

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 4 October 2005

(extract from Book 5)

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By authority of the Victorian Government Printer

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

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Tuesday, 4 October 2005

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

CONDOLENCES

Hon. Bruce Anthony Chamberlain, AM

The PRESIDENT — Order! I am sure that all members were saddened to hear of the sudden passing on Saturday evening of the Honourable Bruce Chamberlain, AM, a former President of the Legislative Council. While a formal condolence motion will be moved during the sitting week after the funeral, which is to be held this Friday, I ask all members to join me in 1 minute's silence as a mark of respect.

Honourable members stood in their places.

BUSINESS OF THE HOUSE

Photographing of proceedings

The PRESIDENT — Order! I advise the house that photographer Jamie Murcia will take photographs of the chamber tomorrow prior to question time. Those photographs will be used in the publicity material for the regional sitting in November at Colac.

ROYAL ASSENT

Message read advising royal assent to:

- Fisheries (Abalone) Act**
- Land (Miscellaneous Matters) Act**
- National Parks (Otways and Other Amendments) Act**
- Pipelines Act**
- Radiation Act**
- Residential Tenancies (Further Amendment) Act**
- Royal Victorian Institute for the Blind and other Agencies (Merger) Act**
- Sustainability Victoria Act.**

QUESTIONS WITHOUT NOTICE

Able Demolitions and Excavations: legal action

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Finance. The Bracks government has admitted guilt in the Federal Court for breaching the federal Workplace Relations Act by discriminating against Able Demolitions and

Excavations Pty Ltd's tender for the clean-up of a gasworks site in Morwell because it was a non-unionised company, a legal action the government fought for two and a half years so as to cover up unlawful conduct. I ask the minister, since the minister says he has admitted guilt to save the taxpayers of Victoria further expense in this case: what has this case cost the taxpayer?

Mr LENDERS (Minister for Finance) — In response to the Leader of the Opposition's specific question as to costs, I do not have that figure in front of me and will take that on notice.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — It seems to me that the minister is surprisingly ill-informed about his portfolio.

Mr Viney — Ask the question!

Hon. PHILIP DAVIS — I will ask the question in the manner I think fit, and I thank the member for that interjection.

The Bracks government has been ordered by the full bench of the Federal Court to hand over internal documents relating to the initial gasworks tender — the list of internal documents runs for three A4 pages. How much more taxpayers funds will be expended to prevent these documents being handed over to the federal task force?

Mr LENDERS (Minister for Finance) — The Leader of the Opposition alludes to a case in the Federal Court — it is a legitimate matter of public policy for him to allude to — and he is correct that this government was contesting the federal government's capacity to have access to internal Victorian government documents, which it has contested for a period of time. But once the decision was made, we were not going to spend any more taxpayers money on that because we prudently believe in how we spend taxpayers money and therefore — —

Hon. D. McL. Davis — Come on! We don't believe that!

Mr LENDERS — I take up the Honourable David Davis's interjection because we actually do not spend millions and millions of taxpayers money in defending the ideological rhetoric of an outdated industrial relations system like his colleagues, the federal Liberal Party, do. I take up the interjection: we value taxpayers money and do not spend it on ideological whims as the Prime Minister does on media campaigns that go on

forever on things that matter to the Prime Minister. But on this particular issue, we have made a prudent decision — —

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

Dandenong: transit city project

Mr SOMYUREK (Eumemmerring) — My question is to the Minister for Major Projects. Can the minister inform the house about how the Bracks government is making Victoria a better place to live and raise a family in Dandenong?

Mr LENDERS (Minister for Major Projects) — I thank Mr Somyurek for his question and his interest in Dandenong, which is in his constituency, of course, but his passionate interest in Dandenong has been an interest of many years standing.

Mr Somyurek was standing shoulder to shoulder with me back in 1999 when we were talking of a future for Dandenong and when the Honourable Jeff Kennett, the then Premier, was actually belittling Dandenong, saying that if Dandenong elected two Liberal members, he would make it a premier city, but if it elected one, he was not sure! Dandenong sent a big message to Jeff Kennett back in 1999.

Mr Somyurek asked a question specifically about what the government is doing to make Dandenong a better place to live and raise a family. It is with great delight that I say I was with Mr Somyurek in Dandenong last week when we announced a package of in excess of \$90 million for the revitalisation of central Dandenong, the first transit city under the Melbourne 2030 plan. It has been done in consultation with the local community to make central Dandenong a better place to live and raise a family and to revitalise central Dandenong.

The \$92.8 million funding package includes \$50.3 million to purchase and redevelop land in a declared area in central Dandenong. It includes a further \$17.5 million to build the George Street bridge, which will link southern Dandenong with the central business district. There is also \$25 million for a residential development on the former saleyards, sometimes known as Metro 3175 to those familiar with Dandenong.

This will make Dandenong and Melbourne's south-east one of Victoria's most dynamic and prosperous regions. Those opposite will recall the way that the former government under the leadership of Mr Kennett belittled Dandenong and did not take it seriously — there was a lot of hot air and rhetoric. This government

is delivering the revitalisation of central Dandenong with an injection of \$92.8 million, which we think will leverage further private sector development to create jobs. We are talking here of a regeneration of Melbourne's second city, not only for commercial interests but also for residents. VicUrban's market assessments show that the project is expected to generate 5000 new jobs — —

Hon. J. H. Eren — How many?

Mr LENDERS — Five thousand new jobs in Dandenong, Mr Eren. We are talking about increased commercial and retail activity in the order of about \$150 million a year over the next 15 years, and we are talking about generating investment in an extra 4000 homes over that period, of which one-tenth will be affordable homes. My colleague the Minister for Housing is smiling at that, because one of her great objectives is to deliver more affordable homes in this urban regeneration project.

It is not just Mr Somyurek and everyone on the government side who are proud of this. I quote an editorial article in the *Age* of 28 September. It is headed 'Time to end the neglect in Dandenong'. The *Age* writes of the plans for Dandenong:

The truth is that Dandenong ... has been a story of official neglect for far too long. That is why the Victorian government's ambitious \$1 billion infrastructure development project designed to start Dandenong's urban renewal deserves support'.

Last week Mr Somyurek was with me to see a revitalisation of central Dandenong. This government is kick-starting urban renewal in an important part of Melbourne — our second city — by partnership with the private sector and an injection of capital from this government. We are making Dandenong and Victoria a better place to live and raise a family.

WorkCover: return-to-work rate

Hon. BILL FORWOOD (Templestowe) — I direct my question without notice to the Minister for WorkCover and the TAC. I refer to the latest heads of workers compensation authorities *Return to Work Monitor*, which shows that at 71 per cent durable return-to-work rates in Victoria are the worst in Australasia, far behind New Zealand, Queensland, Tasmania and the Northern Territory, which are all over 80 per cent. They are even below the commonwealth and New South Wales rates, which are both over 75 per cent. I ask: why are durable return-to-work rates in Victoria so much worse than those elsewhere?

Mr LENDERS (Minister for WorkCover and the TAC) — I welcome Mr Forwood's question, because as this house knows there is nothing I like talking about more than the Victorian Occupational Health and Safety Act and how we are bringing down injuries and premiums in Victoria. Participation in the work force is up because this government is getting the balance right between a safe workplace and a community where people are prepared to invest to create jobs in Victoria. I welcome question after question from Mr Forwood. I hope Mr Atkinson and the opposition's questions committee give all the questions on WorkCover to Mr Forwood every day of every week, because I like talking about it more than anything else.

Mr Forwood asked a specific question about return-to-work rates, and I think we need to put this into perspective. This government talks about making Victoria a better place to work and raise a family. I cannot think of anything more important for a working family or an individual worker than returning home safe. Rehabilitation is a critical issue in any workplace. You want a person who has been injured to be able to return to work with dignity and to participate again in the workplace. It is good for the economy, good for the worker, good for the state and good for the WorkCover scheme.

The Occupational Health and Safety Act, the regulations and guidelines that come out of that act, the executive action of the government and the practices of the Victorian WorkCover Authority are all designed to return people to the work force, for all the sound policy reasons I outlined. There are different ways you can do that. Mr Forwood mentioned the Comcare scheme. Without taking up too much of the time of the house today, I urge Mr Forwood to look at the bottom of page 3 of today's *Australian Financial Review* to see what his colleague Mr Andrews, the federal minister, is doing to cut away workers' benefits in the Comcare system.

Mr Viney — They only get the top half of the paper.

Mr LENDERS — As Mr Viney says, they only look at other parts of the paper, so maybe Mr Forwood has not read this, but I give him credit for being an assiduous reader. He likes to follow WorkCover, but he really struggles. He trawls over it for days on end before he finds something negative. Today he has actually found something he thinks is negative. However, Mr Forwood knows it is a very robust scheme. He knows that the Bracks government has got the balance right and that we are the envy of most of the rest of the country. An employer paying premiums in New South Wales who compared them to the Victorian

premiums would realise that. If you looked at the unfunded nature of the South Australian scheme and compared it to the Victorian scheme you would realise that. If were an injured worker you would not want to work in Queensland because you would compare it to the Victorian scheme, which is more generous. We get the balance right in this state.

If there are ways we can further improve the WorkCover scheme, we are all ears. We are happy to work on that. Improving the return-to-work rate is one of our objectives. We want to get people back into the work force, back into meaningful work. It is good for employers, good for employees and good for the state of Victoria.

I welcome Mr Forwood's question and his supplementary question, which I am sure will be coming across the table — I nearly said 'the field' — quite shortly. I will answer that as fulsomely as I have answered his original question, because our scheme makes Victoria a good place to work and raise a family.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I do have a supplementary question, because while we got a lot of words from the minister we did not get an answer to the question. The question was: why are Victorian durable return-to-work rates so much worse than those elsewhere? My supplementary question to the minister is: does he accept the findings of the research work that Victorian durable return-to-work rates are worse than rates elsewhere in Australia and, if he does, what is he going to do to improve them?

Mr LENDERS (Minister for WorkCover and the TAC) — I will look in greater detail at the figures Mr Forwood has brought before the house today and will enjoy a further discussion with him as to the underlying trends. I certainly have been briefed on a lot of trends around the country regarding WorkCover and return-to-work statistics. With great interest I will have a further look in the context of Mr Forwood's question, part of which regarded what we are going to do about it. We are always on the lookout for ways to make our scheme better. That is why my predecessor, the Attorney-General in the other place, introduced the Occupational Health and Safety Bill into the Parliament last year and why we had such a lively, enriching and exciting debate in this place for three days on the very issue of what we can do to make it better. We know we have to have a good regulatory regime, good practice in the work force and good information — and that we need to reduce injury through doing so.

Dandenong: transit city project

Mr PULLEN (Higinbotham) — Will the Minister for Major Projects inform the house how the Dandenong transit city project will be one of the biggest urban renewal projects since Melbourne Docklands and how the Dandenong community and businesses will be involved in making the area a great place to live and raise a family?

Mr LENDERS (Minister for Major Projects) — I welcome Mr Pullen's question. Like Mr Somyurek, he was in Dandenong last week for the announcement. While Mr Pullen has an interest in matters generally, part of his electorate is the city of Greater Dandenong, so he has an obvious interest in it.

The important thing that Mr Pullen raises is how we will engage the Dandenong community in this vision. It is one thing for a state government to have the vision — for the vision to come out of the centre of Melbourne as to what you can do to revitalise an important urban community with great historical roots on the outer south-eastern suburbs of Melbourne — but it is another thing to engage the community and to bring it along.

Alluding to my answer to Mr Somyurek's question, where the Bracks government differs from its predecessor is the fact that it listens to communities and then acts. The announcement last week of more than \$90 million in funding shows our general view of what it will do for the revitalisation of central Dandenong.

The important thing is that we want to engage the community of the city of Greater Dandenong and other stakeholders in the central Dandenong area as to what the vision and plan are. We have put up the money and we have the mechanism, VicUrban, which has delivered Docklands in probably the greatest public-private partnership in Australia. Docklands is one of the greatest urban renewal projects in Australia, if not the world, and the team that delivered us Docklands is now working with Dandenong — —

Hon. Bill Forwood interjected.

Mr LENDERS — I take up Mr Forwood's interjection about comparing VicUrban and Docklands to the world. His former leader, Mr Birrell, would blush with shame to hear him talking down Docklands. Mr Birrell would be horrified that Mr Forwood has not picked up the state of the art that Docklands is or the state of the art that VicUrban is. As Mr Forwood should know, we are talking of a public-private partnership and the ratio of government investment to private sector investment in Docklands is in the order of 90 to 1. That

sort of partnership with private enterprise is something that most of the world, including any of the urban renewal projects in the United States, Europe or other places, would only dream of.

VicUrban and Docklands are state of the art. The central Dandenong revitalisation project will be state of the art. I suggest to Mr Forwood that it is no surprise that he has taken off his Victorian badge because he is again a Liberal first and Victorian second. He should not talk down a great institution.

In response to Mr Pullen's specific question about Dandenong, we are engaging the Dandenong community over the next three months before we have the urban renewal specific plan in place. Over those months the Dandenong community will be feeding into this project. I urge every stakeholder, including Mr Rich-Phillips who also represents Dandenong, to come forward and say something positive about and contribute to the revitalisation of central Dandenong.

With feedback from the council and the community and building on work the council and the Dandenong Development Board have already done, we will come up with a plan and spend this money well. We will leverage the private sector and make Dandenong a far better place to live and raise a family.

We are revitalising central Dandenong. This government has listened and acted. It is delivering money to where it is needed. This will leverage great private sector growth. We want the community with us on this. The community is coming forward and the project has been widely endorsed by the community. The government is caring about and delivering for Dandenong. It is a great testament to the government.

I thank Mr Pullen for his question. I thank him for his presence — —

Hon. M. R. Thomson interjected.

Mr LENDERS — I take up the interjection from Ms Thomson — only a Labor government could deliver this.

Consumer affairs: telemarketing

Hon. P. R. HALL (Gippsland) — My question is to the Minister for Consumer Affairs, the Honourable Marsha Thomson. I refer the minister to the section of the Fair Trading Act entitled 'Telephone Marketing Agreements'. How is this section enforced and have there been any prosecutions for breaches of these provisions since they were introduced two years ago?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the honourable member for his question. I understand that there is a matter before Parliament on that part of the act that refers to telemarketing. In relation to prosecutions, I am not in a position to give information to the member because I certainly do not have it, but I will endeavour to find out about it.

A lot of work has been done with the telemarketing association on the provisions in the act, and certainly from the point of view of its members it is seriously attempting to enforce the code of practice. Where there are breaches of the act and any parts of the telemarketing provisions they are checked and tested in the same way that any aspect of the Fair Trading Act is checked and tested — that is, based upon complaints received in relation to approaches made by consumers regarding meeting the requirements of the act. It could be a cooling-off period not being met, intimidation during a call or meeting the guidelines around the telemarketing provisions — they are investigated on the basis of complaints coming to Consumer Affairs Victoria.

Matters brought to the notice of Consumer Affairs Victoria are followed up by it. Whether the complaints are by consumers or are raised in the media, when they are brought to the attention of Consumer Affairs Victoria investigations are undertaken. I also make it clear that if those investigations under the provisions of the Fair Trading Act show breaches of the law, breaches of the Fair Trading Act, then action can be taken at the Victorian Civil and Administrative Tribunal as a consequence.

Supplementary question

Hon. P. R. HALL (Gippsland) — I look forward to that information about whether there have been any prosecutions under those acts related to enforcement. By way of a supplementary question, I ask the minister: what powers does the Fair Trading Act give to Consumer Affairs Victoria to enforce compliance with the act insofar as overseas-based companies telemarketing into Victoria are concerned?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — In anticipation of letting the member ask that supplementary question, I did not answer it, but of course the Fair Trading Act only refers to those based out of Victoria and does not reflect on those that are based overseas. Those provisions do not cover overseas telemarketers. However, if they have a Victorian base — that is, a company based in Victoria which may also have a presence in India or in an overseas

destination such as the Philippines, Malaysia or Singapore, being other areas out of which telemarketing occurs — that local company can still be caught under the laws.

Minerals and petroleum: exploration

Mr VINEY (Chelsea) — My question is for the Minister for Resources. Will the minister inform the house of the latest figures released by the Australian Bureau of Statistics on expenditure on mineral and petroleum exploration in Victoria, and how this compares to the rest of Australia?

Hon. T. C. THEOPHANOUS (Minister for Resources) — I thank the member for his question. Of course the good news just keeps rolling on in the resources sector in Victoria.

The latest Australian Bureau of Statistics figures show mineral exploration is growing faster in Victoria than in any other state in the commonwealth. The figures show expenditure on minerals and petroleum exploration in Victoria is on the rise, and this reflects the state's booming resources sector.

In relation to petroleum exploration, Victoria experienced strong growth in the last quarter, reaching \$39 million of expenditure in petroleum exploration compared to \$14.2 million for the same period last year — that is, a more than doubling of the expenditure in the equivalent quarter last year. Total annual expenditure on petroleum exploration more than doubled in 2004–05, to reach \$162.5 million. This is a phenomenal outcome. In addition to that, the Australian Bureau of Statistics reports that in the June quarter mineral exploration expenditure also went up in Victoria and reached \$13.4 million for that quarter.

The results show that Victoria's thriving resource sector is boosting the state's economy and creating jobs, particularly in regional Victoria. It also shows that the Bracks government is doing the hard work and putting in the hard yards in attracting jobs and investment in regional Victoria. It is one of the differences between the way we and our predecessors have approached this particular sector. In fact this industry was virtually stagnant under the previous Liberal government. There were no mineral sands projects, there were no new goldmines and there was virtually no oil and gas development. Like the Liberal Party today, the previous government was not prepared to do the hard work. We are, and that is why we are getting the results in the resources sector.

These figures come on top of the boom in Victoria's committed resource projects which are now valued at \$2.6 billion. That huge investment shows that Victoria is moving ahead and creating jobs in this very important area. Victoria has well and truly cemented its place as the third most important state for resource development; only the much larger states of Queensland and Western Australia have recorded greater results than Victoria. We are very pleased about these results, and the Bracks government is working hard with business to attract even more investment and alert companies to Victoria's exploration and production potential.

The value of the continued boom in minerals and petroleum exploration is being shown in new projects that are benefiting all Victorians, but in particular these new projects are benefiting Victorians in regional Victoria because it means new jobs and more jobs in regional Victoria, growth in our economy and a benefit for all Victorian families.

Emergency services: superannuation

Hon. C. A. STRONG (Higinbotham) — My question to the Minister for Finance concerns the merger of the Emergency Services Superannuation Scheme and the Government Superannuation Office, and specifically the 25 September meeting of over 1000 emergency services employees which threatened industrial action during the Commonwealth Games, as well as calling for the immediate resignation of the minister over his mishandling of this issue. Will the minister inform the house what action he has taken to ensure that the disaster of industrial action during the games will not happen?

Mr LENDERS (Minister for Finance) — Firstly, I have not played politics with the issue like Mr Strong has. I have tried to have a constructive dialogue. We need to put into perspective what we have in place, and let me be clear what we are talking about because I think Mr Strong knows this but is only playing politics.

We are talking of two defined benefits superannuation schemes. We are talking of a fairly simple proposition of merging two schemes into one. Why are we doing that? We are doing that so we can find administrative savings, so we do not have two call centres, two annual reports, two auditor's reports, two computer systems, two lots of rentals and all those front-of-house and back-of-house things that have nothing to do with delivering service.

We are doing it by phasing it in over a period so that we do not take away individual jobs or put redundancies in

place. In the process we are talking about giving a guarantee through legislation — I would hope if that legislation comes forward, Mr Strong will support it — and would say to emergency services workers that their scheme would be enshrined in legislation and out of the hands of an individual minister to come up with executive action. Issues like access by new emergency services members to a defined benefits scheme would be guaranteed by legislation rather than by the whim of a minister — something that perhaps Mr Strong could have reflected on when voting during the passage of Kennett government legislation that closed the revised scheme, closed the new scheme and changed all the other public sector schemes back in the 1990s.

Essentially we are proposing a guarantee in writing, in legislation, that the existing defined benefits schemes will continue. We are talking about achieving administrative efficiencies so that in running these schemes we free up more money for services. Perhaps Mr Strong should reflect on that, given his leader's largesse and recklessness with his promises on the Scoresby. Finally, we are doing this in a way that protects a no-disadvantage test for members. That is the proposition.

Clearly when we talk about superannuation people are concerned. That is understandable. Superannuation is people's retirement income, it is about their families, and with the multiple changes in federal and state rules since 1983 it is understandably something people want assurances on. Understandably it is something people want to ask questions on. That is why in mid-July I went to the Victorian Trades Hall Council's superannuation committee to address the representatives of workers in these funds and why I have since had a range of meetings with the individual unions that are working through those issues.

There is a debate about this, and we do not fear debate. Debate is a good thing in the community; it is part of a democratic society. We are having a debate. It is a simple proposition, but there are a lot of issues members want to ask about because it will affect their retirement income and they want answers. I can assure Mr Strong and the house that this government will present to this house only legislation that will enshrine the rights of workers to superannuation and not take them away, as the Kennett government did. That is the long and the short of the proposition Mr Strong is raising. I welcome his involvement in the debate, but I urge him to look at the facts, debate the issues and not just play politics.

There is no emergency service worker in this state who would not remember what the Kennett government did,

whether it was slashing the police force by one-tenth or closing off defined benefits superannuation to most of the work force. This government delivers in a way that enshrines benefits to workers, manages the funds well and puts further benefits into black-letter law, and it will continue to do that. That is the essence of what you need to do to make Victoria a better place to work, live and raise a family.

Supplementary question

Hon. C. A. STRONG (Higinbotham) — I thank the minister for trying to assuage the problems and answer the questions people have. The only problem is that many of the emergency services workers do not trust him and do not believe what he is saying. My supplementary question therefore is: will the minister guarantee to scrap the proposed merger between these two superannuation schemes if it is going to endanger security during the Commonwealth Games?

Mr LENDERS (Minister for Finance) — I remind Mr Strong that when we are talking of any assurance you could give any worker in this state, the highest level of assurance as to superannuation is in legislation. That is why we are proposing to further enhance the superannuation legislation so that no minister, whether Labor, Liberal, Nationals or whatever, will be able to go on a frolic and close the scheme off, as Mr Strong's colleague Mr Ian Smith did to workers back in the dark years of the Kennett government. There is no intention of the Labor Party to do that, but if a future Liberal government, for example, wanted to close off access to the Emergency Services Superannuation Scheme for new emergency services workers, it would have to come to the Parliament to do it. We all are proposing — and it is in the hands of the Parliament as to what it does with it — in black-letter law that these benefits be enshrined and enhanced to give that comfort to those workers.

Seniors: community contribution

Hon. H. E. BUCKINGHAM (Koonung) — My question is to the Minister for Aged Care. Saturday, 1 October, was the United Nations International Day of Older Persons. Can the minister advise the house what the Bracks government is doing to make Victoria a better place to live and raise a family and to recognise the significant contribution of seniors to Victorian communities?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank Mrs Buckingham for her concern about the wellbeing of older members of the community and particularly for her question about the

opportunity for us to celebrate the achievements of older members of the community and the contribution they make to family life. They are the elders in our community. They share their wisdom and knowledge. They support younger members of their families and are an essential part of the fabric of family life in Victoria.

Last Saturday was the International Day of Older Persons, and right across Victoria thousands of people, especially older members of the community, came together to celebrate and share their enthusiasm for community activities and community life. It was a theme sponsored by the Victorian government

We also marked the occasion last Friday with a wonderful community-based event at Government House. Hundreds of older members of the community and their families came together to celebrate great achievements by Victorian seniors, culminating in the presenting of the Premier's award for the Victorian Senior of the Year.

I am very pleased to inform the house that the recipient of the award this year is Mr Neil Trease from Mirboo North. Mr Trease is a fantastic representative of his community and an activist who has been involved in a whole range of community activities for many years. As a measure of this, Mr Trease has been a volunteer at the Mawarra centre for adults with disabilities for 31 years — that is 31 years of community effort. He is also a very active member of his local rural ambulance brigade. As well he is involved with the local newspaper. You name it, and you will find Mr Trease has played an active part in just about every activity in South Gippsland, in particular in Mirboo North, for many years. A number of members of his family and the community came to Government House to share their pride in the recognition of his lasting contribution to community life.

But Mr Trease was certainly not alone; there were many opportunities for us to appreciate the contributions of older members of the community. Ten recipients of the Senior Achiever awards, sponsored by the Council on the Ageing in partnership with the Victorian government to support senior achievers, received their certificates and a plaque to mark their lasting contributions to the community.

We took this opportunity to present the first Go for Your Life award to a senior member of the Benalla community, Helen Mitchell, who is a very active participant in the Benalla University of the Third Age. Mrs Mitchell is active in local government, she is on the board of the local hospital and she is involved in

activities that encourage members of her community to become healthy and active. She was the organiser of a recent grant from VicHealth to the University of the Third Age in Benalla and she is embarking on a new program called Maintain Your Brain.

All of us should be mindful of the value of being active participants in community life to ward off the rigours of dementia. Helen Mitchell is a shining example in Benalla and the surrounding district of what can be done in later life to support healthy and active living right throughout our lives and to make sure that older members of the community are active participants in community life. That is something the Bracks government is committed to doing now and into the future.

Avian flu: control

Hon. E. G. STONEY (Central Highlands) — My question is to the Minister for Commonwealth Games, the Honourable Justin Madden. While the minister was once again absent from Parliament, the federal Minister for Health and Ageing, Tony Abbott, revealed plans to deal with any outbreak of avian flu in Australia. Mr Abbott said some of the measures that would immediately be taken included the closure of Australia's borders and the quarantine of recent arrivals near airports. I ask: what contingency plan for the Commonwealth Games has been considered by the Bracks government should an avian flu outbreak occur suddenly early next year?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question because any question from the opposition in relation to the Commonwealth Games is always welcome. I am particularly interested in this member's question, because again it highlights the need to be prepared in relation to every aspect of the Commonwealth Games delivery. Whether it relates to venues, whether it relates to visitors or whether it relates to the community, we have to be comprehensively prepared.

I am also pleased that we have comprehensively planned in every area for all these matters. One of the substantial areas in which we are investing funds is the organisation and management of these issues, whether they be issues of security, as has been on the agenda recently, or even an outbreak of an infectious disease of some sort. That work has been done comprehensively and has been managed by my colleague the Minister for Health in another place. There is an allowance within the global games budget to cater for these kinds of circumstances should they arise, and they are always

possible when large numbers of people gather in concentrated numbers.

Government members take all these matters particularly seriously, but we do not want to be alarmists in any way about them. My concern would be that the opposition might try to scare people on such issues so as to score political points. The Commonwealth Games will deliver benefits and be a great opportunity to bring people together so they can celebrate what we are good at. Let us please not try to undermine that, in any circumstance, by inadvertently scaring people through raising issues which are already being catered for.

I am happy to go into greater detail at other times about these matters, but I think it is very important that we do not try to scare people or be alarmists about global and national issues. In delivering the event, we are conscious of the issues, but we do not think there is a need for people to be alarmed in any way about them.

Supplementary question

Hon. E. G. STONEY (Central Highlands) — I thank the minister for his answer, which was very general. I would have liked him to be more specific. I am certainly not trying to scare the public, but the public has a right to know whether in the event of the potential development of a pandemic disease the government would cancel or defer the Commonwealth Games, particularly if there were a serious outbreak next year?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I think there are house rules about hypothetical questions, so I will not give a hypothetical answer to a hypothetical question. But I am happy to elaborate in answering the member's supplementary question.

It is important to remember that we deliver international events regularly, whether it be the Australian Formula One Grand Prix, the Australian Open tennis, the Spring Racing Carnival or the recent Australian Football League Grand Final. People come to Australia for those events. Issues that may arise are always managed, and we will continue to correspond with the federal government on such matters. We will continue to do that on all matters that are on the public agenda, but by talking about these things more in public forums all we are doing is providing ammunition for alarmists in the community who want to raise alarm about the games.

Housing: tenants' rights

Ms ROMANES (Melbourne) — My question is to the Minister for Consumer Affairs, the Honourable

Marsha Thomson. As members would be aware, yesterday was International Tenants Day. Could the minister update the house about how the Bracks government is ensuring a fair go for Victorian tenants and making Victoria a better place to live and raise a family?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the honourable member for her question, because I know that she has a genuine interest in the tenants of Victoria. The Bracks government is very committed to ensuring that tenants' rights are respected and adhered to. According to the last census, over 380 000 householders listed themselves as being tenants. They constitute approximately a quarter of all Victorian households, so it is a vitally important issue for at least a quarter of Victorians, those who live in tenancy arrangements across the state. Over a number of years the Bracks government has made significant changes to better balance the legislation and to better balance relationships between tenants and landlords. There have been issues around security of tenure and fair treatment within tenure.

We have seen an increase from 90 days to 120 days in the notice time that landlords must give to tenants if they are requiring them to vacate; we have changed the rent increases that can occur in any given year from an unlimited number and limited them to only two; just last month we introduced legislation that brought shared rooms in rooming houses under the act; and the period that caravan park residents have to wait to obtain coverage under residential tenancies legislation has been reduced from 90 days to 60 days.

An honourable member — Shame!

Hon. M. R. THOMSON — It is interesting that a member of the opposition should yell out 'Shame', because opposition members do not care about tenants and their rights. They never have and they never will. We continue to show a strong commitment to assisting tenants and also landlords. We provide advice on their rights and responsibilities and offer assistance to tenants and landlords to resolve disputes where they can be resolved.

Today officers of Consumer Affairs Victoria (CAV) are standing under the Flinders Street station clocks, providing information on tenancy to Victorians as part of International Tenants Day celebrations. Along with that presence, the guide *Renting a Home*, produced by the government, will be available. It has answers to important questions for both tenants and landlords around tenancy rights, bonds, repairs and maintenance, and inspections. Half the inquiries that CAV received in

the past 12 months have been on tenancy issues. As I said, advice has been given to both tenants and landlords in relation to a range of tenancy issues, including inspections, rent increase reports and conciliation of disputes. All those are responsibilities which Consumer Affairs Victoria takes very seriously.

This government has a commitment to tenants. We have honoured that through legislation and the work that is done throughout the year by CAV. We will continue to look after the tenants of Victoria throughout this state, unlike the opposition, whose members believe in looking after only one half of the equation, and not both tenants and landlords.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 2124, 2168, 2189, 2356, 2586, 2819, 3030, 3035, 3116, 3631, 4042, 4052, 4099, 4133, 4637, 5022, 5034, 5056, 5080, 5088, 5089, 5133, 5134, 5139, 5140–43, 5186, 5190, 5192–95, 5206, 5208–12, 5290.

MEMBERS STATEMENTS

Terrorism: Bali bombings

Hon. RICHARD DALLA-RIVA (East Yarra) — I wish to place on record in the chamber my sincere condolences to the Balinese people and those Australians and others who were holidaying in Bali and were killed or injured in the recent atrocities that we have seen over the weekend and their families. I think it is fair to say that those who were going about their everyday duties and those who were holidaying in Bali least expected the recent tragic event to occur.

It is also important to put on the record the tremendous immediate contribution from the government of Australia and in particular its commitment to providing the necessary treatment, investigative services and other activities that are needed to deal with this type of tragedy. It is also important to put on the record that such tragic circumstances should cause us to reflect on the effect on our everyday lives of the intense hatred of those involved in terrorism. Without overselling the issue, I have put on the record before and I do so again that the people of this state need to be very mindful of the activities of terrorist organisations including Jemiah Islamiah and that we must ensure that the people of Victoria are adequately protected. It is important for this chamber and the Parliament of Victoria to ensure

that any such threats are dealt with and reported on and — —

The PRESIDENT — Order!

Police: Blue Ribbon Day

Ms MIKAKOS (Jika Jika) — Last Thursday, 29 September, was commemorated as Blue Ribbon Day. Now an annual event, it is a day when all Victorians are encouraged to wear a blue-and-white chequered ribbon as a mark of respect for the brave men and women of Victoria Police who have lost their lives in the line of duty. Coinciding with Blue Ribbon Day was National Police Remembrance Day, which saw memorial services held at the Victoria Police memorial in the Kings Domain gardens and in regional centres across Victoria. Since 1853, when Victoria Police was established, a total of 141 police members have been killed in the line of duty, 30 of them having been murdered. Those men and women made the ultimate sacrifice by dedicating their lives to serving the Victorian community. Blue Ribbon Day is our opportunity to ensure that their sacrifices are not forgotten.

Blue Ribbon Day is coordinated by the Victoria Police Blue Ribbon Foundation, which raises funds that are allocated to specialist medical equipment and medical facilities in Victorian public hospitals. I understand that since 1998 the Blue Ribbon Foundation has raised more than \$4 million for community projects that are benefiting more than 65 000 patients each year. Examples include the Tynan-Eyre diagnostic centre at Bendigo hospital, the Angela Taylor intensive care room at the Royal Melbourne Hospital and the Silk-Miller trauma unit at Dandenong Hospital. The Blue Ribbon Foundation is also a major donor to the Alfred Foundation.

I take this opportunity to thank the staff and volunteers of the Blue Ribbon Foundation and, on behalf of my constituents, to express my sincere thanks to all Victoria Police members, past and present, for their tremendous contribution to keeping Victorians safe.

Glenloch Homes for the Elderly

Hon. ANDREA COOTE (Monash) — Today I put on the record my admiration and praise for an organisation in my electorate called Glenloch Homes for the Elderly Inc. The organisation has been going for over 30 years and has been and is a reflection of what elderly people in our community should expect and receive. I was fortunate to be the guest speaker at the organisation's annual general meeting on

28 September. I put on the record and commend the people involved for the excellent work that they do in providing safe, secure and cost-effective accommodation for elderly Victorians in the Stonnington area. When it was implemented years ago it was an innovative program and elements of what is provided at Glenloch today are still worthwhile.

I praise the president, Mrs Dunk, and the committee members who were there, Mrs Fenemore, Cr Gahan, Mrs Mustow and Mrs Rayson, for their continuing work and support of the homes. The people at Glenloch live independently in security and comfort. Some of them use the services of Stonnington City Council in the form of Meals on Wheels, home help, transport and other services. The average age of their residents is approximately 75 and some of the residents have been at Glenloch for more than 20 years. As I said, they are living independently and are happy and secure. I put on the record my admiration for this organisation.

Mordialloc electorate: Liberal Party candidate

Mr PULLEN (Higinbotham) — The world has again been shocked by bombings in Bali at the weekend. Again it is likely that religious fanatics have carried out that atrocity against innocent people going about their normal business. Again Australians have been killed or injured or are missing. I know that all members of this chamber would share my grief and concern that there is a long way to go to defeat terrorism.

Yesterday there was a letter in the *Herald Sun* from a Stephen Hartney of Highett, who wrote:

Mr Bracks, will you have enough security at the Commonwealth Games next year?

After the Bali bombings at the weekend have you confidence in Mr Madden to handle something so significant?

I believe that Mr Hartney is the Liberal Party candidate for the seat of Mordialloc and will stand against the outstanding Labor member, Janice Munt. I consider that letter a disgrace and an attempt to be political particularly at this trying time. I call on the Liberal Party to distance itself from Mr Hartney and reconsider his endorsement.

Moonee Valley: car parking

Hon. J. A. VOGELS (Western) — Recently I have been contacted by concerned and angry residents of Graves Street, Essendon. Enclosed with their submission was a petition signed by 68 residents of Graves Street. It says:

We the residents of Graves Street, Essendon support the decision of the Moonee Valley council in the implementation of the recent parking restrictions.

We also request that if any changes are to be made that they be made only in consultation for safety reasons or to further evenly balanced the parking between the businesses and residents of the street.

There are presently 35 available spaces, 22 of which favour the businesses in the street.

The residents go on to say:

We do not wish to affect the viability of businesses but Graves Street is zoned residential and we should have access to our properties when returning home from work, shopping et cetera.

The decision of council to implement new parking restrictions was supported by 83 per cent of the residents and followed 12 months of consultation between council officers and those who live in Graves Street.

We should be saying, 'Well done, Moonee Valley council', but a petition signed by 2000 people who access the private swimming pool in Graves Street saw weak councillors up for re-election next month overturn their previous decision and say in effect, 'Stuff the residents of Graves Street, we do not want to upset nearly 2000 people who find it convenient to park in a street because of the difficulty of finding parking close by'. I call on the Labor MPs who represent this area to stand up for local residents, support what is right and what Moonee Valley council originally saw was right — that is, the adoption of a parking regime that would allow a reasonable outcome for all.

Melbourne Cricket Ground: redevelopment

Hon. H. E. BUCKINGHAM (Koonung) — Last Thursday I accompanied my husband as a guest of the Melbourne Cricket Club at the official opening of the Long Room, which is part of the new members enclosure and facilities in the revamped Melbourne Cricket Ground. MCC president, David Jones, and his committee have much to be proud of. Darrell Jackson's vision in the design and architecture of the new facility is, to use my children's expression, awesome. In fact the whole of the MCG redevelopment is not only awesome but world class. Whilst the Long Room in the previous members pavilion had existed since that pavilion was built in 1928, it was only named the Long Room in 1958 during the secretaryship of Ian Johnson. The previous Long Room was demolished along with the members pavilion in October 2003. A foundation stone from that pavilion is located in the centre of the new Long Room, which also contains portraits of a number of past presidents, a vice-president and secretaries of the club. The new Long Room also

displays a collection of cricket bats from the cricketers and cricket matches going back over the last 130 years.

It was a pleasure to attend the official opening of the Long Room — a Melbourne institution — in the newly revamped MCG, which is not only a Melbourne institution but also a world-class sporting facility. We should remember that all major developments at the MCG have been carried out by Labor governments. As I have stated, we have a world-class sporting facility that all Victorians should be proud of. I look forward to the Boxing Day test, the Commonwealth Games and all those events —

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

Premier: performance

Hon. W. A. LOVELL (North Eastern) — On Sunday, 18 September, the *Sunday Age* published an interview with Steve Bracks, the Premier of this state, to mark the anniversary of his election as Premier six years ago. During that interview the Premier was asked to list his greatest achievements, The list showed as his greatest achievement the destruction of the upper house in Victoria, as his proudest achievement water flow down the Snowy River and as his toughest policy area to deal with the work he has done on terrorism. He also foreshadowed closed-circuit television on the streets of Melbourne. That is a fairly poor record as the Premier enters his seventh year in government compared to what happened in the previous seven years under a Liberal government.

The former Liberal government paid off \$35 billion of Labor's debt and left this state \$2 billion in the bank — a \$37 billion turnaround of the state's finances. The Liberal government also transformed the road network in Melbourne. Other major projects achieved by that government were Federation Square, the new museum and the Melbourne Convention and Exhibition Centre. The Liberal government also attracted major events to this state, including the Australian grand prix, international golf and the Commonwealth Games. The previous Liberal government had a proud record of delivering and Steve Bracks should be ashamed of his six years in government. Mr Bracks has much to make up in the next 12 months.

China Disabled People's Performing Arts Troupe

Ms ROMANES (Melbourne) — Last Sunday evening, along with colleagues Mr Jennings and Mr Nguyen, I had the pleasure of attending a

performance of *My Dreams* by the China Disabled People's Performing Arts Troupe. The performance was at Hamer Hall at Melbourne's wonderful arts centre, which just this week has received a welcome \$2.5 million from the Bracks government for an upgrade of facilities. The performance was part of an Australia-wide tour, and the Melbourne leg of the tour was presented by 3CW Chinese Radio Pty Ltd. Needless to say the performance attracted a strong following from the Chinese community, and there were many people with disabilities in the audience as well.

The China Disabled People's Performing Arts Troupe is a self-funded arts company and is comprised of over 50 performers ranging in age from 18 to 43 who have a hearing impairment, a visual impairment or a physical disability. The troupe's performance of music and dance on Sunday was spectacular. It was skilful, colourful and entertaining as well as inspirational. I pay tribute to the performers who have overcome many impediments and barriers in their lives to become fine artists who have so much to give the community. Congratulations to the director, Madame Wong, and everyone involved in supporting the artists.

Rural and regional Victoria: financial counselling services

Hon. B. W. BISHOP (North Western) — The federal and state governments are collectively responsible for the operation of our rural financial counselling services. These services do a fantastic job.

The present structure is a local committee employing financial counsellors who respond to inquiries either directly from growers or by references from, for example, banks and accountants. There is a thrust from the commonwealth government to restructure these committees to ensure they are fully indemnified — which is a good idea — during their roles as managing committees. The success of these committees lies in the local commitment to them, their autonomy and their practical understanding of the area. The responsiveness of the assistance they offer can be attributed to that autonomy and local knowledge,

so everyone agrees those components should be retained. Information from Department of Primary Industries indicates that a central council type of structure is being considered that would manage finances and may have area managers with the power to shift counsellors around the state.

I call on the Bracks government to protect the autonomy of our local committees and not to have the system saddled with a management structure which has

not existed previously and which if installed will burn up resources that surely would be better spent responding to growers who desperately need practical, skilled assistance. There are other options — for example, the Mallee Rural Counselling Service could be a formal committee of the Mallee Track Health and Community Service, which would provide both indemnity and autonomy. In fact that model could apply across the state.

Vietnamese community: Moon Festival

Hon. S. M. NGUYEN (Melbourne West) — I was delighted to attend the Moon Festival, which this year was organised by the Vietnamese Lions Club and the Vietnamese community association and was held at Federation Square. This is the first time the association has conducted a big event to attract young Vietnamese children to attend the Lenten festival. It was well organised on the day, and the weather was good. I hope that next year more people will attend.

I would also like to thank the sponsors for supporting the Vietnamese community in this special event to mark 30 years of settlement here. Members of the community put in a lot of effort including stalls to raise money for local community work. They worked very hard to raise money and at the same time to organise the stage and the volunteers, as well as selling raffle tickets for the special event.

Hospitals: waiting lists

Hon. D. McL. DAVIS (East Yarra) — My matter today concerns Northeast Healthcare Wangaratta and the West Gippsland Healthcare Group. It concerns the government's failure to publish statistics in its *Your Hospitals* report for those two critical hospitals which provide care for those in the north-east and also for those in Gippsland. In a nasty move the government secretly removed the details of the waiting lists for those hospitals from that report. This is a retreat from accountability and an attempt to cover up the poor performance of the acute sector at the West Gippsland Hospital, which we know to have a high waiting list of 580 people and an acute health sector which is running in deficit, even if the group overall is not running in deficit.

I welcome the government's step yesterday in agreeing to reinstate those statistics in the *Your Hospitals* report. It is wrong that local communities should not have that information, and it is wrong that the government should have removed it. The government claims that there is information about those hospitals on the web site, and it is correct, but the web site does not have the full

information or a full accounting of the total waiting lists for those hospitals. I urge the government to remedy that situation as well. The government has taken one step back from its unsatisfactory position, and I now urge it to take another.

Industrial relations: federal changes

Mr SMITH (Chelsea) — I rise to express my dismay at an article I read in yesterday's *Age* newspaper. On many occasions I have risen in this chamber and expressed my views about where we are going in this country in terms of industrial relations. We are all very clear about where the Prime Minister wants to take us, his ideology on industrial relations and the fact that he is hell-bent on destroying the union movement and reducing wages and conditions for working men and women.

The article relates to a consultancy called Industrial Labour Solutions. It is fresh out of the United States of America of the 1920s with the old Pinkerton detective agencies, which members might know something about. The consultancy is touting itself around the country to all and sundry in business saying, 'We can get rid of the unions for you. We can get rid of your enterprise bargaining agreements. We can get rid of all your problems. Just sign up here'. I wonder how it will do that. It will do it the way it has been tried in other countries — including the way it was tried by the Pinkerton detective agencies. It will burn, bash, bury and do whatever it has to do to working men, women and children. The history books show what happened in America. People on picket lines were murdered. Women and children were killed, and that is the road this Prime Minister wants to take us down. It is a disgrace.

Hon. Bill Forwood — On a point of order, President, Mr Smith has just suggested that the Prime Minister is taking this country on a road towards murdering people on picket lines. I think he should be asked to withdraw the comment.

Mr Viney — On the point of order, President, Mr Forwood is using this as an opportunity to make a point in debate. The whole purpose of the 90-second statement is for members to get up and raise an issue and express their views. The Legislative Council is a forum for public debate, and Mr Forwood is showing the glass jaw of the Liberal Party by raising this. The Prime Minister is not a member of this chamber or of the other chamber, and Mr Smith is entitled to raise matters as he sees fit in regard to issues of serious public importance such as the federal government's industrial relations policies.

Hon. Bill Forwood — Further on the point of order, President, it is a longstanding convention in this place that you cannot come in and slag people, no matter which house they are in. However — —

Hon. R. G. Mitchell — Who are you to call it? You come in here and lie!

The PRESIDENT — Order! Mr Forwood to continue.

Hon. Bill Forwood — President, I would like a withdrawal from Mr Mitchell first. He called me a liar.

Hon. R. G. Mitchell — I did not call you a liar; I said you lied.

The PRESIDENT — Order! I am not sure what the member stated because at the time I was trying to bring the house to order, but if the member used those words, I call on him to withdraw.

Hon. R. G. Mitchell — I withdraw.

The PRESIDENT — Order! Mr Forwood to continue his point of order, without debate.

Hon. Bill Forwood — I submit it is inappropriate for Mr Smith to use the words 'murder people on the picket line' in this chamber in relation to the federal government or any other government.

The PRESIDENT — Order! I think Mr Forwood might have been using a little bit of licence when he said that it is not the practice of this house for members to come in here and — —

Hon. Bill Forwood — Slag!

The PRESIDENT — Order! That is Mr Forwood's word, not mine. He said that members cannot come in here and make comments about members of the public or members of political parties or members of Parliament in other places. The rules of this house do not protect members of other parliaments, only members of this and the other chamber. However, it is highly undesirable for any member to use inappropriate language about any minister or members of another house — or prime ministers. The Prime Minister does not have the protection of this house any more than the Honourable Bill Forwood would have protection in the commonwealth Parliament. But I remind members that they are members of Parliament, and I expect them to behave like decent human beings and not use inappropriate language. With respect to Mr Forwood's point of order, there are no provisions in the standing orders of the house to uphold it.

Mr SMITH — Thank you, President. Before I was interrupted I was saying that this is the road this country is going down, and history has already shown us what is ahead for working people. I think we all need to be quite alarmed — —

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

Banyule: councillors

Hon. BILL FORWOOD (Templestowe) — On 20 April, on the basis of written information provided to me by Cr Dale Peters, I raised in this place three matters concerning the conduct of Cr Colin Brooks in his activities as a councillor of the City of Banyule. I did so in good faith, sincerely believing that the matters raised with me were true.

Since that time these issues have been thoroughly and diligently investigated by the police. I would like to thank Superintendent Cooke and Detective Sergeant Brett Dawson for their work. The police found on two of the matters that no offence was disclosed by the evidence and the accused is therefore exonerated. On the third they found the charge not authorised because of insufficient evidence. I accept the findings of the police inquiry.

I therefore wish to apologise to Cr Brooks, his family and any other persons mentioned by me in relation to the allegations raised in this place, which as I said, I raised on the basis of information provided to me by Cr Peters.

Finally, in their letter to me of 22 September the police wrote:

Cr Peters refused to provide a formal statement to police, refused to confirm these allegations or assist with this inquiry in any way. During this investigation no corroborating evidence could be located to support the corruption components of each of Cr Dale Peters's allegations.

EastLink: opposition policy

Mr VINEY (Chelsea) — Two and a half weeks ago the Liberal Party announced its half-baked half-tolls policy. It appears now that it has been exposed as a half-supported policy. The *Frankston Independent* newspaper dated 20 September states:

A Liberal source said MPs in the party room attempted to dissuade Mr Doyle from his position of having tolls but the leader was determined to go it alone without consultation.

The figures didn't add up and the party was made to look ridiculous again, said the source, seeing any chance of a state Liberal government in 2006 slip-sliding away.

Today I looked up the web site of Mr Bruce Billson, the federal member for Dunkley. It appears he only half supports the Liberal Party's half-tolls policy, because under the heading 'Current hot issue' you can click on Mr Billson's image to find out how to 'help Bruce stop the toll'. This is on his web site today. When you click on the image, you get the following statement:

Bruce continues to work tirelessly ... to secure a toll-free Scoresby freeway ...

So now we have a half-tolls policy that is not only half baked but also only half supported by the Liberal Party.

Women: fertility control clinics

Hon. C. D. HIRSH (Silvan) — On Saturday 24 September a group of people participating in a campaign supporting women's reproductive rights were engaged in an activity to support women entering the Fertility Control Clinic in East Melbourne. The patients' entry to the clinic was being accompanied by harassment and bullying from a group of right-to-life zealots. The presence of the group defending the fertility control clinic meant that patients could enter without harassment or bullying, which meant it was less traumatic for them. On Saturday there was violence, which I absolutely deplore: a couple of the zealots physically attacked the group protecting the patients, which was out of order.

To solve this problem the Australian Democrats have proposed bubble legislation that would prevent right-to-life activists harassing patients entering clinics. However, I have problems with such legislation, since the Howard government could misuse it and ban all protest action. I urge the Australian Democrats to think carefully about its proposal. It seems an easy answer to allow women safe entry for medical procedures, but I think the Democrats' proposal needs — —

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

PETITION

Western Port Highway, Lyndhurst: traffic control

Hon. R. H. BOWDEN (South Eastern) presented petition from certain citizens of Victoria requesting that the Victorian government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong-Hastings Road) (14 signatures).

Laid on table

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 11

Ms ARGONDIZZO (Templestowe) presented *Alert Digest No. 11 of 2005, including appendices.*

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Forensic Leave Panel — Report, 2004.

Freedom of Information Act 1982 — Statement of reasons under section 68AB(2) of the Act.

Parliamentary Committees Act 2003 — Government response to recommendations in Public Accounts and Estimates Committee's Report on 2003–04 Budget Outcomes.

Parliamentary Contributory Superannuation Fund — Actuarial Investigation as at 30 June 2005.

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

Ballarat Planning Scheme — Amendment C76.

Glen Eira Planning Scheme — Amendment C42.

Greater Dandenong Planning Scheme — Amendment C64.

Greater Shepparton Planning Scheme — Amendment C61.

Hume Planning Scheme — Amendment C62.

Melbourne Planning Scheme — Amendment C111.

Moreland Planning Scheme — Amendment C29.

Nillumbik Planning Scheme — Amendment C36.

Southern Grampians Planning Scheme — Amendments C8 and C9.

Stonnington Planning Scheme — Amendment C12 Part 2.

Surf Coast Planning Scheme — Amendment C7 Part 2.

Victoria Planning Provisions — Amendment VC34.

Wyndham Planning Scheme — Amendment C69.

Retail Leases Act 2003 — Minister's determination of 15 September 2005 relating to premises not constituting retail premises, pursuant to section 5(3) of the Act.

Rural Finance Act 1988 — Treasurer's directive of 18 September 2005 to the Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

Country Court Act 1958 — No. 107.

Drugs, Poisons and Controlled Substances Act 1981 — No. 117.

Estate Agents Act 1980 — No. 108.

Health Act 1958 — Nos. 114 to 116.

Health Services Act 1988 — Nos. 112 and 113.

Mental Health Act 1986 — No. 111.

Residential Tenancies Act 1997 — No. 109.

Tobacco Act 1987 — No. 118.

Victorian Institute of Teaching Act 2001 — No. 110.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 107 and 111 to 117.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 93, 108, 109 and 118.

Surveyor-General — Report on the Administration of the Survey Co-ordination Act 1958 for 2004–05.

Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 — section 49 — 29 September 2005 (Gazette No. G39, 29 September 2005).

Sustainability Victoria Act 2005 — remaining provisions — 1 October 2005 (Gazette No. G39, 29 September 2005).

RIGHT OF REPLY

Cr Jenny Mulholland

The PRESIDENT — Order! Pursuant to the standing orders of the Legislative Council I present a right of reply from Cr Jenny Mulholland, deputy mayor, Banyule City Council, to statements made in the Council by the Honourable Bill Forwood on 11 and 16 August 2005.

During my consideration of the application for a right of reply I gave notice of the submission in writing to the Honourable Bill Forwood and also consulted with him prior to the right of reply being presented to the Council. I have omitted some expressions which I

deemed not to be in accordance with the spirit of the standing order.

Having considered the application and determined that the right of reply should be incorporated into the parliamentary record, I remind the house that the standing order requires me when considering a submission under the order to not consider or judge the truth of any statements made in the Council or in the submission.

In accordance with the standing orders, the right of reply is hereby ordered to be printed and incorporated in *Hansard*.

Reply as follows:

I wish to request a right of reply to two statements made by the Honourable Bill Forwood, MLC for Templestowe Province. The statements were made in the upper house on 11 August 2005 and 16 August 2005, respectively and made under parliamentary privilege.

I believe that both claims have:

- (a) adversely affected my reputation or in respect of dealings or associations with others;
- (b) caused injury to my role as councillor and deputy mayor of the City of Banyule
- (c) created an unreasonable invasion of privacy due to the references made.

I therefore request the right and the opportunity to incorporate an appropriate response in the parliamentary record.

The two extracts from *Hansard* were both headed 'Banyule: councillors' one dated 11 August 2005 and the second dated 16 August 2005.

I wish to correct statements put forward by the Honourable Bill Forwood under parliamentary privilege in both cases.

11 August 2005 'Banyule: councillors'

In relation to my use of the mayoral vehicle Mr Forwood makes the statements that 'There has been incredibly corrupt behaviour' and that I am a 'Langdon lackey'.

Mr Forwood also makes the statement that I used the vehicle whilst on holiday.

Response:

I am not a member of a political party. I am an independent and a community councillor. Therefore I am nobody's 'lackey'.

In regard to the allegation of corrupt behaviour, if it was repeated outside the house it would be the subject of legal action. My use of the mayoral vehicle was always for council purposes, in my role of deputy mayor. This use was approved by council, on 7 February. The use was cost neutral to council as the vehicle was used when the mayor, Cr Ryan, was

working and I was assisting him with delegated civic duties and functions.

I did not use the vehicle for private purposes or whilst 'on holiday' from 6 December to 31 January as I have other private vehicles for this purpose. The comment that council does no business during this period is ludicrous and that it is somehow a 'holiday period' is again nonsense.

Even though council approved my use of the mayoral vehicle, I made a decision myself that I would no longer use the mayoral vehicle but would use my own vehicle and claim travel expenses. A press release was issued by me in this regard on 21 February 2005. My decision was endorsed by council at its meeting that night.

16 August 2005 'Banyule: councillors'

In relation to a private community newsletter 'Fairy Hills newsletter no. 13 dated July 2005'.

The Honourable Bill Forwood, MLC, stated that I had asked a council officer to take calls for me in relation to the council election. He named that council officer in state Parliament.

He went further and stated that 'I do not think Ms Mulholland knows the meaning of the word "governance" ...'

Response

The newsletter *Fairy Hills News* is a private newsletter written by the editors, local residents Robyn Roberts and Angela Harridge and distributed to a small area of my ward. In the *Heidelberg Leader* dated 23 August 2005 the following statements were made by the editors of that newsletter in relation to Bill Forwood's comments.

'Bill Forwood ... has made wrong presumptions in this matter'

'Bill Forwood ... has not validated his claims with the authors of the *Fairy Hills News* before the matter was aired in Parliament under parliamentary privilege'.

'The editors said the information about Cr Mulholland was of a general nature'.

'The contact number given was the council's publicly published normal open line number that can be found on all Banyule council correspondence'.

'The contact person was the mayor's secretary, who is experienced in handling the protocol of the public's contact points for councillors. Because the ward councillor mentioned in the newsletter was unavailable at the time of printing to confirm such details, it was thought that this number was the most appropriate option, as it enabled the community to contact the councillor if they wished'.

The Honourable Bill Forwood has again in this case abused his parliamentary privilege by:

- (1) making incorrect and defamatory allegations about me in relation to this newsletter.
- (2) raising claims in state Parliament without checking his facts.

- (3) naming innocent Banyule staff members in state Parliament causing them harm for political motivation.

Yours sincerely

Cr Jenny Mulholland

Deputy mayor and councillor for Griffin ward

Laid on table.

Ordered to be printed.

Hon. Bill Forwood — On a point of order, President, I point out that Ms Mulholland is not the deputy mayor, so that is a material error.

Ordered to be considered next day on motion of Hon. BILL FORWOOD (Templestowe).

Hon. BILL FORWOOD (Templestowe) — President, I seek leave to make a personal explanation.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Mr Forwood has sought leave and the government will reluctantly allow him to respond in this way. I say ‘reluctantly’ because we do not believe the spirit of the standing order to which you, President, have referred, which has allowed this statement to come before Parliament, is such that it be a mechanism for continuing debate between a member of Parliament, in this case Mr Forwood, and the person who has made the statement which has just been tabled.

I am also aware that Mr Forwood has approached the Leader of the Government and asked for leave to make a statement. In relation to our giving that leave, I hope Mr Forwood bears in mind the spirit in which we are doing so and particularly that it is not a matter for him to use to enter into substantive debate on an ongoing basis with the person involved.

The PRESIDENT — Order! Does Mr Forwood want to comment on this issue? I want to say something further.

Hon. BILL FORWOOD (Templestowe) — I want to comment that, as is the normal practice in this place with a personal explanation, I have run it past you, President. It is not my intention to enter into a substantive debate at all.

The PRESIDENT — Order! On the granting of leave for the member to make a personal explanation, as the member said, he has shown me a copy of the statement he wishes to make, which is appropriate. As the minister indicated, with a right of reply this should be the end of it. This is only the fourth right of reply since the standing orders have been in place, so it is not

something that happens on a regular basis. The right of reply should conclude the matter.

I direct members’ attention to the precedents on personal explanations. It is the practice of the house that a member wishing to make a personal explanation should inform the President and make a copy of the proposed personal explanation available for examination beforehand. In this case the member has done that. Any personal explanation that has not been subject to such consultation will not be permitted to be made. The appropriate part is that a personal explanation is allowed to correct a statement where the member may have inadvertently misled the house. It must be brief and constitute a simple statement of fact. It must not simply engage in argument or go to a difference of opinion.

I have ordered the printing of the right of reply and ordered that it be incorporated in *Hansard*. The member wants to make a personal explanation that he has run past me. It should not be a case of the issue going back and forth. The right of reply, to a large extent, should conclude the matter. The member has sought my advice and has the approval to make his personal explanation. Out of the four matters we have had, there is a precedent on a right of reply being given.

Ms Romanes — On a point of order, President, or perhaps a point of clarification: you have indicated that the respondent’s report is about to be printed. Members of this house have not have the advantage of reading what is in that statement and yet we are about to hear a personal explanation from Mr Forwood. My question is whether that personal explanation should be delayed until it is possible for that privilege statement to be circulated.

The PRESIDENT — Order! For clarification, following the ordering of its printing and its incorporation into *Hansard*, a copy of the statement is available in the papers office. The motion was moved and agreed to that the matter be considered on the next day of meeting. Members who wish to obtain a copy can do so through the papers office.

Hon. T. C. Theophanous — On the point of order, President, I am at a disadvantage because I did not have the discussion with Mr Forwood, but it seems to me that as Mr Forwood is now to make a personal explanation based on a statement in reply which, although I understand, is to be printed and will be made available — —

Honourable members interjecting.

Hon. T. C. Theophanous — It is in the papers office now. I wonder whether, President, you would consider on other occasions when this takes place that the statement be made available to government members so we are in a position to make a judgment based on the request by an honourable member to make a personal explanation. We accept the circumstances of today's events.

PERSONAL EXPLANATION

Hon. BILL FORWOOD (Templestowe) — I wish to make a personal explanation. I am aware of the content of the statements provided by Cr Mulholland in exercising her right of reply to comments I made recently in Parliament concerning her behaviour as a councillor of the City of Banyule. Despite the contents of Ms Mulholland's right of reply, I completely stand by my comments made in this place in relation to her behaviour.

STANDING ORDERS COMMITTEE

Sittings

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — By leave, I move:

That the Standing Orders Committee have leave to sit during the sittings of the Council.

I understand the committee has a significant workload and this would facilitate its work. I also understand it is supported by both sides of Parliament.

Motion agreed to.

SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Mr GAVIN JENNINGS (Minister for Aged Care) on motion of Hon. T. C. Theophanous.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The primary purpose of the Sentencing and Mental Health Acts (Amendment) Bill is to amend the Sentencing Act 1991 and the Mental Health Act 1986 to improve the operation of

hospital orders, hospital security orders and restricted community treatment orders. These orders can be made for mentally ill offenders.

These provisions were reviewed primarily in response to recommendations made by the Vincent review, a panel chaired by Justice Frank Vincent to consider leave arrangements for patients of the Thomas Embling Hospital. Thomas Embling Hospital is a secure hospital for people with a mental illness operated by the Victorian Institute of Forensic Mental Health.

Most of the recommendations of the Vincent review requiring legislative amendment were implemented in the Forensic Health Legislation (Amendment) Act 2002. However, two recommendations requiring amendment to the Sentencing Act were held over for further consideration and consultation with stakeholders.

A discussion paper was distributed to key stakeholders in 2003 seeking comment on proposals to implement the outstanding recommendations of the Vincent review.

The discussion paper also invited comment on proposals to amend the provisions governing hospital orders, hospital security orders and restricted community treatment orders, to reflect the current service delivery and legislative framework, and to address operational issues identified by stakeholders. Submissions in response to the discussion paper were considered in developing the bill.

If a person with a mental illness is found guilty of an offence, and the court is satisfied that the person should be detained in an approved mental health service for his or her health or safety, or for the protection of the public, the court may, instead of passing sentence, make a hospital order under the Sentencing Act. The person is then detained in an approved mental health service as an involuntary patient. Currently the order is indefinite as the court does not have the power to impose a maximum or minimum period for a hospital order. The person remains on the hospital order until they are discharged by the chief psychiatrist or the Mental Health Review Board, when they no longer require involuntary mental health treatment.

The chief psychiatrist, with the approval of the Mental Health Review Board, can place a person subject to a hospital order on a restricted community treatment order which permits the person to receive involuntary treatment while living in the community.

The Vincent review was concerned that hospital orders can be made for serious crimes and are indefinite orders of a court, but decisions to release the person into the community and discharge the person from the order are administrative actions of either the chief psychiatrist or the Mental Health Review Board. The Vincent review recommended that the Sentencing Act be amended to provide criteria for the circumstances in which hospital orders should be made, and that these criteria reflect that hospital orders not be made where a serious crime has been proven.

The Vincent review also noted that a person could be discharged earlier than they would have been released had they been sentenced by a court, or could spend periods in detention much greater than they would have spent had the court sentenced them.

The bill addresses the findings of the Vincent review in a number of ways. First, hospital orders will not be able to be made for persons found guilty of a 'serious offence'. The current definition of 'serious offence' in the Sentencing Act in relation to indefinite sentences has been adopted for this purpose. Therefore, persons found guilty of offences such as murder, manslaughter, rape, armed robbery and other serious offences will not be able to be placed on a hospital order.

Secondly, hospital orders will no longer be of indefinite duration. A court will be permitted to make a hospital order for up to a maximum of two years. This will ensure that persons are not subject to hospital orders for unnecessarily prolonged periods, and gives effect to the sentencing principle that the penalty should not be disproportionate to the crime. The chief psychiatrist or the Mental Health Review Board will still be able to discharge the person from the hospital order prior to the expiry of the order, if the person no longer requires involuntary treatment for their mental illness. If a person continues to require involuntary treatment after their hospital order expires, this can occur under the 'civil commitment' regime which enables any person to be recommended as an involuntary patient.

Courts will be required to consider the person's current mental condition, their medical, psychiatric and forensic history, and social circumstances in determining whether to make a hospital order.

These amendments strike an appropriate balance by ensuring that hospital orders are not made for people guilty of serious offences, and patients are not detained under these orders for prolonged periods.

The bill further amends the operation of hospital orders to reflect a shift over the past decade from institutional treatment and care for the mentally ill to a primary focus on community-based treatment. Inpatient stays for patients subject to hospital orders are likely to be much shorter than in the past, and the focus of treatment is on rehabilitation and reintegration into the community. The proposed amendments mirror recent amendments to the provisions governing civil involuntary patients in the Mental Health Act which recognised this shift.

A key aspect of the bill is to provide a more flexible disposition, whereby involuntary treatment in the community can be provided immediately following the making of a hospital order, where this is appropriate. The bill will also facilitate the movement of patients subject to hospital orders between the community and hospital if this is necessary.

This is achieved in a number of ways. First, the process for making restricted community treatment orders will be simplified. Currently, the authorised psychiatrist, the chief psychiatrist and the Mental Health Review Board are all involved in making and approving each new restricted community treatment order. As the bill will restrict the making of hospital orders to less serious offences, this cumbersome and time-consuming process is no longer necessary. Authorised psychiatrists, who already have day-to-day responsibility for treating and managing patients subject to a hospital order, will be able to make and vary a restricted community treatment order. The authorised psychiatrist will also be able to revoke the person's restricted community treatment order and require the person to return to hospital for inpatient treatment if necessary. However, as is currently the case, only the chief psychiatrist or the Mental

Health Review Board will be able to discharge a person from a hospital order or restricted community treatment order. This regime will enable flexible and responsive treatment decisions to be made but will ensure that only the chief psychiatrist or the board are able to make the significant decision as to whether the person is free of the requirement to receive involuntary treatment, prior to the expiration of the term of the hospital order.

Secondly, the bill removes the requirement that a person subject to a hospital order be detained in an approved mental health service. Therefore, where appropriate, a person subject to a hospital order could be placed immediately on a restricted community treatment order without having to be first detained in an approved mental health service.

The term 'hospital order' will be replaced, as it does not accurately describe the situation of patients living in the community subject to restricted community treatment orders. Hospital orders will now be known as 'restricted involuntary treatment orders', which mirrors the 'involuntary treatment orders' which apply to civil involuntary patients.

A number of amendments align the provisions governing hospital orders with those applying to civil involuntary patients where appropriate. For example, the grounds for revoking a restricted community treatment order will reflect the grounds for revoking a community treatment order. The Mental Health Review Board will also be given the power to vary a restricted community treatment order and to direct an authorised psychiatrist to make a restricted community treatment order for an inpatient on a hospital order.

The provisions governing hospital orders and restricted community treatment orders will differ from civil orders in two important respects. Community treatment orders can only be made for a maximum of one year. In contrast, restricted community treatment orders will last for the balance of the term of the person's hospital order. For example, if a court has imposed a hospital order of 18 months and the person is first detained in an approved mental health service for 3 months, the restricted community treatment order would have effect for the remaining 15-month period of the hospital order. As outlined above, the person's restricted community treatment order could be revoked or discharged during that period.

Another distinction relates to the effect on a hospital order and restricted community treatment order if a person is detained or imprisoned in relation to another offence and is transferred from a prison or other place of detention to an approved mental health service for involuntary mental health treatment. A transfer of a civil patient in these circumstances has the effect of discharging their existing involuntary treatment order and community treatment order. However, hospital orders will not be discharged where the person is transferred from prison or other place of detention to an approved mental health service for involuntary mental health treatment. A different outcome is necessary because a hospital order is an order of a court and should not be overturned because the person has been detained for another offence. If the person is released from custody, the hospital order will again have effect and permit the person to be placed on a new restricted community treatment order for the balance of the term of the hospital order.

Special arrangements have been made for existing hospital order patients and patients subject to a restricted community

treatment order. Many of these patients have been subject to the order for more than two years, and some of them were placed on hospital orders for serious offences. These patients will be subject to a hospital order for a further two years following commencement of the legislation, and their order will expire at the end of that period. The two-year transition period will enable the chief psychiatrist and clinicians to develop appropriate arrangements for when their order expires. At the end of the transition period, these patients can continue to receive involuntary treatment as civil involuntary patients if the legislative criteria in the Mental Health Act apply.

The bill also amends provisions for hospital security orders. A hospital security order is another sentencing option for courts. The order requires a person to be detained in an approved mental health service for a fixed period. The order is a sentence and can only be made if, but for the person's mental illness, the court would have sentenced the person to a term of imprisonment. Patients subject to hospital security orders are security patients and cannot be released into the community during the period of the order.

If a person on a hospital security order no longer requires involuntary mental health treatment, they are discharged as a security patient and sent to prison to serve the balance of the term of the order. Confusion arises concerning the person's status if their mental health deteriorates in prison and they require transfer back to an approved mental health service. It is not clear whether the person can be transferred back to the service as a patient subject to a hospital security order or whether they can only be transferred under the process in section 16 of the Mental Health Act which applies to other prisoners who become mentally ill.

Transfers pursuant to section 16 can only be made if the person requires 'immediate' treatment for the mental illness, and are designed for shorter term treatment to stabilise prisoners with acute illness who are then returned to prison.

In comparison, hospital security orders should have a stronger rehabilitative focus and not be simply focused on stabilisation of acute illness before the return to prison. This recognises the role the person's mental illness played in the offending behaviour and reflects the different criteria which apply to making hospital security orders (which do not require that the need for treatment be 'immediate').

The bill will clarify this issue by providing that a person subject to a hospital security order, who is discharged to prison, can later be transferred back to an approved mental health service on a hospital security order.

The bill also makes a number of consequential amendments and amendments to address legislative gaps and anomalies including the following.

The criteria for discharging hospital security orders will be amended to be consistent with the criteria for making these orders.

The Adult Parole Board will be given the power to grant parole to a patient subject to a hospital security order without the person having to first return to prison. The commencement of parole will then be conditional on the chief psychiatrist or Mental Health Review Board discharging the patient as a security patient.

The bill will clarify that a person is automatically discharged as a security patient subject to a hospital security order when their sentence expires or when they are released from custody by a court.

The bill addresses an issue resulting from recent amendments to the Mental Health Act by the Health Legislation (Miscellaneous Amendments) Act 2005 in relation to civil involuntary patients. The bill provides powers which can be exercised if a civil involuntary patient is released from an approved mental health service pending an examination by an authorised psychiatrist and then needs to be returned to the approved mental health service.

Amendments are also proposed to the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (CMIA) to ensure that forensic patients and residents who are on remand are able to apply for special leave or to be granted leave by the forensic leave panel. These are generally people remanded because they are unfit to stand trial. As these persons may be remanded for a considerable period of time, their ability to access leave for medical appointments, or for rehabilitation purposes to enable the person to become fit to stand trial, is appropriate. Similarly the bill will enable persons who transfer to Victoria, and who are deemed to be forensic patients or residents, to apply for special leave and leave from the forensic leave panel.

This bill implements the outstanding recommendations of the Vincent review and ensures that courts are provided with guidance about the circumstances in which hospital orders are made. The reforms to the law governing hospital orders and restricted community treatment orders will also promote flexible and responsive treatment. It recognises changes to the way in which mental health services are delivered and clarifies operational issues in relation to hospital orders, hospital security orders and restricted community treatment orders. The bill aims to achieve an appropriate balance between the needs of mentally ill offenders and the safety of the community.

I commend the bill to the house.

**Debate adjourned on motion of
Hon. D. McL. DAVIS (East Yarra).**

Debate adjourned until next day.

SPORTS ANTI-DOPING BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Hon. T. C. Theophanous.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The government introduces this bill with a determination to see the underlying objectives of the world anti-doping code clearly supported and promoted in Victoria.

The purposes of the Sports Anti-doping Bill are to implement a legislative framework to facilitate the extension of national anti-doping programs to all levels of Victorian sport when deemed necessary and to support the intent of the code at the subelite level of sport through a policy and education-based approach.

The development of a revised legislative framework for anti-doping in Victoria has become necessary as a result of the introduction of the code and the ongoing amendments to commonwealth legislation.

The bill reflects the Victorian government's resolve to ensure that:

the positive culture and values around sport and recreation are protected and promoted;

the use of prohibited drugs and doping methods in sport is discouraged; and

the Australian Sports Drug Agency (ASDA) is able to fulfil its doping control functions and its national anti-doping organisation obligations in Victoria.

The bill has two major objectives:

firstly, empower the Victorian government to develop and publish broad-based anti-doping policies and provide for the implementation of clear guidelines for withdrawing state sport-related support from persons involved in organised sporting activity and who are sanctioned for an anti-doping rule violation under a code-compliant anti-doping policy. All Victorian government agencies will be required to support any such sanctions;

secondly, maximise the access by ASDA to Victorian athletes for the purposes of coordinated doping control programs. Accordingly, where there is an agreement in place with the responsible sports organisation ASDA will be able to test — for doping control purposes — any Victorian athlete currently not encompassed by commonwealth legislation.

The bill is structured into four parts as follows:

Part 1 of the bill provides definitions and incorporates relevant meanings contained with the commonwealth's anti-doping legislation.

Part 2 of the bill concerns the provision of a Victorian anti-doping policy. It empowers the minister administering the act to develop and publish an anti-doping policy consistent with the code and to develop, publish and gazette guidelines related to the removal of state program support from a person found guilty of an anti-doping rule violation and duly sanctioned under a code compliant anti-doping policy.

This part of the bill affirms Victoria's support for national and international anti-doping efforts. It recognises the expectations inherent in the code that

governments will implement code compliant anti-doping policies and take steps to withhold sport-related assistance and financial support to sanctioned athletes and athlete support personnel for the duration of their suspension.

Requiring the policy and guidelines to be published and the guidelines to also be gazetted, will make transparent the Victorian government's expectations in respect of doping control and clearly reinforce the sanctioning process applied to an athlete found guilty of a doping violation.

A guideline will be gazetted following the confirmation that a person is subject to a doping violation and that person's name is disclosed by the national anti-doping organisation in accordance with code requirements.

The government's gazetted guideline will specify and qualify any restriction on the sanctioned person and will generally be anticipated to concern matters such as defining:

limitations on access to and use of a specified list of state-owned, supported or managed sports facilities for formal training, coaching, or for any other official sports-related purpose;

the nature of involvement permitted in sports events and competitions supported by the government;

restrictions on the holding of office in any government or government-supported body concerned with sport and recreation; and

the withdrawal of direct and indirect sports-related funding or assistance from the state government.

The publication of individual guidelines will reduce the potential for confusion or inadvertent breaches of anti-doping sanctions by relevant persons and organisations involved in Victorian sport, such as that which occurred in the early stages of Shane Warne's one-year ban from participating in cricket.

Part 3 of the bill clarifies the role and authority of ASDA in undertaking its doping control tasks in Victoria. Where there is a testing agreement in place with a sport, ASDA may apply the provisions of the enabling commonwealth act and has the power to test any Victorian athlete who competes or trains to compete under the auspices of a recognised Victorian sporting association.

This provision permits the inclusion of Victorian athletes not presently covered by the commonwealth act within national doping control programs implemented by ASDA. It supports the code by authorising Australia's national anti-doping organisation to incorporate into testing pools as deemed necessary any Victorian athlete not already directly encompassed under the various definitions of national or international competitor.

Requiring the agreement of the Victorian athlete's sporting association ensures that the selection for testing occurs as part of coordinated and planned testing arrangements for a sport or sporting event and is therefore undertaken in a manner consistent with

Australia's national anti-doping control framework and the harmonisation objectives of the code.

It will also help to guarantee that the sporting organisation has any necessary consents in force and that the selected athlete has the benefit of all necessary information required under national drug-testing schemes — including advice on testing procedures, athlete rights and responsibilities and therapeutic use exemption provisions — and is made aware of the consequences if they return a positive result.

Part 4 of the bill provides for the repeal of the Victorian Sports Drug Testing Act 1995 and for regulation-making powers as may be necessary to support the code and give effect to the act.

Most current national and international anti-doping strategies are detection and punishment-based models designed primarily to catch and sanction elite athletes and high-performance professional sports participants intentionally using prohibited performance-enhancing and illicit substances. Under the code the implementation and management of this strategic approach to anti-doping, which includes the provision of related education and information, is the responsibility of Australia's designated national anti-doping organisation and national sports organisations.

However, in order to preserve what is identified in the code as 'the spirit of sport', anti-doping policy and education programs more appropriate for subelite and community-based sport and recreation participants are required.

To effectively support the objectives of the bill, as well as complement the education and information objectives of the code, new anti-doping and related drug education programs for Victoria will therefore be developed.

A significant related drug abuse concern is the misuse of performance-enhancing substances by young people in search of body image enhancement. The education programs to be introduced will contribute to the efforts in combating the temptation for both aspirational athletes and adolescents to abuse drugs, either to improve their sports performance or to enhance their appearance.

In the USA and Western Europe there is alarming research that suggests the pressure to succeed on the sports field or to simply look 'better' is driving a growing number of adolescents to abuse steroids. The drive to win is apparently becoming more important to some than not cheating or not risking permanent harm to your health. Preventative action will now be taken to ensure this trend is not replicated in Victoria.

In summary the bill:

ensures doping-control procedures required under the code may be implemented in Victoria as needed without any potential deficiency arising as a result of differences or contradictions between commonwealth and Victorian legislation;

makes certain that Victoria implements and maintains a sports anti-doping policy consistent with the code; and

will need to be supported by appropriate education and information programs to help ensure its underlying objectives are achieved.

The government and the community expects Victorian athletes to compete fairly and without the use of prohibited drugs or doping methods.

The government is pleased to present this bill as another measure designed to advance Victoria's commitment to protecting the spirit of sport by discouraging the morally and ethically indefensible use of prohibited drugs in sport.

I commend the bill to the house.

Debate adjourned for Hon. B. N. ATKINSON (Koonung) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

RACING AND GAMBLING ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 15 September; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. DAVID KOCH (Western) — I look forward to making a contribution to the debate on the Racing and Gambling Acts (Amendment) Bill. A briefing in relation to this bill took place some four and a half months ago, and one would wonder just how interested the government is in these two industries. They are major industries for the state of Victoria. They make a major contribution and underwrite our state revenue as no. 4 in size, with a contribution in excess of \$1.3 billion.

The bill has three main purposes. Firstly, it amends the Racing Act 1958 in respect to the Crown lease at 400 Epsom Road and defines the appeals process associated with the industry's Racing Appeals Tribunal.

It also amends the Gambling Regulation Act 2003 in relation to the publication of race fields in an endeavour to curtail the activities of non-registered operators both interstate and internationally, and lastly, it amends both the Gambling Regulation Act 2003 and the Casino Control Act 1991 with respect to the health benefit levy.

In relation to Crown leases, the bill reassigns the existing lease at 400 Epsom Road from the name of the chairman of the Victoria Racing Club (VRC) to Racing Victoria Ltd (RVL) in order to set up what will be known as the Racing Victoria Centre. Currently Racing Victoria leases this land from the Victoria Racing Club to carry out its daily business, and it is recognised that, as thoroughbred racing's peak body, the RVL should be independent of its shareholders, albeit that Country

Racing Victoria is a tenant of RVL at this location whereas other shareholders are located at their home courses. As we know, Moonee Valley Racing Club is headquartered at Moonee Valley, Melbourne Racing Club at Caulfield and the Victoria Racing Club at Flemington.

Proposed section 95E of the bill also reflects the CRV's being a tenant. Proposed section 95D(1) empowers the Governor in Council to grant the new Crown entitlement and lease to Racing Victoria Ltd for an initial term that cannot exceed 64 years. Proposed section 95D(3) limits any further and subsequent extensions of the lease to a period of no greater than 99 years. Proposed section 95E gives Racing Victoria Ltd the power to enter into agreements to sublease or assign its interests to other bodies, but only for the purposes of the administration of horseracing — such as to the likes of Country Racing Victoria. This provision requires the minister's approval and shall not be for a period greater than 21 years. We see these as sensible amendments to ensure that the peak body is at arm's length from its shareholders unless it is seen to advantage the industry. From CRV's point of view, it needs a central office to manage its statewide business, and being a tenant at 400 Epsom Road is more efficient and saves on office duplication and effort. This situation has been an overhang since the formation of racing's peak body, Racing Victoria Ltd, and it is now timely that it be resolved.

Importantly, the rearrangement of these Crown leases does not involve a large amount of land, but it is a significant location for the thoroughbred industry. As a historic location it is well known, and it is easy to access, being just beyond the central business district of Melbourne.

In relation to the appeals process, this legislation amends part 3B of the Racing Act 1958 relevant to the Racing Appeals Tribunal rights as separate to those of the Racing Appeals and Disciplinary Board in the thoroughbred industry. Importantly, the appeal rights in relation to harness and greyhound racing remain unchanged. Principally the control, confidence and integrity of thoroughbred racing are managed by both the stewards and the Racing Appeals and Disciplinary Board, with all minor appeals going before the Racing Appeals and Disciplinary Board, where suspension is less than one month's duration and fines do not exceed \$250. More serious offences go to the Racing Appeals Tribunal.

This amendment creates a three-step process that is easier to administer and more clearly defines the disciplinary boundaries within the thoroughbred racing

industry. After stewards have served penalty notices for misconduct and offenders have unsuccessfully appealed their cases to the Racing Appeals and Disciplinary Board their only further right of appeal will be to the Racing Appeals Tribunal in the event that the appeals tribunal considers it is in the public interest to hear the appeal. If it does not, the earlier findings of the Racing Appeals and Disciplinary Board will stand. In any event, Racing Appeals Tribunal findings are final. This will be further demonstrated in coming days when possible appeals by trainer Tony Vasil and jockey Danny Nikolic are resolved. Both have expressed their views about the severity of the penalties handed down by the stewards.

Importantly the industry has been well served by its own disciplinary process over the years and now enjoys the confidence of participants and patrons who know that the board is scrupulous in the conduct of this large industry. This new system removes what many saw as the stewards acting as the prosecutor, judge and jury. From that point of view it is extremely sensible to put this process into place.

In relation to the publishing of race fields, proposed section 2.5.16A(1) of the Gambling Regulation Act 2003 makes it an offence for a wagering service provider in Victoria or elsewhere to publish or otherwise make available a race field for valuable consideration without the approval of the appropriate controlling body. Currently Riser Racing Australia is the principal race field provider, as it collates, administers and retains all race fields nationally. Riser Racing Australia is the body that provides Tabcorp and other state racing bodies with weekly information relating to race fields, and in the past this information has also been accessible to other bodies with little or no restriction on distribution, printing or further use.

This proposed section is not applicable to licensees, the wagering operator, approved bookmakers or an approved publication within the racing industry. These measures have principally been instigated by the industry in order that it may retain rights to the racing product produced within the state. This has always been a major stumbling block — gaining a return from a product which is used universally, certainly across Australia and more recently internationally. Return on product has been something the racing industry has looked at for decades. For instance, my late grandfather, who passed away in 1969, continually talked of his concern about there being no return to the racing industry on the product that it so widely offered. At that stage it was offered certainly across Australia. We identified examples where there is currently a return to the industry. For the racing industry that has

principally been achieved through the joint venture with Tabcorp, but beyond that there has been little recognition of the need for a product fee for the racing industry.

In past years many interstate wagering services, especially in the Northern Territory and the Australian Capital Territory, have successfully used the Victorian racing industry's product at no cost and have returned nothing financially to the industry to support participants or administrators. With the more recent introduction of international betting exchanges the industry recognises there will be further exposure of its product with no return. At page 92 of the *Herald Sun* of 1 June 2005, Michael Sullivan, the chief executive officer of Sportingbet, is reported as saying:

Corporate bookmakers have no problem paying a product fee to Racing Victoria to display Victorian races and transact on them, but it is the amount that is the sticking point.

It goes on to say:

Legislation before the Victorian Parliament will make it illegal for corporate bookmakers such as Sportingbet, IAS, Sports Acumen and Centrebet to operate on Victorian racing unless they have RV approval.

It further states:

The Victorian racing industry doesn't receive any money from corporate bookmakers.

RV chief executive Robert Nason said he expected the legislation to become law within four to six weeks.

I think Mr Nason might have a little more confidence in this government than many on this side of the house. His four to six weeks are now four and a half months! He is quoted as saying:

... betting shops needed to pay a product fee as well as to satisfy RV about their integrity.

He said the legislation would 'close the door' on betting exchanges even if they were licensed.

He is quoted as saying:

... unless they —

the exchanges —

comply with our integrity requirements they will not be getting a look in ...

Obviously betting exchanges have been able to make the product very attractive to the wagering community as they have no responsibility to make any financial returns to the origins of the product they readily sell. Currently any wagering undertaken in Victoria with either registered bookmakers or Tabcorp contributes

16 per cent of the original investment towards taxes and stake money. This money underwrites the industry and is available from bookmakers' contributions and as a result of the earlier privatisation of Tabcorp. We should recognise this as a marvellous legacy of the Kennett government, as it certainly led the way for Victorian racing. Victoria is now seen as the leading-edge racing state in Australia in both administration and return to owners and trainers.

To date the activities of all unregistered wagering services have been very attractive to the providers and also to the punters, who have received returns on their investment of 95 per cent or more against a maximum return of 84 per cent through our registered bodies. Betfair, a UK-based operation, has been successfully operating unrestricted in Victoria over the last couple of years in more sports than just racing. It has grown turnover considerably but to date has made no contribution towards product rights in either the racing industry or other sports, such as cricket.

An article in the *Age* entitled 'MP concern over online bookmakers' states:

Over the past 12 months, there has been an explosion in the amounts of money wagered by Australians with online bookmakers.

Their attraction over local online betting service providers is a greater range of betting options, such as the ability to bet on the outcome of each ball of a cricket match.

For the first one-day international cricket final between Australia and India, Betfair held bets totalling \$670 000 compared to \$120 000 held by the TAB. For the second one-day international cricket final Australians had placed \$5.4 million in bets with Betfair and only \$123 000 with —

Tabcorp. That gives some indication of the impact of online wagering. It continues to take money out of the system without making a return.

Although it was indicated in our earlier briefing from Betfair that a percentage of racing funds is being held pending registration, we are in little doubt that if this does not come to pass both punters and the industry will be denied their rightful share as the pool will be retained by Betfair as profit. There has always been a concern in determining a return on product rights and what is deemed appropriate. To date no agreements have been reached in relation to this.

A *Herald Sun* article on Internet betting and betting exchanges entitled 'For and against — rivals have their say' quotes Betfair as openly saying in relation to racing funding:

It is a myth that betting exchanges will undermine the financial viability of racing and industry funding will suffer

because Betfair operates a lower margin model than other wagering operators. All Australian wagering pool sizes have risen over the last 18 months while Betfair has been operating here. Recycling of punters' money under a low take-out model like Betfair means net punter losses will be the same as on a TAB and returns to the industry will also be the same.

The industry response is quoted as:

Betfair has offered to pay an industry level of 37 cents in every \$100 of turnover compared with \$5 to \$6 per \$100 by the TABs. Their proposal for a gross profit percentage is fundamentally flawed and no other wagering operator in Australia pays on that basis. The risk of damage to the racing product by the introduction of the exchange model should require payment of a significant premium. It is for the seller of a product to determine the price, not the buyer.

The other main concern with betting exchanges relates to integrity. The new concept of punters being able to operate as unregistered bookmakers and being able to wager against a win — in other words, betting to lose — is an international first. This has raised many issues in relation to the integrity of our betting industry — an industry that is recognised internationally as being pretty tight fisted in its management of its product on and off course, especially where wagering is concerned. It is undisputed that Victoria is acknowledged as the industry leader when it comes to discipline, confidence and undisputed integrity in a large business dealing principally in cash.

We read about allegations of international jockeys dismounting mid-race and often being accused of not letting horses run to their full merit. There are also cases where jockeys, trainers and owners have been accused of collusion in that they have backed their horses to lose. Over recent months this has caused major problems and has raised concerns amongst racegoers, administrators and law enforcers in all states and internationally. Victoria is not the first state to have taken action to address those concerns by restricting race fields and there are indications that other states are considering amending their legislation accordingly. New South Wales has gone down that path already.

There is the possibility of an international betting exchange gaining a licence to operate out of Tasmania, and this legislation will limit the opportunity of fields on mainland racing but will not stifle possible offshore betting exchange activity. To remove offshore operators such as betting exchanges would obviously require an amendment to federal legislation. Limiting the use of race fields to approved providers and wagering outlets on shore will certainly assist in gaining some returns for the industry in the form of a product fee, and that will continue to assist in underwriting revenue streams for the whole industry.

The bill amends part 3 of the Gambling Regulation Act by inserting new section 2.5.16A(1). It deletes the words 'for valuable consideration' and replaces them with the words 'in the course of business'. I understand that this is being done for legal reasons in that it does not allow wagering providers to on-sell race fields. Racing fields require industry approval from peak bodies, not registration, in order that they may be used.

The opposition supports this amendment, keeping in mind the harm that betting exchanges could do to one of our state's largest industries. It is an industry that has a large impact on economies in rural communities, as well as the metropolitan area.

We all recognise the contribution the racing industry makes to Victoria.

Hon. J. A. Vogels — Especially country Victoria.

Hon. DAVID KOCH — We appreciate that something in the order of \$3.3 billion is gained in turnover across the industry. Racing also generates something in the order of 64 000 part and full-time jobs; over the whole industry effective full-time jobs would be in the order of 24 000 to 25 000.

We appreciate that it is a huge industry in regional Victoria, as my colleague Mr Vogels said, with over 70 per cent of all racing activities taking place in that area. It certainly underwrites many of our smaller businesses, whether that be our veterinary practices, feed stalls, farriers, the transport sector and not forgetting those in the horse training sector who house, prepare and race our blood stock.

Racing is a major entertainment, and this is reflected in the industry's marketing processes over the last couple of years. For instance, we have seen Racing Victoria Ltd gain year-on-year increases of up to 10 per cent in attendances at race tracks in country Victoria, and we have also seen off-course turnover rise by a similar amount. That is an absolute credit to the industry, its administrators and its marketers. It is a great product. It is not hard to sell, and Racing Victoria has done a marvellous job in moving further forward towards achieving a greater acceptance of the racing community in Victoria.

The third and possibly worst aspect of these amendments to the act is the further grab on behalf of the health benefit levy. This is the second occasion on which the government has put its hand in punters' pockets to shore up its mismanagement of the health industry. In 2001 we were told that the raising of licence fees on poker machines to \$1533 was a one-off, never to be repeated measure to assist in bringing down

the number of people on waiting lists at public hospitals by tens of thousands and further develop and upgrade hospitals, especially across regional Victoria.

In that year the industry was compensated with \$4 million, to be taken from the \$35 million that had been raised at that stage. This represented the amount that would have been taken away from racing under Tabcorp's joint venture agreement as a percentage of the electronic gaming machines licensed to Tabcorp. As we all appreciate, there are 30 000 licensed gaming machines in Victoria, 27 000 of which are shared between Tattersalls and Tabcorp, with the balance of 3000 located at Crown Casino. This is a number somewhat lower than was originally intended by the Kirner government when gaming machines were introduced to Victoria, at which time a figure of some 45 000 was mooted.

The government is not to be taken at its word because we have seen another \$45 million being ripped away from the gaming and wagering industries, with no warning and under the cover of darkness, to again top up the health benefit levy. This is another typical cost shift that we see occurring too often. If it is not here, we will find it in other departments. The one that is very easy to identify is, of course, local government in relation to money for roads or libraries. Again, these are being squeezed.

Government grants and transfer payments are made to local government after their receipt by the state government from the federal government, but as the federal government offers more funding opportunities directly to local government, the state does a cost shift by moving money it had made available for local government into other areas and departments.

This time when \$45 million was raised, \$5.165 million was pulled from the racing industry. As a result the government only saw fit to put back a miserable \$3.5 million in compensation. Tabcorp's contribution on this occasion amounted to \$20.625 million of the \$45 million removed due to the increased licensing fees, and as the racing industry is entitled to 25 per cent of Tabcorp's turnover under the privatisation, an amount of \$5.165 million should have come across as compensation.

This mob loves putting its hands in the pockets of hardworking people to extract every dollar possible. Again our hardworking, taxpaying punters are having to make great contributions to this government and its poor financial management. This latest grab continues to demonstrate the dependence of the Bracks government on the gambling dollar. When will it stop?

There is little doubt that the Treasurer has now become dependent upon gambling returns to shore up his own deficiencies at a direct cost to problem gamblers and those who need similar support from the Community Support Fund — and what a ghost that fund has become! It has become impossible to track funding streams through the fund due to the clever way in which reporting is done. Many regional gambling venues are now grouped together, which does not allow anyone to identify the actual turnover of each venue. It is now impossible to assess the correct contributions and entitlements for specific gaming venues and communities in order to gauge what assistance should be afforded to those in need of counselling or direct help.

The latest grab is not the last the industry can expect. Page 85 of *Daily Hansard* of Wednesday, 14 September, records what was said by the Minister for Racing in another place. He said that because the earlier Marsden report had recommended that fees of up to \$4500 be levied on machines, further increases were imminent. The gaming industry will be floored by these assertions. I will quote from *Hansard* so that we are in no doubt about this government's intention. The Minister for Racing openly put his position when he said, as reported at page 85:

The reality is that the Marsden report identified ... the nature of the duopoly ...

...

One can imagine the effect of having this report in the public's face as it says, 'Raise up to \$4500 per gaming machine because it is in the public interest to capture it on behalf of the community, by government for the government's shareholders, being the public, compared to private sector shareholders who bought into the business when they expected less out of it'.

I suggest that was a pretty wild statement for the minister to make, because many people within the gaming and racing industries saw the advantages of the privatisation of Tabcorp, and good returns were always foreseen. The minister went on to say:

That is why it is good public policy to then address that issue and actually raise what is a reasonable levy. That is exactly what the Treasurer has done. The Treasurer has raised a reasonable levy and has actually raised it to a level less than the Marsden report indicated. Imagine if the government did not act on that report? One would have the hypocrites on the other side at the same time saying that the government had a report that it had released publicly and is not even acting upon it.

Later on the minister was challenged by the member for Bass, who said:

I would like to go back to what the minister has just been saying. The minister is saying it is not enough. How much is enough? How much is enough money, when is the next amount going to hit, how much is it going to be ...

In response the minister said: '\$4500'. I think it is very clear from statements that are recorded in *Hansard* and from the government's actions that a further \$1500 will be opportunely gained from raising licensing fees on machines. It probably will not be done in the life of this Parliament, but certainly in the life of the next.

In conclusion, although opposition members are not supportive of a further cost shift in gaming revenue and racing dollars being put towards the government's shortfalls, be it in the form of a health benefit levy or otherwise, the amendments concerning the Crown lease at 400 Epsom Road, the classification of the racing appeals process and the restriction of the publication of race fields are supported by the Liberals. We are not opposing the legislation; we wish it a speedy passage through the house.

Hon. P. R. HALL (Gippsland) — I welcome the opportunity to speak on the Racing and Gambling Acts (Amendment) Bill. At the outset let me say that I am a very strong supporter of the racing industry. On the one hand, I think we have a fantastic sporting industry in Victoria, but on the other hand, I am not such a strong supporter of the gambling industry. That is not because I do not partake in gambling. Probably like the majority of the population, I am a moderate gambler. I am not a successful gambler by any means, but I can see that the whole issue of gambling is one that causes some concern in our community. We have a gambling industry and we have always had a gambling industry in this state — I accept that — but we need to be careful to make sure that it is strictly regulated and operates in the best way it possibly can and in the most transparent way it can.

When I look at this bill my overriding concern is that government members are at it again. They tend to put together amendments to a number of acts. In this case I think four acts of Parliament are being amended to disguise another underhanded grab for cash. That is exactly what this government is doing here. Whilst three-quarters of the amendments contained in the bill are quite acceptable — indeed they are commonsense amendments and well supported by all members of the chamber and generally by the industry — there are certain amendments which are far from acceptable. I think it is just another grubby exercise by government members to get their hands on additional cash and ultimately make heroes of themselves.

I want to tackle the gambling issue first of all, and then I will go to the racing part of it. In clauses 8 and 11 of this bill we are seeing an increased levy of \$1533 per year on every gaming machine in the state of Victoria, which will raise an extra \$45 million of revenue per year for the government. As Mr Koch has said, that comes on top of the imposition of a levy of \$1533.33 on all poker machines a couple of years ago. During the lifetime of this Bracks government we have seen levies in excess of \$3000 put on every poker machine in Victoria, which has netted this government an extra \$90 million per year in cash. We have talked about this government being a high-taxing government, and I will mention some of those taxes in a moment.

The government claims that this extra \$90 million will go directly towards improving health funding in this state. My questions are: does it? How can the government prove it? How can the government prove that this \$90 million is being put in as extra money for the health budget? Every year the health budget goes up, as does the education budget. It is commonsense that when the state gets extra revenue and when costs increase, health and education are going to be two budget items that increase, as they do every year.

How can you identify that the \$90 million being raised from a levy on gaming machines is new and extra money which would not be there otherwise and which is going into the health budget? You cannot. There is no line item identifying these particular programs as being funded from the \$90 million collected from the gaming machine levy. All it does is provide members of the government with replacement funding of \$90 million so they can afford to spend an extra \$90 million in some other area to make heroes of themselves rather than having to find \$90 million for the health budget. To simply say that this levy is going towards increasing health is a con trick, because it cannot be identified. It cannot be proved that this extra \$90 million will be spent on health.

As Mr Koch also said, it was in 2001 — I think that is when it was — that a levy of \$1500 was first imposed on every poker machine, and now we have another similar levy. I do not know whether that contradicts the licence agreement that the state government has with Tabcorp and Tattersalls. One thing I do know is that it devalues those licences. Obviously if a licence has a \$90 million debt a year that has to be found by way of levy on gaming machines, that will devalue that licence by that \$90 million. Essentially what we are doing is lowering the value of those licences now for the sake of a quick grab for cash at this time. That should be remembered.

I also put on the record that this comes on top of this government — whose members claim that the previous Kennett government was a high-taxing government — introducing a whole range of new taxes and increases. Not only is there the new gaming machine levy but there is the new parking tax, which is another \$30 million underhand grab for cash. We have land tax at record labels, stamp duties soaring and windfall GST revenue coming to the government. Quite simply, if members of the government were prudent economic managers there would not be a need for this levy and we could well afford to lower some of the other taxes that Victorians are paying now. I say quite clearly that The Nationals consider the amendments made by clauses 8 and 11 to be part of an underhand, grubby trick of the government which is trying to say that it will provide an extra \$45 million for health funding. It will be an extra \$45 million that members of the government will waste or splash somewhere along the line to make heroes of themselves leading up to the election next year.

Having referred to the objectionable parts of the bill, I refer to some of the more sensible arrangements proposed by some of the other amendments. I refer to the amendments relating to illegal and unlicensed betting operations. As is described in the second-reading speech, one of the key features of the bill is:

... the creation of a new offence prohibiting the unauthorised publication of race fields ...

Not being well versed in gambling, I needed to find out exactly what the publication of race fields means. I understand that it refers to the fact that people publish a list of competitors in a race and then provide a service by which people can bet on those. Members are aware that that already happens with licensed operators like Tabcorp and oncourse and offcourse bookies at race meetings and also that quite a number of illegal operations are undertaken in the sense that betting with people who are unlicensed also goes on. In particular, unlicensed SP bookies have always been around in Victoria. Now online betting is provided by internet services. Indeed, some interstate and overseas bookmakers are taking bets on Victorian race meetings without having a licence to do so.

Certainly the amendments in clauses 5, 6 and 7 of part 3 attempt to address the issue of unlicensed betting on Victorian race meetings. It is pretty important that the industry be strictly regulated because the whole operation of licensing betting operators returns a good deal of revenue to the state and, even more importantly, to the industry. If people who are conducting betting

operations are unlicensed, then revenue is not flowing back to the industry. Indeed, the racing industry in Victoria relies on that revenue coming back from licensed betting operators. Without that, a lot of racing, particularly in country Victoria, would become marginal. Having licensed betting operators with some of the revenue being returned to the industry is very important. It provides for a clean industry which can be strictly controlled. That is why The Nationals strongly support those amendments contained in clauses 5, 6 and 7 of part 3. We consider them essential to better regulate betting on Victorian race meetings. Those amendments are very sensible and we understand that they have industry support.

It is important to note that clause 3 provides a range of administrative procedures which will make the operation of the Racing Appeals Tribunal better. Again, those amendments were requested by the industry and will assist it in maintaining its image as clean and completely open and transparent. Some of the penalties that are handed down from time to time to trainers and jockeys are pretty severe. Indeed over the weekend I read in the paper that some jockeys may miss the spring carnival because they have been suspended because of certain matters. That is unfortunate for them but probably necessary for the industry to retain that strict control to ensure that people have confidence that there is no rigging of events and that everything is above board. I commend Racing Victoria and all those involved in racing clubs throughout Victoria on their efforts in ensuring that their industry is properly regulated and achieving the expectations of punters.

Clause 4 will enable the transfer of the lease of land from the Victoria Racing Club to Racing Victoria Ltd. That is very well explained in the explanatory memorandum. I will not read all of that. Racing Victoria was created in 2001 when it took over the control of racing in Victoria. Until then, the Victoria Racing Club essentially controlled thoroughbred racing in Victoria. It operated the Racing Victoria Centre at 400 Epsom Road. Some years ago I visited that particular facility and was very impressed by it. Now Racing Victoria runs it and it seems to make sense to ensure that the lease of the land on which that facility is based is in the hands of Racing Victoria rather than the Victoria Racing Club. That is a very sensible amendment. As I said, of the four main areas of the bill three are very sensible and eminently supportable. The fourth, relating to the increased levy on gaming machines, is certainly not in the same category.

I finish by talking about the importance of country racing, as was mentioned in part by Mr Koch in his contribution. Of course, we are both representatives of

country electorates and value the importance of country racing to Victoria. When you look at the Country Racing Victoria (CRV) web site, you see the impressive economic contribution that country racing makes to this state. It states:

Country Racing Victoria is made up of:

- 53 race clubs
- 52 racecourses
- 412 meetings a year.

I do not get to enough of those meetings but when I do I find that they are great local events.

Mr Pullen — The Moe Cup!

Hon. P. R. HALL — The Moe Cup will be run next Thursday and as Parliament will not be sitting I hope to get to that meeting. I am looking forward to that.

On the economic impact, the CRV web site indicates that:

Country racing's total economic impact is in excess of \$912 million per annum.

Country racing creates 10 635 direct jobs in breeding, training, race clubs and wagering.

Regional Victoria represents 65 per cent of direct jobs created through thoroughbred racing in this state.

That is, of course, at a lot of the training centres like those at Cranbourne, Mornington, Geelong, Ballarat, Bendigo and Warrnambool, which are strong racing clubs that have training centres outside the metropolitan area. Some of the very fine thoroughbreds that we have in this state are trained at those centres. In fact, 79 per cent of thoroughbred racehorses trained in Victoria are trained in regional Victoria. Although I have never been part of a syndicate, I know that the cost of training a horse is fairly expensive as I have friends who have been involved in that. So the training of those horses also makes a significant contribution to the economy of country Victoria.

The web site indicates on betting turnover:

Country racing contributes \$494 million in local offcourse wagering, which is approximately 45 per cent of Victoria's annual local offcourse wagering revenue.

So our country race meetings are pretty popular. I know that when there are country race meetings with a metro TAB they always attract a bit of customer support for country race meetings. You see people going in and betting on the Moe, Sale, Bairnsdale, Warrnambool or other regional centre races. It is a very important

industry. For example, 58 per cent of owners live in regional Victoria, as do 74 per cent of breeders.

One could well argue that regional Victoria is the heart of thoroughbred racing in this state with the majority of horses being trained outside the metropolitan area. Country racing in particular is a very important industry for we who live in and represent country Victoria. That is why all the amendments contained in the bill, apart from those affecting the gaming levy, are sensible. We think they will enhance the position that racing has in Victoria.

It is to be regretted that the government is using the bill to have a mix of amendments to a number of acts while disguising one fairly objectionable matter — that is, the increase in levy on gaming machines — that is among some very sensible changes to the administration of racing in Victoria. The Nationals will not oppose the bill because those changes in the racing industry need to be supported. However, again I say shame to the Bracks government for its further underhanded \$45 million slug on Victorian taxpayers.

Mr PULLEN (Higinbotham) — It is with pleasure that I support the Racing and Gambling Acts (Amendment) Bill. This bill contains various amendments to acts under the racing and gaming portfolio. The first objective of the bill is to introduce a new offence prohibiting wagering service providers from publishing information relating to horses or dogs nominated to participate in a race meeting unless authorised by the controlling bodies; anyone who does so without authority will be penalised 60 units.

The second objective is to make minor technical amendments to the Racing Act 1958 to facilitate the transfer of the Crown lease from the Victoria Racing Club to Racing Victoria Ltd and ensure consistency of a process in appeal rights to Racing Victoria's Racing Appeals and Disciplinary Board. The third objective is to give effect to a decision of the expenditure review committee of the cabinet to increase the annual health benefit levy payable by gaming operators and the casino operator.

The first two amendments have been requested by the racing industry. These will protect the industry and government revenues, enhance the integrity of racing and wagering, and assist Racing Victoria to efficiently manage the conduct of thoroughbred racing in Victoria. The third amendment will generate an additional \$45 million in revenue, which will be directed to the state's public hospital system.

As members would be aware, I have a great interest in racing. I am a member of the Melbourne Racing Club, and I have also got a horse which has not won yet, but hopefully it will shortly. Victorian racing, without doubt, is the best. The Economic Development Committee, of which I am a member, travels a lot in its work and is currently looking at the race breeding industry. Everywhere we go, including overseas, we hear that the standard of Victorian racing is outstanding.

We can always learn something, though, from other racing places. Only recently as a member of Parliament I was at the Gold Coast Turf Club. One good thing about that meeting was that on the public address system at the track you could hear a broadcast of the races at, for example, Melbourne, Brisbane, Sydney or the Gold Coast, unlike what happens in Victoria. Perhaps Racing Victoria should examine that practice.

Information on the Gold Coast tote screens is very easy to understand — they always stick to the one meeting, not like in Victoria with the TAB jumping all over the place so that half the time you have no idea which race meeting you are watching on the TV screen.

At Queensland tracks the TAB remains open until well after the last race. Often at Victorian racetracks it closes soon after the last race, so people who are still betting on meetings elsewhere have difficulty getting their bets on. We can always learn from elsewhere. I note also that Racing Victoria is going to change its track rating system to the same as the system in New South Wales — that is, from the current ratings of ‘fast’, ‘good’, ‘dead’, ‘slow’ or ‘heavy’ to a numerical system which is far easier for punters to understand. The system will see a no. 1 rating for ‘fast’ through to a no. 10 for a ‘heavy’ track.

Victorian racing is the best and is strongly supported by the Bracks government. Also Racing Victoria is well served by its chief executive officer, Robert Nason. Last year the Spring Racing Carnival provided a gross economic benefit of more than \$460 million to Victoria. I am advised that tickets for this year’s carnival are selling much faster than they did last year and are expected to pull in about \$520 million.

A new offence being introduced in this bill concerns the unauthorised publication of race fields. The amendment creates a new offence prohibiting the publication of race fields by wagering service operators unless authorised to do so by the controlling bodies of the three racing codes. The amendment is designed to protect the racing industry against current and potential policies of unauthorised betting operators who are based interstate or overseas.

I listened to the second-reading debate in the lower house. With his usual form the member for Bass said a lot of silly things and carried on about Betfair. I do not believe Betfair is good for the industry but this is not a Betfair bill — I have already detailed the objectives of this bill. The member for Bass also asked what was the point of it all. I say, ‘What is the point of anything?’. For many years starting price bookmakers were outlawed but still operated. Because of the changes the Bracks government has brought in the operations of SP bookmakers are virtually defunct today.

It is estimated that \$342 million is wagered annually with Darwin bookies alone, which costs the Victorian racing industry \$22 million and the government \$15 million. As I said earlier, the Bracks government has been outstanding with regard to the racing industry, particularly with the abolition of turnover tax and allowing bookies to bet on virtually anything that is approved by the minister. That also helped to get rid of SP bookmakers.

The bookmakers do not pay any tax to the government although they do pay a 1 per cent levy to the controlling bodies, so Racing Victoria, Harness Racing Victoria and Greyhound Racing Victoria receive 1 per cent of turnover as a levy; 10 per cent of that money is set aside in a bookmaking development fund, which in turn is spent promoting bookmakers as an on-course betting alternative.

The member for South-West Coast in the other place used the throwaway line that one of the greatest boosts to the racing industry was the privatisation of the tote. What a load of bull! That is absolute garbage. An article by Rod Nicholson in the *Herald Sun* of 2 October states:

There is uneasiness among small community TABs with news that Tabcorp will close 26 of its smaller NSW TABs in hotels and clubs by the end of next month.

Members should remember that the two totes have now combined. The article continues:

The venues each generate wagering turnover of less than \$2000 a week and are regarded as ‘uneconomical’ by Tabcorp.

I will not read all the article, but it further states:

A Tabcorp message said the objective was to encourage punters to go to outlets that offered superior comfort and customer service.

But as several small Victorian country agents said this week, the smaller outlets provide a community service that should be fostered, not discouraged.

Here we are again — a great former government agency has been flogged off and privatised by the conservatives kicking the bush in the guts, yet there has not been a beep from The Nationals and the country Liberals. The Nationals are lying down like frightened dogs and letting the Liberal Party march right over the top of them, the same as they did with Telstra. Shame on The Nationals and on the country Liberals!

There is one other issue in relation to the TAB. I can never understand the betting on the Brownlow Medal — and I would like someone to explain it to me. The race has been run yet bets are still allowed during rounds 1 to 22 and after it has finished. It is the only event where you can get on before, during and after the jump as well as when the race has ended. One day that could raise questions about the veracity of betting on the Brownlow Medal.

Hon. P. R. Hall — Ask Justin; he is in the chamber.

Mr PULLEN — He's asleep. I should not have said that: I did not mean that. He is concentrating. It is envisaged that the passing of this bill will encourage unauthorised wagering operators to seek appropriate approvals from Victorian racing authorities should they wish to continue to conduct their business on Victorian racing. However, should enforcement strategies be required, the recent decision in *Dow Jones & Company Inc. v. Gutnick* supports the potential for a successful prosecution of an interstate-based operator should the law be breached by a person in a jurisdiction outside Victoria.

I want to touch briefly on some other parts of the bill, including the transfer of a Crown lease from Racing Victoria Ltd and the Victoria Racing Club. This is a technical amendment to the Racing Act 1958 which is required to facilitate the transfer of a Crown lease at 400 Epsom Road, Flemington, between RVL and VRC. In performing its functions RVL now operates the Racing Victoria Centre. The centre is on Crown land which is leased to the chairman of the VRC, and it incorporates research laboratories and racing administration headquarters. The bill makes a number of minor technical changes to the Racing Act 1958 to clarify appeal rights from the RVL Racing Appeals and Disciplinary Board to the Victorian Racing Appeals Tribunal.

A bit has been said about the health benefit levy. The purpose of the levy is to extract part of the super-profits available to the gaming machine operators as a result of their exclusive licence to operate gaming machines and the restrictions on the total number of gaming machines that can be operated in Victoria. The member for

Lowan in the other place is a good friend of mine, but he got it terribly wrong when he said that the government would take the money away from community groups. That is not the case. The legislation nominates what percentage from each machine will go to community groups, and 87 per cent is returned to the punter. The additional fee of \$1500 is taken away from the three operators, TAB, Tattersalls and Crown, so it will not have any effect whatever on the community groups that benefit from the poker machines. Opposition members in the other house continue to say — although Mr Koch did not say it in this house — that the budget turnover in Victoria since the Bracks government came to power has risen from \$19 billion to \$30 billion. They must have all read the same notes. At least Mr Hall made a sensible contribution, because these things increase all the time —

Hon. Bill Forwood — By 60 per cent?

Mr PULLEN — I am coming to that. As I said, there will be a health benefit levy, and it is important to touch on some of the things that the Bracks government has done in health. We hear that the Honourable David Davis is going to put on a turn tomorrow in here attacking the government on its performance on health. We were elected in 1999 and again in 2002 to turn around our hospital system and give Victorian families access to quality health services. The 2005–06 budget provided a further \$1 billion boost in health funding, including a new statewide health advice line, a massive boost to hospital emergency departments, and a \$30 million blitz on elective surgery. With new investment of \$2.4 billion since 1999, the Bracks government has rebuilt or is rebuilding 26 hospitals across Victoria. We have increased funding to our hospitals by 71 per cent. Over 1.2 million patients are admitted each year, an increase of 200 000 patients since 1999. I can go on about mental health funding being boosted by 62 per cent. The Victorian ambulance services have also been boosted. I could go on, but I have not got enough time.

I want to come back to the point that the Liberal Party always talks about the increase in the budget from \$19 billion up to \$30 billion. Let us compare that to the Howard federal government, which in 1999 spent \$153 billion. The estimated expenditure for 2004–05 is around \$231 billion, a massive increase of \$91 billion for Australia. Let us work it out. If Victoria has one-quarter of the population its share of tax should have been increased to \$23 billion not the \$11 billion we are talking about. What have we got for it? Virtually nothing. The Liberal Party is going to dish out \$500 million to a multinational company for its half-witted policy —

Hon. J. A. Vogels — What has that got to do with it?

Mr PULLEN — It has got everything to do with it, because you have been talking about the increase in the budget. You would again get up to your old tricks of smashing up services, particularly health, but fortunately the good people of Victoria will again reject you.

This is good legislation. The opposition should stop nit-picking and grandstanding, because it supports the bill. The Spring Racing Carnival is coming up, and I commend the bill to the house.

Hon. J. A. VOGELS (Western) — Racing in Victoria is a multimillion dollar business that is very important to country Victoria. In the Western District, where I come from, we have many race days at Warrnambool apart from the famous three-day event in May. We also have racing at Hamilton, Ballarat, Edenhope, Geelong, Colac, Horsham, Avoca, Casterton, Terang, Camperdown, Mortlake, Stawell, Ararat and Peshurst. Those racing days bring an enormous amount of benefit and money to those towns and districts throughout the year. Racing employs thousands of people before a horse ever steps onto a track, so we know how important this industry is, especially to country Victoria.

In view of the millions involved both on and off the track it is important that Victorians have confidence in this industry as a whole but principally in the control and integrity of thoroughbred racing. Racing is managed by both the stewards and the appeals disciplinary board, with all minor appeals going before the Racing Appeals and Disciplinary Board where a suspension of less than a month and a fine not exceeding \$250 are involved.

More serious offences would go to the Racing Appeals Tribunal.

Part 2 of the bill amends the Gambling Regulation Act 2003 in relation to the publication of race fields in an endeavour to curtail the activities of non-registered operators both interstate and internationally. Currently Riser Racing Australia is the principal race fields provider, as it collates, administers and retains all fields nationally. It provides Tabcorp and other state racing bodies with weekly information in relation to race fields. This process needs to be beyond reproach. Currently any wagering that is undertaken either through registered bookmakers or Tabcorp contributes 16 per cent of the original investment towards both taxes and stakes. This money underwrites the industry

through the earlier privatisation of Tabcorp and bookmaker contributions.

The third part of the bill is just another grab out of punters' pockets in order to shore up the health industry. As the Honourable Peter Hall, a member for Gippsland Province, mentioned, this is just another cost shift by the Bracks government to get its hands deep into the pockets of punters to take out a few more dollars, because I can see nowhere in the budget a line item that says, 'This is the \$90 million' — or whatever it was — 'that has come out of punters' pockets'. This should be coming out of general tax revenue — we all know this government is raising plenty of that!

Racing is an integral part of country Victoria. There are 53 race clubs in Victoria. As I said before, it provides lots of jobs — approximately 10 000. Some 75 per cent of horses are trained in rural and regional Victoria, and the whole industry in country Victoria collects about \$1 billion a year. That is why it will be so important after the next election that the members who represent the three so-called rural and regional seats in this house of review understand country Victoria and have lived and worked there. In this house we review bills that affect country Victoria, so we need members who come from country Victoria.

The Premier has been going around saying there are three so-called rural seats. The one I come from will be called Western Victoria. It actually starts in Melton and goes all the way to the South Australian border. Basically once you get off the West Gate Bridge you will be in Western Victoria, but it is called a rural seat. The Bracks government says these are rural seats; let us hope we can get some rural candidates. It is my understanding that no. 1 on the Labor Party ticket for Western Victoria in the 2006 election will be Jaala Pulford — —

Hon. David Koch — Who?

Hon. J. A. VOGELS — That is what everyone asks me. Apparently she will be the right's no. 1 candidate for western Victoria. Big deal!

Hon. B. N. Atkinson — Really? What about Sang?

Hon. J. A. VOGELS — I do not know where Sang is going. Guess who is the no. 2 candidate?

An honourable member — Justin Madden?

Hon. J. A. VOGELS — No, Gayle Tierney, a shop steward for the vehicle builders union. This person will be representing a rural seat, but she probably has not

been over the end of the West Gate Bridge in the last 25 years — —

Mr Pullen — On a point of order, Acting President, I fail to see what this has to do with the bill — Western Victoria. I ask that you bring the member back to the bill.

The ACTING PRESIDENT (Mr Smith) — Order! I extend a little licence to the member, but he needs to be aware that at some stage he has to get back to the bill.

Hon. J. A. VOGELS — What I am trying to relate it to is the importance of having rural members of Parliament. Regarding the no. 3 candidate for Western Victoria, there is a big fight going on at the moment. Poor old Elaine Carbines is struggling for no. 3. She has been told she is supposed to knock off the member for Geelong in the other house, Ian Trezise. At this stage she has not got around to doing it, and I do not know whether she would, but that is her job.

We know that Mr Eren has scampered and knocked off the member for Lara in the other place, Peter Loney. What a mockery of the so-called electoral system! We can only hope that this rural seat will be represented by rural members who understand rural issues. I remind members this is a house of review, and legislation on country racing — —

The ACTING PRESIDENT (Mr Smith) — Order! I direct the attention of the house and Mr Vogels to the fact that it should come back to the bill. The issue of relevance is important, so I ask members to return to debating the bill.

Hon. J. A. VOGELS — I accept your ruling, Acting President. The racing industry in country Victoria needs representation as it has been provided by the shadow minister, the Honourable David Koch. He has done an excellent job for racing in country Victoria; he works closely with the racing industry. He debates these issues on their merits and knows what he is talking about. I take my hat off to Mr Pullen because he knows a fair bit about racing and does a pretty good job.

This bill is designed to take another tax grab from punters' pockets, but I find it difficult to criticise the bill because the government says it will put more money into health services in Victoria. The easy solution is for the government to take more money out of punters' pockets to prop up health services. Funding for that purpose should come from general revenue, not from the pockets of punters.

Hon. S. M. NGUYEN (Melbourne West) — I support the Racing and Gambling Acts (Amendment) Bill 2005, which is appropriate with the Spring Racing Carnival being held over the next few weeks. A lot of people are excited about the racing festival surrounding the Caulfield and Melbourne cups in October and November. People are supportive of the racing industry, and the government is tidying up the legislation to support that industry and to raise money for the health benefit levy.

The bill does a number of important things. Its key features, as stated in the second-reading speech, are:

the creation of a new offence prohibiting the unauthorised publication of race fields

It also provides:

legislative support to facilitate the transfer of the Crown lease from the Victoria Racing Club to Racing Victoria Ltd;

consistency of process for appeal rights to Racing Victoria Ltd's Racing Appeals and Disciplinary Board;

an increase in the annual health benefit levy payable by gaming operators and the casino operator.

Racing is a big industry and creates a lot of jobs for Victoria. The government wants to ensure that all money raised benefits Victoria and its economy, and the people directly involved in the industry — more jobs and more opportunities will be provided.

The bill talks about unauthorised people being involved in the industry. We want to stop the publication of race fields by unauthorised wagering service providers. The bill is designed to protect the industry against the current practices used by overseas and interstate unauthorised wagering service providers. Melbourne has a first-class racing industry and people have great interest in it, especially in the Melbourne Cup. Unauthorised wagering operators collect a large but unknown amount of money from the industry; the bill will stop unauthorised wagering, which will mean more revenue for the industry.

Unauthorised wagering operators work from interstate and overseas, so they are difficult to control. The bill provides for an increase in the annual health benefit levy imposed on gaming operators and the casino operator. The amendment will increase the levy payable by \$1500 per year. The levy will now raise \$91 million per year, which will go directly to the Hospital and Charities Fund. Many health organisations, such as the Royal Children's Hospital, need funds, and this increase in the levy will benefit such organisations. The increase will generate an additional annual \$45 million in revenue and will ensure that through the regulation

of the number of machines, the community will get a fair share of the super profits that the gambling operators make.

The government wants to raise more money which can be used for health services. The increase in the levy will have no impact on returns to players as they will continue to be protected by the legislated minimum payout rate of 87 per cent. The additional levy money will come from the operators.

In conclusion, this bill is about how we can protect the racing industry and stop unauthorised wagering operators. It will help increase the amount of money coming back to Victoria and will provide additional spending on health services. It will make the racing industry more accountable. The Victorian community will benefit from the bill, and I support it.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so I wish to thank the respective members of the chamber for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL

Second reading

Debate resumed from 15 September; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. ANDREA COOTE (Monash) — I have pleasure in speaking on this bill. It is only a small bill, but it is going to have a long-term impact on Melbourne and people such as tourists and families who use our city in the future. The Liberal Party is not opposing the bill. Just for the record I would like to explain that the bill amends the Melbourne Lands (Yarra River North Bank) Act 1997 to provide for additional land to be

included in the site used for the Melbourne Aquarium and for other purposes. Under the Melbourne Lands (Yarra River North Bank) Act 1997 the Melbourne City Council is the committee of management of the land shown in schedule 1 to that act, and the Melbourne City Council is also authorised by the act to grant a lease not exceeding an aggregate of 99 years for the purpose of the construction or occupation of an aquarium and substantial buildings or works for related retail, tourism or commercial purposes on that land.

In November 1997 a lease for the initial term of 50 years was granted to Melbourne Underwater World Pty Ltd for the purposes of the Melbourne Aquarium. To facilitate the expansion of the Melbourne Aquarium it is necessary to provide for additional land to be included in the aquarium site and for the lease relating to the aquarium to be varied for that purpose. This piece of land abuts my electorate of Monash Province, so I drive past it on a regular basis.

When in this Council in May 2003 we discussed another part of this process, the Melbourne (Flinders Street Land) Bill, I said that with the very ugly overpass and the car parks that were there you could not see how the land was being used. Many of us would have driven or walked past that land many times without actually knowing what it was and what was involved there. I recently drove past and I have to say that the work being done there is excellent; you can now start to see the space that is there. It certainly amalgamates the northern and southern banks of the Yarra River, and it gives a nice flow to the precinct. All Melburnians will be proud of the fact that this work has been done.

There was a lot of concern about the overpass and how the area was going to operate, with many commuters being concerned about how it would impact upon their travelling up and down Flinders Street. We are now starting to see the width of what is going to happen there, and I hope the flow of traffic along Flinders Street will be enhanced. There will be a super-stop for trams. Although difficult in some respects, these super-stops are safe and easy to see and use. There will be a super-stop at that site, and that will be welcomed, because it will bring people down to that area and will be an adjunct to that end of the city.

As I have said before, the bill is about the aquarium; it is going to give additional land to the aquarium. It is interesting to reflect for a moment on the aquarium and its success. We can see from the aquarium's web site that it opened in 2001, and it has been a huge success. It is not just a fish museum, it is an interactive facility enjoyed by many people — both young and old Victorians and people from the rest of Australia as well

as international tourists. I would like to put on record my praise to all the people who have been involved with this facility, because it reflects well on Victoria. The operators of this aquarium are now operating aquariums in other parts of the world. They are high tech and well received, and they are doing an excellent job everywhere else as well.

If we have a look at the web site, which I did today, we can see some of the programs the Melbourne Aquarium has put in place. It educates at least 65 000 students annually through its stimulating educational programs. Each program sees trained and passionate marine educators deliver face-to-face teaching sessions for a range of purposes. I have been around the aquarium with these marine educators, and there is never enough time because the information they give you is so interesting. I encourage everybody here, if they have not already been, to go on one of these tours because they are seriously interesting.

Aside from the education programs, there is also a conservation program. It is important to understand that the aquarium is dedicated to sustaining the environment. Part of the education program and process is to provide people with an understanding of marine biology so that they can look at the conservation of species and appreciate the fragile environmental areas, and the aquarium does this exceedingly well. Its aim is to increase conservation awareness and encourage actions which positively contribute to the improvement of the world's aquatic environment. Everybody would have to agree that it achieves that goal.

One of the interesting aspects of the Melbourne Aquarium that I had not realised until today, when I had a look at the web site, was its interesting research program in association with Monash University and BHP Billiton. Industry and the aquarium are working together to look into the conservation aspects of sharks, with a particular emphasis on the rare broadnosed seven-gill shark. For two years a team of Monash University researchers and the Melbourne Aquarium marine scientists have been performing artificial insemination on the broadnosed seven-gill shark. They believe that has been successful, but will not know with certainty until this month. I hope someone will tell us whether that program has been successful. We certainly hope it has been a success, because it has worldwide ramifications for rare and endangered species. We can all be proud that this research is happening in Victoria. We look forward in anticipation to seeing the birth of a broadnosed seven-gill shark at the aquarium.

As I said earlier, the Liberal Party does not oppose the bill, because its effects will enhance the city. It is

important that we put the parameters in place so that people can feel confident in developing businesses in this state. Although it is a small bill, it will have long-term ramifications. I wish it every success.

Hon. P. R. HALL (Gippsland) — It is my duty this afternoon to speak on behalf of The Nationals on the Melbourne Lands (Yarra River North Bank)(Amendment) Bill. Despite this being a Melbourne-based project, it is one of enormous interest to everybody in The Nationals, given that the Melbourne Aquarium is frequently visited by people we represent and is part of the important infrastructure of the state.

This is a small bill that facilitates the lease of an additional 3965 square metres of land to the operators of Melbourne Aquarium. I understand that around 2500 square metres of this land will be used to house the expansion of buildings at the aquarium. I also understand that this proposal is supported by the City of Melbourne, so The Nationals certainly do not have any objections and will be supporting the passage of the bill.

I note in the second-reading speech that over the past 12 months around 700 000 people have visited the aquarium. I also note from the second-reading speech that many of those people have been overseas visitors to Melbourne. I might add that many of its visitors come from country Victoria. I am well aware that many children in particular have great delight in visiting Melbourne Aquarium, whether they be with their families or with organised school groups. I know it is becoming a popular venue for school groups that are spending a few days in Melbourne, to learn about fish species and generally about the marine environment.

I have a confession to make in that during the nearly five years the aquarium has been open I have never visited it.

Honourable members interjecting.

Hon. P. R. HALL — I might take up the offer of some members to take a look at the new broadnosed seven-gill shark. Certainly it is not a case of my not wanting to visit the aquarium; it is just that I have never taken the opportunity to visit it. From the glowing reports I have received from my constituents who have visited the place I understand I should visit it in the near future.

Just in case people may think I am a bit of a Philistine or a sports-orientated person, I add that I have never visited the new Docklands sports stadium. I have been to the Immigration Museum, which is very close to the

aquarium, and of course I have been to the Victorian Arts Centre and some months ago enjoyed the Dutch masters exhibition. There are features of Melbourne which I need to visit to extend my cultural interests.

I have heard glowing reports about the educational value of Melbourne Aquarium, which has become an important place for many schools that traditionally visit Melbourne. For instance, country schoolchildren will come down for a week and take the opportunity of staying in Melbourne to visit Parliament House, the Melbourne Cricket Ground, the Melbourne Aquarium and Scienceworks. Children are able to broaden their experience by seeing some of these specialist facilities around Melbourne.

Much of the planned expansion to the aquarium building will provide an educational focus and greater opportunities for more children to gain broader educational experiences through what the aquarium provides for people. I am delighted that will happen.

I am also delighted that the planned expansion of the aquarium will take place once the Flinders Street overpass has been pulled down. That is certainly an area of the city of Melbourne that needs brightening. I know that some of the tall buildings shade some of the north bank areas of the Yarra River, and they need to be brightened up. The removal of the overpass will open up that space and make places like the aquarium far more visible and attractive for people to visit.

All in all, this is a sensible piece of legislation that will help with the expansion and enhancement of an important piece of infrastructure for the city of Melbourne and the state. For those reasons The Nationals are prepared to support the bill.

Ms ROMANES (Melbourne) — I am also pleased to support the bill. It was the *Age* that first turned our attention to what was a much neglected resource in this great city — that is, the Yarra River. It was about 30 years ago that the *Age* ran the Give the Yarra a Go campaign to try to have more resources directed to the river's banks and to realise the potential of the Yarra River precinct for recreation and a whole lot of other productive uses.

In that time we have witnessed the transformation of the Yarra River precinct — beginning, of course, with the changes to Southbank initiated by the then planning minister, Evan Walker, in the 1980s, and more recently with the north bank. Some of the key projects have been Enterprize Park, the place where the first white settlers landed near the turning basin on the Yarra River in 1835, some 150 years ago. Also pedestrian and

cycling paths have been developed there. Just last Sunday I was with friends riding the Capital City Trail. It is a magnificent experience to ride around inner city Melbourne and along the north bank of the river from Richmond right through to Docklands.

Under the Bracks government Birlarung Marr has been developed. The Melbourne City Council has taken that initiative and added a park along the north bank of the Yarra River, which has blown open the minds of Melburnians, other Victorians and other people who visit the city to see what is achievable along the long-neglected north bank.

Despite considerable obstacles and constraints in the past we have realised new visions and vistas on the Yarra's north bank to the east of Princes Bridge. The Melbourne City Council and the Bracks Labor government are committed to further redevelopment and opening up of the north bank, to increase the accessibility and attractiveness of the north bank for use by people who live in or come to visit the city. The Sandridge Bridge is another joint project being undertaken currently to add to other features.

We are increasingly seeing the Yarra River and the north bank emerging as major places for recreation and pleasure, but still some great challenges loom. As you move along the north bank towards the west of the city there is still a lot of work to be done. One of the key initiatives taken under the Kennett government was a competitive tender for land west of Enterprize Park, which was won by Melbourne Underwater World. The Kennett government facilitated a long-term commercial lease through an act of Parliament in 1997, and under this government we have seen the opening of the Melbourne Aquarium. The aquarium has lifted the image of the north bank and become a major tourism attractor. As Mrs Coote outlined, the aquarium is a very important education resource for the 70 000 students who visit it each year.

A further important development took place in 2003 when legislation was passed to facilitate a change in the use of land at the old fish market site, reflecting an agreement between the Melbourne City Council and the Bracks government to remove car parking, to remove the unsightly road overpass — that is happening at this very moment — to restore at grade the intersection on the corner of Flinders and King streets and to rejuvenate the interface between the north bank and Flinders Street. It is a very important project which will further open up the west of the city and make a difference to the aspect and amenity of that part of Melbourne. It will also make possible the expansion and extension of the aquarium to the north because

removing the overpass and taking back the land under the railway viaduct and part of Queens Wharf Road will make it possible for the Melbourne Aquarium to occupy the land under the viaduct and so obtain a Flinders Street address and frontage, which will make the facility much more visible generally to the public.

There is also provision for a platform stop for the trams, buses and coaches which bring students and other visitors and for access for people with disabilities at the entrance point to what is currently Queens Wharf Road but which will in future under the provisions of the bill become an assembly point for those forms of transport. We are going to see a change in use, a reconfiguration of uses, at this place, which will serve to boost both the capacity of and exhibits at the Melbourne Aquarium. It will enable the aquarium to put in place its plan for the river walk exhibition, which will reflect the Yarra environment in which it sits and complement the southern oceans display.

Early in 2003 I had the opportunity to spend a day at the Melbourne Aquarium as part of the Government MPs in Business program. I was very impressed to see the range of activities carried out by the aquarium and its clearly laid out marketing program and strategy to increase the number of people who visit more than once, who come back to see different exhibitions and take the opportunity to learn about marine life from the exhibits. Hence there is a need for more space to turn over temporary exhibitions more often and provide more facilities for school groups and others who come to the aquarium. The aquarium is a successful business that has added to Melbourne's tourist attractions and complemented other tourist institutions around the city. There is a cooperative network of institutions such as the museum and arts centre, the *Polly Woodside* group and other groups that encourage the movement of tourists around the city to take advantage of the many things on offer.

The Melbourne Lands (Yarra River North Bank) (Amendment) Bill provides for additional land to be included in the area which the Melbourne City Council may lease for the purpose of expanding the Melbourne Aquarium. It is intended to extend the area occupied by the aquarium. Pursuant to the provisions of the Crown Land (Reserves) Act 1978, it is also an intention of the bill to reinforce the role of the Melbourne City Council as the committee of management for the land, and the bill provides for a consistent management regime over the current land for which Melbourne City Council is the committee of management and the extension. There is the need to put in place this enabling legislation for the granting to the council of a capacity for a lease to run beyond the 21-year limit provided for in the Crown

Land Reserves Act 1978 to provide for a longer term lease on the expanded site.

It is important to note that this project is supported by both the state government and the Melbourne City Council. It has been very much a partnership in addressing the rejuvenation of the old fish market site and the interest of the Melbourne Aquarium in expanding and having a Flinders Street frontage. This will better integrate public transport and assist traffic movement in the area to make the aquarium an even better resource and attraction for people coming into the city for tourism or education purposes. Melbourne City Council has recently been appointed as the committee of management for the aquarium, as provided for in the Crown Land (Reserves) Act 1978 in respect of the land detailed in the bill. The council has overseen, and will continue to oversee, a very positive and productive process as the planning permit goes through, subject to local government requirements, given that Melbourne City Council is the responsible authority for planning purposes.

It is pleasing to see the way the north bank of the Yarra is continuing to be developed and improved and its amenity increased, attracting people to the area to use this very important and valuable resource as a place of recreation and enjoyment. It means the city is taking much better advantage of all its wonderful resources such as the Yarra River, compared to what happened many years ago. With those words I commend the bill to the house.

Hon. D. McL. DAVIS (East Yarra) — I am pleased to make a contribution to the debate on the Melbourne Lands (Yarra River North Bank) (Amendment) Bill. In doing so I compliment colleagues on both sides of the house for their contributions on this important but admittedly small bill. The Liberal Party strongly supports the expansion of the aquarium and is certainly not opposing this bill.

The purpose of the bill is to amend the Melbourne Lands (Yarra River North Bank) Act 1997 to provide for additional land to be included in the site used by the Melbourne Aquarium and to make further provision for the leasing of that land.

There has been a bit of a hiatus since this process started — going back to 2003 — and I am curious about the slowness of the government in bringing forward this bill. However, I strongly indicate, as other members have done, that the long and important but steady process of improving the environs of the Yarra River is strongly supported and embraced by the Liberal Party. That process really goes back to the

campaigns by the *Age* during the late 70s and early 80s, to former planning minister Evan Walker's contribution following the days of the Hamer government — and I am very pleased to put on record its contribution — and in particular to the recent refurbishment of the long strip along the Yarra by the Kennett government. There is also the work of a former Leader of the Government in this house, Mark Birrell, through the Agenda 21 projects. Other improvements have been the casino, the Jeff's Shed area, the completion of the Southbank work, the more recent developments down at Freshwater, the important parkland on the north side of the Yarra and the precincts around our large stadiums. The Docklands project on the far corner of this area is also important. It has been embraced by both sides of politics because they agree about the refurbishment of significant areas of land.

I want to try to describe this area and reflect on the importance of the aquarium in particular. The work that is being done by the company that owns the aquarium is very important. It has become a considerable tourist attraction for Victoria, and I compliment the company on its far-sightedness, its bold embracing of the site and its ability to confront the difficulties experienced during the construction phase and afterwards. I refer particularly to Peter O'Brien and Allan Myers, QC, but also to others who are associated with the project. It is in many ways an heroic story and a story on which we should be prepared to compliment this group.

There were construction difficulties at the site, and to understand how that site could be turned from the less than optimal uses that existed prior to its current use as an aquarium required a visionary approach. I know the aquarium faced difficulties in its early years and some members on this side of the house probably attended, as I did, a very early Liberal Party function at the aquarium shortly after it opened. Prime Minister John Howard opened the facility, and during that night there were issues with the airconditioning, resulting in the sickness of a number of people who contracted legionnaire's disease. The aquarium was able to weather that storm, come back in a very strong way and make the contribution it makes today to Victorian tourism.

The need to have significant tourist attractions was something the previous government recognised. This was evident in the work of the member for Brighton in the other place in her role as Minister for Tourism and of Mark Birrell, a former member of this house, in his role as Minister for Major Projects through the Agenda 21 projects, which revitalised the central city and associated areas so remarkably. Those projects included the Melbourne Museum, the refurbishment of

Parliament House and the Old Treasury building and the linking of all those areas through the City Circle tram route.

This has stood Victoria in very good stead. I do not think it is necessary for me to recap on the figures and the turnover of this important site, but it is a major international drawcard. This sort of development will slowly fill in the spots along the north side of the Yarra to which we need turn our attention as we beautify our city and utilise the land in a way that is economically productive and also adds to the livability of Melbourne.

As I said, opposition members do not want to oppose this bill, but we do have a couple of reservations. In particular they relate to undisclosed protocols dealing with the existing on-site infrastructure, including the railway viaduct and overpass. We also have some reservations about the undisclosed value transaction associated with the transfer. As a third reservation I would make a more general point about the development of tram super-stops, a process which I think has to be very carefully applied.

I am a user of the 109 tram route, which goes through Kew to the city. As members know, it runs from Box Hill down to Station Pier, and it is a visionary project in many ways. However, the issue of super-stops and their impact on businesses and communities is significant, and in my view the process for the installation of super-stops has to be handled very carefully indeed.

We have seen the mishandling of that process in Collins Street in the last few weeks, where small businesses that depend on trade at certain times of the year have been put at risk by a ham-fisted approach that has seen an attempt to construct these super-stops. They could impact severely upon a series of businesses that are dependent upon trade that is particularly strong at this time of year, through the Spring Racing Carnival period. That is the sort of example to which I refer. It is important that those matters be considered as super-stops are being created.

Also, in the Box Hill electorate and the Kew electorate I have observed there is significant angst amongst local businesses as super-stops are created and tram stop rationalisation proceeds. It is a process that may have to occur from time to time. I place on the record that super-stops are an important addition to our public transport system. They improve accessibility, not just for mothers with prams but also for disabled persons and others who may have difficulty accessing the steps onto a normal tram. In that sense I think they add to the usage of public transport and to its safety.

Ms Romanes — The Melbourne Aquarium will be delighted to have a tram stop out the front.

Hon. D. McL. DAVIS — I have no doubt of that, but I am making a more general point about super-stops, and making the point that the installation of super-stops needs to be undertaken —

Ms Romanes — Do you use them?

Hon. D. McL. DAVIS — I use them. I make the point that Ms Romanes says they are fabulous, and opposition members agree, but the point is that the process of installation needs to include proper consultation. It is not satisfactory that a few small businesses be crushed through ham-fisted processes.

There are other examples. My views on the Burnley super-stop are on record in this chamber through debate on another bill. I do not believe the confiscation of parkland was an appropriate solution at that Burnley intersection nor do we want to see parkland disappearing for the creation of traffic intersections and super-stops, as is occurring in Burnley just over the river near The Boulevard.

Again, the desire to see better access to public transport through super-stops needs to be balanced with the process involved and with the need to retain key public parkland and other lands in public ownership. I have put those reservations on record before, and I am happy to do so again in the context of this super-stop. I make the point that the super-stop at the aquarium will be a significant boon for tourists and Victorians alike. It will make access to the aquarium better, it will mean that the City Circle tram route will operate more effectively and in my view we will see increased patronage both to the aquarium and on that tram route. It is important to place those points on the record.

Ms Romanes has talked about the Melbourne City Council as the committee of management for this land. I have no difficulty with that. We will see how this operates over the next period, and I think opposition members are pleased to see that process under way.

The lesson from the development of the aquarium for Victoria is that we need to be continually developing new and innovative projects that will put us at the forefront of tourism in Australia and internationally. This particular project, the aquarium, has been one of those projects, but the game does not stop here for Victoria. We need more projects of this nature. As a community we need to have leadership from government and be prepared to look at other projects that will bring new groups of tourists to Melbourne and to Victoria generally.

In conclusion, the opposition does not oppose the bill and strongly supports the work of the aquarium. The opposition is pleased that the usage of that land will be enhanced. We are pleased that the super-stop will operate to assist patronage of the aquarium and of the tram system, and we look forward to the aquarium continuing to make its great contribution to Victorian life.

Ms CARBINES (Geelong) — I am very pleased to speak in support of the Melbourne Lands (Yarra River North Bank) (Amendment) Bill. Like all members who have contributed so far to the debate on this bill, I think it is important to continue the redevelopment of the lands that adjoin the Yarra River. The river's north bank is an important part of the Yarra's interface with the city and at its western edge.

This bill provides for the expansion of the Melbourne Aquarium, which as we have heard has been operating for more than five years. The aquarium has a 99-year lease of the site, and in the last five years it has become an incredibly important tourist destination in Victoria's capital city, Melbourne, and also for people living throughout the state. No aquarium in Victoria matches the Melbourne Aquarium. In fact, it had 70 000 visitors last year, and that number speaks for itself and for its popularity, not just for Victorians but for visitors from interstate and overseas. We have fantastic marine life off the Victorian coast, so the aquarium provides a great opportunity for visitors to our capital city and our state to see the great things that Victoria has to offer.

But the aquarium is not just a destination for tourists; it is also a valuable educative tool. Having been a schoolteacher in my former life I know how important it is to have premier facilities to take your students to so they can gain valuable experience as well as knowledge. I am sure that the aquarium provides a great day's outing for students from all over the state when they come to visit Melbourne. I understand that it is not only an educational facility but also a research facility. It is operating on many levels and contributing significantly to our state. It has become an important contributor to the Victorian economy, of course, over that time. It certainly adds significant value to a trip to experience our capital city. I agree with Mr Davis that we need to look continually for new opportunities to add value to visiting our great capital city. The aquarium has certainly done just that.

Unlike most other people in this place, I have not been to the Melbourne Aquarium. I think that one time when the house was sitting my husband brought our children up to see the aquarium and now that they have been there they do not think that they need to go there again,

with their mother. I am sure that at some stage I will get along to the Melbourne Aquarium. It sounds like an absolutely fantastic facility, and I look forward to visiting it.

I read some of the contributions to the debate in the lower house, where one of my colleagues said that although it was a fantastic experience it is the sort of place that you do not go back to because if you have seen it once you do not need to see it again. If that is the case, I hope that the ability, through the passage of the bill, to expand the aquarium will significantly enhance the visitor experience. We will see some 2500 extra square metres added to the aquarium and I hope that that extra space will give the aquarium the capacity to encourage people to revisit the aquarium time and time again. The people who run any facility like our zoos need to be thinking continually of ways to re-attract visitors to make that experience different every time. I am sure that the Melbourne Aquarium will have that on its agenda in the years to come.

In recent times members have debated the bill that provided for the removal of the Flinders Street overpass. I know that that work is under way at the moment because I am having to find a new way home. I have not travelled down to that end of Flinders Street for quite some time while the work is being done to remove the overpass. I am looking forward to being able to travel down Flinders Street at some stage and looking at what the work of removing the overpass has achieved. I am sure that it will contribute considerably to the vista of Flinders Street and allow better visual and pedestrian access to the Yarra River, which is, of course, a very important part of our capital city experience.

We are working hard to beautify that western part of the city. It needed it, as it was a fairly ugly part of the city and not a great entrance to our CBD area. The work being undertaken to remove the overpass will significantly enhance that entrance to the city, which is the way that most visitors from the western part of the state, where I live, come into our city. That will provide the opportunity to beautify that entrance to the city. It will also increase and improve the traffic flow through Flinders Street and, as I have said, improve access to the Yarra River.

With the grant of extra land to the Melbourne Aquarium through the passage of the bill, there will be an expansion which will give the aquarium a frontage onto Flinders Street. That will be valuable to not just the aquarium but also visitors who want to have an experience at the aquarium. At the moment it is rather difficult to negotiate the entry to the aquarium. I have

walked past it many times and I imagine that for some people it is hard to know how to gain entry to the aquarium. It will become obvious once it has a Flinders Street entrance. Members have heard from other contributions that a super-stop will be built to allow trams to stop outside the Melbourne Aquarium once the Flinders Street work has been completed. That will significantly enhance the visitor experience. I imagine it will allow greater access for school groups and will be very well supported. I am looking forward to seeing that constructed.

The work in relation to the Melbourne Aquarium has the strong support of the City of Melbourne. This is an example of the state government working hand in hand with the City of Melbourne to progress and enhance our capital city. I thank the City of Melbourne for its work in supporting the state government and the Melbourne Aquarium's venture into expanding its facility.

It is with great delight that tonight I speak in support of the bill. It is important and will add significantly to the visitor experience by allowing for an expansion of the Melbourne Aquarium. It will also contribute significantly to the visitor experience as people enter Melbourne from the western end of the city. It will enhance and beautify that section, which for a long time has been a fairly ugly part of the city. With those few words, I am pleased to speak in support of this bill.

Mr SCHEFFER (Monash) — I rise to speak in support of the Melbourne Lands (Yarra River North Bank) (Amendment) Bill. The Flinders Street overpass was built in 1961, to solve traffic congestion at the intersection of King and Flinders streets. I think it is generally agreed that it was an unmitigated disaster and that ever since it has been a blight on the south-western section of the CBD. The overpass effectively ruined the development of the streetscape of Flinders Street almost from Elizabeth Street right through to Spencer Street and that has, of course, been an enormous shame. The flyover has been a huge disincentive to anybody wanting to set up a business or redevelop any of the premises along that stretch of Flinders Street. The overpass effectively turned a bustling street into a dusty, polluted, roaring urban canyon. It is a wonder that anything at all went on along that strip over the past 50 years.

Flinders Street could have continued to be one of Melbourne's finest streets. It was never planned that it would directly engage with the Yarra River. The railway lines to the south-eastern suburbs, the Flinders Street railway station, the rail viaduct to Spencer Street and the fantastic, wonderful Melbourne fish market were always going to prevent that direct interchange

with the river. Pictures that can be seen in some of the historical photography books reveal that the Melbourne fish market was one of the most fantastic Melbourne buildings of the late Victorian period. Built in 1890, it was replete with turrets and spirals in red brick, to match the style of Flinders Street station. It lasted for only 60 years and was tragically demolished in 1956 to make way for the overpass that effectively destroyed any possibility of pedestrian life developing in that area.

When I was growing up you could approach the Yarra River only upstream from Princes Bridge; downstream it was inaccessible. The establishment of Southbank on the southern side of the Yarra in Monash Province, and Enterprize Park on the northern side, finally opened up the river at the western end. The redevelopment of Docklands and Spencer Street station brings new possibilities to that corner of the city. It was a great tragedy that so many fine buildings were demolished. One needs to look at only some of the photographs of the Federation Hotel that was on the corner of Collins and King streets, which is now the site of 555 Collins Street, to see what magnificent architectural structures were built at that time and realise that, had they been preserved, they could have raised the standard of that part of town to be equal to the eastern end.

Thankfully the overpass has now gone and the intersection of King and Flinders streets will be reopened as a normal street intersection with new traffic signals and tram stops bringing it back to a human scale. This is the first stage of a total makeover that will include an extension to the aquarium and the redevelopment of the former fish market car park site into residential apartments, a hotel and retail outlets. People will now be able to re-inhabit this part of the city.

The purpose of this bill is of course to provide additional land for the expansion of the aquarium and to enable the City of Melbourne to vary leasing arrangements so that the aquarium can be expanded. In 1997 the City of Melbourne was empowered as the committee of management to make leasing arrangements for the building of the Melbourne Aquarium. The bill before the house today empowers the City of Melbourne to change the current leases to allow for the expansion of the aquarium.

The aquarium, as other speakers have said before me, is a very popular tourist destination both for local people and for visitors to the city, and it currently draws some 700 000 people annually, which is a very high number of people. The aquarium also provides educational programs, as has been noted by others, and astonishingly some 70 000 students each year visit the

aquarium. I understand the extensions will enable that number to increase to something like 100 000 a year.

The extension will include a river walk experience that will offer an interpretative approach and understanding of that area of the Yarra River and it will give an impression of that part of the river bank as it appeared thousands of years ago. The operators believe that will complement the Southern Ocean theme of the existing exhibits. The facade of the aquarium will be on Flinders Street, and there will be tram stops, so it will be more easily found. It is a site that is not easily identifiable from the street, so it will be good to see it have a proper facade befitting its purpose.

The operators of the aquarium have been limited in what they can do by the restrictions of the present facilities, and I think it was Ms Carbines who observed that in her family people had only gone there once, and that is certainly true in my case — I have been there once, and I have never been back. With changing programs it will mean people will return to the place again and again, which will be good for business and for tourism in Victoria. With those few words, I think this is a modest and important bill that will revitalise an important part of the city, and I commend it to the house.

Motion agreed to.

Read second time.

Third reading

For **Hon. J. M. MADDEN** (Minister for Sport and Recreation), Hon. M. R. Thomson (Minister for Consumer Affairs) — By leave, I move:

That the bill be now read a third time.

In so doing I thank all honourable members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

Mr Viney — On a point of order, President, I wish to raise a matter for your consideration, and I certainly do not expect a ruling immediately. It relates to the process that occurred earlier in the day where a right of reply relating to a Cr Jenny Mulholland was tabled by leave and agreed to be incorporated in *Hansard* and

there was a subsequent personal explanation by Mr Forwood.

I am raising this having no knowledge of the issues or the personalities involved in the matter; I am dealing with the principle of the process that took place in the house today. You may recall, President, that Minister Theophanous raised a point of order on this matter and said that, whilst the government had no objection to the process that was followed today, it was listening carefully to what was being said and paying attention to the question of how the principles are dealt with.

I have done some research in the intervening time — research involving *May*, *Odgers* and our own standing orders. It seems to me that *May* is not particularly helpful in this matter. It refers to the right of a member to make a personal explanation. There is perhaps more value in both *Odgers* and our own standing orders. In *Odgers* at chapter 2, 11th edition, 2004, there is an extensive comment in a section entitled ‘Parliamentary privilege: immunities and powers of the senate’ with a subsection on ‘Abuse of parliamentary immunity: right of reply’. It states:

One of the privilege resolutions of 1988 (resolution 5) provides an opportunity for a person who has been adversely referred to in the Senate to have a response incorporated in the parliamentary record.

The processes outlined there are very similar to the processes we have in our own standing orders. Interestingly *Odgers* also states that:

These resolutions were adopted after a great deal of —

debate and given —

the possibility that members of Parliament may abuse the absolute immunity which attaches to their parliamentary speeches by grossly and unfairly defaming individuals who have no legal redress and who, if they are not themselves members, have no forum for making a widely publicised rebuttal.

It goes on to point out how important that privilege is to enable members to make comment, and I absolutely concur with that. It says:

Unless the absolute immunity of parliamentary proceedings is to be modified, which would defeat the purpose of that immunity, the solution to this problem of the possibility of the abuse of freedom of speech lies in the way in which the houses of Parliament regulate their proceedings through their own procedures. In any proposals for new forms of such internal regulation there is a danger of a majority using procedures designed to prevent defamation of individuals as a means of suppressing embarrassing or inconvenient debate. The remedy which has been favoured, therefore, is giving aggrieved individuals a right of reply. This ... remedy adopted by the Senate’s resolution ...

Odgers then deals with the question — and they are linked in this instance — of personal explanations. At Chapter 10 it states that there are essentially:

... two procedures for senators to make explanations to the Senate without speaking in debate on a motion.

The first is:

By leave ... a senator may explain matters of a personal nature ... but such matters may not be debated ...

The second point is that a senator may make a personal explanation where they claim they have been misquoted, misunderstood or misrepresented.

Those are important principles and both a right of reply and a personal explanation are very serious matters. This is a very complex issue: a right of reply is a solemn right that allows the Parliament to retain its parliamentary privilege, and a personal explanation is regarded as of such seriousness that the convention is we should listen to it in silence. In his personal explanation today Mr Forwood stated that he stood by his original comments made after the right of reply was tabled. I put it to you, President, that that does not fit the categories found in either *Odgers* or in our own standing orders in relation to a personal explanation. It was not a matter of a personal nature, and it was not a matter where the member was putting a case that he claimed to have been misrepresented or misunderstood.

In conclusion, President, I ask that you consider this. It is important if we are going to have the right of reply, that we protect that right of reply. If a member wishes to restate his allegations, he is entitled to do so. There are forums in this chamber in which a member can restate allegations, but I think using a personal explanation immediately after the presentation of a right of reply diminishes that right of reply and its value.

The PRESIDENT — Order! I ruled earlier on some issues that arose during the course of the right of reply, the personal explanation and the granting of leave by the government to allow the personal explanation to take place. The member has raised some important principles and has extensively quoted *Odgers’ Australian Senate Practice* and *May*. I am quite capable of doing the research on that. I will take the matter raised by the member on board and in the not-too-distant future report back to the house my views on it.

Hon. Philip Davis — On the point of order, President, you were moved to respond immediately to the member raising the point of order and I did not have an opportunity to make a comment. The key issue

brought out by the member in raising the point of order was that it is a matter for the house to regulate its own affairs. Notwithstanding that the member reflected on practice in other places, it is the case in this place that before a member of the community who wants a right of reply is afforded that right, quite properly that contribution is tested to see that it meets the requirements of the house. Similarly, in making a personal explanation a member of this house needs to ensure that it meets the criteria laid down. As I understand it, both of those matters were properly tested before they were raised in the house earlier this day.

The point of order raised by the member was frankly obscure. He suggested that in some way there was inappropriate guidance given to the house from the Chair about how these matters should be dealt with. I am not suggesting that he was reflecting on the Chair. I suggest that it is in the hands of this house to regulate its own affairs. This is not a branch office of the Senate. It is matter for the members of this house to regulate its own affairs, and it does that by vesting the delegated trust for the maintenance of good order in the house in the Presiding Officer. I found the point the member was trying to raise to be quite obscure, unless he was suggesting that we should somehow rewrite our standing orders to more formally regulate these matters. I invite him to attend the meeting of the Standing Orders Committee at 6.30 p.m. to discuss this issue with the other members of that committee. I heard nothing in the member's contribution on the point of order that concerned me about the way this matter was dealt with today. It may well be that the member has in his mind some change which he would like to put into effect about the way these matters are regulated, but that could be tested at another place and time.

President, I am quite relaxed in saying that I am happy for you take this matter under advice and respond to the member in due course. I think it is inevitable that the advice will be there is no issue before the Chair to rule on.

The PRESIDENT — Order! My apologies to Mr Davis for not giving him the opportunity to respond to the point of order raised by Mr Viney. I think Mr Viney's point went to whether the making of a personal explanation immediately after a right of reply is the right procedure. As to the procedure that was followed, I made it quite clear in my ruling earlier today that Mr Forwood had followed that procedure in line with the practice of the house and there was no issue there. Of course when I report back to the house in relation to this matter it will follow consultation with the party leaders and, as Mr Davis rightly said, it could

be raised at the Standing Orders Committee meeting that is scheduled to start in about 25 minutes. However, he might be a bit late for that because we will still be in the chamber.

The issue is whether following a right of reply it is appropriate for a member to get up and say, 'I stand by my comments'. Standing orders make it clear that a person is entitled to a right of reply and that leave of the house must be granted for the making of a personal explanation. The question is whether the making of a personal explanation immediately following a right of reply should become a practice of the house. I think that was the matter raised by Mr Viney. I will take advice on the matter, talk to the party leaders and discuss it with the Standing Orders Committee in due course.

ADJOURNMENT

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

That the house do now adjourn.

HM Prison Dhurringile: unit closure

Hon. RICHARD DALLA-RIVA (East Yarra) — My adjournment matter is for the Minister for Corrections in the other place. It relates specifically to Dhurringile prison, which is based in the northern region of Victoria. In particular it relates to the imminent expansion of a range of correctional facilities that are intended to come on line next year, although it could be late next year given the way the government seems to deal with things. A range of issues have been put forward in respect of the intended closure of a 52-bed relocatable unit at Dhurringile. With a potential reduction in the number of prisoners at that facility comes a reduction in the number of prison officers. It is concerning given that we do not wish to see a slow decline in the number of prisons in this state. I am on the record many times calling for the retention of Wron Wron prison, which we now know has been reopened. I do not want to get to a situation where the minister winds down the Dhurringile prison and loses the capacity of the prison officers and their skill base in that region.

It is important that correctional facilities have a strong basis of experience. Being a prison officer requires a specialised type of person, so that skill base should not be so easily removed given that a number of facilities are being built in one local region around Geelong and Deer Park. There is significant evidence that with a concentration of prison facilities in that area we run the risk of not having suitably qualified prison officers.

My query to the Minister for Corrections in respect of the Dhurringile prison regards what action he intends to take to ensure that the prison officers currently working at Dhurringile prison will be assured of maintaining their employment or similar employment with the imminent removal of the 52-bed relocatable unit at that jail facility.

Retirement Services Australia: residential units

Mr PULLEN (Higinbotham) — My adjournment matter this evening is for the Minister for Consumer Affairs, the Honourable Marsha Thomson. I have been contacted by the families of Mrs Dorothy Oliver and Mrs Dorothy Rawlinson, who are both elderly ladies living at the Fairway Hostel in Sandringham. Both ladies moved to the hostel from the retirement village The Concierge in Hampton East, which is operated by Retirement Services Australia (RSA).

I am advised that Mrs Oliver purchased the unit at The Concierge for \$299 000 in December 2001 and lived there until 16 November 2003, when she relocated due to an assessed need for a higher level of care. She went to Fairway Hostel, where she paid a \$22 000 deposit bond, with the balance of \$198 000 to be paid upon the sale of her apartment at The Concierge. I am further advised that the family was told the apartment could be easily sold and that the purchase went ahead based on this information.

Mrs Rawlinson purchased her apartment at The Concierge for \$287 000 on 21 December 2000 and left in February 2004 when the apartment was put on the market. Similarly Mrs Rawlinson paid a \$22 000 deposit at the hostel and has an outstanding balance of \$198 000. Both clients are paying interest on the outstanding balances.

Both families have been trying to sell their apartments since that time. The families are now under serious pressure from the hostel to come up with the balance of the accommodation bond. This is understandable, as it has been very reasonable in waiting for their money. What concerns me is that RSA appears to have little concern for the Olivers or Rawlinsons. I refer to an article in the *Australian Financial Review* of 12 April 2005. It says in part:

Richmond Football Club president Clinton Casey has moved a step closer to taking his retirement village company Retirement Services Australia public, with Macquarie Bank appointed to advise on a listing.

...

The company's gross revenue in 2003–04 was \$54.59 million.

Retirement Services Australia plans to add to the 950 units in Melbourne suburbs it now manages.

It has three new developments coming on line over the next two years that will add 550 units to its portfolio.

In view of the article I cannot understand why Retirement Services Australia cannot assist its current clients who are in desperate need by purchasing these units rather than racing ahead with new developments. The action I seek from the minister is that she has her department use its newly acquired dispute resolution role in retirement villages to facilitate with my constituents and Retirement Services Australia the resolution of this issue as a matter of urgency.

Punt Road: clearways

Hon. ANDREA COOTE (Monash) — My adjournment issue tonight is for the Minister for Transport in other place. I refer to some issues concerning Punt Road, which is a very busy thoroughfare that dissects Monash Province. It runs from north to south and is one of the busiest thoroughfares in metropolitan Melbourne. In peak times it is a clearway: in the morning it is a clearway for traffic going north, and in the evening it is a clearway for traffic going south. However, at all other times cars can park in those areas.

That parking causes an enormous amount of chaos. It causes bottlenecks, it causes the traffic flow to slow down and it is seriously inconvenient. As anyone who has travelled on this road would understand, it can take a considerable amount of time to get from the Yarra River to St Kilda Junction via Punt Road, because cars are parked on either side of Punt Road.

The difficulty is that nobody wants to take any responsibility for this particular stretch of road, because it borders a number of areas. VicRoads, the City of Stonnington, the City of Port Phillip and the City of Melbourne are all partially responsible, but no-one wants to make a decision. It is causing major concerns not only for the people who travel on that road each day but also for my constituents and people or businesses in that vicinity. The traffic delays are extremely costly and very inconvenient.

It is imperative that the road becomes a clearway at all times. I ask the minister to instruct all relevant parties — that is, VicRoads, the City of Stonnington, the City of Melbourne and the City of Port Phillip — to work together to ensure that Punt Road becomes a clearway at all times of the day and night, seven days a week.

Donaldson Road–Maroondah Highway: traffic control

Hon. E. G. STONEY (Central Highlands) — I have an issue for the Minister for Transport in the other place. I have letters from Cathrine Keogh and Bernadette Franklin, both of Woodfield. Ms Keogh's letter says:

I am writing to express my concern in regard to right-hand turns off the highway into Donaldson Road, Woodfield, and onto the highway from Donaldson Road.

...

Donaldson Road is located just over the crest of a hill and is quite close to the beginning of broken lines on the road. With this situation there are two dangers when turning right into Donaldson Road — the hidden nature of the road is not signposted ... and when you put on indicators those drivers behind assume that you are overtaking and start to do the same.

...

Whilst the turn out of Donaldson Road is not so bad, it still is nasty.

She goes on to say that in the 20-odd years that she has lived in Donaldson Road she has had a lot of scary moments doing a right-hand turn into the road and also pulling out of the road going towards Bonnie Doon. She also points out that there is a sign indicating the hidden driveway over the crest but she believes it is not enough to warn drivers that there is a lot of local traffic turning right into Donaldson Road.

Ms Franklin's letter says:

I write this letter for the safety of other Donaldson Road residents plus users that are always in such a hurry to get back to Melbourne. There seems to be a blind spot on the road. Lots of times people in other cars think that I am just going to pass other cars when in fact I am turning right.

I ask the minister to order VicRoads to conduct a safety assessment of the Donaldson Road–Maroondah Highway intersection before there is a fatal accident.

Planning: blue gum plantations

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for Planning in the other place, the Honourable Rob Hulls, concerning blue gum plantations in south-west Victoria. Last week a representative group of dairy farmers from the United Dairyfarmers of Victoria district council 9 met to discuss the impact of blue gum plantations on dairy farmers in our district. They believe the uncoordinated spread of plantation forestry in our region is affecting their community. They feel the positives of higher land

prices for retiring dairy farmers have to be balanced against the loss of dairy farmers from the community and the threat of reduced rural services for those who remain. They say that a code of practice for the implementation of blue gum plantations will provide councils, government, forestry companies and communities with a clear understanding of the planning issues and will carry legal weight.

Doug Chant, president of the United Dairyfarmers of Victoria, has called for better local council and government planning systems to manage the effect blue gum plantations are having on rural communities. Without adequate planning there is the potential for rural businesses and schools to be affected by blue gum plantations, whether from overspray or increasing population decline, and for farms to become more isolated and therefore less viable propositions for the expansion of rural services, including school bus runs, electricity and telecommunication upgrades, and even milk tanker pick-ups.

The action I seek from the minister is to develop a code of practice driven by the state government and local councils which will provide clear guidelines by which all players in our community in Victoria can plan for the future. There is a need for adequate planning measures for the future of communities in south-west Victoria.

Nagambie bypass: route

Hon. W. R. BAXTER (North Eastern) — I wish to raise for the attention of the Minister for Planning in another place a matter which goes to the issue of a planning scheme amendment in the Nagambie area to enable the route for the duplication of the Goulburn Valley Highway to be finally decided. I attended a meeting last Thursday in Nagambie along with Ms Lovell, the member for Shepparton in the other place and the two federal members representing electorates along the Goulburn Valley Highway. It seems clear that the federal government is not likely to make funds available to get the Nagambie bypass under way until the planning scheme amendment is finalised and the preferred route is known and adopted.

I understand it has been in the hands of the planning department for some time. There has been a consultative committee and a panel, which I understand has been unanimous in recommending one route out of the proposed three routes. I urge the minister to have the matter concluded and decided so that the maximum pressure can be put on the federal government, which funds national highways, as the house well knows, so

we can get this very important road safety initiative under way.

The Arcadia section is likely to be done shortly, and it would be useful if we could have a seamless construction to continue on and do the Nagambie bypass as soon as Arcadia is finished. My plea to the minister is to make sure the paperwork is put in order as soon as possible.

Health: Victorian patient transport

Hon. DAVID KOCH (Western) — My matter is for the Minister for Health in the other place, and it concerns the failure of the minister to advise the Edenhope community on the outcome of a review of the Victorian patient transport assistance scheme by the rural and regional health and aged care services division of the Department of Human Services. The Victorian patient transport assistance scheme provides financial assistance to rural Victorians with travel and accommodation costs incurred in travelling long distances to receive specialist medical or dental treatment. Eligibility to access this assistance requires patients to travel an arbitrary distance of at least 100 kilometres one way, without exception. While this initiative provides some relief to those living in isolated areas, it provides no relief for those living in areas that fall just short of the 100-kilometre restriction.

Like many in regional Victoria, the residents of Edenhope are not eligible for assistance under the Victorian patient transport assistance scheme when they are referred to Horsham, the nearest large centre to Edenhope. At 97 kilometres, Edenhope is just short of the arbitrary distance. Patients who live just less than 100 kilometres from specialist medical care are severely disadvantaged under the current eligibility requirements. Many isolated communities like Edenhope are home to a large proportion of aged and retired pensioners on fixed and limited incomes who find it difficult to meet the cost of travelling when required to visit specialists for medical care. Edenhope's lack of public transport, and with limited use of the community car, means many older patients are dependent on volunteer drivers. In addition the high cost of petrol makes it difficult for residents to access essential services taken for granted in larger centres.

After the minister was in Edenhope as part of the government's community cabinet in July last year she advised the community deputation that the Victorian patient transport assistance scheme would be reviewed to gauge the impact of including towns such as Edenhope that just fall short of 100 kilometres. Fourteen months has elapsed since the deputation

discussed this issue with the minister. In a follow-up letter dated 23 August 2004 the minister made a commitment to ensure that the deputation would be advised of the outcome of the review. A further letter from the deputation in February failed to secure a direct response from the minister. My request is for the minister to advise the residents of Edenhope of the outcome and recommendations of the review into the Victorian patient transport assistance scheme.

Service stations: disabled motorists

Hon. ANDREW BRIDESON (Waverley) — I have an adjournment issue to raise directly with the Minister for Consumer Affairs. It concerns a constituent who lives in Glenhuntly who is a disabled motorist. She experiences great difficulty in filling her car with fuel because she is unable to walk from her car to fill her petrol tank and walk into the shop to pay for it. On several occasions she has attempted to get help from service station proprietors, but when she honks her horn nobody comes out to assist her. When I read the letter I realised that it must be a big issue for someone who is incapacitated and is unable to serve themselves, because the majority of service stations are self-serve. My constituent makes a clear distinction between a self-serve petrol station and a service station.

Hon. M. R. Thomson interjected.

Hon. ANDREW BRIDESON — I do not think there are too many left. There is one in South Melbourne, but it is not on the route my constituent normally takes to go to work. She points out that with the rising cost of petrol it will cost her a lot more if she has to drive extra kilometres to a service station.

She says that the problem is getting harder and deeper for all disabled drivers in Victoria — I guess she means she has to dig deeper into her pockets — and she asks the minister to conduct an inquiry to change service station rules on how disabled motorists in her situation can be assisted. I know it is a relatively difficult thing to do, but on behalf of my constituent I reiterate that it is a real issue for many motorists and I ask that the minister give it due consideration.

Citrus industry: China market

Hon. B. W. BISHOP (North Western) — The adjournment matter I raise tonight is for the Minister for Agriculture in the other place. The action I seek from the minister is to renew the citrus industry memorandum of understanding (MOU) between Victoria, New South Wales and South Australia which

would re-establish the legitimate operation of the tri-state fruit committee.

I am advised a combined Victoria and New South Wales ministerial meeting held in Mildura in June of this year agreed to move towards renewing the MOU. There has been no reported progress towards an outcome, and given the dire state of our citrus industry it is crucial that a prompt re-signing of the MOU occur.

A fair question to ask is: what would the signing of a tri-state MOU achieve? We believe the answer is a lot, particularly in relation to our export access into markets such as China. Everything possible must be done to achieve formal export access into markets such as China, where the key issues are pest, disease and logistic protocols, with the no. 1 pest being the Queensland fruit fly.

Governments and the citrus industry have worked together for many years to manage the risk posed by the Queensland fruit fly, with an example being the establishment of the fruit fly exclusion zone. The roles and responsibilities for managing the fruit fly exclusion zone were defined in a memorandum of understanding that expired in 2002. Since the expiry of that MOU two reviews have been undertaken. The technical review broadly supported the current practices, while the cost-benefit review brought into focus the financial split between the government and industry for ongoing management of the pest. Until all the parties have an MOU to define their responsibilities it is very difficult to effectively manage the fruit fly exclusion zone.

As an interim step the New South Wales and Victorian governments and the Murray Valley Citrus Board will conduct random roadblocks, coupled with an education and awareness campaign, which I think is a good move. However, the signing of an MOU which defines everyone's clear responsibility is absolutely essential in our thrust to gain export market access into places such as China. At the moment we have only the status of a committee that meets a couple of times a year, which carries little weight with the Chinese, who want to see a formal MOU between the states and the citrus industry to assure them that everything is being done to manage the Queensland fruit fly.

The action I require from the minister is to immediately formalise the MOU with South Australia and New South Wales to ensure all bases are covered as we strive for export market access into China.

Responses

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The Honourable Richard Dalla-Riva raised a matter for the Minister for Corrections in the other place concerning Dhurringile prison, its expansion and the ongoing employment of officers there.

Mr Pullen raised a matter for me concerning a retirement village and two constituents who have moved to a nursing home at Fairway Hostel. They are concerned about not being paid out by the retirement village and therefore not being able to meet their commitments to the nursing home. During the long consultations on the legislation this was an issue of grave concern, and we are serious about ensuring that those who have to move from retirement villages into other facilities are able to do so with some confidence, knowing that they will be able to pay the hostel or nursing home that they are going into. We are certainly pursuing that. Whilst the dispute resolution mechanism does not come into place until later in the year, we will be taking all those issues into account. I will pass it on to the department to follow up in this particular instance.

The Honourable Andrea Coote raised a matter for the Minister for Transport in the other place concerning the congestion on Punt Road, seeking that it be made a clearway at all times and that VicRoads and the cities of Stonnington, Melbourne and Port Phillip work towards achieving that.

The Honourable Graeme Stoney also raised a matter for the Minister for Transport concerning two constituents and sought a VicRoads safety check of the intersection of Maroondah Highway and Donaldson Road at Woodfield.

The Honourable John Vogels raised a matter for the Minister for Planning in the other place in relation to blue gum plantations and planning arrangements around the planting of blue gums.

The Honourable Bill Baxter raised a matter for the Minister for Planning concerning the planning scheme amendments around Nagambie and the proposed Nagambie bypass for the Goulburn Valley Highway. He sought a preferred route so that pressure could be put on the federal government to construct the dual highway.

The Honourable David Koch raised a matter for the Minister for Health in the other house concerning the Victorian patient transport assistance scheme, the

outcome of the review being notified to people and the effect it will have on them.

The Honourable Andrew Brideson raised a matter for me concerning a disabled motorist having difficulty filling her car. Whilst I have a great deal of sympathy for the plight of the member's constituent, at this stage I do not have an answer off the top of my head. However, I will endeavour to get the department to have a look at this particular issue and the problems it may have for disabled motorists more broadly and to have discussions with petrol stations about a solution.

The Honourable Barry Bishop raised a matter for the Minister for Agriculture in the other place concerning the renewal of a memorandum of understanding between New South Wales, South Australia and Victoria in relation to citrus growers. I will pass that on to the minister.

Motion agreed to.

House adjourned 6.30 p.m.