the capacity to produce in Victorian marine waters from an area of about 49 hectares. That is quite disappointing because in my view not only are we missing a huge economic opportunity but also it is important to recognise the declining global stocks of wild fish available for catch.

It is interesting to note that Australia provides about 50 per cent of the world wild-catch abalone fishery. Victoria, with Tasmania, provides a significant part. The Tasmanian-Victorian abalone fisheries make a very significant contribution to that industry.

As I talk about the wild-catch fishery I keep thinking about the aquaculture sector. I am reminded how disinterested the present government is in aquaculture. I note that recently the Minister for Agriculture in another place announced that he is bringing back in-house the production of trout and salmon for the inland waters restocking programs. I thought it was an interesting marker of the minister's interest in promoting a commercial aquaculture sector. It reflects on the general state of play in the aquaculture sector that all of the signals to commercial investment in aquaculture are negative.

It seems to me that a more appropriate policy response from the minister responsible for fisheries, the Minister for Agriculture, would be to ensure opportunities to cultivate fish in aquaculture environments for any purpose — including the government's inland waters restocking program — should be vested in external commercial providers to ensure encouragement to the aquaculture sector to thrive and flourish. I regret that the minister has again chosen to reinforce the perception that there is little interest in promoting aquaculture.

It was interesting to look at the relevance of abalone in terms of the composition of our fishery. The value of abalone production is very significant. In Victoria in 2003–04 the figures from Australian fisheries production show that abalone contributed very nearly $50 million in value to the Victorian fishery, and the total value of the Victorian fishery in that year was $95 million, so more than 50 per cent of the value of the Victorian fishery production consists of abalone. You can see from this heavy reliance on abalone that it is an industry that needs to be properly managed.

With respect to that management, why is this important? Victoria exports about 50 per cent of its total fish production — wild-catch and aquaculture. The value of that production consists primarily of abalone and rock lobster, another very high-value fishery contributing nearly $14 million in 2003–04.

As we reflect on these production figures and the relative position of the Victorian fishery being a bit player on the national scene, and particularly aquaculture being virtually irrelevant — I think the share of aquaculture production in the national target is presently between about 1 and 2 per cent — I am of the view that we have a big challenge ahead of us. Frankly I am disappointed that we are not seeing any signals from the Minister for Agriculture about that. I would have thought that naturally value adding would be an important element of such an industry. I do not see any action on the part of the Minister for Agriculture to deal with value adding in the fisheries sector.

Recently, on 20 July, the City of Melbourne determined to put out an expression of interest for the Melbourne Wholesale Fish Market. As many members know the fish market is under the aegis of the City of Melbourne It is an important exchange. Those of us who are familiar with any form of primary industry commodity trading know just how important markets are. The physical marketplace of a highly perishable product like fish is critically important. The Melbourne fish market, which I have recently visited several times along with a number of colleagues, has been a very important

vehicle for the industry to facilitate trading, to disperse fish to various markets and to set the market value. Without that competitive environment to offer an opportunity for all stakeholders to come together, I reluctantly say that there would be a significant and underwhelming performance in terms of the availability of financial incentives for the fishing industry.

The government has made great play of relocating the fruit and vegetable market from Footscray, but the silence from the Minister for Agriculture on the future of the Melbourne fish market has been absolutely deafening. I cannot understand why that has occurred regarding a facility that is so important to the value-adding process in the fishing industry. The seafood industry is a critically important one for regional Victoria, particularly for coastal communities, although there are many inland aquaculture sites, particularly in the trout sector. For towns like Lakes Entrance, Mallacoota, Port Fairy, Portland and many other coastal towns this industry is critical. The capacity of the industry to offer its produce to best advantage is critical. The lack of interest of the minister responsible for fisheries in the long-term difficulties facing the fish market is now coming to a resolution because the City of Melbourne has come to a view — this is clear because it has put out an expression of interest, which I understand closed on 31 August and is now being assessed — that there must be a better way of managing that market.

Stakeholders in the industry have expressed concern to me that their representations to the Minister for Agriculture and other ministers on this issue have been rebuffed. There has been no interest at all in talking about the future of the Victorian or Melbourne fish market, and it is therefore inevitable that any future for that market will be out of the hands of the principal stakeholders and in the hands of those in the private sector who will take up the opportunity to establish a market that has potentially no guidance from industry or government. It is astounding that the government does not accept responsibility for this matter. Fishermen on boats going out from various fishing ports around the coast do not individually have the capacity to manage, determine and advise on how the fish market should operate. The government has a clear obligation to express interest in this. The fact that it has not is incredibly disappointing.

Coming back to the bill, I need to put on record that I think the licensees in this industry have made a very significant contribution to its development. They have benefited enormously in terms of the return that they have received over time in the form of income from abalone sales, but I am particularly impressed with the fact that they have taken a long-term view. This bill is part of the transition towards recognising that market development is critically important. One of the benefits of the bill will be that the opportunity will potentially be given to those processors and marketers who wish to further develop this industry to buy quota units in their own right and hold those quota units as a form of security of supply. Although they will not be able to harvest the fish unless they have an access licence, they can have harvesting arrangements in place with other parties that do hold access licences.

The bill effectively gives processors and marketers a guarantee that, so long as the resource is sustained, if they hold a quota unit or number of units they will be able to meet their market obligations as they develop higher value markets, particularly in Asia. That is where the vast majority of this fish is ultimately sold and consumed. Because I speak regularly with people who are involved in marketing fish, I know that, particularly with abalone, it is not a matter of just turning up at 5 o'clock in the morning at the Melbourne fish market. Abalone are primarily exported, and this export is on the basis of long-term relationships being established and a great deal of time being invested in developing markets into Asia. Therefore, in my view, the reward which has come to the licensees has been hard earned. Some would say that a commercial abalone licence being valued today in the order of $7.5 million is an extraordinary windfall given the few dollars which were paid for the initial licences in 1962.

Hon. J. A. Vogels — It was $12 wasn't it?

Hon. PHILIP DAVIS — As Mr Vogels interjects, it was $10 or $12. However, I think it is a reflection on the investment made by the industry collectively over time. I would not begrudge anybody reaping a reward. Some of us may be envious about that reward, but I do not think I would begrudge the industry reaping it.

Undoubtedly these changes will add further value. We should not delude ourselves in relation to this bill: the changes which will enable quota units to be traded and in effect separated out from the access licences and divers will be another value-adding process in their own right. There will be more competition for investment in quota units. There is nothing wrong with that. As I have just said, I think the bill is justified on the basis of securing longer term investment in the development of the industry and further value adding and exporting. However, there will be a further windfall gain by virtue of the creation of a new market for the purchase and trading of quota units and the entry into that market of additional players. I do not know that a proper economic assessment has been made or that it

would be reasonable to make such an assessment. Some would throw figures around of some millions of dollars for each licence. I honestly do not know; I do not think anyone is competent to predict that. However, it is clear that there will be, by virtue of more competition for those licences, a windfall benefit to the industry. I can well understand why the present licensees are urging support for the bill.

However, it is reasonable to have raised the concerns which have been raised. As we move to this new phase there are people who have an interest in the sustainability of the resource, particularly those who dive and do the fishing. They say the investment by corporations, the investment by people who wear white shirts and ties, might not be sympathetic to the long-term sustainability of the resource. Somebody who takes an entrepreneurial approach to the industry might not have the same understanding of and background in it. It seems to me that those who criticise or object or raise concerns about the potential undoing of a well-managed fishery as a consequence over time of the licences transferring to people who are not directly involved in the fishing industry may be valid were it not for the fact that the obligation remains with Fisheries Victoria and the Minister for Agriculture to ensure that the fishery is properly managed over time. I guess the issue I am raising here is to say that while concerns have been expressed about decoupling the quota units from the access licences and therefore that connection with the hands-on, in-the-water function, the reality is that it is a matter for the Crown in the form of the Minister for Agriculture to ensure that that resource is sustainably managed.

While inevitably concerns will be raised by people who in themselves are concerned about the change just because it is a change, I think it is clear that the Parliament needs to make it well understood that the expectation in relation to the way this fishery will be managed into the future is that, notwithstanding the changes in the allocation of quota units between different groups of holders, the obligation rests absolutely with the state government of Victoria, whoever that may be in the form of whichever minister it may be from time to time. This industry has achieved what it has achieved to date by cooperative regulation between the licensees and government at every step of the way. To make a fundamental change which will remove an element of direct involvement in fisheries management — that is, by having people who are not access holders owning quota units — will inevitably change the environment around all of that process. I believe the fundamental issue here is the responsibility and obligation of Fisheries Victoria, the Department of Primary Industries and the Minister for Agriculture. I would not like to argue a case that those institutional arrangements will not be competent to manage a good outcome into the future — I am just setting down what I believe is the expectation of the Parliament by agreeing to this bill. There can be absolutely no doubt that if suggestions are made at a future date that the sustainability of this resource is under pressure because it was not managed well beyond 2005, that will not be the fault of the licensees — those who hold access licences — or the quota unit holders. It will be the fault of the institutional arrangement officers in the department and the ministers for agriculture over that period. However, I have every confidence that this new arrangement can achieve those long-term sustainable outcomes. I have that confidence because this is a very precious and valuable resource. It is a very great indicator of the health of our marine environment. Unless our marine environment is well protected and environmentally well managed, resources will decline and the first flag will be the valuable resource that abalone is. Anybody associated with the industry who saw that decline would be raising the alarm very quickly.

Without further ado, I would like to indicate that, while having raised some concerns generally about the future of the production of fish resources in general and abalone in particular and the negligence of the Minister for Agriculture in regard to developing alternate resources through aquaculture, the opposition will not delay this bill any further.

Hon. P. R. HALL (Gippsland) — The Fisheries (Abalone) Bill makes some amendments to the Fisheries Act 1995, particularly in those areas relating specifically to abalone. While I am in a position to report to the house this afternoon that The Nationals will not oppose this bill, I have to say that we are not all that excited about it. Some aspects of it cause us grave concern. Some of those aspects were commented upon by the Leader of the Opposition in the latter part of his contribution and I will make some comments about them in my presentation.

Let me first deal with some of the mechanics of this bill. As I said, it amends the Fisheries Act 1995 in a number of ways. In summary, some of those changes relate to the separation of the abalone quota from the abalone fishery access licences so that in future quotas will be able to be traded separately, allowing people who are non-access licence-holders entry to the abalone fishery.

It will also create some new quota-setting management and administrative provisions specifically for abalone. Currently those provisions in the act relate to the

priority species which are defined as both abalone and rock lobster. Because of the way in which quota will now be able to be traded, there need to be some changes with respect to the management and administrative provisions regarding quota setting. It will also specify entitlements, transfer and notification requirements of individual abalone quota-holders. Again, that is a consequence of the principal amendment of separating the licence from the quota. It will also allow the minister to determine that quotas may be publicly sold or auctioned. Currently that only occurs if there is a willing seller. In the case where a quota is seized or forfeited by a licence-holder, the minister will be able to auction that quota off separately now. Also, if the resource is such that extra quotas are able to be issued, again the minister will have the power to auction or sell those quotas.

The bill also spells out offences and penalties, specifically to abalone quota. Again, they are specified currently in relation to priority species. Because of the separate treatment of the abalone industry, there needs to be a separation of the provisions relating to abalone from those applying to rock lobster.

The final specific amendment allows for blacklip and greenlip abalone to be managed as separate species with specific quotas under a total, allowable commercial catch regime. That is a sensible provision which The Nationals have no trouble in supporting.

The amendment, though, of most significance to us is the principal amendment which separates the access licence-holder from quota units. That is a significant change which does not sit all that comfortably with The Nationals, but we acknowledge that it was part of the abalone fishery management plan that has taken two years to develop, with the support of industry. That plan was signed off by both industry and government. Therefore we have come to the conclusion that because this principal change is part of the agreed management plan we will not oppose the bill. But, as I said, it sits fairly uncomfortably with some of our principles.

Perhaps that unease is based upon the fact that we believe that if the industry is not broke, we should not be trying to fix it. One could not say in any sense of the word that the abalone industry is broke by any means at all. Certainly in a financial sense with licences — and there are 71 of them in Victoria — selling for in excess of $6 million, and I note that the Leader of the Opposition suggested that the market price is closer to $7.5 million, the industry is not broke. I am just sad to say I am not in a position this afternoon to declare a pecuniary interest in this bill because I would love to be part of it.

It ain't broke in the sense of the condition of the industry, either. If you look at the second-reading speech, you will see glowing reports of how sustainable this industry was — one of the last wild-catch fisheries that is still at a sustainable level. Throughout the second-reading speech and from comments made by the Leader of the Opposition and others when debate took place in the other house, everybody spoke about how well this industry has been managed and what an example it is to the rest of the world and wild-catch fisheries worldwide that this is one of the few remaining sustainable wild-catch fisheries. Indeed it is, and that has been due to a lot of hard work by the industry in particular. I join with the Leader of the Opposition in commending those who have been involved in the industry, worked hard and made sacrifices to make sure the industry is a sustainable industry. It seems to me that here we are embarking on a new arrangement where quota is being split from access licence, and that is a significant change that will reshape the industry and tamper with what to date has been a very successful industry. I sincerely hope it will continue to be a well-managed, sustainable industry, but we have some doubts under those new arrangements which I will express in a minute.

These changes were driven by national competition review. Again, that particular review process sometimes sits uncomfortably with The Nationals, as indeed it does for most governments. The national competition review policy is used by governments to their own advantage. Sometimes it exempts industries from national competition review. Other times it subjects industry to that review, and I do not think that is always driven by logic but rather by political merit. We have some concerns about the reason for moving down this path.

To explain and put in context our principal objections I need to give some context to how the industry works. As has been said already, there are currently 71 access licence-holders in Victoria. Attached to each of those 71 access licences are 20 quota units. I know in the eastern division of the abalone industry 1 quota unit equals 1 tonne of abalone. I think it is slightly less in the central and western zones. The abalone industry is divided into three zones according to the coastline from which it operates here in Victoria. The magnitude of that particular quota unit can vary according to the set total allowable catch, so each year the department makes an assessment of the available resource and the condition of the fishery and sets a figure as to how much each quota unit is going to be worth.

Under this legislation each access licence-holder will be able to sell certain quota units. The bill makes it clear

that to continue to hold an access licence you will need to continue to hold a minimum number of quotas, but from reading the bill I cannot see exactly what that minimum figure is. Some have suggested five, but my reading of the bill says that that particular figure will be set by the initial abalone quota order, but no minimum figure is defined in the bill or the second-reading speech.

We are going to see that each of those 71 access licence-holders in theory may sell off up to 75 per cent. If the figure is five, as Mr Smith has indicated by raising five fingers, then they will be able to sell off three-quarters of their quota units in theory. We say that, therefore, two possible scenarios will develop from that. First of all there is a real danger that with a greater number of players in the industry, they will not necessarily have the same commitment towards sustainability as the industry has currently experienced.

I agree that this is a model sustainable industry, and it has largely come about because we have had a small number of players in the industry committed to the same purpose, and that is of continued sustainability. Despite the fact that the government is still going to regulate the industry and keep control — they will still be the principal managers of the industry — management works best if it is done with the cooperation and support and indeed often industry leading in that process; not government dictating to an industry, but industry leading the process to ensure that their industry is sustainable.

I am not sure if that is going to occur in the new world that this particular provision will present. We will certainly have a lot more than 71 players in the industry. It has to be a much more challenging task, therefore, for government to effectively regulate and control that industry with a greater number of players.

The second scenario that may occur is that we may get a significant concentration of resource in one pair of hands or a company's hands, or something of the like. All you have to do, according to my reading of the bill, is to be a fit and proper person to hold quota units. No limitations are put on the number of quota units that any one individual or company may hold. Potentially you might get a concentration of quotas in the hands of an individual or a company.

Again, having a dominant player in an industry poses some regulatory problems or makes the problem of regulating it much more challenging. I believe that whatever happens, we are going to have more players in the field. Potentially, though, we may end up with players with significant single holdings in the industry which provide all sorts of challenges for management. They are some of the issues that we see are going to pose some problems or challenges in the future. I am not quite as confident as others — both government and opposition — that these challenges will be met by government.

The history of managing and regulating an industry works far better if the industry is driving itself in that management and sustainability, but I am not convinced that will totally be the case, although I hope it is.

The bill has some sensible provisions, which we support. The ability to set subzone quotas is important. Currently there are three zones in the industry — the eastern, the central and the western zones — and each of those has a total allowable catch. What we will be able to do now is set subzone quotas. If, for example, in the central zone around Wilsons Promontory there is a need to set a lower or a higher total annual allowable catch, that will become possible. It is sensible to break down that management into smaller subzones where required.

Also the ability to manage blacklip and greenlip abalone separately is a sensible one. We know the greenlip abalone resource is small and in danger of not being sustainable. It is important that the manager — in this case, the government — is able to set quotas specifically for those two abalone specie types.

I wish to comment on the management of the recreational abalone industry in Victoria. What we saw last year were new regulations relating to the recreational abalone take, and specifically regulations introduced late last year which reduced the bag limit from 10 to 5, and also limited the recreational season to just 60 days per year at times to be set by those regulations, and I understand that those dates have been now set.

It is of interest that 99.3 per cent of abalone is taken under commercial quota, and the figures supporting the regulatory impact statement (RIS) said that only 0.7 per cent of Victoria's abalone resource was taken by recreational abalone divers. A bag limit reduction from 10 to 5 and a season limited to just 60 days needed to go through the RIS process. Late last year the minister commented publicly that there would be a regulatory impact statement. That was published and submissions were to close on 27 October last year.

The government mucked it up because the regulatory impact statement was not gazetted until 8 November, after which time submissions were closed and had a closing period, according to the gazettal notice, of

7 December. Some of the people involved in the recreational abalone fishery are concerned that due process has not been followed in setting regulations relating to the taking of recreational abalone.

I know that VRFish was meeting with fishery staff this very afternoon, and I hope they were given a satisfactory explanation as to why there is a difference in dates and that there was a failure to gazette the RIS at the appropriate time. They deserve a satisfactory explanation, and I will be interested to hear from them later exactly what occurred at today's meeting.

The other thing I could talk about extensively, and I know others in the other chamber chose to do so, is the poaching of abalone, which remains a serious threat to the sustainability of the industry.

I am pleased to report that through legislative measures undertaken by this Parliament in recent years, and through an increased will on behalf of fisheries to address the issue of poaching, more people are being brought to account for the illegal taking of abalone in Victoria. On this issue I cannot help but mention again the industry's self-involvement and commitment towards eliminating poaching. I know, for example, in the eastern zone — the area I represent — that the abalone divers themselves bought a boat and paid an officer to address abalone poaching in areas of the eastern zone. There has been an increase in the apprehension of those involved in the illegal taking of abalone, but a lot of diligent work is still required in that area.

I shall comment about the final paragraph of the second-reading speech, which says:

> The proposed amendments to the Fisheries Act 1995 are consistent with the government's objectives outlined in *Growing Victoria Together*, which promotes 'innovative and thriving industries' and the more 'efficient use of natural resources' …

I fail to understand how this bill will promote innovation in the abalone industry. I accept and say that perhaps it will, as the Leader of the Opposition says, increase security of supply for processors. That may or may not be so, but it is a very bald statement made by the government without sufficient justification for making it.

I challenge government members who contribute to this debate to spell out to the house how innovation will be enhanced and how a greater use of that resource will be made, because after all we are not increasing the number of licences, we are not increasing the total allowable catch and we are not increasing the number of quota units — we are simply making those quota units tradeable. I fail to fully understand, and would like an explanation, how innovation and a more efficient use of natural resources, in this case the abalone industry, is being promoted.

The Nationals' support for the separation of quota from access licence is far from enthusiastic, as members would have gathered from my remarks today, but it is only because this particular measure is part of the agreed five-year management plan. With some reluctance we are saying we will not sit in opposition if the bill is passed. It is an important industry, it is a prosperous industry, and it is important to the Victorian economy. I hope it continues to go from strength to strength, but it will require vigilant monitoring by the government to ensure that these new arrangements do not in any way erode accountability and sustainability in this important industry.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Ms ROMANES (Melbourne) — I rise to speak on the Fisheries (Abalone) Bill. The amendments the bill proposes to the Fisheries Act 1995 will give effect, firstly, to the government's response to the national competition policy review of the Fisheries Act 1995, which was released in November 2001. The review recommended the removal of transfer restrictions and quota-holding limits, which are currently tied to licences. Secondly, the amendments will give effect to the government's outstanding commitments arising from the Victorian abalone fishery management plan declared by the government in 2002 involving the separation of quota holdings from the abalone fishery access licence. The separation of the abalone quota from the abalone fishery access licence will provide for increased competition through greater quota trading and allow quotas to be more readily acquired by entities other than licence-holders. It is important to say that the bill at the same time provides protection to the existing entitlements held by 71 existing licence-holders.

Previous speakers have outlined the size and importance of the industry. Its activity is valued at more than $70 million each year, and it is an important export industry. There have been questions and concerns raised about the potential impact of the bill on the sustainable management of the commercial abalone fishery. Some worry has been expressed about the possibility of serial depletion — for example, if there were to be a concentration of effort in particular reefs by quota-holders who might want to maximise returns. I want to assure the house that the bill does not impact on the amount harvested by licensed commercial divers from Victorian waters. The provisions of the bill for transferability of quota units will not impact on

sustainability because additional precautionary measures, as recommended in the abalone fishery management plan, have been taken to ensure that the sustainable management principles which currently underpin the way the industry and the government manage abalone fishing are maintained as a result of those measures.

The greenlip abalone units will be managed separately from the blacklip quotas and there will be only small amounts of total catch allowed for greenlip abalone. In terms of the blacklip abalone there will be a requirement for each licence-holder to hold a minimum of five blacklip quota units at all times. I think it was Mr Hall who raised some queries about the adequacy or origin of these measures, and I want to assure him that the suggestion of this requirement to protect blacklip abalone goes back to the abalone fishery management plan that all the stakeholders and government worked on in 2002. It is also further supported by the seafood industry and is strongly argued in the paper prepared by the abalone subcommittee of Seafood Industry Victoria (SIV) entitled *Impact of Permanent Transferability of Quota Units in the Victorian Abalone Industry on Resource Sustainability and Industry Development.* That paper was prepared in May 2004, and on pages 1 and 2 the industry makes this point about the five blacklip quota units:

> Moreover, the abalone management plan requires that holders of abalone harvesting entitlements hold not less than five quota units. This requirement derives from industry commitment to the stewardship concept and is key in ensuring that those entitled to harvest abalone have a significant stake in the health of the resource.
>
> Whilst there will be some purchases by new parties purely for investment purposes, it is most likely that the significant portion of units will continue to be held by those actively involved in the operations of the industry and with a 'financial capital imperative' to maintain sustainability. There is little to support the concept that new investors will focus solely on return on investment at the expense of long-term security and sustainability of the resource and hence the value of the investment.
>
> There is no threat to industry's stewardship of the resource posed by the requirement that the industry be opened up to participation by new stakeholders.

That is a very strong statement of support for this provision of the bill and for the greenlip quota units.

The abalone industry has made it very clear that it is very supportive of the objectives of the bill we are debating today and, as I have said, it does not believe the sustainability of the industry will be compromised. The industry has been fully involved in consultation over many years, both in the development of the management plan in 2002 and in the consideration of details of the bill before the house. The government prepared an exposure draft of the bill, which was circulated in February and March of this year, and all licence-holders were sent a copy, so everyone with a direct interest in this matter has been informed and given the chance to comment. In fact Seafood Industry Victoria coordinated a submission from various stakeholders and sent that to the government, and that has resulted in some minor technical amendments.

The report from the SIV abalone subcommittee which I quoted earlier also puts the views that the changes to the act through the amendments in the bill will be good for the industry in terms of its development and marketing and in other ways. It highlights the fact that the management committee of the industry, the Abalone Fishery Committee, has been both adaptable and dynamic and has developed management measures and arrangements to ensure a sustainable abalone resource. It has listed management tools and arrangements and the actions that the Abalone Fishery Committee has taken in the past to ensure the sustainability of the industry. That recognition of the work that has been done in the industry to manage abalone under sustainable principles was given by the commonwealth in August 2003 when it accredited the industry for export under the Environment Protection and Biodiversity Conservation Act 1999.

The SIV paper also puts the arguments in favour of the bill's potential to stimulate further industry development and economic efficiency and strongly supports allowing other investors, processors and commercial divers and other members of the community to acquire abalone quota units. As we have heard from previous speakers, those who do not hold a licence have been unable to enter the industry without purchasing a full licence, which we have heard today is now to the value of about $7.5 million precluding most new entrants to the abalone fishing industry. However, with the changes in the bill there will be an opportunity for more vertical integration between the catching and processing sectors of the industry; more quota trading and investment which will in turn lead to greater security attached to quota units and should drive down the cost of capital, which is good for the industry; further market development through the expansion of larger operators and the efficiencies that they can achieve; and also the entry into the market of smaller boutique operators with new concepts and products.

Again I would like to quote from the paper by the abalone subcommittee of Seafood Industry Victoria on innovation that can spring from the content of the amendments in the bill. Mr Hall made the comment that he could not quite conceive of how these changes

could lead to further development and innovation in the industry, as has been claimed in the second-reading speech, and the link made with the government's objectives for innovation and growth in the Growing Victoria Together strategy. I quote again:

> New entrants and/or small processor operators with access and control over their supplies of fish enhance the scope for innovation and niche marketing. This does not decry the efforts of existing operators, but it does allow those with fresh ideas and wishing to service niche or boutique markets to enter or develop within the industry.
>
> Thus, with unit transferability, there will be the scope for innovation to be driven by new entrants with fresh ideas and concepts as well as existing operators. This can only benefit the industry in general through increased dynamism and may well lead to synergies with current processors and suppliers.

That very strong statement is coming from the industry itself about the potential of the changes in the bill to drive industry development, innovation, new products and the marketing of abalone in a very important export market.

There are concerns about whether the possible restructuring and the moves towards the consolidation of larger quota-holding enterprises may lead to quasi-monopolies, but that is an important part of monitoring the changes and their impact on future sustainability. It is very important that the government implement these national competition policy reforms by the scheduled date of 1 April 2006, which is the start of the new abalone quota licensing year. For those who are still uncomfortable and uncertain about these important changes to the industry, as we have heard earlier today, I draw attention to the fact that Tasmania separated its quotas from licences more than 10 years ago and since then that industry has thrived. The reports from Tasmania are that sustainability has not been compromised, investment has increased, higher returns have been provided to government, there has been a high level of quota ownership by the processing sector and higher prices have been obtained by the catching sector. Overall it is all very positive. The industry provides a model for sustainable management of other natural resource industries, and it is important to support the bill before the house this evening.

Hon. R. H. BOWDEN (South Eastern) — I rise to make my contribution to the debate on the Fisheries (Abalone) Bill. I am pleased to let honourable members know that I have the privilege of having a great deal of that abalone fishery activity occurring in my electorate. I am very pleased to have those people searching for and retrieving abalone there. That is a very good thing, because as in most industries there is a multiplier effect from the people who have the licences and who actively forage for this valuable material. There are benefits through the boating industry and the supply industry to the marine sections, and a whole raft of activities which underpin the sustainable work that is done. That is much appreciated. As a matter of fact if one were down on the Mornington Peninsula on a regular basis one would see from time to time the abalone divers going out in their boats. It is reassuring to know this valuable contributor to the state's economy is continuing to operate as a viable industry.

I share the concern of previous speakers that sustainability is also a very important issue in the consideration of this bill and in any consideration of the abalone industry. We want to be sure that as time goes by legislation emphasises sustainability. It is important that not only the existing legislative measures but also the improved provisions in this bill and any future legislation put sustainability at the forefront. It is an interesting and important aspect of the abalone industry that the product has an extremely high value. There is a market for the product in the export area, and we can be sure that as long as the supply and quality are maintained, the overseas buyers and some of the domestic buyers will maintain their enthusiasm to purchase the Victorian-sourced product. The quality and reputation of Victorian-produced abalone are very high, and we want to keep them that way. As was said in an earlier contribution, the world is consuming more seafood products, and abalone is an important contributor to that move. The health benefits of seafood are well documented and understood, and we are keen to make sure that Victorian abalone continues to hold its very high reputation.

I understand there are 71 current licence-holders on the existing register, producing approximately $70 million in value and contribution to the industry. I think the producers deserve a lot of credit. It is a dangerous and difficult job. There is an understanding of the value of the licences, but what is not often recognised is the personal risk and difficulty that abalone fishers undertake in their dangerous and difficult work. I am not sure that everyone would like to have to jump out of a boat into the cold ocean and go down to various depths, with all of the different hazards that exist. The rewards those operators achieve are certainly good, but I think they are earned. I have no difficulty whatsoever in giving them a great deal of respect for the dangerous and difficult work they do.

On the wider issue of aquaculture, Victoria lags in the promotion of its aquaculture profile. Victoria as a state, through its state government, has a lot of opportunity to improve aquaculture. A lot more could be done to produce trout, to overcome the yabby industry's

problems and also to encourage the production of rock lobster products. It is an opportunity that Victoria as a state should grasp. With the markets that are available and the quality of the seafood we can produce, I am not convinced that the state of Victoria is doing enough to promote and to grow the different sectors of the aquaculture industry in line with the real market opportunities. It is small, and that is not acceptable. The Minister for Agriculture should take on the challenge of trying to get more opportunities, more employment and a better economic performance from the high-quality aquaculture and seafood production that we can undoubtedly achieve.

I also believe this bill is an important recognition of the need to comply with undertakings that have been made in the past by the state government to meet its obligations under the legislative program for eliminating unnecessary restrictions. This bill will give effect to the Victorian Abalone Fishery Management Plan of 2002, and it will amend the Fisheries Act of 1995 to create new quota settings and management provisions for the abalone fishery industry.

The core aspect of the bill relates to a new system to provide the abalone fishery with a separation of the individual abalone quota units from the abalone fishery access licences. That will widen the opportunity for marketing and will widen competition for the legitimate holding and marketing of product, and I think that is a very good thing.

It is reassuring to both sides of the house that the bill was developed in consultation and with a high degree of support from the abalone industry itself. I also understand that the VRFish organisation has indicated that it would expect no negative impact on recreational abalone divers. That is very helpful and is also a good thing.

There is one aspect of the abalone industry that I would like to see improved — that is, the policing of the illegal taking of abalone. From time to time the department clamps down on illegal operators and we see on television and read in the press that arrests, confiscations of often substantial quantities of illegal abalone and prosecutions take place. But I would suggest that there is an opportunity for the state government to take an even stronger and very supportive line.

As I move around the Mornington Peninsula it is often said to me by people in the boating industry and others that it does not appear that Victoria Police or other appropriate state authorities have adequate boats to intercept the illegal abalone-taking activities. In other words, the water police, the Department of Sustainability and Environment, or whatever department is leading the policing or investigation of those illegal activities, does not seem to have suitable vessels available. I would suggest to honourable members that the state government should, and could, give early consideration to tightening up the situation and providing suitable vessels so that the people who take out boats on excursions and who are involved in the illegal taking of abalone are better intercepted. As a matter of fact, it is my impression that they are hardly intercepted at all and that most of the interceptions, raids and prosecutions by the authorities are land based. There is not much use in six or eight policemen sitting there and looking through telescopes and binoculars while the abalone poachers sail away in their high-speed boats back through the heads, or wherever they go. I would rather see more seaborne interceptions, and it is about time the state government gave some more thought to that.

Another aspect of this bill which will be quite helpful is the management program. When enacted this legislation will make sure that the management regime for offences and penalties will be paralleled to others so that those requirements to ensure sustainability will be in place specifically for the abalone industry.

Essentially we have a high-quality, high-value product that presently has and can expect to continue to have a high-demand profile. Its commercial sustainability is extremely important, and we would expect that the state government and its legislative program will ensure that. I suggest that when the individual access quotas are marketed consideration be given at all times to the production side not getting ahead of the capability of the fishery area itself to produce product.

It is a very pleasing aspect of this industry that those involved in it appear to be aware and protective of, and indeed quite positive about, their contribution. It is good to see the licence-holders taking a constructive, articulate and regular interest in the welfare and the sustainability of their particular industry. That is a good point about this industry, and the producers deserve to be complimented on the way in which they responsibly keep contact with the legislature to make sure that their industry is well looked after.

The importance of the abalone industry is understated. The 71 licence-holders are spread out and operate along the Victorian coastline. I believe these 71 licensees make a measurable, substantial and positive contribution to the communities — often very small communities — where they operate. The government has a responsibility to provide marine interception

capabilities of a better order to further protect this industry. We can legislate here day in and day out and produce bill after bill, but unless the enforcement aspect is in good stead, that is of limited value.

With those words I am pleased to support the bill. Again I congratulate the licensees of the abalone industry for their responsible approach to the legislation which will help their industry. I would like to see further action taken to prevent illegal poaching. With those comments I complete my contribution.

Hon. S. M. NGUYEN (Melbourne West) — I would like to speak in support of the Fisheries (Abalone) Bill before the house. This bill recognises the importance of the abalone industry in Victoria. When we talk about abalone we are talking about exports to countries in Asia, because a lot of Asian people — especially from China, Japan, Korea, Taiwan and other countries — love abalone dishes.

Hon. C. D. Hirsh — And Vietnam.

Hon. S. M. NGUYEN — And Vietnam too. They import a lot of abalone from Australia and other parts of the world — such as Mexico, Central America and so on.

I know that a lot of Australian people do not know how to taste this food, but to Asians it is expensive and abalone is used for cooking only on special occasions — like weddings or other very special occasions. It has become expensive and popular in Asian countries. I know that when many people come here — say, from Japan or Korea — they always buy something to take home. I see it in dried, canned, or frozen products at the airport, in tourist shopping centres and duty-free shops; it sells well.

There is a big demand for abalone and that is why it has become so expensive. I remember when I was young I used to go swimming and we would catch some and bring them home for a meal.

Hon. C. D. Hirsh — Where was this?

Hon. S. M. NGUYEN — In Victoria, during summer. Now it is very hard to do it, because it requires a licence and is very complicated — you have to measure the size of the abalone. Some people who are unaware of the law catch abalone for fun or to eat and not to sell, but those who have been caught have incurred big fines. Some people who have caught abalone for commercial purposes — to sell the catch and make money — but have no licence have also been caught and have incurred big fines. Those who are not catching abalone for commercial purposes are finding it harder to catch now.

The bill is to recognise the importance of the industry. It is about the government ensuring the success of the Victorian abalone fishery management plan, which was released by the then Minister for Energy and Resources in April 2002 and which was drafted after two years of consultation and the provision of a lot of suggestions and recommendations to the government. The government wants to ensure that the business will expand. Licences are expensive and now cost $6 million. Can you believe it!

Hon. C. D. Hirsh — You used to go and get them at the beach.

Hon. S. M. NGUYEN — I remember that 10 to 15 years ago they were talking about $100 000 — —

Hon. C. D. Hirsh interjected.

Hon. S. M. NGUYEN — Yes, but I did not know how to dive. Abalone licences are big business. Back then it cost about $100 000 in the market but now it is $6 million. I know a lot of people who have a licence. They have to get a boat and all sorts of things, but they do not know how to dive, and it is expensive to employ the divers. A lot of divers have a licence and sell abalone. I spoke to a local abalone licensee at Laverton seven years ago who invited me to visit his site. He had a shop and a licence, and he employed divers and caught abalone. I went there, and he said, 'The industry is very healthy but the restrictions are very high'. He could not do much with the licence because there was a limit on how many he could catch. He wanted to get more employment, and he wanted more flexibility so he could catch more abalone to sell. The government has licence requirements that limit where licensees can catch abalone, how many they can catch, what size and those sorts of things.

As I mentioned before, there are penalties, and the government is getting tougher every day. An October 2003 press release by the Minister for Agriculture clearly states that the government was placing limits on what the people could catch. The bill also talks about the current offences and penalties applying to all quota fisheries, and those same offences and penalties are effectively replicated into the bill specifically for abalone. The bill provides tough penalties for people who have no licence and who catch and sell abalone illegally. People with a licence also have to be careful too. I know from a statement made by the Minister for Agriculture that people are trading abalone for illegal

drugs in Australia. That is very surprising. The statement says:

> Illegal fishing activity has parallels with the illegal drug trade and at times intersects with it as organised criminals use increasingly sophisticated measures to harvest and launder profits.

Illegal traders export abalone to other countries and exchange them for illegal drugs, which they import into Australia. That is their trade. It is time to stop those things happening, because we do not want organised crime involved in this industry. That will harm our trade with Asian countries. We need to make sure the government keeps an eye on these activities. When shops buy abalone they must get a receipt showing how many kilograms they purchased. Generally they have to make sure documents in the form of receipts and so on are provided.

That is because the inspector can visit any Asian grocery at any time to check and ask grocers and restaurants, 'Are you selling abalone? If you are selling it, where are you buying it from?', and ask them to provide documents. Now everything is very controlled by the fishery department. Things are getting harder everyday but they make sure there is no criminal activity in this industry. We make sure that the people who are buying or selling provide documents.

Sometimes the recreational catchers — there are still some around — do it for fun. They are not catching it for selling; they are catching it to eat or for their families. We have to be careful not to charge people who have no intention of selling abalone. Some of them just do it for fun; on a hot day they go to the beach and catch abalone.

This bill also mentions the importance of quota units and refers to what can be caught — the minimum size. It talks about the annual physical stock assessment, predictive modelling and the abalone fishery committee. They are important things. We would like to see this industry export more overseas and bring more business to Victoria, and to make sure there is no criminal activity in trading abalone with the illegal drug trade in the world. I support the bill before the house.

Motion agreed to.

Read second time.

Third reading

Mr GAVIN JENNINGS (Minister for Aged Care) — By leave, I move:

> That the bill be now read a third time.

In doing so I thank everyone for their outstanding contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

LAND (MISCELLANEOUS MATTERS) BILL

Second reading

Debate resumed from 8 September; motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).

Hon. D. McL. DAVIS (East Yarra) — I am pleased to make a contribution to the Land (Miscellaneous Matters) Bill and indicate the opposition does not oppose this bill. It is an important bill in some respects. It does three things: it changes the land arrangements for Sovereign Hill, which we strongly support; it changes the arrangements at Berry Street; and it changes the arrangements at the Anglicare site. These are important matters. We strongly support the work of Anglicare and Berry Street. It is important that these organisations have the support of government and of the opposition. We offer that support. It is true that Berry Street has had moments over the last few years where it has perhaps not picked the community mood as closely as it ought to have, but that is another matter for another time.

I want to put on record that essentially this bill revokes the existing reservations and adds lands to the holdings of Sovereign Hill. That is very important. I am sure if Ms Hadden were in the house she would support that step strongly. I notice the Acting President is looking very agitated about my comments but I think that is true: she would support the addition of the land-holdings at Sovereign Hill because it is such a significant institution in the Ballarat area.

The bill also revokes the reservations and adds land to the holdings of Anglicare Victoria and Berry Street Victoria in East Melbourne.

There is an issue concerning surrounding land-holders. It appears to me that with the Anglicare site the land-holders adjacent to the site need to be dealt with fairly. It appears that if the reservations are revoked and the government's plan proceeds that effectively a

laneway will be closed on that site, and that will affect both the Anglicare site and the adjacent land-holders. I am not sure that the government has thought this through as clearly as it ought to do, but the opposition is not prepared to oppose this bill.

It is important that those bodies like Sovereign Hill have the support of the Parliament, and it is important that Anglicare and Berry Street have the clearest indications from the Parliament that they have our support. I believe that the discontinuation of the road at Sovereign Hill will, under the provisions of this bill, be added to the reserve and the lease area under the same conditions as exist. In the longer term it will be part of the whole precinct, and that will strengthen the situation. Sovereign Hill's role in Ballarat is significant. It is the flagship tourist destination and has a huge significance for that town and the broader region. Anything that can be done to support that is important.

In terms of Berry Street and Anglicare, there are issues with the surrounds of the site and it is important that the Valuer-General is involved. It is also important that the steps be gone through very carefully. As I understand it, the balance of the lease over the Berry Street premises will remain with Bayside Health until 2007. That is appropriate. My colleague the member for Hawthorn in the lower house, Ted Baillieu, has made a number of points about these matters, and they were driven by the comments made to him by a number of residents of East Melbourne and other areas. It is appropriate to read these into *Hansard*. In a letter of 16 May to the Treasurer, John Brumby, the East Melbourne residents group said:

> We understand that use of the land for this purpose will continue until at least 2007 when current lease arrangements come to an end.

I further quote from the letter:

> The Department of Treasury and Finance has developed a proposal to progressively sell off the land for residential purposes. In the first instance it is proposed to sell off four contiguous house blocks at the northern end of the government land. It is contemplated that further sales will be made as land becomes available. There is some confusion between your department and its consultants on exactly what the sale proposal is.

The letter continues, and I think it is important to incorporate this into the *Hansard* record:

> Apart from a limited briefing on the details of an ancillary planning application to demolish a garage and erect a boundary fence —

this is the East Melbourne residents group —

> your department has not put in place any consultation process with the community and seems indifferent to two issues of concern to all of the affected residents.

I think these are the cruxes of the matter:

> The first issue concerns the elimination of eight car spaces that are located on the first four blocks to be sold. These off-road spaces are currently used by the staff and visitors to the AIDS hospice and it is now being suggested that only two spaces are required. The local residents believe this is an underestimate of the parking needs of staff, nursing visitors and patients and their visitors.
>
> The second issue concerns the access lane at the rear of the Vale and Berry streets properties. The current lane width is an artefact —

and it is important that these facts be incorporated into *Hansard* —

> of the early surveys made before the motor car was invented. For the Vale Street blocks at the rear of the first four Berry Street blocks to be sold there has been some give and take that has resulted in a right of way being created to make it possible for the owners of the properties concerned to manoeuvre their cars into off-street garages at the rear of their properties.

I commend the give and take involved in that. That is a neighbourly thing that one would expect the Parliament to support.

> In preparing the first four blocks for sale your department has applied to demolish a garage and re-establish fences on the exact lane boundary. An unintended consequence of this will be to make it impossible for three Vale Street residents to maintain access to garages at the rear of their blocks.
>
> In our view both issues could be addressed by small modifications to the overall development plan that would have little or no impact on the economic return to your department.
>
> We request that you use your good offices to persuade the department that the cause of good urban planning would be advanced if —
>
> > The department met with local residents and representatives of Melbourne City Council to explain the long-term proposal in detail and consult with the community and the city planners on how to optimise the proposed sale arrangements …
> >
> > The southernmost of the four blocks to be sold first was retained to accommodate adequate parking spaces for the AIDS hospice until such time as the hospice is vacated and the second-stage blocks released for sale.
> >
> > It adopted a design principle that would see the length of all of the nine Crown blocks reduced by the small length that would be needed to widen the back lane to the extent needed to create an adequate turning circle …
>
> …
>
> The alternative is to sterilise existing off-street car parks at the rear of some Vale Street blocks and force more cars onto

> already congested local street parking. This is hardly a sound planning outcome.

The letter is signed by Margaret Wood, president and convenor, and Judith Batrouney, coordinator, for and on behalf of the East Melbourne Inc. heritage and planning subcommittee. I think these are reasonable points being made by a local community group which understands its local area. It is important that these points are understood by the government, but unfortunately I see little sign that these points are understood.

On 1 June 2005 Alan and Deirdre Basham wrote to the shadow Minister for Planning explaining that they reside at 114 Vale Street immediately behind Crown land in Berry Street, East Melbourne, and that, together with their neighbours, they would be directly affected by the redevelopment proposal for this site. They stated:

> The Anglicare-Berry Street proposal to fence this Crown land off, including the 'setback' mentioned, prior to its sale, immediately forces all cars at number 110, 112 and 114 Vale Street out of their garages and onto the street. Parking, as you may be aware in this inner city precinct with such close proximity to the Melbourne Cricket Ground, is constantly a problem. Not to mention that the removal of all three properties' off-street parking substantially devalues their worth by an estimated $50 000 each.

These are important points. I do not want to overlabour the points but I think it is important that the government take them into consideration. I would appreciate the minister, if he feels so enabled, making points about these parking matters and the proposals in East Melbourne in his comments on the third reading. The opposition does not propose to take this bill into a committee stage. We think that would be excessive but individual residents, a small number perhaps but nonetheless a significant group, should be accommodated where possible. It would be reasonable for the government to indicate that it will take steps with the redevelopment proposals. There is no fixed shape to these redevelopments and it would be very possible to incorporate the concerns raised and legitimate points made by the East Melbourne residents in such proposals. If the government were to do that, it would meet all of the concerns the opposition and others might raise in a very reasonable way.

The government's approach to planning throughout the metropolitan area leaves a lot to be desired. I know in my own area of East Yarra Province concern has increasingly mounted in the community about Kew Residential Services. I compliment the Boroondara City Council on the work it has done in pointing out to the government the folly of a number of its steps. I am pleased that my local colleagues Andrew McIntosh, the member for Kew in another place, and Richard Dalla-Riva have been prepared to support me and others in a campaign to ensure that a better planning process operates in that area. It is important to contrast the government's planning approaches throughout the metropolitan area. The revocation of existing reservations and the addition of land to holdings at a number of these places in metropolitan Melbourne is significant. It is indicative of the government's approach to planning statewide.

As I said, I am concerned about the processes operating in areas within the city of Boroondara, particularly the Kew Residential Services site. There are still heritage issues to be dealt with. Those issues are very much alive, and I hope the government and the authorities deal with them in a way which properly represents the significance of that site to the broader Victorian community. Equally, I hope the Boroondara council continues its strong opposition to the government's plans to ratchet up density and the intensity of development, including the height of development and the immediate density of the Kew Residential Services site. I have made the point in this chamber many times that I have lived within a short cooee of the Kew Residential Services site for more than 20 years. I have a very good understanding of the site, having lived for a number of years in Wills Street immediately adjacent to the Kew Residential Services site. I am increasingly concerned about the impact on the amenity of a number of parts of Kew of the government's plans, its dash for cash and its plan to ratchet up its appropriation of significant community resources.

I understand that Walker Corporation from New South Wales has signed a contract with the government but it is very unclear how many units, how many premises, how many buildings and how many family homes will be built on the Kew Residential Services site. I know that the government's plan to develop an $80 million profit centre and to collect a significant share of the revenue after the $80 million mark will see it far surpass its outlay on current plans and pocket a considerable windfall. That windfall will go to consolidated revenue. I do not think it will do anything for anyone specific and I am very concerned about that.

I think the government has lost sight of what is important in our community. It has lost sight of what the community really believes. Mr Bishop and many members of The Nationals and the Liberal Party were present today but only one or two members of the Labor Party — —

Mr Lenders — Try five.

Hon. D. McL. DAVIS — I only saw two there, Mr Lenders, and I was there for most of the time. I only saw two, I am happy to be corrected — —

Mr Lenders — You should count outside south metropolitan, you might learn something.

Hon. D. McL. DAVIS — I counted all the members of The Nationals. I think there were 10 members of The Nationals there and at least 7 Liberals.

Hon. B. W. Bishop — There should have been 11.

Hon. D. McL. DAVIS — I only counted 10, Mr Bishop, but I stand to be corrected. If one slipped through the cracks, that is as it may be.

Hon. B. W. Bishop — We don't slip through the cracks.

Hon. D. McL. DAVIS — I am happy to be corrected on that. I think points were made at the carers meeting this morning. Representatives of Kew Cottages spoke strongly — Ian Wally collared me for some time. Other representatives of the Kew Cottages Coalition spoke very clearly about matters of great importance to the community in and around that area.

It was very clear from the carers who met today that the government had lost its way on these important issues. The government had failed to understand what was important. I do not believe it understands the pressures and difficulties that carers face. I do not believe it understands for even one moment the challenges that carers face.

I was struck by the contribution that the member for Caulfield in the other place made to the debate. She clearly had had a family situation over many years which enabled her to understand the impact on carers of the requirement to provide that ongoing care. The ongoing care is not a 9-to-5 issue. It is not something that finishes at business hours. It is something that impacts on family life over a huge period of time. I compliment the carers who were there today on their contribution. I believe their points are very legitimate. I am very aware of the needs of carers in areas within the health portfolio, whether it be mental health patients and their families or patients in the community services portfolio and their families. The issues are substantially the same and very significant.

I do not think this government has been prepared to do what is necessary for carers. I believe the Premier and his senior ministers were not prepared to be present today, and I think that was telling. The Leader of The Nationals, Peter Ryan, was prepared to go out there and speak. The Leader of the Opposition, Robert Doyle, was prepared to go out there and speak. I know that other senior shadow ministers and opposition spokespersons were prepared to be out there to indicate their support.

Hon. C. D. Hirsh — What is wrong with your eyes?

Hon. D. McL. DAVIS — Nothing is wrong with my eyes. They are very acute, and I can see you very clearly, Ms Hirsh. I want to place on record my strong support for the work of the carers groups. I was very pleased to talk to a number of carers, privately and quietly, separate from the official proceedings, to understand some of their individual issues and to indicate the Liberal Party's strong support for those carers. But those issues seem a world away from where the government is. They seem to be issues that the government has turned a blind eye or a deaf ear to, and that is very concerning.

The government's approach is like its approach to Kew Cottages, and like its approach, as I have indicated on other occasions in this chamber, to the Camberwell railway station. That important heritage site is still under threat by this government. I am very concerned that arrangements have still not been put in place that will protect that site, and increasingly I believe the community is demanding the protection of that site. The member for Hawthorn in the other place, Ted Baillieu, who is the shadow Minister for Planning, has been very active in fighting for that site, as has Andrew McIntosh, the member for Kew in the other place. The work of Ted Baillieu on the Camberwell railway station issue has been significant. The efforts of others have also been significant. A number of councillors have been prepared to stand up and fight. The recent council elections demonstrated very clearly the views of the community.

Whether it be with respect to the Camberwell railway station or the Kew Cottages site, the community voted with its feet, with its hands and with its pencils very strongly to say that it did not want these councillors who were prepared to do the government's bidding to allow the overdevelopment of these key sites. I was concerned in the lead-up to the council elections to see that the community did have its say, and I must say the community in the end did have its say. Those councillors who were prepared to vote for proposals without thought and vote for the government's proposals without being prepared to stand up against them were thrown out. They lost their council seats without exception. Those that were prepared to fight and say, 'This is wrong. This is not what the community wants in the city of Boroondara' were

returned. It was as simple as that. These are important messages. I compliment the new council on its preparedness to continue that fight, to continue those messages and to continue the work that is very much required in our area.

In returning to the bill and moving away from points that relate to broader planning issues, I compliment our shadow Minister for Planning in the other place on the thoroughness of his preparation and for assisting me to understand this bill. As I have said, I believe the matters around Sovereign Hill are very clear. The community supports those, and the Liberal Party strongly supports them.

We have greater concerns around Anglicare and Berry Street. We are concerned that there are issues involving the surrounding land, but none of those are issues that the government cannot resolve after the passage of this bill. For that reason we do not propose to oppose the bill. We indicate very strongly that the Liberal Party does not oppose the bill, but calls on the government — and perhaps the minister may wish to do this in his third-reading summing up — to indicate that it will be reasonable and work with local community interests to assure that not only the objectives of Anglicare and Berry Street are met, but that the legitimate and reasonable interests of local residents are accommodated.

Hon. B. W. BISHOP (North Western) — I am pleased on behalf of The Nationals to rise and speak on the Land (Miscellaneous Matters) Bill. This bill might not seem to be a very large bill, but it is an important bill for the people and the organisations it affects. It does two major things. One is to revoke the reservations in the Crown grants relating to various parcels of land and to rereserve part of one of those parcels of land, and to amend the Ballarat (Sovereign Hill) Land Act 1970 to provide for additional land to be included in the reserved land to which that act applies. The Nationals do not oppose this bill. During the consulting process that my colleague in the other house the member for Shepparton did, it appeared to have wide support from anyone whom she contacted or who responded to her consultative process.

I am certainly not familiar with the land around the Ballarat area. If Ms Hadden were here she would certainly be able to make a contribution on this particular issue because I am sure she would know it far better than most of us in this house would. Whilst she has only been missing up to date for a short while, I think the house has missed much of her zip and life that she puts into the house. I am sure that Ms Hadden would have had much more information on this than I can offer the house tonight. However, it appears that a very cooperative process has been gone through with the City of Ballarat and the state government. That was quite apparent when The Nationals consulted with the City of Ballarat. I know the mayor of the City of Ballarat, Cr David Vendy, reasonably well.

When I was with the Grain Elevators Board of Victoria a number of years ago and also the Australian Wheat Board, David was involved in the rail industry. I can remember meeting up with him when we met in Ballarat about four years ago, if my memory serves me right. It is a good story that the City of Ballarat and the Sovereign Hill Museums Association can come together and agree to close part of an unused road to create more room for the reserve. As I understand it, parts of those roads are Robertson and Wainwright streets next to the reserve. It will add about 6360 square metres of Crown land to the Sovereign Hill tourist reserve.

We are fortunate in Victoria, indeed in Australia, to have places such as Sovereign Hill. There is no doubt they are able to capture the history of the gold rush that was so exciting and lends so much history to this state. You could also say that Sovereign Hill reflects democracy in Australia. I was interested to look at some of the research and note that Sovereign Hill has the equivalent of 200 staff. I also noted in the research that there were 300 volunteers. You can ask yourself the question — and I do this all the time in considering many organisations — what would we do without our volunteers who put such a labour of love into those organisations so they can be viable, sustainable and very effective. Sovereign Hill is fortunate in that it is close to the big population of Melbourne. It is easy to get to by any means. Victorians should be very pleased that we have done a reasonably good job of maintaining history throughout our state.

When I think of Sovereign Hill I also think of the Swan Hill Pioneer Settlement. I cannot remember if they started about the same time, but I have always in my mind aligned them together. Of course there are other historic places throughout Victoria, such as Echuca, which reflects very well the riverboat days, and Bendigo, which picks up the gold era. Anyone who goes to Bendigo should pay a visit to the Central Deborah mine. It has been very well done, and you certainly get a very good understanding of mining in those days. Obviously that facility is used for entertainment as well. It has been very well done. A fellow I went to school with, Dennis O'Hoy, was involved and did a lot of work in that particular area. Again, I congratulate the people who put that effort in to ensure that the goldmining era is well and truly

maintained in places like Bendigo. I know the area also retains and recognises the Chinese history, Russell Jack's area, where you certainly get a good understanding of the Chinese population and the benefits they brought to the Bendigo area during the gold era.

There is always a battle in those areas to maintain market share as those organisations struggle to gain a proportion of not only the domestic market but internationally as well. Sovereign Hill, as I have said, is close to the big population centres of Melbourne, Geelong and other places so is easy to get to and obviously that gives it a break in the market. Echuca is within easy reach of Melbourne and you can go up of a Friday evening and certainly get back by Sunday evening without too much trouble. Swan Hill has done it well with its wharf and the paddle boats in recreating the history of that era as well. I had a bit to do with the Swan Hill Pioneer Settlement, which offers tremendous examples of the history of not only paddle boats but certainly the agricultural and social pursuits of that area of many years ago. It is a huge attraction. There are many things to see, but obviously with fuel prices at the pumps ratcheting up to $1.40 a litre it puts people off travelling as far as that. It is probably $3^1/_2$ to 4 hours away by car from Melbourne so obviously petrol prices will take a toll on our tourist areas.

It is often interesting in relation to the pioneer settlement that it has the former Commercial Bank building that comes from my home town of Waitchie where the banker used to visit every fortnight during the year and every week during the harvest, and that bank now sits in pride of place in the Swan Hill Pioneer Settlement. That settlement is a good reflection of the early days of the paddle boats. The *Gem* sits in its floating dock and obviously takes on board a lot of refurbishment as years go on, and the *Pyap* also requires a lot of upkeep. I understand a little bit of work has to be done on it. It is important that we maintain those historical links with the past.

I know my mother lived on the bank of the Murray River when she was a young woman, and her brother, my uncle, used to cut wood for the river boats. That was an interesting time as the river boats plied the river with their barges of wool which would call in and get the wood to keep the boilers going. It was probably a very romantic time in Australia's history, and certainly one that our historical areas have done a good job to maintain.

The pioneer settlement in Swan Hill takes a huge amount of resource and effort to keep everything up to speed. A huge amount of old machinery has been collected, and the volunteers, who are too numerous to mention, do a fantastic job, but they probably have many years of work ahead of them in bringing that equipment up to where it was in past years. I know that Robyn Till, the manager, has often spoken to us about the need for a large shed to store the old machinery so it can be kept in decent order before they can get to it and restore it. I suspect I would have a fair bit of support that organisations like that should be state museums. That is what they are because they retain our history. It is a pity that governments do not look at funding organisations like the Swan Hill Pioneer Settlement as state museums so that a good job can be done of maintaining those areas well into the future.

I now turn to the second part of the bill which revolves around the treatment of Crown land, predominantly in East Melbourne, known as the Anglicare site, which has a fair bit of history. I have just been talking about history on the river and other places, but obviously there is a fair bit of history in these sites as well. As I understand it, this particular area was reserved first in 1865, which goes back a fair way. It has been used in a number of ways — which comes into the history side of it — which I hope will be preserved into the future. That particular site was used as a training — to use an old-fashioned word — asylum. It was also used to accommodate young women who were doing domestic or technical training in those days, and recently it has been used for welfare work.

Anglicare is a well-known and well-respected agency in the welfare industry. As I understand it, it is one of the largest suppliers of care and support to our young people, to children and to families.

I take my hat off to these organisations; they do a fantastic job wherever they are throughout Victoria and indeed Australia. We all have them; they probably have different names, but they all service people in need extremely well. One I work with quite closely in the Mildura and Swan Hill area is Mallee Family Care; it is run by a gentleman called Vernon Knight. He is very experienced in community service, particularly foster care. Mallee Family Care does that very well indeed. It has trusted foster carers, and I hope in the future the government continues to keep in place the autonomy that is there now in relation to those non-government organisations and their relationship with their carers.

The organisations do it well because they are at arm's length from government. We have heard some disturbing rumours over the past few weeks of a bill that is supposed to come to this house. I am not going to talk about the name of it, but as I understand it there is concern in the industry that it may give government

much more power than it has now. It may become much more intrusive into the non-government agencies and their management of the care of children. I would urge the government to go carefully on that issue. If we break down the capacity of our non-government organisations to do that work, to use their links particularly in those community areas where there is foster care, it could have a massive detrimental effect on the sector that we rely on so much.

I refer back to the bill, which preserves the lease — —

Mr Lenders — You are going to stray back to the bill, are you, Barry?

Hon. B. W. BISHOP — I could talk about dogs, but I will go back to the bill. It preserves the lease between Anglicare and Bayside Health that has been in place since 2000. The Berry Street property is used for extended care for HIV/AIDS sufferers, for people with mental health issues, drug and alcohol dependency and physical disabilities. Before that it had support programs for women and young children who had been sexually or physically assaulted. As I understand it, Anglicare will come to an arrangement with the Crown that approximately 40 per cent of the land will be sold by public auction and the balance of the site will be an unconditional Crown grant to Anglicare. The lease between Anglicare and Bayside Health will be preserved.

There is other land at the Berry Street child and family care centre. In the past it has provided support and protection for children and young people who have suffered severe abuse or neglect. I notice in the second-reading speech that at any one time there might be 700 clients involved; that is a huge number. It makes us stop and think. Again, it has some history as well. It has served our community for 130 years. As I understand it, Berry Street has agreed to forego its interest in the whole site. Some of that site will be temporarily reserved for child care and Berry Street will have an unrestricted Crown grant on the balance of the site. I wonder a bit about that temporary reservation for child care. The minister may care to comment on that when we get to the end of the second-reading debate.

I note there is some concern over car parking space. I urge the government to address this issue now and not leave it until it gets to a stage where it cannot be managed later. All in all, The Nationals do not oppose this bill. We wish Sovereign Hill, Berry Street and Anglicare all the best in the future with their acquisition of land.

Ms CARBINES (Geelong) — I am very pleased to speak on behalf of the government in support of the Land (Miscellaneous Matters) Bill. The bill aims firstly to support two of Victoria's key community service organisations, Anglicare Victoria and Berry Street child and family care centre, by assisting them in the rationalisation of their property interests. The second part of the bill seeks to support one of Victoria's premier tourist and educational facilities, the Sovereign Hill Museums Association facility at Ballarat.

I would expect that all members of this place would know and appreciate the fine work of Anglicare Victoria to support vulnerable members of our community across the state. I was looking at Anglicare Victoria's web site this afternoon. It is very engaging. The key mission statement on the home page says:

> Anglicare Victoria supports children, young people and families through practical care that makes a lasting difference.

Their services include family, disability, foster care, homeless support and emergency relief. It is a critical organisation for community service in our state.

This bill removes the Crown land reservation on the Anglicare site in East Melbourne which is leased to Bayside Health. It provides a facility that is of great importance to residents across our city because on that site it cares for people living with HIV/AIDS. Anglicare leases the site to Bayside Health. With the support of Anglicare and the City of Melbourne, the government is seeking through this bill to revoke the Crown land reservation on the site. Anglicare will actually retain the majority of the site across five freehold titles. Its interest will be consolidated on these freehold titles and the rest of the site will be sold at public auction by the Department of Treasury and Finance, having been declared surplus to needs by DTF. As I said before, both Anglicare and the City of Melbourne are fully supportive of these arrangements, which will in no way impact upon the operation of or the lease arrangement with Bayside Health.

Berry Street Victoria is located in the same block as Bayside Health and is well known to Victorians for its work to assist families and to protect children. I looked at its web site today, and it tells us that each year Berry Street Victoria works with over 5000 children, young people and families that have experienced abuse, neglect and disadvantage. This bill will work to assist Berry Street Victoria through the revocation of the Crown land status of the site it currently occupies. The organisation will be granted just over 600 square metres of land across three freehold certificates of title. This again has the support of the city council and Berry Street Victoria. However, the land between Berry Street

Victoria and Bayside Health will be retained in public ownership and this bill will re-reserve that land for public purposes. The East Melbourne child-care centre operates on that site between Berry Street Victoria and Bayside Health. The Department of Human Services will become the committee of management for that site, so this bill works to assist with the property arrangements of three important community service providers — Anglicare Victoria, East Melbourne child-care centre and Berry Street Victoria, importantly with the support of each and the Melbourne City Council.

The bill also deals with one of Victoria's premier tourist attractions — that is, the Sovereign Hill tourist precinct at Ballarat. Over the last 35 years Sovereign Hill has become a major tourist attraction, not just for Victorians but also for interstate and international visitors. I was interested to read that Sovereign Hill opened in 1970 and has been operating for 35 years. I was a very young person at secondary school when it opened, and I can remember seeing some of the coverage of the opening and wondering what it would be like to go there. I could not imagine such a facility. It seemed very exciting. I had the opportunity later in my secondary school life to go on a school excursion to Sovereign Hill with my Australian history class when we were studying the goldfields era. It was every bit as exciting as I had imagined it to be. It made the history of the goldfields come alive for all who visited it then and does the same for those who visit it now.

I know Sovereign Hill has become a must-see attraction for teachers and students of Australian history. It gets enormous visitation from primary and secondary school children, and is on most of the international tour routes. When I last went there with my own family a couple of years ago there were busloads of Japanese tourists visiting it, so it is obviously a very popular destination in its own right. It celebrates and educates people about the gold rush era of Victoria's history, an era that was so important in laying the economic foundation of our state and for its rich cultural heritage. At that time people from all over the world came to Victoria to try to find their fortune. Indeed this Parliament House harks back to the gold rush era, and we are the beneficiaries of the wonderful finds on the goldfields at Ballarat, because our Parliament House was first commissioned in the 1850s. It is a great tourist attraction and is wonderful for the local economy. I know it provides a great deal of employment and a great deal of pride.

Mr Lenders — What! Parliament House?

Ms CARBINES — No, I am not talking about Parliament House. I am talking about Sovereign Hill. Of course, Parliament House is a great tourist attraction in its own right, but I am not sure it adds to the economy in the same way as Sovereign Hill does at Ballarat. Sovereign Hill certainly adds a great deal to the local pride of people who live in Ballarat. It is a wonderful experience for everyone who visits it. This bill provides for the addition of over 6000 square metres of land to the Sovereign Hill precinct that will allow for an extension which will assist in the organisation and admission of the tourists and students who visit that wonderful site. The land being made available for Sovereign Hill comes from the addition of two disused road reservations. I know Sovereign Hill is enormously grateful for this land the government is making available to it with the support of the City of Ballarat.

This bill works in a number of ways to support different community services — Anglicare, Berry Street Victoria and the East Melbourne child-care centre — in the organisation and rationalisation of their property interests. It also works to support Sovereign Hill at Ballarat, one of Victoria's premier tourist attractions and educational facilities, by granting it additional land. It is with a great deal of pride that I wish this bill a speedy passage.

Hon. J. G. HILTON (Western Port) — This bill will certainly get a speedy passage from me because I intend my comments to be very brief. The bill is not being opposed by the opposition and The Nationals. Essentially it proposes to add some Crown land to the Sovereign Hill reserve in Ballarat; to make some Crown land in East Melbourne available for sale and development; and to remove some restrictions on a small number of parcels of land which are currently granted to charitable institutions.

As Ms Carbines said, the addition of the Crown land to the Sovereign Hill tourist reserve at Ballarat will enable Sovereign Hill to continue with its ongoing development. It is a very important tourist attraction for Victoria, and certainly when my family has visitors from overseas we always take them to Ballarat because it is such a fantastic experience. The concept of going back in time can sometimes be in the nature of a hyperbole, but I think when one goes to Sovereign Hill one does have that experience.

I understand the land which is the subject of this bill was part of an unused road which was closed some three years ago, and the acquisition has been made by the Sovereign Hill Museums Association. I am sure that all members will agree that if this land can further

augment the tourist attraction at Ballarat, it will have the strong support of all members, which it does.

The other part of the bill relates to some Crown land at the Anglicare site in East Melbourne. Anglicare Victoria currently occupies some Crown land reserved as a site of a servants training asylum. I am not quite sure what a servants training asylum is, but I doubt if that use is pertinent today. When this interest is surrendered an unrestricted Crown grant will be issued.

The Berry Street child and family care centre in East Melbourne is located on Crown land which is permanently reserved at the moment as a site for an infants asylum. Again, I doubt that we would need that land for that purpose today. When this interest is surrendered an unrestricted Crown grant will be issued.

The purpose of these changes is to better equip these organisations to continue to provide the services which are so well regarded by our community. From my short experience as a member of this place I know these sorts of bills come before this house from time to time; we make minor adjustments to Crown land, its reservations and provisions for further use. As I said at the beginning, this has been a very brief contribution. The bill is being supported by both the opposition and The Nationals, and I am very pleased to commend it to the house.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so I thank members for their contributions, especially Mr David Davis, Mr Bishop, Ms Carbines and Mr Hilton.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ROYAL VICTORIAN INSTITUTE FOR THE BLIND AND OTHER AGENCIES (MERGER) BILL

Introduction and first reading

Received from Assembly.

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

PIPELINES BILL

Second reading

Debate resumed from 8 September; motion of Hon. T. C. THEOPHANOUS (Minister for Resources).

Hon. RICHARD DALLA-RIVA (East Yarra) — I have pleasure in speaking on behalf of the opposition on the Pipelines Bill. It is really a substantial bill in that it replaces and re-enacts amendments to the law relating to the operation and construction of pipelines in Victoria, repeals the Pipelines Act 1967 and has other purposes. For those who will not take the time to read it, the bill covers some 127 pages. To put it in perspective, when the principal legislation was enacted in 1967 I was four years of age, so this is a substantial change to that principal act.

Mr Lenders — You read the bill when you were four?

Hon. RICHARD DALLA-RIVA — I did not read the bill when I was four.

Hon. E. G. Stoney — You were virtually in the pipeline.

Hon. RICHARD DALLA-RIVA — I was just out of the pipeline at that stage at age four. But it is interesting that we have bills before Parliament that reflect on acts that are so old. I remind myself that the Crimes Act 1958 is still in operation. This bill repeals a 1967 act and puts in place a framework and new system for dealing with all aspects of planning, development, licensing and use of major pipeline infrastructure. I am led to believe this is a bill that has followed several years of consultation with every industry and other stakeholders and that it is supported — although not generally widely — in the main as it moves forward.

It seems strange that we have a bill before the house about the construction and operation of pipelines. It is not likely that you would wake up in the morning and

say, 'I wonder how the operation and construction of pipelines in Victoria is going'. But this is an important bill. There is no doubt that the construction and operation of pipelines are very important in providing essential services throughout Victoria and ensuring we have a proper process to establish the formulation and facilitation of the development so that it benefits Victoria. It is important that we have a process that ensures an effective, efficient and flexible regulatory system for the establishment of pipelines; that there is sound establishment of consultative processes, and that these processes determine the most efficient and most suitable route.

In talking about pipelines, you would assume they flow from point A to point B and therefore would need just an automatic flow-through approach. But that is not the correct assumption to make. Nowadays, in contrast to the situation in 1967, we have to take into account some of the environmental impacts and effects of pipeline processes and flows as they are developed throughout country Victoria and indeed throughout all of Victoria.

A number of principles are established within the bill. It is important to ensure that the principles outlined in clause 4 fall within a relevant strategic framework that takes into account a range of issues. I draw to attention some of those issues. Biological diversity needs to be protected. It is clear nowadays that we need to understand some of the biological issues. Subclause (2)(a) talks about individual and community wellbeing, and we need to be mindful of that. We can no longer assume that the building of pipelines will supersede and override the wishes of those individuals or communities. We need to ensure, for example, as subclause (2)(f) provides, that longer term issues are taken into consideration in pipeline developments. Of course the decision-making process needs to be established — I have to say this reminds me of doing my master of business administration — to ensure that the process is established in a very sound, coherent and strategic manner. The fact is this bill will take a longer term strategic approach to the establishment of pipelines in Victoria.

What does the word 'pipeline' mean? I went to the definitions in clause 5, where a pipeline is defined as:

> … a pipe or system of pipes for the conveyance of anything through the pipe or system of pipes.

Hon. E. G. Stoney interjected.

Hon. RICHARD DALLA-RIVA — It is pretty plain. It is a pipe or a system of pipes for the conveyance of anything. It could include gas or water. I am sure electrical — —

Mr Somyurek — Pipelines are a big issue in the Middle East.

Hon. RICHARD DALLA-RIVA — Mr Somyurek interjected and said that pipelines are a big issue in the Middle East. I do not know what that means, but I gather there is some reference to pipelines — —

Mr Somyurek interjected.

The ACTING PRESIDENT (Hon. H. E. Buckingham) — Order! Comments should be directed through the Chair.

Hon. RICHARD DALLA-RIVA — I assume Mr Somyurek is talking about oil, Acting President. I am just taking up the interjection from the honourable member. I do not know if they pipe cattle or whatever. They might pipe politicians through it. I do not know. It might be something that we do not know about. It is interesting to read what a pipeline is in the context of the bill. Part 2 identifies the pipelines to which this act applies, and I suggest those who seek clarification, such as Mr Somyurek, take time to read it before making such flippant comments.

I am glad Mr Somyurek has raised it. The heading to clause 9 states:

> To which pipelines does this Act apply?

It is quite specific. It does not include cattle, but it does say:

> … for the conveyance of petroleum, oxygen — —

Mr Somyurek interjected.

Hon. RICHARD DALLA-RIVA — Mr Somyurek, I note that you say we could do with more oxygen in this place — —

The ACTING PRESIDENT (Hon. H. E. Buckingham) — Order! Mr Dalla-Riva will address his remarks through the Chair.

Hon. RICHARD DALLA-RIVA — Mr Somyurek says we could do with more oxygen in this place. The clause continues:

> …carbon dioxide, hydrogen, nitrogen, compressed air, sulphuric acid or methanol through the pipeline; and
>
> (b) any pipeline declared under section 11 to be a pipeline to which this Act applies.

Of course clause 11 provides that the minister may declare a pipeline to be a pipeline to which the legislation is to apply. Mr Somyurek referred earlier to

cattle going through the pipeline, but I am being flippant in the context of the debate. As I said, it is interesting that this bill on pipelines repeals an act that was passed in 1967 and has not been amended in full since then. This is a responsible bill that will ensure the proper construction and establishment of pipelines and that they will be efficient. It is a substantial bill that continues the process.

Part 3 relates to the control of pipelines. I note that the opposition is concerned about the third-party access clauses, which appear to be very wide. The bill does not include the capacity for temporary working widths to be compulsorily acquired. We notice also that, in typical Labor fashion, the bill depends on extensive regulatory controls for its operation, and we understand those regulatory controls have not been fully formulated.

Mr Somyurek — That is a hard word to pronounce.

Hon. RICHARD DALLA-RIVA — Again I pick up Mr Somyurek's interjection. This government is well known as a government that has a strong regulatory regime. It cannot help but put into place regulatory processes that seem to constrict rather than promote business activity, development and growth in this great state — a great state that has been slowly whittled down from where it was in the years of the Kennet government. The Kennett government took the state from the brink of collapse to a state that has developed strongly and gone forward. It is disappointing that since 1999 we have had bills, such as the Pipelines Bill, with overarching regulatory controls that seem to quash innovative development.

Mr Somyurek interjected.

Hon. RICHARD DALLA-RIVA — Again I pick up the interjections from the other side. It seems to me that whenever we talk about regulatory control and about the government wanting to dictate to the people of Victoria, we find, as we are finding with this bill, that government members seem to arc up all the time. They find it difficult to understand that free enterprise is about allowing the market to run free and to determine the outcomes that will benefit Victorians most of all. This is about the ambitions of the Labor apparatchiks on the other side to have political control.

Some of the penalties are substantial, such as under clause 14 for constructing a pipeline without a licence. Without being flippant about it, it seems amazing that we have such huge penalties. In the case of a natural person the penalty is 120 penalty units for constructing a pipeline without a licence to construct and operate that pipeline. Everything is about control. It is about saying, 'You need a licence. We need control, we need to regulate. If you do not meet the demands of the government, we will fine you and send you to jail for those actions that you take'. The government cannot keep its hands out of people's pockets. I have asked before and I will ask again: why does the government continue to put its greasy, deep hands into people's pockets to gain its little bit of a taxation grab out of the Victorian taxpayer? It cannot help putting into every piece of legislation a significant penalty clause that seems to be well above what is rational and reasonable. You can go out and commit a crime in Victoria and receive a miniscule penalty, but if you breach a regulatory control — for example, under clauses 14 and 15 of the bill — a substantial penalty is applied, not only to natural persons but also to corporations.

Honourable members interjecting.

Hon. RICHARD DALLA-RIVA — Because the minister does not like corporations. That is what it is about. The minister hates business — and he has to stop hating business. He has to respect the businesses out there because they actually give people employment. Does the minister understand that? You cannot keep on stacking up the bureaucracy as the government continues to do year after year and expect the Victorian taxpayer to foot the bill.

I refer to part 4 of the bill, the pre-licence process. I notice that division 1, consultation plans, seems to go on about the fact that we have to undertake a consultation. This government continues to spend inordinate amounts of money on consultants. I look forward to seeing how many of its Labor mates will be established in the consultation process.

How many of the government's mates are going to be stacked out there, paid some exorbitant fee and swayed against the Victorian taxpayer as part of the consultation process. I hope the consultation process is appropriate. On that note I am sure that we will debate this tomorrow at the appropriate time.

The PRESIDENT — Order! Is the member finishing?

Hon. RICHARD DALLA-RIVA — I will continue tomorrow.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Housing: Tatura tenant

Hon. W. A. LOVELL (North Eastern) — I wish to raise a matter with the Minister for Housing regarding a particular maintenance issue with an Office of Housing home in my electorate. This house is located in Tatura, and five days ago the front window of this house was smashed by an intruder. The house is occupied by Alison Frans and her three children, and for the past five days they have been living in fear and battling to keep the cold out of their home. Alison immediately phoned the police to report the incident and then rang the Office of Housing's maintenance call centre, which assured her that the window would be fixed within 24 hours.

Five days later Alison is still waiting for the Office of Housing to arrange for this window to be fixed. The broken window is right next to the front door, and because it has not even been boarded up by the Office of Housing the house cannot be secured. However, security is not her main concern. Alison has three young children, and her six-month-old baby has battled bronchitis since he was born. Alison is concerned about the cold home being an unsafe environment for her children. She says that there is no point putting the heater on because the heat goes straight out the window. The broken window frame has been left against the house, and the jagged pieces of glass are also posing a threat to the children's safety.

Alison says that the Office of Housing has not been in contact with her at all. She is not the only Office of Housing tenant to have experienced longer delays after reporting maintenance issues. It seems to be an ongoing theme in Shepparton, and indeed throughout the Hume region. The action I seek from the minister is to ensure that Alison's window is repaired immediately so that she and her children can live in a secure and warm environment.

Water: fluoridation

Hon. B. N. ATKINSON (Koonung) — I wish to raise a matter with the Minister for Health in another place. The matter I wish to put before the minister is a request for a full and comprehensive inquiry into the use of fluoride in our water. I am concerned that we have had fluoride in our water system for quite some time. I know it is used in water systems around the world, but there has been in my view inadequate research into the impact of the use of fluoride in water with respect to a number of health issues within the community.

It has come to my notice — and no doubt other members have read about this and may well have dismissed them as crackpot research projects — that some research has linked fluoride, which is a heavy metal, to Alzheimer's disease, attention deficit disorder, bone and certain other cancers, arthritis and diabetes. The incidence of a number of those conditions has markedly increased in our community, and I think there is also some evidence to suggest that objective analysis of the dental benefits of fluoride has not proven that the amount of money involved and the possible concerns in other areas of public health justify the fluoridation of our water supply.

There has been extensive work done in other parts of the world. I am not in a position scientifically to assess that, but I believe it is incumbent upon any government to investigate available information. We spend an extraordinary amount of money on trying to cure health disorders and illness, and it would be a matter of grave concern if we continued to spend funds in that fashion when there were studies around suggesting that perhaps we should be investigating more closely the potential impact of an additive such as fluoride to our water supply. As I said, there are a number of studies throughout the world, in China, the United States of America and Europe. Many people involved in the organic movement have serious concerns about fluoride, and I believe it is high time that we started to investigate this. I urge the minister to conduct a comprehensive review of the impacts of fluoride in the community.

Hospitals: federal policy

Mr VINEY (Chelsea) — The matter I wish to raise is also for the Minister for Health in the other place. I have been made aware of a couple of comments by federal ministers about the future management of public hospitals. In particular I refer to the statement by the federal Minister for Finance and Administration, Senator Nick Minchin, on 24 August to the National Press Club in Canberra where he is reported as having said:

> In my view the states should consider outsourcing the management and operation of their hospitals.

Two days later, on 26 August, the federal Minister for Health and Ageing, Tony Abbott, at the Queensland Press Club, said:

> Options for the next set of health care agreements (with the states) could include making public hospital management contestable.

I ask the minister to take action to ensure that the management and operation of public hospitals in Victoria is not subjected to contestability or privatisation. Victoria has had considerable experience of the failed Kennett government attempts to privatise our public hospital system. We saw the privatisation of hospitals in Mildura and in Latrobe, which was a complete disaster, and the attempt to flog off the Austin and Repatriation hospitals in Melbourne under the Kennett government, which was also a complete disaster. In fact it was not able to find a buyer.

It is very disturbing that senior federal ministers — the finance and health ministers — are going down the path of contestability and privatisation of the administration and management of our public hospitals. Victorians do not want to see a rerun of the privatisation of our public hospital system.

It is incumbent upon members on the other side to let their federal colleagues know of the disasters that occurred in Victoria with those attempts. It is also time for the opposition health spokesperson, Mr David Davis, to come clean and declare whether or not he is in favour of the privatisation of the public hospital system in Victoria. Victorians deserve to know whether that is what the Liberal Party is again planning — that is, the privatisation of our public hospitals, the cutting of the number of nurses and the slashing of the Victorian hospital system.

Hamilton: information centre

Hon. DAVID KOCH (Western) — My matter is for the Minister for Agriculture in another place, and it concerns the closure of the Department of Primary Industries (DPI) information centre in the main street of Hamilton. The information centre provides a wide variety of free advice and is a valuable resource for the latest information on matters relating to agriculture, conservation and land management.

A free call direct line service is available where people can walk in off the street and speak by telephone to DPI officers, get technical information or seek specialist advice. People can also apply for or renew a range of permits and licences, as well as access DPI publications. The centre provides an important and valuable service that promotes research and development undertaken to improve best practice operations in agriculture. The convenient location of the Hamilton information centre means that people can access information about collecting permits while doing their regular shopping. The proposed relocation to the DPI research station some 11 kilometres from town will reduce this accessibility.

It is claimed that a decline in business is the reason for the closure of the Hamilton information centre. DPI figures show that the Hamilton centre receives over 2000 customers and handles up to 10 000 telephone inquiries every year. While DPI claims the volume of business is declining, that has more to do with a lack of marketing and a failure to promote the services available at the centre. Indeed there are people who are not aware of its existence, despite its having been in the main street for six and a half years. This is a disgrace.

I point to the great success of the Horsham DPI grains innovation park information centre which is widely recognised in the Wimmera as the place to go for permits and information from the Department of Primary Industries and the Department of Sustainability and Environment. The Horsham centre operates an expanding bookshop which covers a range of specialty titles on topics from flora and fauna to farming and fire prevention. Rather than closing, the Hamilton DPI information centre should be promoted as a convenient place to go for information or permits and be expanded to better utilise the products and services available to the community from the Department of Primary Industries and the Department of Sustainability and Environment on Mount Napier Road.

This is another case of the Bracks government walking away from rural Victoria after having assured support for rural communities. I request the minister to ensure the community will continue to have access to the services and information available at the Department of Primary Industries Hamilton information centre.

Human Services: disabled employees

Hon. RICHARD DALLA-RIVA (East Yarra) — My query is for the Minister for Community Services in the other place. I hope it relates to the Minister for Community Services, given some of the responses we have had in this chamber. It relates to a 29-year-old legally blind woman. She has given me consent to use her name in the Parliament: it is Beth Johnston.

Beth was in a position with the disability services section of the Department of Human Services. Her function was to provide local government and community support for people with disabilities. However, a concern she raised is that she had to rely on the email software DHS used, which was Lotus Notes. She said it is one of the least accessible applications for people with vision impairment. She said she had raised

it a number of times with her managers, with the regional IT department, with the head office IT department at DHS and through a number of calls and meetings with managers in relation to her capacity to communicate to the broader community through IT. Being unable to easily access email, the intranet and employee self-service she said she felt significantly impeded her work.

She also said that during her employment she was supervised by five managers over an 18-month period, and that although public servants are required to complete six-monthly performance plans she never felt those plans were followed up. She felt stymied in her capacity to undertake her duties. She was passionate about this. Beth has appeared on such things as the Other Film Festival. This is a program provided by Arts Access Victoria. Her picture is actually on the flyer, which I have a copy of here. The reality is that she is committed to helping those with a visual impairment and those who have a disability at that level to work within the Department of Human Services. She said she felt that the department should have at least established at the forefront its capacity to work with people with that particular disability. She said she feels totally demoralised.

She was actually removed from the position after the contract came up for renewal on 30 June 2005, and she felt that although the funding was ongoing, she had been removed from the role because of the concerns she raised. I ask what action the Minister for Community Services will take to ensure that relevant email services and access to the intranet are available to DHS employees as are appropriate to meet the needs of those with a disability or those who have a visual impairment, and — —

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

Prisoners: interstate transfer

Hon. B. W. BISHOP (North Western) — My adjournment matter tonight is directed to the Minister for Corrections in the other place. My office was contacted in January by a mother seeking assistance with her son's transfer from a Queensland correctional facility to one located in Victoria. The action I require from the minister is to intervene in an effort to finalise this issue, which has been a protracted, complex process right from the start. In saying that, I understand an issue such as this must be handled carefully by correctional facilities departments. However, from the family's point of view, particularly from the point of view of the mother and the prisoner, it has been a long and frustrating process that is still without resolution.

Numerous telephone calls have been made between my office, the corrections department and the Department of Justice, as well as numerous emails, many of which went unanswered, and posted correspondence, again much of which has gone unanswered. My office made contact in January, March and April. We received information in April that the transfer was currently being assessed, and I was informed that the assessment would be finalised in approximately four to six weeks. In May there were no fewer than five phone calls and two emails seeking the status of the transfer, and in July there were no fewer than six phone calls and three emails seeking the status of the transfer. My office's latest information was that it should be with the minister in two weeks. That was five weeks ago.

Anyone can see how frustrated the family and my office are in our attempt to work through this issue and achieve the right balance. Considering it is now nine months after we were first contacted, will the minister intervene so that we can get some positive information about when this transfer is to take place?

Responses

Ms BROAD (Minister for Local Government) — The Honourable Wendy Lovell raised a matter for my attention in relation to my housing portfolio. It concerns the recent reporting by the local press of a request for assistance with the replacement of a broken window at a house in Tatura near Shepparton. In response I assure the member that the government has a commitment to ensuring that all Victorians have access to decent housing. The government takes the question of appropriate maintenance of public housing very seriously. In relation to this particular request I am advised by the Office of Housing that the request was received on Friday and the contractor concerned fixed the window in question this morning. As it happens I am advised that that does not conform to the contractor's requirements, and that matter is being dealt with by the Office of Housing. Regarding the broken window, that I am advised the tenant reported to the police because it was broken by someone known to her, I understand that matter is being pursued by the police.

Members on both sides of the house understand the importance of MPs maintaining good relationships with their local newspapers. That is clearly assisted when former staff members of MPs are employed by local newspapers. In this particular case it is regrettable that on a number of recent occasions, including this occasion, the newspaper has not afforded the Office of

Housing the opportunity to place on the record what is being done in relation to matters reported to it. I place on the record that that is regrettable. The member for Shepparton in another place is, in addition to maintaining good relationships with her local newspaper, unfortunately running down a great many very good projects which are well under way and which will and are already benefiting tenants in public housing in Shepparton. I am pleased that the particular matter raised by the member has been dealt with.

The Honourable Bruce Atkinson raised a matter for the attention of the Minister for Health in the other place. He sought a full review of and investigation into the use of fluoride in water in Victoria. I will certainly refer that request to the Minister for Health.

Mr Viney also raised a matter for the Minister for Health, concerning the future management and funding of Victoria's public hospitals and the intentions of the Liberal Party in Victoria and federally in relation to the proposed privatisation of Victoria's public hospitals. I will refer that request to the Minister for Health.

The Honourable David Koch raised a matter for the Minister for Agriculture in the other place concerning the Department of Primary Industries information centre in Hamilton; Mr Koch is not here. I will refer that request to the Minister for Agriculture.

The Honourable Richard Dalla-Riva raised a matter concerning a Ms Beth Johnston. He raised that matter for the attention of the Minister for Community Services in the other place in relation to access to email and other important communications for Ms Johnston. I will refer that matter to the Minister for Community Services.

Finally, the Honourable Barry Bishop raised a matter for the Minister for Corrections in the other place. He made a request on behalf of a family which is seeking to facilitate the transfer of their son from Queensland to Victoria. I will refer that request for assistance to the Minister for Corrections.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 10.22 p.m.