PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

3 May 2000

(extract from Book 6)

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
The Hon. D. V. NAPTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
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Leader of the Parliamentary National Party:
Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:
Mr B. E. H. STEGGALL

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Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
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Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
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Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP
Leighton, Mr Michael Andrew	Preston	ALP			

[1] Resigned 3 November 1999
[2] Elected 11 December 1999

CONTENTS

WEDNESDAY, 3 MAY 2000

Wednesday, 3 May 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.36 a.m. and read the prayer.

PERSONAL EXPLANATION

Mr McARTHUR (Monbulk) — I desire to make a personal explanation. When debating in the early hours of this morning the motion to adjourn debate on the Vocational Education and Training (Council Membership) Bill I advised the house that the honourable members for Murray Valley and Bulleen are members of TAFE college councils. That is not so.

Honourable members interjecting.

The SPEAKER — Order! I remind the house that personal explanations are important statements that should be listened to in silence.

Mr McARTHUR — I have since been advised that the honourable member for Murray Valley is a former member of the Wangaratta TAFE college council and the honourable member for Bulleen advises me that he is not a TAFE college council member. The error in this matter is mine and I seek to correct the record in the interests of accuracy.

PAPERS

Laid on table by Clerk:

Financial Management Act 1994 — Budget Paper No. 3 2000–01

Parliamentary Committee Act 1968 — Response of the Minister for Transport on action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee Report upon the Unlawful Assemblies and Processions Act 1958

Statutory Rules under the following Acts:

Fisheries Act 1995 — SR 28

Gas Safety Act 1997 — SR 30

Tobacco Act 1987 — SR 29

Subordinate Legislation Act 1994:

Ministers' exemption certificates in relation to Statutory Rule Nos 28, 29.

JOINT SITTING OF PARLIAMENT

Centenary of Federation

Mr BRACKS (Premier) — I move, by leave:

That this house meets the Legislative Council for the purposes of sitting together to consider the passage of a resolution to invite the two chambers of the commonwealth Parliament to return to the Victorian Parliament to commemorate the centenary of the first sittings of the commonwealth Parliament in 1901 and proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 10 May 2000, at 12.30 p.m.

Motion agreed to.

Ordered that message be sent to Council acquainting them with resolution.

The SPEAKER — Order! I advise the house that a statement about the joint sitting and the centenary of celebrations in 2001 has been prepared by Mr President and me and will be circulated to all honourable members.

MEMBERS STATEMENTS

Budget: surplus

Dr NAPTHINE (Leader of the Opposition) — Yesterday the government advised that it had inherited an 'unexpectedly strong budget position'. That was clearly high praise for the previous sound financial management of the former coalition government. However, I am extremely concerned that the resultant $1 billion coalition inheritance fund will not be managed appropriately in the best interests of all Victorians. I am particularly concerned that this hard-earned inheritance will simply become a Labor Party slush fund.

There are no rules or guidelines for the expenditure of the money, and it seems that the funds will not be subject to the normal departmental scrutiny and budget processes. It would seem that this valuable inheritance will be subject to politically motivated decisions of the Labor Party.

Mr Hulls interjected.

Dr NAPTHINE — The interjection from the Attorney-General confirms that the funds will become a Labor Party slush fund. They will be squandered by Labor through the type of whiteboard decision making on these matters that was characteristic of former federal Labor governments.

This $1 billion inheritance that has been as a result of the sound financial management of the previous government cannot be wasted and must be used in the interests of all Victorians for such important projects.

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

Gerard Briglia

Mr CARLI (Coburg) — Just after Easter there was a funeral at St Patrick's Cathedral for Father Gerard Briglia, a priest who was a fanatical Carlton Football Club supporter. Club members wore black arm bands following his death.

Father Briglia was also a well-known Labor voter. I wish to recognise the fact that he remained a faithful supporter of the Australian Labor Party even during the 1950s, when it was the custom for the clergy to vote for the Democratic Labor Party. He was a man of great loyalty who loved to talk. He was the son of a professional Italian violinist father and an Irish mother. That background served him well in his work with members of the large influx of migrants who arrived in Australia in the post-Second World War period, particularly from Italy, and to whom he gave a great deal of support.

I value his contributions and wish to recognise him in the house.

Budget: commitments

Ms ASHER (Brighton) — I wish to make a couple of comments about yesterday's budget, which was brought down by the Premier, who is also the Treasurer.

It is a typical Australian Labor Party budget — that is, completely and utterly focused on expenditure. The government has announced $2.5 billion of increased expenditure, some of which is honouring its election promises but about a third of which is additional commitments made over the course of four years.

However, Labor has not looked at the other side of the ledger. It should have looked at the issue of tax cuts, particularly in areas that may generate employment and be of longlasting value in Victoria. The government said it may possibly give some tax cuts to business next year, but there is no promise of that. Indeed, the tax cuts are dependent on and predicated on the existence of a surplus. This is a great con job on the business community — that is, these are Clayton's tax cuts!

They are not even promised. There is no guarantee of Labor delivering those tax cuts unless there is a surplus. It is unfortunate that Labor has not used its inheritance for the longlasting benefit of Victoria.

Weeds: control

Mr HOWARD (Ballarat East) — Last Friday I had the opportunity of visiting the You Yangs in my role as Parliamentary Secretary for Natural Resources and Environment where I had the pleasure of releasing a biological agent, Chrysanthemoides, a leaf moth, and its caterpillars. I have become aware of the concerns about weeds throughout the state and the need to develop strategies to address the problem.

Those who have visited the You Yangs in recent weeks would have seen that boneseed is a cause for concern. The leaf moth and caterpillars I released are part of the government's concerted approach with the Keith Turnbull Research Institute at Dandenong, Parks Victoria and other groups to work together to address the problem.

Many issues will have to be addressed by national strategies and clearly directed state strategies to try to reduce the weed problem. I hope this measure will be successful in eradicating boneseed, but many other problem weeds must be addressed.

Benalla: by-election

Mr RYAN (Leader of the National Party) — With the Benalla by-election only days away, I urge voters in Benalla to attend the public forums to find out about the candidates, one of whom will represent the Benalla electorate. Bill Sykes is an outstanding candidate with a proven track record of public service. However, people are asking where the Labor candidate is. The Labor Party is running a television advertisement in the Benalla electorate, but its candidate does not even speak. They have gagged their candidate in Benalla.

I urge the people of Benalla to go along to the public forums and listen to what the true candidates have to say. They should support Bill Sykes, who will do a great job on behalf of the electorate. Where does Labor stand on issues relevant to that electorate? What about the rights of the mountain cattlemen? What is its position on Essendon Airport, business imposts and the prospect of a 15 per cent increase in workers compensation premiums?

I also urge the electors of Benalla to go along and listen to what the candidates have to say because the television advertisements show that the Labor Party candidate has been gagged. The party cannot properly authorise its media advertising; its newspaper advertisements lack proper authorisation. It is a mythical Labor Party. Let us get down to the facts and

hear what the candidates have to say by attending the public forums.

Food: regulation

Mr INGRAM (Gippsland East) — At a recent public forum at Lakes Entrance organised by the East Gippsland Shire Council and attended by an honourable member for Gippsland Province in the other place, Peter Hall, the mayor, me and nearly 200 people, an issue was raised that is of major concern to many people in East Gippsland. I refer to the current food handling laws which were introduced by the previous government and which have had a disastrous effect on small businesses, charities and service providers, such as Meals on Wheels, day care centres and sporting clubs.

The forum passed a resolution to reject the former Kennett government's food handling reforms and refer them back to the federal government for review by the Australian food authority and the federal Parliament. If agreed to the new reforms should be implemented throughout the entire country.

The resolution had overwhelming support; only two people voted against it. A review of the laws is currently under way and the community would like commonsense to prevail taking into consideration issues such as distance and the additional costs associated with isolated communities. It is important to realise that those laws have had an effect on small business in country Victoria which has suffered greatly. Some have gone out of business. It is important to recognise the seriousness of the matter.

Mr Brumby — On a point of order, Mr Speaker, in his contribution the Leader of the National Party referred to a newspaper advertisement which he held up before the house. He said the advertisement had been placed in a newspaper for the Benalla campaign and that it was unauthorised. I ask that he table the document.

Mr Ryan — On the point of order, Mr Speaker, I did not quote from the document. I held it up. I did not read from it and I made no specific reference to it. As the Labor Party well knows — unless it is another example of its ignorance about the campaign — it was published in the newspapers today. Honourable members can pick up any of the newspapers available to see it for themselves.

The SPEAKER — Order! I do not uphold the point of order. The Chair heard the honourable member's contribution and he did not quote from the document. He is therefore not required to make it available.

Schools: information technology

Mr HONEYWOOD (Warrandyte) — Out of a $5 billion per annum education budget the Bracks government has provided only $7 million for school computers and new technology programs. That paltry amount compares with the $104 million information technology support package for schools announced by the previous coalition government in last year's state budget. That package was designed to provide specialist IT support for government schools and built upon other Kennett government initiatives, such as the notebook computers for teachers scheme and the computer subsidy program.

At the end of 1999, with over 100 000 computers in schools, Victoria could proudly boast the best computer to student ratio in the world — one computer for every six students. As a result of the reluctance of the Minister for Education to provide adequate additional funding it is now unlikely that the 2000 goal of one computer for every five students in government schools will be attainable.

The minister therefore now has a clear responsibility to spell out what strategy, if any, she and the government have for the expansion and enhancement of Victoria's previous leadership on computers in schools. The government is full of rhetoric about the need to provide a skilled work force to drive the state's economic growth. If that rhetoric is not matched with financial and strategic support for computer skilled enhancement in Victoria's schools, Victoria will lose the opportunity to become the new technology centre of Australia. The $7 million contained in the Bracks government's first budget is an insult to school communities.

Budget: Geelong

Mr TREZISE (Geelong) — As the Labor Party candidate at the last state election, I spent 18 months listening to the people of Geelong to learn what they wanted from their government. Clearly the Geelong community wanted more teachers, more police, a better public health system, an upgraded Geelong road and a drug detoxification centre.

Budget day 2000 was a gold-letter day for the Geelong region. It was the day the Bracks Labor government delivered its key promises to Geelong, such as funding for more police on our streets and more teachers in our schools, and funding for a better, cleaner public health system, an upgrade of Geelong road and the establishment of a drug detoxification centre.

Ambulance services: response times

Mr DOYLE (Malvern) — Yesterday I listened with interest to the Premier's budget speech. I remind the house of two statements he made:

> There are no 'core' and 'non-core' promises here.
>
> …
>
> There's no wriggling and twisting around to get out of our election promises.

I turn first to ambulances. A special policy on ambulances was released by the Labor Party during the election campaign, page 2 of which says:

> Labor will seek to improve the service so that the response time target is 10 minutes in 90 per cent of cases within 12 months.

That means that from 20 October 1999 to 20 October this year the ambulance response time for code 1 will be 10 minutes.

Imagine my surprise, therefore, when I turned to page 66 of budget paper no. 3 and saw an ambulance emergency service output deliverables chart which states under the heading 'Timeliness' that in 50 per cent of cases the code 1 emergency response time will be 13 minutes. The response time is not 10 minutes as promised in the policy, but 13 minutes.

The SPEAKER — Order! The honourable member's time has expired. The time for statements by members has also expired.

GRIEVANCES

The SPEAKER — Order! The question is:

> That grievances be noted.

Budget: Rural Victoria

Mr RYAN (Leader of the National Party) — I grieve for the people of country Victoria in the light of the budget delivered by the government yesterday. The theme is outlined in articles in today's *Australian Financial Review*. One article by Tony Harris states in part:

> And after the fiscal legacy of the Kennett government has been exhausted, net budget sector debt will actually grow from $2.8 billion at the end of 2000–01 to $3.1 billion in 2003–04.
>
> …
>
> The $628 million cash surplus left in 2000–01 becomes a deficit of $135 million by 2003–04.

An article by Alan Mitchell in the same publication states:

> Even with all the fiscal discipline implicit in the forward estimates, the Bracks government is heading for cash deficit in its last two years.

A couple of weeks ago during the campaign for the Benalla by-election the government started out by rolling out the barrels; but, using the words of the old Canned Heat song, we are back on the road again — we are going back into the red. Country Victorians in particular will be very concerned about that. Six months ago, based on its figures, the government believed the $1.3 billion surplus would be only $720 million. It has that amount of money to spend, but what has it done with it? It has squandered it! During the next three years Victoria will be $55 million in the red, and in the following year that figure will be $135 million.

What are some of the outstanding concerns of country Victorians about the government and the budget it delivered? I am delighted — I use the term loosely — to see the Minister for State and Regional Development, because the first area of concern for country Victorians is the farce surrounding the Regional Infrastructure Development Fund. What has the government done with that? The government advertised that $170 million would be allocated, but it cannot allocate any more money than that in the budget despite the fact that the minister recognises it is not enough money.

Only weeks ago the minister called for the federal government to put in another $170 million. How about getting New South Wales to chip in a bit! What about poor old Tassie? It could toss in a bit, too! It is not enough money, and the minister understands that. More importantly, I can tell the minister that country Victorians also believe it is not enough money.

Some $100 million is gone, including the funding for programs the government cannot deliver. The minister knew at the time the programs were promised that he could not deliver them. He has consistently said the government will pursue a $40 million program for rail standardisation knowing full well that the federal government would not match the funding under current policy. The government cannot deliver what it has promised.

There is also the guidelines fiasco. Local government is now heavily involved in the administration of the program. I have heard reports that when people telephone to get application forms from the department some sort of half-baked vetting procedure occurs before the forms are sent to them. I have written to the minister

and asked him to distribute the application forms to the municipalities. Since councils play such an important part in the program I asked that they distribute the application forms first-hand. I am awaiting the minister's response, but I suspect it will not happen. Huge expectations have been built up that cannot be delivered. Another $70 million will be left in the fund over the next three financial years, and there is no way the fund will be able to sustain the number of applications made. Country Victorians and municipalities are concerned about that.

There is also confusion about the distinction between the various funds. The budget provides no detail of how the $1 billion fund created yesterday will operate. Some aspects of the Community Support Fund legislation do not properly dovetail with the Regional Infrastructure Development Fund, particularly in relation to tourism issues. The fund was purportedly set up in part to deal with road funding. That is gone; the minister counted it out. The first issue of concern for country Victorians is the complete misapplication of how the fund is supposed to operate. Only recently the department advertised for half a dozen people to administer the fund, so what has happened with the preparations for the fund that were supposed to have occurred?

The second issue of concern for country Victorians is the absence of tax cuts in the budget. I sat in the chamber during the two days of the Growing Victoria Together summit, as did the Leader of the Opposition and other members, including the ministers for State and Regional Development and Transport. The dominant theme of that summit was taxation cuts. That is what the business sector wants and it is what the unions agreed to, but the government has failed to deliver. The people who attended the summit urged the government to deliver tax cuts. However, instead of following what the previous government did in relation to payroll tax the budget is absolutely silent on the issue. Instead, the budget sets out a proposal for $400 million worth of tax cuts over the next three financial years.

Honourable members will have to wait to see whether those cuts will be delivered. Business is bitterly disappointed about that, which is reflected in the commentaries of the various news agencies put forward today. It strikes at the heart of a basic issue the government does not understand. It is not enough to merely talk about job creation as part of the smoke-and-mirrors act, which is referred to in the headline of the article written by Tony Harris in today's *Australian Financial Review*. That is the headline: 'Bracks budget uses smoke and mirrors'.

The government does not understand the distinction between job creation and job generation. It must create an environment in which business can prosper. During the summit, and subsequently, business delegates cried out for realistic tax cuts that would give businesses the incentive they needed to generate jobs, particularly in country Victoria where there is a notable lack of confidence.

I do not like talking down the state. Indeed, I have spent a lot of years talking up the state's fortunes. However, as I move around Victoria I feel frustrated by the lack of confidence arising from the government's mismanagement of union issues, including the 36-hour week, and their implications for country Victoria. Just recently A. V. Jennings announced that it is pulling out of its country-based operations. We have also observed the Virgin Airlines fiasco, the Docklands issues and more. Those events have helped to produce a lack of confidence among country Victorians. The Bracks government had the chance to strike at the heart of that uncertainty, but instead it dropped the ball, as I explained in referring to the news articles I mentioned.

Worse still, as reported this morning the state is heading back into the red. Table 7.4 on page 154 of *2000–01 Budget Statement* contains evidence that over the three financial years following the current year the state will end up $55 million in the red in cash terms, and it will be $135 million in the red the year after that. All this at a time when the billion-dollar Growing Victoria reserve is intended to be available for spending. However, it will not be available: it will be gone, once and for all! After having worked so hard as a team over seven years to address the long-term problems that plagued them, Victorians will be left with a budget in the red.

Country Victorians are very concerned about that. They know the efforts they made in addressing the problem and overcoming it. They did their bit in again making Victoria a great state, which it was at the time of the last election in September last year. They are also concerned about the insidious influence now exerted by the union movement. Unions have succeeded in getting back in to run the government. The issue is relevant to the Benalla by-election, and the candidates are grappling with it.

On the one hand, Bill Sykes, the National Party candidate for the seat of Benalla, is doing an outstanding job. He is able to tell the people of his proud contribution to the Benalla electorate over the 25 years he has lived there as a local fellow, a local business operator, a professional vet who has worked for the department over many years, a member of the Victorian Farmers Federation and the Country Fire

Authority and a footy coach. He is a fantastic community contributor and is looking forward to coming into this place to properly represent the people of the Benalla electorate.

On the other hand, we are having difficulty getting the Labor candidate to tell the people what her platform is. We see television advertisements produced by the Labor Party in which she is not even allowed to talk. What a ridiculous position to be in! The Premier seems to be the endorsed Labor candidate for Benalla. He is up there with the cabinet ministers and the white cars, but the Labor candidate cannot be found. The people of Benalla are telling us they want the real Labor candidate for Benalla to get up in public forums over the course of the next few days to put her point of view on the various issues of concern.

When I was in Benalla the week before last those were the issues people were putting to me. It was the same in Mansfield, and yesterday in Marysville I heard the same thing again. I am sure when I am up there on Friday I'll hear the same sorts of things. I'll be there on Sunday, and I know I will be told the same. Monday will be the same, and on the day of the election people will still be telling me the same thing. I will be up there to hear it, though, because the Benalla electorate is an important part of the great state of Victoria. That is why the National Party has put up a candidate as good as Bill Sykes, a local man who has been looking after the community in so many ways for 25 years. The people of Benalla will soon have the opportunity to vote for him.

Yesterday the government had an opportunity to do something special for all Victorians and particularly for all country Victorians through the budget. However, in its analysis of the budget, today's *Australian Financial Review* explains what the government did with that opportunity. That newspaper got it in one: 'Bracks budget uses smoke and mirrors'. Another article heading was just as telling: '$200 million variation on an old theme'. They are back in town!

The Bracks government is moving Victoria inexorably down the same old path we had to be dragged off years ago. It is splurging money, unable to understand how to spend it properly and constructively to generate jobs to ensure that all Victorians, particularly country Victorians, can properly contribute to the fortunes of this great state.

Disability services: planning

Ms CAMPBELL (Minister for Community Services) — I grieve today for the lack of planning and consultation by the former Kennett government on services for Victorians with disabilities. As the Minister for Community Services it is a great delight to announce to the house that the Bracks government is taking disability services seriously.

The Intellectually Disabled Persons' Services Act of 1986 states that the minister must ensure that a plan for the development of services for intellectually disabled persons services is prepared at three-year intervals. But guess what! The previous minister, whose responsibility it was to ensure that a state plan was prepared, did not do so. The 1996 plan should have been updated in 1999 by the previous government, but it was not. That previous minister is now the Leader of the Opposition.

The 1996 plan of the former Kennett government for the state's disability services was a disappointing document in three important areas. Firstly, it was produced without any real consultation with people with disabilities and their families, service providers or other important stakeholders. People with disabilities, their carers, families and various other groups with whom government should work in partnership have the right to have a clear understanding of future directions and options for service delivery and to have maximum input into the formulation of plans for the future.

Labor's disability services plan will recognise a charter of rights for people with disabilities. The Bracks Labor government has begun the planning process by talking directly with people with disabilities, their families and carers, who say this is a refreshing change from the Kennett government era. The government has also commissioned a systemic research project that asks people with disabilities to tell the government about their experiences, aspirations and requirements for services. A senior person in the department pointed out to me that this was a first, that the department was not used to asking people what they thought and that I needed to be mindful that I might have a problem if people with disabilities raised concerns. I told that departmental officer that it is important for the minister to know what is happening so that she can act if remedial actions are required and that I am prepared to listen to the advice of people with disabilities, to take up the issues they raise and to address their concerns.

It is important to know how people with disabilities view their life opportunities and what are their feelings about themselves and their options for community inclusion. The Kennett plan was totally flawed because of the previous government's overall policy and spending processes and failed to produce new directions and policies. It was wounded by privatisation

theories and competition in a field where partnership, support and mutual respect must dominate.

Since I became the Minister for Community Services, people in the non-government sector have continuously made the point to me that it is refreshing to be able to again have collaboration as people are not at each other's throats in the service sector and trying to compete for tenders in an environment that is not conducive to focusing on the needs of people with disabilities. Labor recognises that while people with differing disabilities face different issues and have different needs, there is a requirement for a coordinated approach to providing services for people with disabilities to ensure a fair system of service delivery.

Labor's state disability services plan will provide a vision for the future and it will address the change process at three levels.

First, it will address the individual by providing options and opportunities for people with disabilities, their families, carers or advocates to participate in, control where possible and review the most appropriate mix of services for them as individuals with individual needs.

Second, it will address the service system by providing options for flexible service models, new approaches to funding, life transition support and flexibility. The focus will be on the needs of the person with the disability and not on the organisation.

Third, the plan will address the community by developing and implementing strategies to support and encourage communities to value people with disabilities. It is encouraging to see moves within the business community to ensure that people with disabilities are given opportunities to participate in the work force in a way they enjoy and their abilities allow.

The Kennett plan failed people with disabilities because the former government did not seek to address or even consider important the basic issues of community inclusion or participation and the promotion of the citizenship rights and responsibilities that should be enjoyed by all Victorians.

The Bracks Labor government policy for community services stresses the need to rebuild a sense of community, to work in partnership and to treat people with disabilities as valued members of the community in their own right having maximum control over their own lives.

The research project I referred to earlier, the aspirations project, will inform the proposed charter of rights for people with disabilities and in turn develop under the state disability services plan tangible benefits that deliver on the charter of rights, allowing Victoria to be a more inclusive community for all Victorians and particularly those with disabilities. The 1999 Kennett — —

Mr Leigh — On a point of order, Mr Acting Speaker, the Minister for Community Services is reading from a document. I ask her to make the document available to the house. Clearly it is typed material. Unless a second-reading speech or ministerial statement is being made or a shadow minister is responding, simply reading a document is not appropriate. I therefore ask that the minister make the material available to the house and that she be cautioned on reading material to the chamber.

Ms CAMPBELL — On the point of order, Mr Acting Speaker, I am reading from copious notes — I am referring to copious notes. It is the convention of the house that honourable members are allowed to refer to copious notes.

Mr Perton — On the point of order, Mr Acting Speaker, it is your duty in this case to act on personal observations. Like the honourable member for Mordialloc and me, you saw the honourable member reading from the document. She has obviously read the rules recently and realised that she made an error in saying, 'I am reading from …'. Her first admission should apply. Several weeks ago the same minister was caught reading from a document and refused to table that document, playing fast and loose with the truth in the house. In the circumstances her first sentence was probably the truthful one: 'I am reading from …' — then catching herself.

The minister interjects through everyone else's submissions. Mr Acting Speaker, your reply should be based on the minister's first statement — that is, 'I am reading from'. She should make the document available.

Mr Brumby — On the point of order, Mr Acting Speaker, the conventions and rules of the house are clear on the matter. If a member has a document and reads from that document, it is required that it be tabled on request. However, a member is entitled to have copious notes, either handwritten or typed, and to refer to them when making a speech, which is what the minister is doing. Those are the rulings of the house. The minister is entirely in order. Again the opposition is wasting the time of the house with spurious points of order.

The ACTING SPEAKER (Mr Nardella) — Order! The Minister for Community Services has assured the house she is reading from copious notes. I take that on board. There is no point of order.

Ms CAMPBELL — As I was saying, the previous government's state plan was deficient in a number of important details. One requirement of a state plan is that there be community awareness and that an extensive campaign be undertaken. That was not the case under the previous government. The plan set out by the previous government did not include community consultation. I assure honourable members the plan of the Bracks Labor government will include community consultation.

The other important point about community consultation under the Bracks government is that it will be ensured that staff receive the opportunity to have input. Under the previous government staff in disability services had appalling employment opportunities. Generally speaking they were employed on three-month short-term contracts. It might be asked why. The previous government planned to privatise and outsource disability services. It is clear that under the Bracks Labor government it will be ensured that people with disabilities have services provided by the non-government sector and by the Department of Human Services.

The government's plan will look at the high staff turnover rate under the previous government. The government wants to ensure that staff members are valued, that the quality of service is enhanced and that people with disabilities have long-term staff at their facilities. Staff members are an asset, not a liability. The Kennett plan also did not take into account that services provided are complex and require long-term relationships and a significant commitment to training.

The failure of the previous government is clear in two obvious areas: firstly, in its failure to provide sufficient state funds, and secondly, in its failure to fight for a greater share of commonwealth funds for disability services. That has left the service with many crisis points. Families should not have to experience crisis before they can access disability services. In the past all too often families have been forced to cope with little or no support — support that would have enabled them to care for a person with a disability in their own homes.

The Bracks state plan will look 10 years into the future and examine the changes that may be faced by the community and their impact on the community. There will be both challenges and opportunities in having a 10-year forward plan. The plan will focus in detail on what needs to be addressed in both the short-term and the medium-term future. The plan will include clear, identifiable goals for people with intellectual disabilities aimed at fulfilling the requirements of the act. The plan will be prepared at timely three-year intervals, recognising the rapid pace of change and the need to be responsive to people with disabilities.

Mrs Elliott — On a point of order, Mr Acting Speaker, it is perfectly plain that the minister is reading from a prepared statement. I ask her to table the prepared statement.

Ms CAMPBELL — On the point of order, Mr Acting Speaker, I am referring to copious notes. All honourable members have the opportunity to refer to points prepared prior to speaking in the house.

The ACTING SPEAKER (Mr Nardella) — Order! I have heard enough on the point of order. I have been observing the minister. She has been referring to copious notes, as she has assured me. There is no point of order.

Ms CAMPBELL — The Bracks Labor government is establishing a disability advisory council to address the glaring anomalies it has inherited. It is the wish of the government that the council be available to people with disabilities and to government and non-government organisations so the budget's wonderful injection of funds will be well spent.

The ACTING SPEAKER (Mr Nardella) — Order! The minister's time has expired.

Westmeadows: toxic waste dump

Mr LEIGH (Mordialloc) — I rise today to discuss a good example of the open, honest Bracks government. I say at the outset that all of my notes and documents are available to the house. The game has been given away by the honourable member for Tullamarine. I shall read an article in the *Hume Observer* dated 18 April that quotes her comments:

> Plans are being made for a new toxic dump in Westmeadows …
>
> The dump, to replace the present toxic landfill next to Tullamarine airport run by waste company Cleanaway, is being considered for a nearby, disused quarry.
>
> Ms Beattie … said the Cleanaway landfill was scheduled for closure in 2001 and a new dump at the Mitchell Lasry quarry would follow close on its heels.
>
> Ms Beattie will show state environment minister Sherryl Garbutt the site today, to voice what she believes is the community's opposition to a new dump.

> 'We're saying to the minister — come and have a look at the facility, see how close the new dump would be to residential sites', she said.
>
> 'The company has not at this stage put any dollars or firm proposals on the table, but we are concerned they might soon'.
>
> Ms Beattie said the new dump would be built close to a proposed housing estate … and could have dangerous effects on Moonee Ponds Creek.

As the shadow Minister for Transport and honourable member for Mordialloc it is not my responsibility to pick the site and say whether it is perfect, but I have a couple of concerns about the outcome.

Firstly, the open and honest Bracks government has not told people that it is currently behind the scenes negotiating for a new toxic site in the northern suburbs. The words 'toxic site' are not my words but those of the government's own members. The house will remember what happened last year with the proposed site at Werribee. The new site in Western Road, Westmeadows, is owned by the government and is, I believe, Crown land. I have seen copies of minutes showing that the Urban Land Corporation, the City of Hume, Cleanaway and community people have been involved with the proposal. It is clear that Cleanaway is about to put a proposal to the government.

I have documents, which I do not intend to read from in the brief time that I have, including one entitled *Buffer Land Issues Papers — April 2000* by Maunsell and McIntyre. There is also a major document commissioned by Maunsell and McIntyre and prepared by Golder Associates. Clearly the Labor Party is putting a lot of effort into locating the site in the north-western suburbs.

As the shadow Minister for Transport I am particularly concerned about what will happen if this or any site in that area is not used — and it appears that both the honourable members for Werribee and Tullamarine are behind the scenes trying to make sure no sites are established on that side of Melbourne. The fact is that, as of today, the current landfill site at Tullamarine takes a little more than 70 000 tonnes a year of prescribed waste — toxic material according to the Labor Party. The Lyndhurst site in Dandenong currently takes about 100 000 tonnes a year of prescribed waste.

The waste at the Lyndhurst site has increased because the Labor-controlled council of the City of Greater Dandenong increased the height limits on the site before the last state election. It was preparing for the time when this or any of the other proposals in the northern suburbs failed. According to my information, it is the intention of the Labor government to allow over 16 000 large truck journeys a year along the Princes Highway, through the electorate of the honourable member for Dandenong North, down and across Nepean Highway and through to Governor Road in my electorate. The south-eastern suburbs are about to become the dumping ground for the Labor Party and the northern suburbs of Melbourne.

The Labor Party was a participant in wrecking what was proposed at Werribee. It was warned by its own members at the time. The then Leader of the Opposition was warned what might happen if it did this, but little did the Labor Party expect that it would wind up in government and, as the owners of the land, have to negotiate what is to happen with the site. The site is obviously worth millions of dollars. It is behind significant parkland and an historic facility, and there is buffer land on the side of it. Victorians, and the people of the south-eastern suburbs in particular, are increasingly concerned about what will happen.

I will quote from a document entitled *Survey of Prescribed Waste Generation and Disposal by Victorian Manufacturers — Servicing the Needs of Industry — August 1997*. The document sets out landfill proposals at the time and states:

> Currently two landfills are available to meet industry demands for disposable prescribed waste: Tullamarine largely servicing the needs of industry in the north, west and inner parts of Melbourne, and Lyndhurst largely servicing the needs of industry in the south and east of Melbourne. About 125 000 tonnes of prescribed waste is received by Tullamarine and 65 000 by Lyndhurst.

The site at Tullamarine has already gone down to 70 000 tonnes of prescribed waste and the site at Lyndhurst has gone up to 100 000 tonnes. The south-eastern suburbs have already started to become the dumping ground for the Labor Party's inaction in opposition. Now it is in government it does not want to make a decision because it knows it will upset some of its buddies such as the honourable members for Tullamarine and others, and presumably even you, Mr Acting Speaker, as the honourable member for Melton.

The study also states:

> While both landfill operations compete for clientele, it would appear that between 5 per cent and 10 per cent of the prescribed waste coming to Tullamarine is from the south and east of Melbourne. This would suggest that each market is largely segmented by regional and historical developments.

That was a comprehensive study by the Australian Chamber of Manufactures, which surveyed industry needs and considered what would happen if nothing

was done. The survey clearly shows that the net effect of what is about to happen is that the roads of the south-eastern suburbs should become the playthings of the northern suburbs of Melbourne. The people of the south-eastern suburbs are about to cop it because of a government that is inactive and because of people such as the honourable members for Tullamarine and Werribee and others who are doing everything they can to sabotage the proposals that may be being put forward for their electorates.

I am not saying the site in question should be the site; that is for the government to decide. However, the government owns the site and Cleanaway is about to put a proposal to the government about what should or should not be done. It is up to the Minister for Planning, the Minister for Environment and Conservation and the honourable members for Doncaster and Box Hill, who are the shadow ministers, to make a decision, but particularly the Minister for Planning.

The Urban Land Corporation is responsible for negotiating this position, and the Minister for Planning is responsible for the Urban Land Corporation. The document is now sitting on his desk. His officers have been negotiating with people out that way, and the community of the south-eastern and northern suburbs want the matter out in the open as it was last time with the proposal for a toxic waste dump at Werribee.

The City of Hume and various other Labor councils — such as that of Gary Jungwirth, a ministerial adviser in the former Kirner government — are doing everything possible to sabotage this proposal behind the scenes. The opposition wants to know what the government is doing and when it will make a decision. The 1997 study shows the amount of material going to Lyndhurst has significantly increased. By 31 December 2001 no other site in Melbourne will be able to take prescribed waste, according to the Labor Party.

The honourable member for Tullamarine, who is now in the house, is actively sabotaging the government behind the scenes. I hope she will contribute to the grievance debate and explain her position, because the opposition and the community need answers from the ministers involved and assurances from the Minister for Transport that he is not going to allow the state's roads to be misused in this arrangement.

At the moment various disposal sites for urban waste are regionalised. If the Labor Party is going down this track, the people of the southern suburbs will ask for their prescribed waste site to be regionalised as well. Let them organise a site on their own side of Melbourne and if they cannot do so it is their problem in regard to what happens with the industry. Waste from the northern suburbs will not come down the south-east road network, which is bad enough as a result of the budget where almost nothing has been done for projects like the Dingley bypass. The opposition wants to see the Labor Party make some decisions, whatever they may be.

I am prepared to offer bipartisan support: I am happy to work with John Lenders, the honourable member for Dandenong North; the Minister for Major Projects and Tourism, the honourable member for Dandenong; the honourable member for Oakleigh; and all other Labor members of Parliament for the south-eastern suburbs who will fight with me to ensure the northern suburbs face up to their own responsibility. I want no more than that.

Industry should be congratulated on the reduction in this type of material. Clearly the Tullamarine dump is on the verge of closing. Honourable members who represent the eastern and south-eastern suburbs should understand that over 16 000 additional large dump trucks a year will come through our territory when that occurs.

I do not care about the attitude of the honourable member for Tullamarine, who wants to sabotage her own community and the interests of Victorian industry; that is her responsibility and the government will discipline her in whatever manner it sees fit. Questions need to be answered by the government. It is being secretive, not open and honest.

To her credit, the honourable member for Tullamarine came out publicly and slammed the proposal — at least we know where she stands — but the opposition wants to know the views of other government members for the south and south-eastern side of Melbourne.

When the former member for Springvale, Mr Micallef, was here — a real member who was interested in his people — he took a stand in defence of the south-eastern suburbs of Melbourne. I seek the same response today from members who represent the south-eastern suburbs. Let them come over to this side of the chamber and support the opposition to ensure that Victoria and the south-eastern suburbs particularly are treated fairly. In the budget the south-eastern suburbs have not been treated fairly and under the current arrangement are about to cop it. As a member from the south-eastern suburbs and the shadow Minister for Transport, I will ensure they do not cop it.

Benalla Secondary College

Ms DELAHUNTY (Minister for Education) — Today I grieve for the state of the education system. When the previous government departed it left it in a state of neglect. In particular I grieve for the dilapidation left behind at Benalla Secondary College Dunlop campus. It is home — if I can call it that — to 260 year 11 and year 12 students. The campus is named after one of Australia's greatest heroes, Weary Dunlop.

For the past seven years the Dunlop campus of the Benalla Secondary College was denied every cent of maintenance funding ascertained by the Department of Education as necessary to create a decent learning environment for the students. It is a disgrace. Members of the National Party and the former coalition government should hang their heads in shame when they contemplate the state of the Dunlop campus of Benalla Secondary College.

The government knows the previous government closed nearly 200 country schools — the hearts of nearly 200 school communities were broken. Members of the Dunlop campus school community said, 'You will not break our spirit. You might not fund us but we are going to stay open because this is a valuable community asset'. The people of Benalla want the campus to stay open; the students of Benalla Secondary College want to be taught by the valuable teachers working in that environment; and the community stood up against the crude, miserly strategy of the previous government supported by the former Deputy Premier — the local member for Benalla — during the past seven years of neglect. Weary Dunlop might have just survived the Japanese in Burma but the Dunlop campus named after him barely survived the attack by the last government.

Last Thursday as Minister for Education at the request of the Labor candidate in Benalla, Denise Allen, I visited the campus. I expected to see evidence of neglect, but I was shocked by what I saw. There were cracks scarring the sides of most of the classrooms. I walked into a staffroom during the tour and I smelt the stench of dampness — indeed decay.

When we looked at the corner where the worst cracking was clearly evident — the corner of a staff room where professional English teachers of senior students had to work — we found there was a giant hole almost the size of the English Channel! That is the state in which the coalition government left the Dunlop campus of the Benalla Secondary College. It is a disgrace. In fact, it is worse than a disgrace because around 1994 or 1995 the education department audited the Dunlop campus, as was its responsibility, and said some maintenance was urgently needed, as is the case with most schools over time. What happened?

Mr Honeywood interjected.

Ms DELAHUNTY — This government can match it all right. The former government gave it absolutely nothing. It audited the school and said, 'Sorry, we raise your expectations and then we slap you in the face'. That was in 1994–95. It was miserly and vengeful.

I am informed that another audit process was carried out in 1997–98. The physical resources management system audit determined the need for at least $400 000. The government was pruning it! Even $400 000 would have been something to provide a decent learning environment for the school's 260 students. What happened? Again, no money was provided.

What was the master plan? It is quite clear that the strategy of the previous government was to cynically starve the school so that the Dunlop campus would be forced to close. That is what the former government did; that is the grubby tale of how it forced so many schools across the state to close, particularly in country Victoria. It simply withheld funds. It said, 'You need an independent audit by the department', but the department was told to stay out of it: 'This is a political decision. We want that school to close'.

As I said, that school must have had the spirit of Weary Dunlop because it withstood the onslaught for seven years and said, 'This is a community asset. This is a good school. Tom Greene is a great principal. We've got proud, professional teachers who are providing a quality education. We will not see this school closed'. Of course, the school was running against the tide because, as honourable members know, the Kennett government launched an unprecedented assault on education in this state for seven years. Honourable members know the raw statistics, but I shall state them again because it is a tale of savagery, particularly in country Victoria: 326 school sites closed, nearly 200 in country areas.

A few other schools on the list fought to survive, and the Bracks government has already saved one school. I am pleased to see the honourable member for Mildura in the house. He would know the Patchewollock group school, a tiny school in the far north of the state that is the glue of that tiny and shrinking community that has suffered the ravages of economic changes. The Bracks Labor government said those children deserve a school, and it will support the school for at least another year

until the best alternative for the students can be determined.

The government has already stemmed the tide of country school closures. Of course, many schools did not survive. The closures were driven by an agenda that was about not spending money on education. Spend on everything else; spend on buildings other than schools, but do not spend money on education.

What is the legacy of the Kennett government about which I grieve on behalf of Victorians? As the Commonwealth Grants Commission figures show, when the Kennett government left office Victoria was spending less per head on education than any other state or territory in the nation, despite the fact that it is the second-largest state in the country! That is a disgrace. As a result we have a school with 260 students that is an unfit learning environment.

When schools are closed, class sizes balloon. Under the previous government classrooms became crowded, with a consequent diminution in the quality of learning. Seven thousand teachers were sacked and student retention rates plummeted from 77.9 per cent to 69.8 per cent — in other words, our students started to leave school in increasing numbers before they finished year 12. While that was going on the coalition government was spending money on consultants. What sorts of consultants? They included Liberal Party mates such as the Half-million Dollar Man, Dr Kevin Donnelly — and as the Auditor-General said, none of those consultancies was tendered for.

While Dr Kevin Donnelly was on the gravy train to the tune of over $500 000, funding of about that figure was being crudely denied to the students and teachers of the Dunlop campus of Benalla Secondary College. We all know the former government gagged everybody, and that included gagging teachers and principals and school communities to stop the Victorian public from finding out about what was really going on in our schools. However, we now know the truth, because we have gone out to schools to have a look, and that includes the Dunlop campus. When the Labor candidate for Benalla, Denise Allen, took me to that school she said, 'You are not going to believe what you will see'.

What did the previous Minister for Education do for that school? When people go to the ballot box in Benalla in a couple of weeks I doubt they will think well of the National Party when they consider the state of the Dunlop campus of Benalla Secondary College.

Having looked at that school and examined the enrolment figures, which are steady and predicted to increase, I have decided to retain the Dunlop site. It is a community asset that the community has fought hard for, and the government will support it. Further to that, I will immediately release the Dunlop campus's funding entitlement of $330 000 so the most urgent maintenance needs of the site can be addressed. That will be only the first funding instalment for the school to enable it to start building a quality learning environment for its students. The site will also be reaudited to ensure that the government has a good understanding of the most efficient and effective way to revive it.

I am also providing funds for a master planning process. Further funds will be allocated following the completion of the maintenance audit and the planning process to ensure the achievement of a quality learning environment.

It is fascinating to note that following my visit to Benalla last week, during which I told the school community I would support its argument for keeping the school open, the National Party candidate for Benalla, Bill Sykes, welcomed the decision in the local newspaper, stating that he was absolutely delighted that the government would support the revival of the campus.

I ask Mr Bill Sykes what his party was doing while the school virtually went down the gurgler and while huge cracks were opening up in staffrooms and classrooms. It is a bit late for the National Party and Mr Bill Sykes in particular to be saying publicly what a great announcement it is. It is a great announcement, but it has happened only because the Labor government believes in providing a quality learning environment for all Victorian students, regardless of whether they go to school in the country or in the city.

Not only does the government support a quality learning environment, it also does not want to see students' opportunities limited by a dilapidated school environment — and it certainly does not want to see the professionalism and work environment of our teachers undermined. It is an insult to the profession to ask teachers to work in the standard of accommodation that I saw at the Dunlop campus.

Redevelopments like the one at the Dunlop campus, which will be replicated across the state wherever we see neglect, will result in school communities keeping their schools against the odds and despite the attacks of the previous government. In particular, I applaud the teachers who continue to teach the curriculum and

provide the necessary incentive, motivation and support for their students, despite the conditions in which they work.

Mr Honeywood interjected.

Ms DELAHUNTY — I hear the interjection from the shadow Minister for Education, the man who described teachers as coming from the reject pool. He has no understanding whatsoever of what I mean when I talk about insulting the professionalism of teachers by not providing them with a decent environment in which to work.

Mr Honeywood interjected.

Ms DELAHUNTY — I am sure you would not have said she was from the reject pool, because she married you.

Mr Honeywood interjected.

Ms DELAHUNTY — I see, only certain ones are from the reject pool.

The upgrades will continue under the 2000–01 budget — although I cannot pre-empt that!

Rural Victoria: local government

Mr SAVAGE (Mildura) — I grieve for regional Victoria, and specifically for the local authorities that are responsible for providing services to and meeting the aspirations of people living in regional and rural areas. The pain and suffering inflicted on them as a consequence of the decisions made by the previous government need some examination. I will outline how the government should respond to that grief some five years after the amalgamations and the mandatory 20 per cent rate cuts.

Firstly, governments, including the current government, should put their trust in councils — or more pointedly, in the ratepayers at the ballot box — to ensure they are accountable for their decisions. They should not urge that caps be put on rate increases, even if they are only recommendations.

Secondly, governments should not be afraid to allow an independent assessment of the success or failure of amalgamations for fear of the precedent that the breaking up of an amalgamation might set.

Thirdly, to avoid extra costs ratepayers should be allowed to decide at the council level whether they want to retain wards or ridings.

Fourthly, proportional voting should be used in council elections where there are no ridings or wards.

Fifthly, governments should have special responsibility where councils have large areas of non-rateable Crown land within their boundaries.

Sixthly, both state and federal governments have an obligation to return to motorists much more of the money they both collect from road and petrol taxes in the form of funds for road maintenance.

I will begin by talking about the Delatite Shire Council in Benalla, an electorate in which there is passing interest at the moment. It is obvious that Delatite, like most rural councils, is finding it impossible to maintain its bridges and roads. The budget for resheeting roads is inadequate. The most obvious example of the problem is Kirwan's Bridge near Nagambie, which, without a major upgrade, is in danger of being closed. The budget for maintaining parks and gardens is also under significant pressure.

Delatite shire's problems are a direct consequence of the 20 per cent rate cuts forced on councils in a cynical exercise to gain community support for the unpopular amalgamation concept. While the recent guidelines the minister has issued on rate increases are not mandatory, there is a risk that they will inhibit councils that need to increase rates by more than 5 per cent, thereby perpetuating the freeze and the inequities that it generates.

The promised savings of between $300 000 and $600 000 that Delatite should have received from the amalgamation of the city and shire of Benalla and the shire of Mansfield have never materialised because the council has had to maintain offices at both Mansfield and Benalla. The result has been a loss of community identity, with nothing to show for it. It is no wonder that in January this year 750 people attended a meeting in Mansfield and that within four weeks the Mansfield Residents and Ratepayers Association had 1300 members. It is clear that calls for an independent review of the effectiveness of that amalgamation have merit. Although the former Shire of Mansfield was small, it was not much smaller than the Shire of Strathbogie, which escaped the clutches of the amalgamation fanatics.

The honourable member for Gippsland East deals daily with the legacy of the former government's policies in his Shire of East Gippsland, the insolvency of which is profound. The shire revenue is $29 million, with a debt of $17.5 million and an annual interest bill of $1.5 million that increases by $500 000 every year.

Amalgamations have created a shire in which 76 per cent of the land is non-rateable. Some 7.5 per cent of the state is cared for by the citizens of East Gippsland. The shire has 244 bridges, of which 144 are timber, and it has no funds to replace the bridges with steel or concrete constructions. The maintenance debt is increasing by some $2 million annually, and maintenance of roads and bridges is only 50 per cent of what is required. The question facing the shire is whether to close roads and if so which ones.

I speak now about the electoral voting system. Rather than a system where councillors are elected by the entire shire or city, I believe a ward or riding system achieves the best representation. The problem with the whole-of-shire or city system is that certain parts are overrepresented while others are not represented at all.

The weaknesses are exacerbated by an exhaustive preferential system that is exploited by people knowledgeable in those matters to achieve results which may suit them but do not lead to a representative council. Worthy apolitical candidates are generally disadvantaged by the system. Clearly, where whole-of-shire or city elections exist the voting system should be proportional.

I turn now to the Surf Coast Shire, which would adopt whole-of-shire elections if the system used were proportional voting. The shire estimates that the 20 per cent rate freeze has cost it $1.5 million in revenue. In the current financial year the council increased rates by some 7 per cent. Although the increase should have been greater, discretion was thought to be the better part of valour with the possibility of an inquiry by the local government office if that occurred. The Surf Coast Shire experience highlights the potential unintended consequences of government recommendations.

While rates were capped infrastructure deteriorated. The council allocated $600 000 in a desperate effort to patch up problems, but a realistic assessment is that more than $2 million is required annually for several years. The council needs to spend some $13 million in the coming three years to cater for basic growth and tourism. It needs to raise some $7 million itself. In addition, the rehabilitation and extension of the drainage system in the fastest growing town requires a further $8 million. Some $300 000 was allocated last year for capital works, and the current rate base will not service the interest on the loan required to do the work.

Surf Coast Shire has identified important projects that would require an increase of $2.4 million in revenue, some 30 per cent. In the view of the council, rate capping has cost it at least 30 per cent in rate income. In addition, the council must borrow to service a superannuation debt of $2.3 million. The council's debt-servicing cost is $1.3 million annually.

One question that emerges from Surf Coast Shire's situation is whether tension exists between the government's desire to limit rate increases — when looked at from a city point of view in the light of substantial increases in property values in recent years that would seem highly desirable — and placing trust in each community to determine how much it is prepared to pay for services. Many would say that if local government has transparent processes, consults and informs the community and is accountable for its decisions at the ballot box, councils should be able to determine their own future without Big Brother overseeing their actions.

The problems for the Surf Coast Shire have a silver lining. It has a population growth rate second only to the City of Casey. That is not the case closer to my home in the Shire of Yarriambiack. In 1994–95 the shire spent $720 000 resheeting gravel roads and $225 000 resealing roads. The following year the amount spent on resheeting fell to $370 000, and on resealing it fell to $30 000. After increasing rates by 4 per cent last year the council projects that by 2003–04 it will spend $610 000 on resheeting and $300 000 on resealing. The amount spent on roads is inadequate. One can wish away the obvious by saying the amounts spent on roads prior to the rate cuts and amalgamations were inflated because of pork-barrelling, but that sort of rhetoric will not go very far.

The three former councils of Warracknabeal, Karkarooc and Dunmunkle which form the Shire of Yarriambiack were small but lean and mean. The $600 000 in savings the Local Government Board said would flow from amalgamation has not materialised. What is equally real is that after ensuring all-weather road access for residences and school buses the budget does not ensure all-weather road access to farms for farmers who live in towns.

Given the stagnant incomes of many of its ratepayers, the issue facing the Shire of Yarriambiack is how it catches up. Life would be difficult enough even if it had not been forced to cut its rates. Again, as with the Shire of Delatite, small communities have felt a loss of identity and believe they have gained nothing from their sacrifice.

One of the saddest post-amalgamation stories relates to the Shire of Moira, the result of amalgamating five shires, the viability of each of which could not be worse than the viability of Shire of Moira. It has more than

7500 kilometres of gravel and dirt roads, 5 main towns and 14 villages. An independent audit of the commissioners' stewardship is now on record. Spending exceeded revenue by $17.5 million, debt increased by $8 million and 87 staff were retrenched at a cost of some $3 million. However, 58 new staff were employed. The commissioners' final budget set administration costs at some $5 million, whereas the actual cost was about $6 million — almost one-third of revenue. That occurred in the environment of a 20 per cent rate cut.

Furthermore, the commissioners did not make the hard decisions the then government said councillors could not be trusted to make. They did not decide whether the administrative centre should be at Numurkah or Cobram. The councillors, left with a hot potato, passed it off to the ratepayers after a consultant's report recommending Cobram was subjected to criticism. Although Cobram's building was older than Numurkah's and Cobram is less central geographically than Numurkah, the support for Cobram was not surprising given that the bulk of the population is in the east of the shire.

The commissioners also determined that the shire would constitute a single electorate, even though public meetings voted overwhelmingly for the retention of wards or ridings. Thus, in recent elections it was predictable that of the seven councillors elected, six would come from the eastern end of the shire.

As with the Shire of Delatite, the case for reviewing the efficiency of the amalgamation appears strong. Breaking the Shire of Moira into two shires, to which the then Minister for Local Government was sympathetic, seems worthy of examination. Certainly the shires would be small, but they would be larger than the Strathbogie shire. The election results in Moira also highlight the need to introduce proportional voting if wards or ridings are to be abolished and to allow ratepayers to decide whether they want to retain the wards or ridings.

I shall refrain from reciting the lessons I have learnt from my experience in the Mildura district. People may think I am somewhat dispassionate about that subject. Suffice it to say that I reflect the experiences of the shires to which I have referred and justify the recommendations I made at the beginning of my speech.

Health: administration

Mr VINEY (Frankston East) — I grieve for Victorians who suffered grievously under the previous government's administration of the health system, in particular the four years of mismanagement by the former Parliamentary Secretary to the Minister for Health and Aged Care, who is the current shadow Minister for Health.

It is instructive when looking at the record of the previous government and attempting to contrast it with the good news in health delivered in yesterday's budget to reflect on some of the more recent comments by the honourable member for Malvern — or if you like, the quotable quotes. He has conceded, 'We cut too far, too fast'. The house has not yet heard an apology from him, but at least he has started to acknowledge the cutting too far, too fast. On another occasion, and it has been referred to frequently in *Hansard*, he also said, 'We did go too far'.

The honourable member for Malvern subsequently made some cheap political mileage out of Labor's commitments to the health system. The winter bed strategy announced by the Minister for Health a few weeks ago put an extra $26 million into the health system. The honourable member for Malvern described that as paltry. The extra funding was needed in the first place because of the crisis in the health budget in the current year — that is, the budget put together by the honourable member for Malvern in his former role as the Parliamentary Secretary to the Minister for Health and Aged Care. What he has described as paltry is our response to the crisis created by his own mismanagement.

An article in the *Herald Sun* of 13 November 1999 reports the honourable member as having said that the Labor government had inherited a vibrant, innovative and caring system of world best practice. That view seems to fly in the face of general public opinion. On 30 March the *Herald Sun* conducted a phone-in poll. People were asked, 'Has the hospital system been cut back too far?'. Indeed, that was the very point the honourable member for Malvern conceded in his comments I referred to in opening.

What was the response? It appears that 96.3 per cent of respondents voted yes — they agreed that the hospital system has been cut back too far. That result flies in the face of the view of the honourable member for Malvern that somehow the Labor government has inherited a vibrant, innovative and caring system of world best practice. Only 3.7 per cent of respondents — that is, 22 callers — disagreed with the statement and voted no. The honourable member for Malvern's office must have been pretty busy on that day making those 22 phone calls to the *Herald Sun* vote line.

In making many of the comments to which I have referred the honourable member for Malvern is trying to camouflage his involvement in the ambulance scandals over the past four years. He said, 'We did go too far' in some areas, and it is worth examining what those areas were. What did the previous coalition government do under the parliamentary secretaryship of the honourable member for Malvern, who now postulates and pontificates about Labor's commitments to the health system? Over 1000 hospital beds were closed — that is, 1 in 10 hospital beds in the public system — and 4712 patients waited on trolleys for more than 12 hours in the September quarter of 1999, double the number in the same quarter of 1998.

The ambulance service was another responsibility of the honourable member for Malvern, which was delegated to him by the former Minister for Health, who was also the Minister for Aged Care. It has been well noted on the public record that tens of millions of dollars were wasted on ambulance services through the spending of money on contracts, lawyers and consultancies.

The previous government established cheap mobile intensive care ambulances (MICAs), calling them paramedic response units. It was an attempt to develop MICA-type responses on the cheap. The previous government did not provide MICA-qualified paramedics but rather put in place lesser standards. It gave the people of Victoria the perception that it was putting additional resources into the ambulance system, but instead it was ripping the guts out of it and putting in place a cheaper variety.

During the time for members statements today the honourable member for Malvern referred to the Labor government's commitment to reduce response times to 10 minutes and suggested that it was not achieving its target. That target applies to this term of government, and it had to be set because of the mismanagement of and the Victorian people's total loss of confidence in the ambulance system under the so-called stewardship of the honourable member for Malvern.

I will examine what happened during his term of office. During that time the previous government cut the funding of 300 beds at the Alfred Hospital. That was a cut of some 46 per cent — in other words, nearly half the funding for beds at the Alfred was cut. In the past year waiting lists for semi-urgent surgery at the hospital skyrocketed. No wonder: half the beds were removed.

When as the parliamentary secretary the honourable member for Malvern had responsibility for ambulances, the number of ambulance diversions increased markedly. During the last half of 1999 the evidence shows that the health system was on the brink of a crisis. For example, in the quarter ending December 1999 there were 588 ambulance diversions. I will put that figure in context by comparing it with the figure for the same quarter of the previous year. In the last quarter of 1998 there were only 30 diversions.

I have not worked out the percentage, because such large calculations do not always make much sense. However, the increase in ambulance diversions from 30 in the December 1998 quarter to 588 in the December 1999 quarter — the period of responsibility of the then parliamentary secretary — is an extraordinary blow-out. It is no wonder the *Herald Sun* editorial states:

> In opposition, John Thwaites kept heavy pressure on the Kennett government over what he claimed was a crisis in the state's hospital system.

It also states:

> Statistics published in yesterday's *Herald Sun* show that he was justified …

It states further:

> … the opposition's cry —

the honourable member for Malvern's cry —

> that this is insufficient —

referring to Labor's $27 million budget boost for emergency beds —

> rings distinctly hollow given its role in government in creating the present crisis.

That is the point. The honourable member for Malvern stands condemned not only for his mismanagement but more importantly for his posturing and pontificating on the government's commitment to and investment in health. That was clearly demonstrated by the budget delivered yesterday. The Bracks government is reinvesting in health, and I am proud to be part of a government that is doing so.

What did the honourable member for Malvern say about Labor's commitment to health? He said, 'I think they have put the high jump bar incredibly high for themselves. I'm delighted they've set the high jump bar so high. I can't see them meeting it'. The honourable member is showing his glee at the possible problems that may develop in a health system that is at risk of being in chronic crisis, despite the fact that the crisis was created by him. He is expressing his glee because he is more concerned about the cheap political points he may be able to score against the government than he is

about service delivery. By saying that he is delighted that the government has set the high jump bar so high because he believes it will not meet the mark, he makes it clear that he is attempting to score some cheap political points.

I now refer to the details in yesterday's budget. An additional $241 million has been allocated to Victorian hospitals compared with the figure for last year. An extra $176 million has been allocated to expand and enhance hospital services to meet increased demand. That increase will allow for the unblocking of emergency departments, the provision of more beds, improved service quality and an increase in the baseline funding. That additional funding is necessary because of the previous government's downgrading of the hospital system. More funding has been allocated than was promised during the election campaign because of the poor state of the hospital system as a result of the four years of the honourable member for Malvern's mismanagement.

The additional funding includes $60.2 million for integrated elective and emergency strategies. That will result in the provision of 360 more beds to decrease the pressure on emergency departments and reduce waiting lists. That is great news for Victoria's health system. After the seven years of the previous government Victoria now has a government that is reinvesting in the state's health system by allocating an additional $241 million.

Some $93 million will be injected into the baseline budgets of hospitals in 2000–01 to ensure hospitals remain viable and meet the growth in patient numbers. As I said, the funding will provide 360 more beds and will extend the operating times in operating theatres and ease the pressures on hospital emergency departments.

Further funding has also been allocated to attract and retain skilled nurses. The nursing system was ignored and mismanaged by the previous government. Given that the government is providing for additional beds, it is necessary to cater for more nurses, so an additional $27 million has been allocated over four years to address the shortage of nurses overseen by the opposition when in government. The funding will be used for initiatives to attract more qualified nurses into the system and to provide more training and professional development opportunities.

The government is also investing in infrastructure. I mention in passing the investment being made in the Frankston Hospital. During the supplementary election campaign the people of Frankston East discovered that the previous government had ignored a desperate plea from the hospital for additional beds. The previous government apparently understood the problem only during the supplementary election campaign, when it desperately needed the votes of the people of Frankston East.

The honourable member for Malvern is posturing as a potential leadership challenger. On the ABC *News* of 29 March he stated that he had complete confidence in the Leader of the Opposition while making deliberate, slow, side-to-side movements of his head and affecting the bored, sarcastic manner of a B-grade actor repeating his least favourite line at the end of a long, drawn-out rehearsal. A sly smile came to his lips, and with a deliberate shaking of the head he said, 'Of course we have complete confidence in Denis'. I have the video, Mr Acting Speaker, and am happy to make it available in the library. It is recommended viewing and demonstrates the sort of support the honourable member for Malvern offers his leader. It is essential that honourable members look at the video.

Schools: asbestos

Mr COOPER (Mornington) — I join the debate to raise a matter of occupational health and safety at Somerville Rise Primary School that has been brought to my attention by a constituent. I am pleased the Minister for Education is in the house to hear what I have to say.

My constituent advises me that two 1962-vintage Mod–2 relocatable classrooms arrived on the school site in the first week of February, in line with the government's commitment to lower class sizes in prep and years 1 and 2. Suspecting that the internal linings of the relocatable classrooms were made of asbestos cement, the school made inquiries of the education department and was told that it was in error — that is, that the classrooms did not have asbestos in them.

When that message was relayed to concerned parents, one of the parents, the constituent who brought the matter to my attention, went to one of the classrooms, took a sample of the internal wall lining material and delivered it to Kilpatrick and Associates Pty Ltd, a firm that deals in occupational hygiene and environmental matters, to have it analysed. The analysis confirmed that the internal walls of the two relocatable classrooms were made of asbestos cement.

When members of the school community went back to the department about it, departmental officers admitted that they had known all along that the walls were made of asbestos cement but did not feel they needed to tell the school.

Ms Delahunty — That is absolute nonsense!

Mr COOPER — The problem did not stop there. Workmen came to work on the walls, drilling into the asbestos material. Even though the students were taken out of the room while the drilling was being done, the rooms were not contained as asbestos areas should be under occupational health and safety rules, so the dust and fibres would have remained in the air and on the walls and floors for many days following. In short, students in prep and years 1 and 2 at Somerville Rise Primary School were exposed to the dangerous effects of disturbed asbestos while they were being taught. The same rooms also contained Vulcan wall furnaces that had been condemned and could not be used.

When the parent who brought the matter to my attention phoned the minister's office he was told by a staff member that the government had pressed hundreds of similar classrooms back into service to meet its classroom size commitment. It is my understanding, Mr Acting Speaker — —

Ms Delahunty interjected.

Mr COOPER — You might well ask that question tomorrow — —

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Mornington will ignore interjections and will address his remarks through the Chair. He has been here long enough to know the forms of the house.

Mr COOPER — Thank you for your intervention and advice, Mr Acting Speaker. The minister may well ask such a question, and she may not be satisfied when she gets an answer tomorrow! I can assure her this is not the last she will hear of the issue.

It is important that the minister, the government and the house be made aware that in a desperate attempt to keep its election commitment the government has ignored the former Kennett government's policy of not using the large stock of old Mod–2 classrooms, which have been retained for many years.

Questions need to be asked. The questions I will now ask certainly do not constitute an all-inclusive list. The first is why asbestos-lined classrooms are being sent to government primary schools. Why did the department lie to the Somerville Rise Primary School when asked whether the rooms had asbestos cement lining? How many other schools have been lied to in the same way? Were the tradesmen who worked on the rooms at the Somerville Rise Primary School aware they were working with asbestos and that their health was being put at risk? What action has been or is proposed to be taken by the minister and the government to ensure that the students at Somerville Rise Primary School and any other schools with such antiquated classrooms have not been affected by asbestosis?

This is a very serious issue, and I have not raised it flippantly. The parent who brought the matter to my attention is absolutely outraged that in the first year of school his child has been put in danger by the precipitate action of a government with an uncaring attitude.

The government did not consider that it needed to take some care about and responsibility for the asbestos lining in portable classrooms but has sent them out willy-nilly. It tried to con people at the school when it lied by saying there was no asbestos lining in the classrooms. It is only because of the diligence of the parent who took a sample of the wall lining and had it analysed that the truth came out. No doubt many other such classrooms throughout the state are lined with asbestos and putting prep, year 1 and year 2 schoolchildren in severe danger.

The Minister for Education should stop worrying about the Benalla by-election and start worrying about the health and safety of primary schoolchildren.

Casino: bidding process

Mr NARDELLA (Melton) — Today I grieve about members of the Liberal and National parties not learning from the recent history of the casino tendering process and the documents and tapes released by the Minister for Gaming on 11 April. The immediate response from the opposition spokesperson on gaming, the Honourable Roger Hallam, was that the casino tendering process was pristine and that allegations of unfair dealings between the former Kennett government and the Crown consortium were groundless. Obviously, that is not true. The transcripts of the tapes and the other material that has been released, all 100 000 pages of them, demonstrate otherwise.

Rather than the white-shoe brigade that operated in Queensland for many years under the leadership of the then Premier Sir Joh Bjelke-Petersen, during the Kennett government in Victoria we had the gold-badge brigade! The members of the gold-badge brigade looked after only their mates and did only what was good for them — because they were federal Liberal Party bagmen, including the then treasurer of the Liberal Party, Ron Walker. If the sun did not reflect off

a gold badge of Victoria on one's lapel, one did not get anywhere.

The documents demonstrate that, and it is on the public record. Corruption under the Kennett government occurred with the full knowledge of cabinet ministers and backbenchers, who were spineless. They never spoke out in this Parliament, their party room or the cabinet room to challenge the Premier.

Mr Honeywood — Mr Acting Speaker, as there are only four members of Parliament in the chamber, I call your attention to the state of the house. The government cannot provide more than two backbenchers to listen to one of its members.

Quorum formed.

Mr Hulls — On a point of order, Mr Acting Speaker, the honourable member who called for a quorum immediately after having done so scampered out of the house. I think you will find that in the past Speakers have made adverse comment when such an incident has occurred. It is totally inappropriate to use a quorum for purely political purposes. Mr Acting Speaker, I ask you to have a word with the honourable member for Warrandyte for calling for a quorum, drawing attention to the state of the house and then scampering out or, alternatively, refer him to the Speaker for severe counselling.

Mr Steggall — On the point of order, Mr Acting Speaker, I want to comment on the purity the Attorney-General brings to the debate. Over many years Labor oppositions have made an art form of calling for quorums. The operation of an opposition and the personal circumstances that may require a member to be absent from the chamber are entirely the business of the opposition and the member.

The ACTING SPEAKER (Mr Seitz) — Order! I uphold the point of order raised by the Attorney-General. The ruling by Speaker Delzoppo headed 'Member calling must not disappear', states:

> It is an offence against the house for a member to call for a quorum and then disappear before the quorum is formed.

I uphold the point of order.

Mr NARDELLA — What did the ministers and members of the previous Kennett government do? They were spineless. They did not do anything when their Premier sold liquor from his electorate office. They did not do anything when the Premier and his family bought 100 000 shares in Guangdong Corporation. They did not say a word, and they protected him because of the environment of corruption.

What else occurred under the previous government? The documents released the other day demonstrate absolutely that the Liberal and National parties have no propriety whatsoever. They never dealt — —

Honourable members interjecting.

Mr NARDELLA — That is why the Labor Party is on this side of the house and those opposite are on that side. They never dealt with businesses in an even-handed manner. Time and again in the 1970s the Liberal and National parties looked after their mates. In the mid to late 1970s the dirty land deals flourished under the Liberals. At least Premier Hamer took a stand, setting up the Gowans inquiry and then the Frost royal commission, which proved corruption within that administration. People were sent to jail and three ministers were sacked. That legacy of the land deals remains in Melton and Sunbury.

The Kennett coalition government picked up where the last Liberal government left off in the 1970s, having no standards and no propriety, and with the assistance of Premier Kennett at the helm. Premier Kennett and a number of other honourable members then on the other side of the house were members of the previous Liberal government. Premier Kennett was a minister of the previous Liberal government before it lost in office 1982. What was the attitude of Liberal members to the land deals issue in the 1970s? They saw it as a bit of a mistake. The Honourable Ian Smith, then Minister for Finance, said it was a mistake and nobody should have gone to jail; further he said no ministers should have lost their positions. That was the attitude of the ministers of the previous Kennett government.

Yet the Parliament has the tapes and documents that prove without doubt there was collusion between Lloyd Williams, the Crown Casino consortium and the government of the day to ensure Crown Casino won the bid above Melbourne Casino Ltd — that is, ITT Sheraton and Leighton Holdings. ITT Sheraton and Leightons knew the process was corrupt, and it left them at an absolute disadvantage because they did not have the Premier in their pocket, unlike Uncle Lloyd and Uncle Ron, as honourable members on the other side of the house refer to them lovingly.

Those people have made millions of dollars upon the misery of good Victorians. Hudson Conway has some $65 million to invest on the back of selling off Crown Casino to the Packer consortium. Those involved back in 1994 made the former Premier and the government extend for two weeks the bids process that was supposed to have closed on 16 August 1994. In that time Crown Casino found out what the bid by

Melbourne Casino Ltd was. Also within that period a number of changes were made, changes that Lloyd Williams wanted.

What was Lloyd Williams's influence upon the Premier of the day? That is clear from the tapes. Lloyd Williams had a certain attitude to propriety and open and accountable, fair processes when they did not suit him. Lloyd Williams and his bank backers wanted an assurance that within a radius of 100 kilometres from Crown Casino there would be no poker machine venues with over 105 machines. He went out of his way to make that clear to the Victorian Casino and Gaming Authority; if it had not occurred his consortium and bank backers would have pulled out. Yet it was made clear by the Victorian Casino and Gaming Authority that that was not going to be the case. Lloyd Williams said on 23 August 1993:

> I think a couple of old Scotch boys should speak to each other, Mr Richards and Mr Kennett. That's the only way because he's the only person who will do anything about it — Jeffrey. It's no use worrying about a subcommittee.

The process was tainted and corrupt. Lloyd Williams and Ron Walker wanted their way. Walker knew about the granting of the grand prix to Melbourne and used that to their advantage and to the advantage of Crown Casino because ITT Sheraton did not have that information to use in making its bid in the two-week period. I put to the house that Crown Casino found out illegally what the ITT Sheraton bid was and increased its bid by $50 million. Within two weeks the Crown's bid was increased by $50 million!

The bid dated 16 August should have remained. The whole process was tainted back then. The members of the opposition, in particular the shadow Minister for Gaming, have not learnt the lessons. They still claim the process was pristine and believe the Honourable Haddon Storey was above board in these matters. They are wrong, and until they put together a principled position and policies that are incorruptible and recruit people in their ranks who are incorruptible and do not just follow like sheep they will be in opposition for a long time to come. Victoria needs strong but fair, open and accountable government into the future.

Livestock: government policy

Mr STEGGALL (Swan Hill) — I grieve today on behalf of livestock producers in Victoria and I mention in passing the openness of government and some of the problems and concerns the opposition has.

An Honourable Member — Too open!

Mr STEGGALL — Too open? So open that I was banned!

Honourable members know the Minister for Agriculture has an absurd set of recommendations for members of Parliament visiting authorities or departmental officers throughout Victoria. He has three rules: one for Labor Party members, one for the Independent members and one for the partnership members.

The minister and I came to an agreement some months ago. He thought the recommendations were a bit of a nonsense and so he told me not to worry and to go and do the things I wished to do throughout Victoria. I said, 'Righto, I'll do that, but because of the direction I will notify you when I am going'. This week I made arrangements to visit the Victorian Dairy Industry Authority (VDIA) to discuss the food safety arrangements it carries out in Victoria on behalf of the government and the Australian Quarantine Inspection Service.

I rang the minister's office to advise that I would be going. About 10 minutes later I received an urgent phone call saying, 'No, definitely do not go. It does not suit us. You are not to visit the VDIA'. That was a disappointing response from the minister's staff. I stress that it was not the minister but his senior adviser. I was not able to have the discussions with the VDIA that would have been rather helpful in light of the impending debate on the dairy industry bill. Given our previous discussions, I was disappointed the minister took that approach

The Premier should note that the so-called openness of this government is not very real in many ways. He and his ministers could do a number of small things that would help honourable members trying to sort through the legislation the government is introducing.

I also wish to raise the subject of ovine Johne's disease (OJD). The previous government had an eradication program in place. On coming to government the Labor Party, with all its cleverness and desire to help and assist country Victoria, took away the compensation package. Farmers have been left in a state of flux about OJD testing on their properties and those of their neighbours. The state and nation are trying to come to grips with how our society should handle OJD, and the government's decision was unfortunate.

With his instant dismissal of the OJD eradication and compensation program the Minister for Agriculture has caused a lot of problems for Victoria's farmers. One of the problems, which you may be interested in

Mr Speaker, is the fact that the minister has now referred the OJD issue to a parliamentary committee for investigation. I raise with you, Sir, the desire of that committee to come to any sort of decision. The committee is not particularly interested in OJD; it is not a committee that fills me with confidence in its ability to tackle the task given to it by the government.

The opposition has been talking about some recommendations, particularly as it approaches the Benalla by-election. Producers, particularly in South Gippsland, the south-west of Victoria and some of the areas in the central and north-central districts of Victoria, have been affected by the government's dismissal of the eradication and compensation program.

In a document dated 18 April the National Party outlines its nine recommendations for dealing with ovine Johne's disease as follows:

1. That the objective is to control the spread of OJD until it is determined whether eradication is possible and feasible.

2. That all producers with flocks presently identified as being infected with OJD be offered either slaughter and compensation, or —

as distinct from the previous system, under which farmers were given a choice —

assistance to manage the disease on the farms.

Such assistance may take the form of a feasibility study for new enterprise on the land or advice independent of the Department of Agriculture — the department is not travelling well throughout country Victoria on the OJD issue because of an absence of trust in a problematic testing system. Assistance for management and marketing of stock is also needed where the disease exists on farms or neighbouring properties. The document continues:

3. That producers presently restricted in their trading because they adjoin infected properties be allowed to trade with other properties of similar status or lower.

4. That the state government make an immediate contribution of $10 million to the Sheep Compensation Fund to continue compensating producers who wish to test and slaughter.

5. That compensation be immediately reinstated.

6. That the current market assurance program allowing trade between OJD-free flocks be encouraged and supported.

7. That the Victorian abattoir monitoring and surveillance program be supported and expanded.

8. That Victoria continue to support the national ovine Johne's disease control and evaluation program …

9. That when an evaluation has been completed of the extent of the disease in Victoria, and after consideration of the CSIRO report and other existing scientific evidence, that a decision be made in consultation with the VFF Pastoral Group …

The minister must be reminded he has a department. He has access to scientists and access to the best information in the land, and he is not acting or driving the issue as he should.

The other issue I wish to raise in my contribution to the grievance debate is the National Livestock Reporting Service. That successful service has over recent years improved enormously in Victoria and today operates in all Australian states. Nevertheless, the Minister for Agriculture is hell-bent on closing down the service by withdrawing Victoria's contribution.

The minister is arguing that the previous minister began the process of withholding funds from the National Livestock Reporting Service. The current minister is now the responsible minister. He was able to wipe out a compensation program for OJD with a snap of his fingers and he is able, irrespective of what may have occurred before, to continue the National Livestock Reporting Service and ensure the role of the department in facilitating and continuing the flow of information on livestock. The minister has been poorly advised on the subject, and I am sorry to say he is still governing from opposition.

I want it known that if Victoria withdraws from the National Livestock Reporting Service it will be the responsibility of this minister — he is in government and has his finger on the pulse. It is no good to argue that a previous government may have been having discussions on the subject of the future of the Victorian contribution. People from the National Livestock Reporting Service tell me that no discussions took place; that the present contract runs out in June; and that people started discussions about its continuation after the election last year.

The National Livestock Reporting Service has significantly reduced its costs in Victoria and has introduced a standardised language and reporting system across all states. It has developed and implemented a more efficient, timely and accurate market reporting system and has introduced reports on additional physical cattle markets in Bairnsdale, Colac and Shepparton. The service compiles and supplies weekly slaughter statistics and improved over-the-hooks reports for cattle, lamb and pigs and has commenced reporting on the major weaner markets in

the East Gippsland region. It has developed a national hide indicator; prepares weekly market summaries on a state-by-state basis for cattle and sheep; and provides a phone/fax on-demand service and an excellent web site for information retrieval.

For the minister to close the operation down would be a tragedy. As the Minister for Agriculture he must recognise the importance of the service to Victorian and Australian producers. It is the prime information source for agricultural producers on livestock markets.

It concerns me that the minister is hell-bent on closing down this first-class service when he does not need to. He has plenty in his budget, and the costs for the service have come down considerably over the past few years. The service warrants the state's participation. I call on the minister to withdraw any proposal to close down the National Livestock Reporting Service and ask him to ensure it remains with the livestock producers of Victoria.

Essendon Airport

Mrs MADDIGAN (Essendon) — I grieve for the residents of Essendon, Airport West, Strathmore, Pascoe Vale and surrounding districts whose lives are adversely affected by the flying operations at Essendon Airport. I also express their concern and disgust at opposition support for increased passenger flights from Essendon, including its endorsement of proposed Virgin and Impulse flights out of Essendon, and for the many lost opportunities for Victoria in retaining Essendon as a general aerodrome — a view shared by almost everyone except the state opposition.

Alternative uses for the site would provide increased long-term and short-term employment opportunities through construction and industrial jobs, which are generally restricted because of the current aviation activities.

There is a huge shortage of vacant land in the area, particularly for community facilities. For example, there is a critical shortage of nursing home beds in Moonee Valley, an area with an ageing population. Retirement villages are also in short supply.

The opportunities to use the land in question for community purposes are extensive. Sporting facilities are lacking in the area, and the no. 1 priority of the Moonee Valley council is an indoor netball stadium. Airport West has a critical shortage of parkland. By opening up Essendon Airport, the Tullamarine Freeway could be realigned through the middle of the airport site to decrease the time taken to travel from Tullamarine airport to Melbourne and to decrease the time taken by people in northern country areas to get into the city. At the same time it would remove the very dangerous intersection of the Calder Highway and Tullamarine Freeway.

The land at Essendon provides a unique opportunity — it is the gateway to northern Victoria and a link between Melbourne Airport and the CBD. Showing a total lack of vision, the Victorian Liberal Party wants the land to revert to the pre-Tullamarine days. The previous Premier, Mr Kennett, said Essendon Airport was past its use-by date. The desire for increased passenger flights from Essendon is not shared by the current Liberal Party's federal colleagues or the National Party. I shall quote a letter from Senator Ron Boswell, the Leader of the National Party in the Senate and the parliamentary secretary to the federal Minister for Transport and Regional Services.

Opposition members interjecting.

Mrs MADDIGAN — It has nothing to do with my party. Responding on behalf of the Minister for Transport and Regional Services, Senator Boswell states:

> The facilities at Melbourne Airport have been deliberately planned and developed to provide many advantages over the previous airport site at Essendon. For instance the runway lengths, transport links to the city for travellers, airline support facilities and absence of environmental regulatory constraints such as a curfew provide inherent advantages for any airline over the use of Essendon airport.
>
> Accordingly, the government's strong preference is for new entrants such as Virgin and Impulse to operate jet services to Tullamarine, not Essendon.
>
> The government has advised the new entrants that access by scheduled jet services to Essendon Airport raises a number of operational and environmental issues. It has been made clear to them that they should not assume that approval to use Essendon Airport will be granted.

To make honourable members opposite feel better, I inform them that there is a similar response from the Office of the Deputy Prime Minister and Minister for Transport and Regional Services.

Closer to home, the Leader of the Opposition seems to have a conflict of interest in his own ranks. The shadow Minister for Transport, the honourable member for Mordialloc, acknowledges that noise from suburban airports is a problem.

An article in the *Mordialloc–Chelsea News* of 24 April, only a couple of weeks ago, states:

> Dingley residents have vowed to continue their fight against airport noise, after they say moves by Moorabbin Airport have failed to fix the problem

…

Mordialloc Liberal MP Geoff Leigh —

who, as honourable members know, is the shadow Minister for Transport —

said he had last week written to state environment and conservation minister Sherryl Garbutt —

the federal government controls airports —

asking her to follow up his proposal to move helicopter training to vacant Melbourne Water land at Dandenong South.

The honourable member for Dandenong North is probably interested in this proposal. The honourable member for Mordialloc is quoted in this article as saying:

These residents are sick of the noise, and it's just not working the way things are now. We are looking for a common solution to satisfy them and the operators …

His view is that you can't have noise in Moorabbin; you can't have helicopters flying around Moorabbin! However, the Leader of the Opposition says you can have anything that can get into the air at Essendon; it does not matter if it is noisy. How hypocritical can you get! It really makes one realise that the opposition is in a policy vacuum and listens only to its mates rather than the whole community. It has learned very little from the state election.

The residents of surrounding areas have a number of problems with aircraft using Essendon. At a meeting of approximately 150 residents in Airport West last Monday the majority pointed out their problems. They said they had to keep their windows closed because of the aviation fumes. Most have had to have their windows double glazed because of the noise from the airport, and many reported constant maintenance problems with their houses because of black residue from the activities at the airport.

An earlier meeting was held at Strathmore in February this year. At that meeting, which was attended by over 350 residents, a large number of problems were identified. The most commonly raised problems were noise, safety, breaches of the curfew and low-flying aeroplanes.

As honourable members on this side are aware — as, I presume, are honourable members on the other side — there are no firefighting or security services as Essendon Airport. The opposition is encouraging large passenger planes to fly into an airport that has no firefighting services on site! Oddly enough, at a time when the firefighting services were being removed from the airport as part of the previous federal government's rationalisation of secondary airports, the Kennett government assured Victoria that that would not be a problem at Essendon because the Bulla fire station was just down the way in Bulla Road — until the Kennett government abolished it!

To suggest that a local fire station has the right equipment to deal with fires involving aviation fuel is wrong. I was intrigued to hear the former government say, 'There are firefighting services at Tullamarine airport, so you do not have to worry if a plane runs into trouble coming to Essendon because it can just fly to Tullamarine'. If Tullamarine is such a safe place, why are the planes not flying there now? I do not think passengers sitting in a plane that has burst into flames at Essendon Airport would be happy to know that if they had flown to Tullamarine airport a fire service would have been there to assist them!

The Liberal opposition has taken an isolated position in supporting an open-house approach to Essendon Airport. If it had its way planes would be flying backwards and forwards across Essendon.

It is humorous that the National Party has suddenly discovered an interest in Essendon Airport's support of country Victoria. I am sure that has nothing at all to do with the Benalla by-election.

Mr Doyle interjected.

Mrs MADDIGAN — The honourable member for Malvern informs me that it has something to do with Benalla. The people of Benalla would be most interested in that fact, because they never heard a word from the previous government about concerns over Essendon Airport.

Given the severity of the financial effects of the Kennett government's policies on country Victoria, it is also humorous that the only country people who can afford to fly into Essendon Airport are members of the parliamentary National Party. It might be convenient for them to fly to Melbourne, but to suggest that country Victorians have the sort of money they need to fly into Essendon Airport is wrong. That suggestion would be seen as laughable by people in rural Victoria, including those in Benalla.

In a rather strange attempt to shore up support in the country, a couple of weeks ago the Leader of the Opposition put out a press release stating that Essendon Airport was necessary for country Victoria. That demonstrates again how city-centric the opposition still is. As an obvious corollary to that, if the aviation activities at Essendon Airport were relocated, more jobs

might be created in outer Melbourne and the country. Airports in places like Melton, Bacchus Marsh and Mangalore are desperate for more air traffic. A real opportunity exists to do something worth while for the country; however, the opposition can never quite work its way through that logic.

I do not know where the opposition gets its figures on the use of Essendon Airport from, but a staff member at the airport informed a Labor member that 70 per cent of the flights at Essendon are training flights. I am not quite sure how keeping training flights at Essendon helps country Victoria. People in some areas might say that country Victoria would be assisted by having training flights because some of their residents might get jobs!

I will quote briefly from a letter sent to me by one of my constituents, which I believe was also sent to the Leader of the Opposition. It is an interesting insight into the opposition's approach to Essendon Airport. The letter says:

> Apart from the safety and alternative site issues there are also the economic issues. It is very surprising to hear a member of a political party that has strenuously pushed an economic rationalist line support a facility such as Essendon Airport. This facility has provided the taxpaying public with extremely poor financial returns since the changeover of the majority of services to Melbourne Airport many years ago. During 1999, Essendon Airport Ltd made an operating profit after income tax of $160 000. This is an extremely inadequate return on an asset worth at least $15 million, according to airport sources —

that is, according to the airport's annual report —

> and up to $50 million for alternative non-aviation purposes. It is appalling that taxpayers are effectively subsidising this facility. With current term deposit rates —

this was written only a couple of weeks ago so it is fairly current, although the rates would be higher now because general interest rates have just gone up —

> of over 5 per cent the equivalent 'low risk' investment would return the public at least $0.75 million (or just under $3 million on the higher asset value estimate). The poor viability of the airport was highlighted by the lack of strong interest by prospective purchasers.

Honourable members who have an interest in the subject will recall that when the federal government attempted to sell the airport at the beginning of last year it was unable to do so because no-one wanted to run it as an aviation facility. When it realised it had failed in that attempt, the federal government sought to lease it to an operator. However, it still could not get an operator to take it on because no-one wanted to run it as a general aerodrome for the precise reason set out in the letter — that is, you just cannot make money from it!

The letter continues:

> A physical inspection of the site will confirm that it is run down and has now passed its commercial viability. Proper and careful allocation of the underlying investment would result in annual returns much greater than $3 million.

The country is currently getting an annual return of only $160 000 from Essendon Airport — an asset worth $15 million — when it could be earning at least $3 million. Essendon Airport represents a great opportunity for Victoria, but the state Liberal Party wishes to turn its back on that opportunity and hark back to a previous time.

It is interesting that the Democrats support the relocation of aviation facilities from Essendon Airport. The number of political parties that now see the sense of removing flights from Essendon is increasing.

I will conclude by quoting some figures that demonstrate how intrusive Essendon Airport is for my constituents. A constituent who lives in Essendon was so incensed by the continual interruption to her weekends, especially when she was out in her garden, that one weekend she counted the flights that went over her house. On Saturday, 4 March, 80 planes flew across — and I can give honourable members the times. They started early in the morning and went to late in the afternoon. The next day, 71 planes flew over.

Mr Wilson interjected.

Mrs MADDIGAN — It is all right for the honourable member for Bennettswood to sit there yelling and screaming; he doesn't live under a flight path.

Mr Wilson — Not true.

Mrs MADDIGAN — Given that he lives under a flight path, one would think he would have a better understanding of the problems facing people who live under flight paths and would be making a positive contribution to the debate and expressing concern for the residents of Essendon and the surrounding areas.

In the current economic environment there is a severe shortage of resources for schools, hospitals and law enforcement and other services — not forgetting badly needed nursing homes for our aged community — although the current government is doing its best to improve the situation. It is therefore negligent to squander limited public resources on inefficient facilities, which is what is happening at Essendon. Allocating funds to subsidise a facility for the benefit of a minority is poor public policy.

Alternative aviation facilities are available and should be used. A change would not cause users any lasting inconvenience. The Essendon site could then be used for the benefit of the whole community, not just a small sectional interest.

In finishing I will pick up the point raised by the honourable member for Benambra, that the air ambulance — —

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

MAS: royal commission

Mr DOYLE (Malvern) — I understand the feeling behind the heartfelt contribution of the honourable member for Essendon. However, from a different perspective, which she should also think about, I point out that the positioning of the air ambulance at Essendon Airport is critical. I understand she was about to get onto that topic, and I am sorry she did not. I look forward to having that discussion with her in a bipartisan manner at a different time and in a different place. It is an interesting but critical side issue.

I will talk about a sequence of events and a series of documents that were released to me under freedom of information. On 7 January the Premier wrote to all his ministers instructing them that departments or parts of departments were not to be represented before the Metropolitan Ambulance Service royal commission. Further to that letter, on 13 January the Acting Secretary of the Department of Human Services (DHS) wrote directly to the chief executive officer of the Metropolitan Ambulance Service saying that the MAS was not to appear before the royal commission.

I consider it odd that the Metropolitan Ambulance Service was given only 24 hours to respond to the letter faxed to it at 4.58 p.m. That was accompanied by a request to respond within 24 hours. Why did the department's acting secretary ask the service to respond so quickly and for whom? The answer is contained in the letter, which states:

> If you wish to pursue this matter further —

whether the MAS should be represented before the royal commission into itself —

> you should respond to me by close of business on 14 January 2000 to allow me sufficient time to approach the Acting Premier with a view to having the policy amended.

It is interesting to reflect on who the Acting Premier at the time was, and I shall come to that later in my contribution, but given that the Acting Premier who was about to make the decision was also the Minister for Health a strange duality of roles is involved. The solicitors for the MAS thought the situation was odd, and their letter dated 14 January states:

> It emanates from DHS and effectively 'leans' on MAS not to seek leave to appear.

The solicitors give reasons why the MAS should appear and express astonishment at the heavy-handed attempt to prevent its appearance. The advice continues:

> There is nothing in MAS appearing that would be contradictory to the royal commission's concern to establish facts.

The solicitors then judge the department's letter, stating:

> The letter is a strange mixture of concepts with the Premier allegedly advising 'there is no basis' for MAS to appear and the acting secretary of DHS expressing only a preference that MAS should not appear but at the same time threatening not to approve any expenditure involved in appearance.

I shall now deal with the sequence of letters and how it came about that subsequent to that firm directive the MAS was permitted to be legally represented. The committee of management immediately thought the MAS should be represented and requested that representation. Who was that representation to be considered by? The Acting Premier! On 20 January he had apparently considered the issue and asked the acting secretary of the DHS to write back to the MAS, which he did. The letter states:

> The issues raised in your letter have been considered by the Acting Premier.

In conclusion, the letter states:

> In my view MAS has not demonstrated sufficient reason why the Premier's policy directive should not also apply to MAS. I therefore advise that you should notify the royal commission of withdrawal of your appearance before the commission.

The directive to the MAS was not given before the royal commission began; it was an instruction as things were happening, which illustrates the strangeness of the circle. In effect, the DHS, through its minister, wrote to the Department of Premier and Cabinet — in this case to the Acting Premier — who then wrote back to the DHS and advised the Minister for Health of his decision. What is the link in that situation? It is the same person. The department of the Minister for Health wrote to the Acting Premier advising the Minister for Health's department that representation should be withdrawn.

One can only imagine the contents of the letter. The Minister for Health might have written, 'Dear John',

given the advice and then signed off, 'Best regards, Acting Premier'. The farce is apparent.

However, it gets worse. On 28 January the MAS provided independent legal advice by Lionel Robberts, QC, arguing that it should be legally represented. The MAS went to the trouble of engaging a Queen's Counsel outside the ambit of conversations that occurred about ambulances in Victoria to obtain independent advice. The advice was sent to the DHS and apparently disappeared in the decision-making process.

On 18 February the Secretary of the Department of Human Services, Mr McCann, wrote to the chairman of the Metropolitan Ambulance Service advising that the Premier had reconsidered the matter in the light of the points raised in his letter and the attached advice from senior counsel. The letter concludes:

> … I direct that you comply with the direction contained in my letter of 25 January 2000 and arrange to withdraw MAS's appearance as a party before the commission.

The documents also reveal a discussion between officers of the Department of Human Services and the Metropolitan Ambulance Service. One of the documents reveals:

> … that he has been informed that the Premier has reiterated the previous advice that MAS is to withdraw from appearing before the royal commission. A letter advising MAS will be sent in due course.

One can imagine officers of the DHS springing into action to prepare that letter on receipt of advice from the Acting Premier.

A document released under freedom of information from the Department of Premier and Cabinet dated 14 January shows that the matter had been considered by the Acting Premier. The letter states:

> The Acting Premier considers that MAS has not demonstrated sufficient justification to waive the Premier's directive that departments, or parts of departments, are not to be legally represented before the commission.

That was before the independent legal advice was obtained. I make the point that during the entire decision-making process the Department of Human Services and the Department of Premier and Cabinet are not two separate agencies of government. The same minister was considering the matter. That leads to several questions I asked in the house. On 1 March I am reported in *Hansard* as having asked:

> Is the Minister for Health aware of independent legal advice sought by the Metropolitan Ambulance Service which confirms that the MAS should be represented legally as a party to the Metropolitan Ambulance Service royal commission? If so, will the minister advise the house why the government directed the MAS to ignore the advice?

The minister is reported as having replied:

> I am not aware of that advice. If the shadow minister has a copy and makes it available to me I will be happy to look at it.

Further questions were asked on 14 March and 13 April about whether the Minister for Health stood by his statement that he was not aware that independent legal advice had been delivered.

I can accept that the Acting Secretary of the Department of Human Services, departmental officers including its legal department, the committee, the CEO and senior officers of the Metropolitan Ambulance Service, the Premier, the Secretary of the Department of Premier and Cabinet and departmental officers all knew of this independent legal advice, but the Minister for Health stands by his claim that he was unaware of it.

Let us accept that he was not aware of the advice, despite the fact that this panoply of other ministers, officers, departmental secretaries and senior people all knew of it. The crunch comes with a further document, which reveals that on 9 February the chairman of the committee of management of the Metropolitan Ambulance Service faxed 18 pages of independent legal advice directly to the ministerial office of the Minister for Health. The fax was sent to an adviser to the minister, not a departmental officer — it went directly into the ministerial office. The copy I have carries a fax header and states:

> Dear Chris,
>
> Following, as discussed.
>
> I would appreciate an opportunity to meet with Minister Thwaites to clarify and confirm issues that we discussed.

It is signed by the chairman of the committee of management of the Metropolitan Ambulance Service. It was not officers of the department, officers of the Department of Premier and Cabinet, the legal department or the MAS but the ministerial office of the Minister for Health that was being offered the legal advice. The face sheet suggests that discussions had taken place between advisers and between the MAS and the minister's office, and further that there was a request for a meeting with the minister.

Are honourable members to accept that between 9 February and 1 March none of the minister's advisers brought to his attention in the context of a royal commission a request for a meeting with him by the chairman of the MAS committee of management? Are

honourable members to believe that between 9 February, when this material was received in the minister's office, and the minister's answer in this place on 1 March he was unaware of that legal advice and that his own advisers would not put that legal advice before him? The minister reiterated those answers on 13 March and again on 14 April — and he stands by them.

Finally, there is a third set of documents. The first two sets come from the MAS and the DHS. Naturally the third arm was the Department of Premier and Cabinet, which was subject to a freedom of information request by me. In the brave new world of transparency I received approximately 33 documents from the MAS and about 29 from the Department of Human Services. There were no exceptions.

However, I was told by the Department of Premier and Cabinet that although it had 10 documents I could not have 2 of them. In fact, I could not have any of them until I paid $10.80 for photocopying. I was pleased to pay so I could get the 8 documents. Naturally I requested an internal review of the decision to deny me access to 2 documents. That review has now taken place, and I have been told that I am still not to be given access to those documents.

Why have I been denied access? The answer is simple: the documents were briefs prepared for the Premier and the Acting Premier advising them of these issues. I do not know what is contained in those documents — they may be perfectly innocent — but they are materials prepared by the Department of Premier and Cabinet in this sequence of documents concerning an argument about whether legal representation should be granted. It has since become apparent in the context of the matter that representation was subsequently granted. As I recall it the Attorney-General made that announcement one Sunday afternoon at the back door of the Parliament building. It was not a banner headline announcement, but it was appropriately received.

I am now told that critical advice to not just the Premier but also the Acting Premier, who is also the Minister for Health, is not to be made available to me. In this world of transparency and FOI, why is it that although all the documents from the Metropolitan Ambulance Service and the Department of Human Services can be released to me, two that may well be critical to why the decision was made and what conversation took place about the decision cannot be released?

Mr Hulls interjected.

Mr DOYLE — It is not now before any court, but I can assure the Attorney-General that that may happen in the future. If that point were reached I could not discuss the matter, but given that it is not now before any tribunal or court it would be difficult to apply a sub judice rule. The Attorney-General may correct me if I am wrong, but I expect that is the answer. I assure the Attorney-General that is exactly where the opposition will go next. I hope it is not necessary because the Attorney-General is an honourable man, as has been said in other speeches — —

Mr Hulls — He barracks for Geelong!

Mr DOYLE — He is not all bad. I hope, unlike some Geelong players, he will not go missing on this issue — not that I would criticise them. I hope the Attorney-General does not make me go to any other tribunal. I hope the documents can be released and the matter put to rest. It may well be that the minister was not aware of that legal document, and if that is the case I will accept it. However, if that is the case and documents can be released by the Department of Human Services and the MAS, why is it that the two documents in question, which apparently contain advice to the Premier and the Acting Premier on such an important issue, cannot be released to me?

This is a matter of some gravity. If the process is to be truly transparent and if the line of decision making that led to the appropriate decision that the MAS be legally represented before the royal commission is to be understood, those two documents should be released so that the opposition will have the full set of documents and can understand the whole picture.

Women: parliamentary representation

Mr LENDERS (Dandenong North) — I rise to grieve at the way the Liberal and National parties have treated the career aspirations of women in the Parliament of Victoria. I grieve because we in the Labor Party have listened to preaching for many years from the Liberal and National parties on their wonderful affirmative action records on returning women to Parliament.

Across Australia there are 100 Labor women in Parliament, or 28 per cent of the party's entire representation, compared to 56 Liberals, or 19 per cent of its representation, and a mere 10 Nationals, or 9 per cent of its representation. The figures for Victoria are more amazing.

Thirty-seven per cent of the members of the parliamentary Labor Party are women. Of the members of the parliamentary Liberal Party, the home of the

preachings of John Howard and past generations of Liberal women, only 16 per cent are women. The percentage of women members of the parliamentary National Party is misogynistically low — only 7 per cent.

The Labor Party expects its percentage of women members of Parliament to improve after the Benalla by-election. Several years ago the Labor Party set itself targets not only on gender issues but also on ethnicity issues, and it has achieved them. It has made every effort to be representative of this grand state. A successful parliamentary party reflects the interests of the communities it represents. The parliamentary Labor Party is fantastic, not only because it addresses gender issues and regional issues but also because it recognises the importance of educational achievement. The government continually seeks to represent the communities it serves. Labor is proud of the results it has achieved, and it challenges the Liberal Party to put its money where its mouth is on the issue of affirmative action in Victoria.

Question agreed to.

TRANSPORT (AMENDMENT) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to amend the Transport Act 1983 to remove references to the transport functions of the Public Transport Corporation, to make certain consequential amendments to certain other acts and for other purposes.

Read first time.

PSYCHOLOGISTS REGISTRATION BILL

Introduction and first reading

Mr THWAITES (Minister for Health) — I move:

That I have leave to bring in a bill to make further provision for the registration of psychologists and investigations into the professional conduct and fitness to practise of registered psychologists, to regulate advertising relating to the provision of psychological services, to establish a new Psychologists Registration Board of Victoria and a Psychologists Registration Board Fund, to repeal the Psychologists Registration Act 1987 and for other purposes.

Mr DOYLE (Malvern) — I ask the minister for a brief explanation of the purposes of the bill — and in particular, whether there is a section 85 provision in the bill.

Mr THWAITES (Minister for Health) (*By leave*) — The bill deals with the registration of psychologists and the need to provide for better regulation of the industry, which became apparent as a result of the overall regulation review process. I understand the shadow Minister for Health was involved in that process. To the best of my recollection — although I stand to be corrected — there is no section 85 provision in the bill.

Motion agreed to.

Read first time.

HEALTH PRACTITIONER ACTS (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Health) introduced a bill to make miscellaneous amendments to the Dental Practice Act 1999 and the Medical Practice Act 1994 and for other purposes.

Read first time.

HEALTH SERVICES (GOVERNANCE) BILL

Introduction and first reading

Mr THWAITES (Minister for Health) introduced a bill to amend the Health Services Act 1988 to facilitate the disaggregation of certain health care networks and the reorganisation of public health care agencies in the metropolitan area and for other purposes.

Read first time.

TOBACCO (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Health) — I move:

That I have leave to bring in a bill to amend the Tobacco Act 1987 and for other purposes.

Mr DOYLE (Malvern) — I ask the minister for a brief outline of the contents of the bill, particularly whether it bans smoking in public places.

Mr THWAITES (Minister for Health) (*By leave*) — The bill tightens the regulation of tobacco use. It implements government policy on smoking bans in restaurants and increases the penalties for sales to minors. It also contains other provisions that will better

protect the health of Victorians by reducing their exposure to the harmful risks of smoking tobacco.

Motion agreed to.

Read first time.

STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr BRUMBY (Minister for Finance) — I move:

That I have leave to bring in a bill to repeal the Gift Duty Act 1971 and the Probate Duty Act 1962, to amend the employment agency provisions of the Pay-roll Tax Act 1971 and the land-rich provisions of the Stamps Act 1958 and for other purposes.

Ms ASHER (Brighton) — I seek a brief explanation of the bill from the Minister for Finance, and in particular an explanation of the proposed amendments to the Stamps Act.

Mr BRUMBY (Minister for Finance) (*By leave*) — This certainly will be brief! The amendments to the Stamps Act relate to what is known as the land-rich provisions, by which companies are able to acquire property not through the usual purchase and payment of conveyancing and duties but effectively by the issue of shares. That procedure has been an avoidance mechanism. The proposed amendments are designed to ensure that there will be less avoidance in the future.

Motion agreed to.

Read first time.

SUPERANNUATION ACTS (AMENDMENT) BILL

Introduction and first reading

Mr BRUMBY (Minister for Finance) introduced a bill to amend the Emergency Services Superannuation Act 1986, the Government Superannuation Act 1999, the Parliamentary Salaries and Superannuation Act 1968, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989 and the Transport Superannuation Act 1988 and for other purposes.

Read first time.

ELECTRICITY INDUSTRY ACTS (AMENDMENT) BILL

Introduction and first reading

Mr BRUMBY (Minister for Finance) — I move:

That I have leave to bring in a bill to amend the Electricity Industry Act 1993, the Electricity Safety Act 1998, the Office of the Regulator-General Act 1994, the National Electricity (Victoria) Act 1997 and certain other acts and for other purposes.

Ms ASHER (Brighton) — I ask the minister for a brief explanation of this bill.

Mr BRUMBY (Minister for Finance) (*By leave*) — There are a number of bills involved here. Is there any particular one about which the shadow minister wants an explanation?

Ms Asher — It is in fact one bill containing a number of — —

The ACTING SPEAKER (Ms Davies) — Order! I ask the Deputy Leader of the Opposition to stand in her place if she wishes to clarify any point.

Ms Asher — I was just helping you out!

Mr BRUMBY — The bill relates to the introduction of retail contestability in the Victorian electricity industry. It is proposed that contestability will be implemented in the remaining sectors of the market from 1 January 2001.

Although the legislation theoretically provides for contestability and full competition, the technology needed for their implementation is unlikely to be in place in time to enable all customers to exercise a full choice among a range of electricity companies. The proposed legislation installs a regulatory system for a transitional period covering the change from the existing market arrangements to the implementation of full, effective and practical contestability and competition within the market.

The Bracks government is committed to the implementation date of 1 January 2001 and wants to see competition in the industry. However, it is true that companies are not yet ready to offer small businesses and householders the full range of customer choices, and that is why a regulatory regime is needed. It will be light handed — I want to stress that — but it will protect consumers, particularly those in rural and regional Victoria.

Motion agreed to.

Read first time.

VICTORIAN LAW REFORM COMMISSION BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to establish the Victorian Law Reform Commission and define its functions and powers, to repeal the Law Reform Commission (Repeal) Act 1992 and amend the Legal Practice Act 1996 and for other purposes.

Read first time.

CHILDREN AND YOUNG PERSONS (APPOINTMENT OF PRESIDENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Children and Young Persons Act 1989 to provide for the Children's Court to be presided over by a president who is a judge of the County Court, to amend the Crimes (Family Violence) Act 1987 with respect to certain appeals under that act and for other purposes.

Read first time.

DAIRY BILL

Introduction and first reading

Mr CAMERON (Minister for Local Government) — On behalf of the Minister for Agriculture, I move:

> That I have leave to bring in a bill to establish Dairy Food Safety Victoria with responsibility for dairy industry licensing and dairy food safety, to repeal the Dairy Industry Act 1992 and for other purposes.

Mr STEGGALL (Swan Hill) — I would like an explanation of why the Minister for Local Government for the Minister for Agriculture is introducing a food safety bill when the minister responsible for food safety in Victoria is the Minister for Health?

Mr Hulls — Is this a point of order?

Mr STEGGALL — No, I am asking a question.

The ACTING SPEAKER (Ms Davies) — Order! Is the Minister for Local Government happy to provide a brief explanation of the bill?

Mr CAMERON (Minister for Local Government) (*By leave*) — I am happy to answer the question. At the present time I am acting for the Minister for Agriculture.

Motion agreed to.

Read first time.

ARTS LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Ms DELAHUNTY (Minister for the Arts) introduced a bill to amend the Victorian Arts Centre Act 1979 and the National Gallery of Victoria Act 1966 and for other purposes.

Read first time.

LAND (REVOCATION OF RESERVATIONS) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to provide for the revocation of reservations and a Crown grant affecting various parcels of land and for other purposes.

Read first time.

NATIONAL PARKS (AMENDMENT) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to amend the National Parks Act 1975, the Alpine Resorts Act 1983 and the Alpine Resorts (Management) Act 1997 and for other purposes.

Read first time.

EMERGENCY MANAGEMENT (AMENDMENT) BILL

Introduction and first reading

Mr HAERMEYER (Minister for Police and Emergency Services) introduced a bill to amend the Emergency Management Act 1986 to establish the position of Emergency Services Commissioner, to make consequential amendments to the Country Fire Authority Act 1958, the Metropolitan Fire Brigades Act 1958 and the Victoria State Emergency Service Act 1987 and for other purposes.

Read first time.

CONTROL OF WEAPONS (AMENDMENT) BILL

Introduction and first reading

Mr HAERMEYER (Minister for Police and Emergency Services) introduced a bill to make miscellaneous amendments to the Control of Weapons Act 1990, to make a consequential amendment to the Vagrancy Act 1966 and for other purposes.

Read first time.

LOCAL GOVERNMENT (GOVERNANCE) BILL

Second reading

Mr CAMERON (Minister for Local Government) — I move:

That this bill be now read a second time.

This bill continues the local government reforms already introduced by the Bracks government with best-value Victoria. It implements the Labor government's commitment to give councils greater autonomy in the appointment of their chief executive officers (CEOs).

Appointment of chief executive officers

The proposed bill removes the requirement on councils to advertise the CEO's position before reappointing. Instead it gives the choice to councils. It enables a council to determine whether or not to advertise the CEO's position prior to reappointing a CEO.

It removes the provisions introduced by the former Kennett government which prevent a council from reappointing the incumbent CEO without advertising, even if the council is extremely satisfied with the CEO's performance. This current requirement has been widely criticised in the local government sector as overprescriptive, unnecessary and costly.

The amendments proposed in this bill ensure that where a council decides to reappoint the CEO because of the CEO's outstanding performance, the council will no longer be required to undertake a lengthy and expensive advertising and recruitment process.

These amendments will be of particular assistance to small rural councils. It is often difficult to attract CEOs to rural areas. Consequently the field of applicants for a CEO's position in a rural council may often be small. Such councils will no longer be required to undertake an expensive recruitment process if there is likely to be a very small number of applicants.

Naturally a council will advertise if they want a new CEO, or to test who is available. This bill does not remove the ability of a council to test the market. In many cases a council may decide that there is a benefit in advertising the CEO's position. The amendments proposed in this bill simply give greater autonomy to councils. It gives the choice to councils to determine if it is desirable to advertise the position.

In addition, this bill prevents a council from resolving to reappoint a CEO more than six months prior to the expiry of the term of the CEO's contract. This ensures that councils do not resolve to reappoint the incumbent CEO an excessive period prior to the expiry of the contract.

This bill makes several other amendments to ensure that where a council does not advertise the CEO's position, the reappointment process is open and transparent. The proposed bill requires a council to give public notice of its intention to put a resolution to reappoint the incumbent CEO. This will ensure that the public is made aware of a council's intention to reappoint a CEO. In addition, if a council passes a resolution to reappoint a CEO without advertising, the proposed remuneration package of the CEO will be available for public inspection. This is consistent with current provisions which require a council to make available for public inspection the CEO's gross salary, the amount of the council or employer contribution to superannuation and the value of any motor vehicle provided by the council. These requirements accord with the best-value approach of open and accountable local government, reporting to its community.

The bill also removes the requirement on councils to give the minister notice of any resolution that relates to the remuneration or termination of the employment of the council's CEO. This removes further unnecessary state involvement in the CEO appointment process.

Miscellaneous amendments

The proposed bill also makes minor housekeeping amendments to the Local Government Act. It corrects the incorrect application of certain provisions in the act to regional library corporations. It amends an oversight in the act so as to make the maximum interest payable for unpaid amounts other than rates and charges consistent with the interest payable for unpaid rates and charges. A minor amendment is also proposed to the Libraries Act to clarify the power to prescribe a certain

form relating to a request concerning the transfer of former library land.

I now turn to the provisions of the bill.

Clause 1 outlines the purpose of the bill. That is to amend the Local Government Act to make changes concerning the reappointment of CEOs under the act. The proposed bill also makes minor amendments to the Local Government Act and the Libraries Act.

Clause 2 provides for the bill to come into operation on the day after it receives the royal assent.

Clause 3 makes amendments to the provisions relating to the reappointment of chief executive officers. It enables a council to resolve to reappoint their incumbent CEO, in the six months prior to the contract's expiry, without advertising the position.

Where a council resolves to reappoint the incumbent without advertising, this clause also requires a council to give public notice of its intention to put the resolution. This public notice must be given at least 14 days before the resolution is passed. The public notice must outline that the passing of the resolution would result in the reappointment of the CEO without advertising, and any other details required by regulations.

This clause also provides that where a council appoints a person to act as its CEO for a period of not more than 12 months, it is not required to advertise the position. In addition, where a council passes a resolution to reappoint a CEO without advertising, it is required to make details of the CEO's proposed total remuneration available for public inspection. This must be made available within 14 days of passing a resolution to reappoint a CEO without advertising.

Clause 3 also repeals the requirement that councils give the Minister for Local Government reasonable notice of their intention to put a resolution that relates to the total remuneration or the termination of the employment of the council's chief executive officer.

Clause 4 is included to ensure that purported acts of a CEO or senior officer are not invalid merely because the person's contract was void at the time the thing was done.

Clause 5 corrects the provisions which are applied to a regional library. It removes irrelevant sections which do not apply to regional libraries and adds relevant sections which should be applied to regional libraries.

Clause 6 changes the method of setting the maximum interest rate on unpaid money other than rates and charges. It provides that the maximum interest rate is the rate fixed under section 2 of the Penalty Interest Rates Act 1983. This accords with the interest charged by council on unpaid rates and charges, which is calculated at the rate fixed under section 2 of the Penalty Interest Rates Act 1983.

Clause 7 amends the Libraries Act 1988 so as to clarify that there is a head of power to prescribe the details which must be included in a request concerning the transfer of former library land.

I commend the bill to the house.

Debate adjourned on motion of Ms BURKE (Prahran).

Debate adjourned until Wednesday, 10 May.

FEDERAL COURTS (CONSEQUENTIAL AMENDMENTS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Introduction

Members will recall the Federal Courts (State Jurisdiction) Act 1999, which was passed in this house last sitting. At the time that bill was introduced, it was foreshadowed that a further bill would need to be passed to consequentially amend a number of state acts which form part of national cooperative schemes.

Both this bill and the now enacted Federal Courts (State Jurisdiction) Act form part of the legislative response necessitated by the High Court's decision last year in *re Wakim*. In that decision the High Court struck down the vesting of state jurisdiction in federal courts.

The *re Wakim* decision has affected a number of commonwealth–state cooperative schemes which apply certain commonwealth laws as state law and also purport to confer jurisdiction on the Federal Court. The schemes affected include the agriculture and veterinary chemicals scheme, competition policy scheme, Corporations Law scheme, gas pipelines access scheme, National Crime Authority scheme and the price exploitation scheme associated with the federal government's GST.

The Federal Courts (State Jurisdiction) Act enables state courts to deal with applications under the schemes that would otherwise have been dealt with by a federal court, and provides:

> that the rights and liabilities of persons under ineffective judgments of a federal court that purported to exercise state jurisdiction are taken to be rights and liabilities under judgments of the Supreme Court; and
>
> for the transfer of proceedings before a federal court in relation to state matters to the Supreme Court.

Description of the bill

The bill which I am now bringing before the house addresses several outstanding issues in the various acts affected by the High Court's decision. This bill, while technical in nature, achieves three main things.

First, it removes the now invalid provisions, which purported to confer state jurisdiction on federal courts. Since the commencement of the Federal Courts (State Jurisdiction) Act 1999 relevant matters are now being heard in the state's Supreme Court.

Secondly, it removes the now invalid provisions which purported to apply the commonwealth Administrative Decisions (Judicial Review) Act as a law of the state.

Finally, this bill brings the cross-vesting provisions (both generally and in relation to corporations) into line with the revision of the schemes proposed by the commonwealth and complements relevant provisions in the recently introduced commonwealth Jurisdiction of Courts Legislation Amendment Bill. In particular the commonwealth bill provides that judicial review of actions and decisions of commonwealth officers and authorities will usually continue to be dealt with by the Federal Court, although the state Supreme Court is given equivalent federal jurisdiction in limited circumstances. In addition, provision is made for special federal matters (as defined in the commonwealth Jurisdiction of Courts (Cross-vesting) Act to be heard in the Supreme Court in certain limited circumstances.

Section 85 statement

It is the intention of section 23 in part 5 and section 27 in part 6 of the bill to alter or vary section 85 of the Constitution Act 1975. I therefore make the following statements under section 85(5) of the Constitution Act of the reasons for altering or varying that section.

These are predominantly technical provisions.

Part 5 of the bill amends the Gas Pipelines Access (Victoria) Act 1998 to remove invalid references to the Federal Court. As the various state Supreme courts will now be the relevant forums in which disputes under this act are heard, the ministers responsible for the Gas Pipelines Access scheme have requested that the act clarify in which state matters arising should be heard. As a result, it is proposed that in certain cross-boundary disputes the matter will be heard in the state which has been determined to be the one most closely connected to the pipeline. If the pipeline crosses a Victorian boundary but the state which has the greatest interest is not Victoria, this part provides that the Victorian Supreme Court will not have the jurisdiction to make certain declarations or orders relevant to the dispute. Although it would seem an appropriate course of action for matters to be heard in the state which has the greatest interest in the pipeline at the centre of the dispute, expressly providing for such an approach does result in some limitation on the jurisdiction of the Victorian Supreme Court.

Part 6 of the bill amends the Jurisdiction of Courts (Cross-vesting) Act 1987. In particular it makes new provision for the hearing and transfer of 'special federal matters' as they are defined under the commonwealth Jurisdiction of Courts (Cross-vesting) Act. Special federal matters must usually be transferred from the Supreme Court to the Federal Court except in certain limited circumstances. This bill provides that the Supreme Court must only transfer so much of the proceeding as is thought to be within the jurisdiction of the Federal Court; whereas in the past the entire proceeding would have been transferred. This amendment is not of itself introducing a new limitation on the jurisdiction of the Supreme Court, however some limitation remains. Section 6 of the Jurisdiction of Courts (Cross-vesting) Act was previously the subject of a section 85 statement. Because of the amendments to section 6 made by this bill it is necessary to make this further section 85 statement.

Conclusion

Like the Federal Courts (State Jurisdiction) Act, this bill has been developed under the auspices of the Standing Committee of Attorneys-General or SCAG. This bill amends seven pieces of legislation, each piece being part of a national scheme. It is anticipated that all other states will pass legislation along these lines in the near future.

This bill provides a workable solution to problems created by the *re Wakim* decision. However, the Standing Committee of Attorneys-General assisted by state and territory parliamentary counsel and Solicitors-General, are continuing to work to find a long-term solution to address *re Wakim*.

I commend the bill to the house.

Debate adjourned on motion of Ms BURKE (Prahran).

Debate adjourned until Wednesday, 10 May.

ADOPTION (AMENDMENT) BILL

Second reading

Ms CAMPBELL (Minister for Community Services) — I move:

That this bill be now read a second time.

This bill is designed to amend various sections of the Adoption Act 1984. The proposed amendments are consistent with the fundamental purpose and intention of the legislation, and do not entail a review of the act.

The purpose of adoption is for a child to be adopted by persons who are able to provide a secure and lasting family relationship with that child, when that child is unable to live with his or her family of birth on a permanent basis.

The Adoption Act 1984 applies to the adoption of children who are Australian citizens and have been relinquished for adoption. These adoptions are known as local adoptions. In addition, the legislation governs the adoption of children who are not citizens of Australia, but who have entered Australia for the purpose of adoption. Such adoptions are referred to as intercountry adoptions.

Some of the amendments flow from Australia's ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Other amendments give effect to bilateral agreements or arrangements on the adoption of children between Australia and a prescribed overseas jurisdiction, and allow for the recognition of an adoption from a prescribed country. The arrangements for bilateral agreements were developed to allow the establishment of an intercountry adoption program with the People's Republic of China.

Both the Hague convention and the development of an intercountry adoption program with the People's Republic of China are currently dealt with under the commonwealth Family Law Act 1975.

The amendments strengthen the current provisions in the act regarding the wishes of the child in relation to adoption, provide greater clarity and efficiency in relation to procedures for the approval of applicants and the discharge of adoption orders under the act, and enable an application to be made to the court to add conditions to an existing adoption order.

The amendments are as follows:

A. Hague convention on intercountry adoption

In December 1998, the Commonwealth of Australia ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption 1998. The ratification of the convention by Australia was the culmination of extensive work between the states and territories and occurred only after the state and territory community services ministers were satisfied that Australia was in a position to comply with the requirements of the convention.

The commonwealth government amended the Family Law Act 1975 to allow the commencement of the convention in all states and territories in Australia from 1 December 1998. An agreement between the commonwealth, states and territories allows for the commonwealth legislation to be mirrored within state legislation.

The Hague convention on intercountry adoption was developed to provide protection for children under the age of 18 years who were the subject of an adoption outside their country of origin.

The convention establishes a system of cooperation between contracting states to ensure that those safeguards are respected and thereby prevent the abduction, sale of and trafficking of children. The convention requires each contracting state to establish a state central authority to ensure that there is no possible family placement in the child's country of origin and determine that any arrangements towards the adoption of a child comply with the requirements of the convention. Within Australia each state and territory has established a central authority and the commonwealth government has established a principal central authority. The commonwealth, states and territories have agreed to the functions and responsibilities of the central authorities in Australia.

Intercountry adoption remains a matter of last resort for a child and can only be considered where a suitable family cannot be found in the child's country of origin.

A fundamental aim of the convention is to establish safeguards to ensure that intercountry adoption is in the child's best interests and that the fundamental rights of the child are established in law.

The convention allows for a child from one contracting state to be adopted by approved applicants from another contracting state. Once the adoption has occurred, the child can travel with their adoptive family to the country in which the family is habitually resident. The convention ensures that the adoption of a child in the country of origin is recognised in the receiving country and the child has the same rights and privileges as a child born in the receiving country.

In Victoria, the person making the application to adopt a child from overseas must be an habitual resident of Victoria. The applicant must meet the requirements for approval as established under the convention and the Adoption Act. The state central authority determines the eligibility and suitability of applicants, ensures that they have been counselled and determines that the child is or will be authorised to enter and reside permanently in Victoria.

The amendments allow for the establishment and accreditation of a competent body in Victoria to undertake tasks such as the provision of information, assessment of applicants and the supervision of a child placed in a family for adoption.

B. Bilateral arrangements

It is proposed that the Adoption Act 1984 be amended to provide for the automatic recognition of adoptions from prescribed countries.

The Family Law (Bilateral Arrangements–Intercountry Adoption) Regulations 1998 allow for the automatic recognition of adoptions between countries which have a bilateral arrangement. The amendments provide that a country with which Australia has a bilateral arrangement can be prescribed as a country where an adoption order is automatically recognised. The amendments mirror the commonwealth regulations.

The regulations arose from the longstanding negotiations with the People's Republic of China to establish an intercountry adoption program. The People's Republic of China is a prescribed country.

C. Wishes of the child

Section 14 of the act currently provides that the court shall not grant an adoption order unless the wishes and feelings of the child have been ascertained and due consideration has been given to them, having regard to the age and understanding of the child.

Article 4(d) of the Hague convention on intercountry adoption envisages that state parties would adopt a system of ensuring that a child, having regard to the child's age and maturity, is counselled and informed of the effects of an adoption, that consideration is given to the child's wishes and that the child's consent, where such consent is required, is freely given, in the required legal form and is expressed or evidenced in writing.

Consideration was given to the benefits of requiring children to sign a legal form as evidence of their consent to their adoption. This course was rejected as placing too great a burden on children.

Section 14 has been strengthened to require that children receive counselling and information on the effects of an adoption order, depending on their age and understanding. The counselling will be provided by a counsellor approved for this purpose, and will be provided at least 28 days before the adoption order is granted. The counsellor will be required to provide a written report to the court.

As the counsellor is required to be approved under section 5 of the act, it is therefore expected that he or she will be independent of both the relinquishing and adopting parents. This will enhance the child's ability, where appropriate by virtue of age and understanding, to freely express properly informed wishes.

D. Approval of adoption applicants

Section 15 is to be amended to add a requirement that, with the exception of relative adoptions, all applicants must be approved by the secretary or the principal officer of an approved agency.

The approval process for persons wishing to be considered fit and proper to adopt is currently contained in regulations. In view of the importance of this process, these provisions are more appropriately located in the act and accordingly a new section is to be inserted in the act.

E. Discharge of adoption orders

Section 19 of the act allows for application to be made to the court to discharge an adoption order. The act prescribes who may make such an application, and the grounds upon which the application may be made.

Concern has been expressed about the absence of a procedure in the act for dealing with such applications,

in particular, who should be informed of an application, and how they may participate.

The bill amends section 19 of the act to allow the court to hear from 'interested persons' in relation to an application for discharge of an adoption.

The bill allows participation by those likely to be affected by the discharge of an adoption, namely, the child who has been adopted, the natural parents of a child, an adoptive parent of a child, the secretary, the principal officer of an approved adoption agency if they had arranged the adoption, and any other person determined by the court to have a sufficient interest in the matter.

In addition, the bill provides that the court shall only discharge an adoption order if this would promote the welfare and interests of the child. This is consistent with the basis of the Adoption Act, that the welfare and interests of the child shall be regarded as the paramount consideration.

F. Period of agency approval

The act allows the secretary to approve adoption agencies. Section 25 of the act provides that such approvals or renewals can only be for three years or any longer prescribed period.

The bill allows for approval or renewal of approval for a period up to three years. The approval of an agency for a period of less than three years will allow for the coordination of the renewal process for all agencies. This will ensure that applications for renewal can be dealt with on the same date.

G. Variation of orders and conditions

The act makes provision for adoption orders to be made subject to conditions regarding access and information exchange. Section 59A allows the court to include conditions for access between the child and one or both birth parents, or relatives as specified in the order.

If there are no conditions relating to the birth parents' contact with their child in the adoption order, conditions cannot be added to that order. Section 60 is to be amended to allow for conditions to be added in relation to access and information exchange where there is agreement between the birth parent(s) and the adoptive parents.

Where the parties agree to terms of contact being included in an adoption order, this amendment provides that those conditions can be added. Section 60(3) ensures that no condition increasing contact can be made without the consent of the adoptive parents.

I commend this bill to the house.

Debate adjourned on motion of Ms BURKE (Prahran).

Debate adjourned until Wednesday, 17 May.

Sitting suspended 1.09 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Taxation: government policy

Dr NAPTHINE (Leader of the Opposition) — My question is to the Premier and Treasurer. I refer to answers provided by the Premier to questions on notice presented in the Legislative Council yesterday about the reintroduction of land tax for residential properties and the introduction of wealth transfer taxes and ask: given that the Premier did not take the opportunity in his answers to rule out the imposition of such taxes ahead of his planned review of taxation, will he now unequivocally state that he will not impose wealth taxes or new residential land taxes?

Mr BRACKS (Treasurer) — I welcome the question. For the benefit of honourable members, I indicate that the question was asked by the Honourable Mark Birrell, the shadow minister for industry, science and technology in the other place, who asked me whether I had received a submission from the Victorian Council of Social Service on the budget recommending increases in land tax and other taxes. I responded to the question on notice by saying that receipt of that submission did not in any way imply that the government endorsed any part of it. That is true.

There will be no increase in those taxes. In fact, the government is doing the opposite — it is reducing taxes from 1 July next year by $100 million rising to $200 million in July 2003, total tax cuts of $400 million. I am very proud that those tax cuts will ensure that the Labor objective over a four-year period is reached in the first year — that is, the average taxes in Victoria are lower than the national average and a full $500 million-plus lower than New South Wales. I am very proud the government has achieved that objective.

Rural Victoria: government commitments

Mr HARDMAN (Seymour) — I refer the Premier to the government's commitment to grow the whole of Victoria and ask him to inform the house whether

regional Victoria will receive its fair share from increased expenditure on infrastructure projects and services?

Mr BRACKS (Premier) — The Labor government is standing up for country and rural Victoria. It is governing for all Victoria and all Victorians. Nothing demonstrates that commitment better than the budget that I had the privilege of delivering in the house yesterday.

The Victorian community's response to the budget has been overwhelmingly positive, no more so than in country and regional Victoria. At the outset of the election campaign Labor promised that it would end the city-centric obsession of the Liberal and National parties, and it has delivered on that.

As newspapers across country and regional Victoria show, the budget has been overwhelmingly endorsed in every regional centre across Victoria, and I will refer to some of those endorsements. The headline in today's *Bendigo Advertiser* says 'Thumbs up for Bracks' first'; the Ballarat *Courier* headline says, '"Fair share" for country areas'; the headline in the *Warrnambool Standard*, a great paper, says 'Relief on the way for rural Victoria'; the *Shepparton News*, another good paper, says 'Good for business says chamber chief'; the *Geelong Advertiser* headline says 'Good for business'; the *Border Mail* headline says 'Rural areas given rewards'; and the front page of the *Weekly Times* has the heading 'Bracks delivers on rural election promises', with the headline underneath, 'A fair share', which is all country and regional Victoria have ever asked for.

They have not asked for a special deal; they have asked for their fair share, which they did not get from the previous Liberal–National Party government but which they are getting from a Labor government.

Whether it be through the Regional Infrastructure Development Fund, the Growing Victoria reserve, the Linking Victoria program, the upgrading of country police stations, the revitalisation of country schools and hospitals, the funding for country road black spots or whatever, the Labor government will stand up for regional and country Victorians and make sure they get their fair share.

Consultants: government expenditure

Ms ASHER (Brighton) — I refer the Treasurer to Labor's Access Economics projections for a 1 per cent public sector efficiency dividend and to Labor's commitments to cut the numbers of public relations consultants, which were to achieve savings of more than $194 million over the next three years. I further refer him to the budget, which estimates savings in those areas of only $92.5 million. Why has the Premier halved his commitment to the efficiency dividend and to cutting the number of public relations consultants?

Mr BRACKS (Treasurer) — I will explain to the shadow Treasurer the figures laid out in the budget on the expenditure reductions Labor promised to make at the last election. I indicated to the house that the government would revise the senior executive service reductions, and it has achieved half of that.

An opposition member interjected.

Mr BRACKS — I am coming to that, settle down. The government has already announced that it would deliver half those reductions and that the other half would be achieved through general departmental constraints on expenditure. That was revised on an annual basis from approximately $115 million or $120 million down to $104 million. I do not have the figures in front of me, but the budget has achieved an annual ongoing saving of approximately $94 million. That significant reduction in expenditure reduces the previous government's mismanagement and its waste of expenditure on senior executives, consultancies and public relations.

Ms Asher — On a point of order relating to relevance, Mr Speaker, I did not ask the Premier a question about cuts to the senior executive service, which he outlined ages ago. I do not wish to flout your ruling and restate the question, but I asked the Premier a question about the 1 per cent efficiency dividend and the employment of public relations consultants.

Mr Brumby interjected.

The SPEAKER — Order! The Minister for Finance!

I do not uphold the point of order. I believe the Premier was being relevant in answering the question posed by the Deputy Leader of the Opposition. I will continue to hear him.

Mr BRACKS — As I mentioned, the government has achieved ongoing savings of about $94 million to $95 million. Those savings relate to the 1 per cent productivity dividend, the senior executive service cuts, and other key cuts that the government has made to low-priority areas. The government has largely achieved its target of a 1 per cent productivity dividend. It has had to make a few adjustments because it did not want to cut into some programs. However, we have achieved a significant reduction in expenditure

following the waste and mismanagement of honourable members opposite when they were in government for seven years.

Bonlac Foods

Ms DAVIES (Gippsland West) — I refer the Minister for Finance to the Bonlac restructure, which from September this year will cost 150 jobs at Drouin, and ask him what specific action the government will take to get more jobs back into that town and that region.

Mr BRUMBY (Minister for Finance) — I thank the honourable member for Gippsland West for her question. I will say at the outset that the government has been working with Bonlac, and it understands the need for competitiveness in the value-adding side of the industry and for reasonable returns to dairy farmers. However, it is also mindful of the huge impact Bonlac's decision will have on regional and country areas, including Drouin, Toora and Camperdown.

The government initiatives for regional Victoria that were announced in yesterday's budget will be of assistance to Drouin, Gippsland and other parts of the state. Those initiatives include the Regional Infrastructure Development Fund, the black spot accident program and the Growing Victoria program.

However, I want to focus on some specific aspects relating to Drouin. At a meeting this morning organised by the honourable member for Gippsland West, I met the mayor of the Shire of Baw Baw, Cr Bill Harrington, and representatives of Bonlac. We agreed to work together to benefit the Drouin community and the region. I expect to put similar arrangements into place in other parts of the state, such as Toora and Camperdown, which have been affected by similar events.

I will identify four opportunities that arose from this morning's meeting. Firstly, my department has been working with a potential investor. I have sought Bonlac's cooperation in facilitating the entry of that company into Victoria through Bonlac's agreement to sell industrial infrastructure to that company. I am unable to go into details. However, I believe a successful process will lead to the creation of some 40 jobs close to Drouin.

Secondly, this morning the government offered to fund an opportunity study to identify opportunities for future job creation. The offer was enthusiastically accepted by shire representatives.

Thirdly, my departmental officers and representatives from the Shire of Baw Baw are engaged in ongoing discussions about the development of industrial infrastructure in the area, particularly the provision of natural gas, that will assist local industry. I hope those efforts will also attract new industry investment that will create some 30 to 40 jobs.

Finally, in its election undertakings the government undertook to provide $150 000 to support the Gateway tourist development on the freeway at Longwarry. The project has since evolved and now exceeds $10 million which, if completed, will generate employment opportunities for more than 50 people. The original offer was $150 000 — there was no offer from the former government — and because of the size of the project I have asked my department to increase the government's contribution. Negotiations between the government and the project's proponents are continuing.

I congratulate and applaud the honourable member for Gippsland West, the shire and the company for their willingness to act on behalf of the local community. Although one can never be certain with these matters, I hope the initiatives announced today will generate many new job opportunities in the Drouin area.

Rural Victoria: employment

Mr RYAN (Leader of the National Party) — I refer the Premier to his government's professed interest in generating jobs in country Victoria and ask why jobs in north-eastern Victoria are in jeopardy because the Attorney-General is undermining the tobacco growers with threats of legal action, the development of ski fields is being stopped dead in its tracks by the Minister for Planning and why the Minister for Environment and Conservation is undermining confidence by delaying a secure power supply to Mount Hotham?

Mr McArthur interjected.

Mr BRACKS (Premier) — If people saw you last night they would see it was not funny but absolutely — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The honourable member for Monbulk should cease interjecting and the Premier should cease inviting interjections.

Honourable members interjecting.

Mr BRACKS — I assume the Leader of the National Party wants an answer to his question. I will answer his points in turn. The issue of tobacco growers is a matter for all Australian attorneys-general, not just the Victorian Attorney-General. The government will take the required joint action with other attorneys-general under the auspices of the federal Attorney-General once legal advice is sought on whether future litigation is possible.

I assume the Leader of the National Party's question implies that his party will not endorse such an action if taken by all attorneys-general. If a legitimate case can be brought to bear nationally the National Party will stand outside that decision because of election reasons in Benalla. That is a grubby exercise.

Dr Napthine interjected.

Mr BRACKS — The Liberal Party is not standing a candidate in Benalla. The Leader of the Liberal Party was interjecting but his party has dumped on north-eastern Victoria and particularly Benalla. He interjected that he supports Bill Sykes. The government is encouraging the Leader of the Liberal Party to keep campaigning in Benalla. When one looks at the National Party one sees the Liberal Party. They are indistinguishable.

On the first day of campaigning in Benalla who was campaigning for the National Party candidate? None other than the Leader of the Liberal Party.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order to enable the Chair to hear both the Premier's answer and points of order honourable members attempt to raise.

Mr Maughan — On a point of order, Mr Speaker, regarding the question of relevance, the Premier is speaking at length about the Benalla by-election, which has nothing whatever to do with the question. There were three specific parts to the question and the Premier is now straying from that. He is also debating the question.

The SPEAKER — Order! I uphold the latter part of the point of order — that the Premier is debating the question. I ask him to come back to it.

Mr BRACKS — The government will stand up for jobs in the north-east. It has a good story to tell in the budget. Victorians living in the north-east will get their fair share of jobs, which is what they have asked for. Honourable members have seen the coverage of the budget. It is a good budget for the north-east of Victoria.

I am prepared to offer a pair to the Leader of the Liberal Party so he can go and campaign in Benalla.

An honourable member interjected.

Mr BRACKS — It is a partnership. It is indistinguishable. When you see the National Party all you see is the Liberal Party.

Hospitals: infection control

Mrs MADDIGAN (Essendon) — Will the Minister for Health advise the house of advice he has received from the Royal Melbourne Hospital in relation to a serious breach of infection control procedures?

Mr THWAITES (Minister for Health) — I have been advised by the Royal Melbourne Hospital of a serious breach of clinical protocols by a neurosurgeon at the hospital. I received initial advice of the incident last night and more detailed information today.

I understand that equipment used by the neurosurgeon on a patient who has dementia and who may have the rare Creutzfeldt–Jakob disease was incorrectly allowed to be reused in a clear breach of an established protocol. The protocol is that for any brain biopsy, where there is a risk of CJD, equipment should not be reused until a CJD diagnosis is excluded. The equipment was sterilised through the ordinary sterilisation process. It was possibly used on 10 other patients. The risk of CJD is not eliminated by normal cleaning and sterilisation.

I am advised by the hospital that while the risk to the patients is very low there is no test to determine whether they have contracted CJD. The government's first and foremost concern is with the patients and their families, who are being notified by the hospital today and offered appropriate counselling support. One of the 10 patients has died from an unrelated condition.

The hospital has advised that it will undertake an inquiry into the specific breach, but clearly that is not enough. The government and the public cannot tolerate such breaches of infection control. The government has put in place an extra $33.1 million for improved infection control and cleaning in hospitals over the next four years. In addition, $3 million in capital funding is being provided for new infection control and equipment. The government is providing resources for extra infection control practitioners, for additional training and for better equipment.

Hospitals are being required to develop detailed infection control plans. In the past not enough has been done about infection control, which is why the government has stepped in. Hospital management and medical staff also have their part to play. They must ensure that infection control protocols are followed. Most doctors do the right thing, but if they do not they must be held to account.

I am referring this incident to the Medical Practitioners Board for investigation of whether there has been any professional misconduct. I emphasise that no decision can be made on that matter until all the facts are at hand.

In addition, the government will initiate an external independent inquiry into the Royal Melbourne Hospital's risk management procedures. It will investigate the hospital's adherence to the infection control procedures, training, retraining and continual education, as well as monitoring, surveillance and reporting procedures. The lesson from this investigation will be applied system wide.

I am also calling in the chief executive officers from the six health care networks to put hospital management on notice about the seriousness with which the government regards infection control. I will ask them to provide me with an immediate update on the review of staff education and training on infection control procedures that the government ordered in March.

I emphasise that on a statewide level the government is doing everything in its control to improve infection control. That is why it is putting in an unprecedented amount of $33 million into infection control. The seriousness of infection control appears not to be getting through in some quarters. That will require a concerted effort from all players in the system, including hospital managements and boards, clinical staff and the government.

Schools: asbestos

Mr HONEYWOOD (Warrandyte) — Will the Minister for Education assure the house that the 194 portable classrooms that were reclassified and relocated before the start of this school year to meet her reduced class size commitment are free of asbestos and safe for the children and teachers who are occupying them?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for Warrandyte for his interest in this matter. I understand that when he was minister for higher education in the last government his concerns were obviously ignored, but I welcome the fact that since he has become the shadow Minister for Education he has developed a passion for quality education and matters of occupational health and safety.

The budget, which delivered $257 million extra to schools, included a substantial amount of money for capital development and refurbishment of relocatables. An additional $7 million has been accounted for in the budget for the upgrading of relocatables.

There has been an issue raised in the house today about the relocatables at Somerville Rise Primary School, which I believe would give rise to the member's question. I am informed that two units were moved from another school on the peninsula this year because that school no longer required them.

The two units have been refurbished and audited to comply with the occupational health and safety requirements of the education department, and they are very good teaching spaces. Following the occupational health and safety audit they were deemed by the department to be fit to be occupied. The units have been moved between the two schools because of fluctuations in enrolments. I have been informed by the department that the units have been refurbished and that they are fit to be occupied.

Mr Cooper — My point of order, Mr Speaker, concerns the relevance of the answer to the question. The question arose as a result of my raising a matter during the grievance debate this morning. The health of more than 40 children in prep and years 1 and 2 at Somerville Rise Primary School has been put in danger by the decision of the minister. I demand that she answer the question — —

The SPEAKER — Order! I will discontinue hearing the honourable member for Mornington because he is attempting to debate a matter in the guise of raising a point of order. There is no point of order.

Schools: funding

Mr HOWARD (Ballarat East) — I refer the Minister for Education to the former government's massive cuts to schools, including the slashing of more than 7000 teacher positions across the state and the closure of 326 school sites, and I ask how that compares with the new government's commitment to invest in the future of Victoria's education system?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for Ballarat East for his continuing interest in education and for his knowledge

of schools. No wonder he did so well at the last election.

As we all know, and as the honourable member for Ballarat East is aware, the previous government had an appalling record in education. The way it slashed and burnt our education sector meant that, according to the Commonwealth Grants Commission figures, Victoria spent less per head on education than any other state or territory in Australia. The second largest state in Australia was shamed by a government that spent less per head on education than any other state or territory.

The Bracks Labor government is reinvesting in education because it values the education of Victorian children. When the government came to office it moved immediately to allocate an additional $50 million for education from the start of the year.

Mrs Peulich — Tell the truth!

Ms DELAHUNTY — I will tell you the truth. She's gorgeous when she gets angry!

The budget delivers a beautiful set of numbers. The additional $257 million the government is putting into education, together with the $50 million it had already put in, brings the total to more than $300 million. That is what the Bracks Labor government has invested in education, despite its being in government for only six months.

In answer to the question asked by the honourable member for Ballarat East, $23.8 million has been allocated to provide for an additional 350 teachers, which will bring the total number of primary school teachers put back into our schools to 800. Some $22 million has been allocated to cater for children with disabilities and impairments — and it was necessary to provide $17 million to cover the black hole left by the previous government. The funding will be used to integrate students with disabilities and impairments — the most vulnerable students in our community — into our mainstream schools. The previous government left a giant black hole, and those children — —

Ms Asher interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition.

Ms DELAHUNTY — In addition to the $17 million, $5 million has been allocated to comply with the World Health Organisation criteria. Some 3 per cent of students have been assessed as requiring integration aids.

On the issue of capital works, which I know the honourable member for Ballarat East is interested in, the government will provide quality learning environments — —

Mr Perton — On a point of order, Mr Speaker, your rules require ministers to be succinct in their answers. To allow for a proper debate of the issues it is clear that it would be more appropriate for the Minister for Education to make her comments by way of a ministerial statement. The minister has now been speaking for 5 minutes, and I ask that you ask her to cease, in accordance with your rules.

The SPEAKER — Order! I do not uphold the point of order at this stage. According to my calculations the minister has been speaking for about 4 minutes. However, I remind the minister of her obligation to be succinct.

Ms DELAHUNTY — Thank you, Mr Speaker, I value that advice.

On the capital works front 10 new schools will be built and nearly 80 will be refurbished. An amount of $24.5 million will be spent on extra classrooms, bringing the total to $32 million given the extra $7 million provided to refurbish the relocatables. The government will spend $39 million on school maintenance, $15 million on additional information technology support in our schools — which I know will please the honourable member for Doncaster — and $5 million on literacy and numeracy support for students. Those are sound financial investments in the quality of education.

Education is about more than just money; it is about valuing our teachers, fostering cooperation rather than competition in our schools, and supporting our teachers and students in valuing and achieving excellence and creating opportunities. That is why we have lifted the gag, and it is why we are raising standards and offering ongoing employment to tackle the teacher shortage.

Schools: asbestos

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to her previous answer to a question about asbestos and ask how she justifies it given that the reclassified and relocated classrooms at Somerville Rise Primary School were asbestos audited and passed for occupancy by her department but have now been found, according to independent analysis, to contain dangerously high levels of asbestos.

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for his question. I am

advised by the department that the two units have been relocated and refurbished and have been audited by occupational health and safety auditors. I am further informed that they are good teaching spaces and fit to occupy.

Opposition members interjecting.

Ms DELAHUNTY — If the honourable member for Warrandyte has evidence to the contrary, in the public interest he should — —

Dr Napthine interjected.

The SPEAKER — Order! The Leader of the Opposition!

Ms DELAHUNTY — If the honourable member for Warrandyte has information to the effect that there is a risk, he should in the public interest provide that information to the department.

Police: funding

Mr LANGDON (Ivanhoe) — I refer the Minister for Police and Emergency Services to the government's commitment to make Victoria a safer place and ask him to inform the house whether crime prevention will be boosted as a result of the government's commitment to fund an additional 800 operational police officers and substantially increase funding for equipment and facilities for our police force.

Mr HAERMEYER (Minister for Police and Emergency Services) — The previous government cut police numbers and closed police stations, even though the crime rate was going up. That is now well documented, and it is why members of that government are now sitting on the other side of the chamber.

In the budget the government has provided for the engagement of an extra 800 police officers, bringing the force to 10 300 by the year 2003. Instead of cutting police numbers the government is increasing them. Rather than close police stations, the government will open new ones. It will also provide a police force that can get down to the business of dealing with the rising crime rate in Victoria. The government has committed $64.2 million to fund those additional operational police officers, and it has allowed for an additional 300 000 hours of police time to be devoted to priority areas of crime prevention plus a further 280 000 hours a year for crime investigation.

Victoria Police had implemented a program called local priority policing. Unfortunately, because of the cutbacks inflicted by the previous government, it is finding it difficult to do anything local at all because police resources are stretched too thinly. New funding will allow police officers to get back onto the beat in foot patrols, bike patrols and vehicle patrols to do the proactive crime prevention work that was so neglected under the previous government.

In addition, the budget provides for 7 new police stations and 16 upgrades of existing country stations. So upgraded stations will enjoy new facilities, and some small towns, which were neglected by the previous government, will get new police stations. In total, the government will provide 23 new police stations in the current financial year. By comparison, the previous government threatened to close or cut the operations of 51 stations.

There is more to it than that. The government will also provide new 24-hour stations in places like Preston. The Preston police station is one of those which for seven years were at or near the top of the police priority list for capital works but which were ignored time and again. Preston, the worst police station in the state, was ignored. The government will provide new police stations for Preston, Northcote, Seymour, Moe, Belgrave, Bacchus Marsh and Kinglake, as well as for country communities including Beeac, Beech Forest–Lavers Hill, Beulah, Birchip, Broadford — —

Opposition members interjecting.

Mr HAERMEYER — Opposition members do not want to know about police stations in country areas because they do not care.

The list goes on. It includes Churchill, Dederang, Forrest, Landsborough, Lancefield, Learmonth — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. There is far too much noise, coming in particular from the direction of the honourable member for Polwarth. He shall cease interjecting forthwith.

Mr HAERMEYER — The honourable member for Polwarth should be extremely pleased because the budget delivers five police stations to his electorate — stations that his party failed to deliver when it was in government!

In addition, the government will be upgrading the Victoria Police Force's ageing and decaying helicopter fleet, with a commitment of $6.5 million. That includes the forward-looking infra-red equipment to enhance search-and-rescue capabilities. Also, for the first time our water police will be co-located with the police

search-and-rescue unit at a new complex. That has a commitment of $2 million.

Finally, a factor that has seriously affected the ability of the Victoria Police to provide staff over the years has been the commitment made to major events. Honourable members will be aware that this year a meeting of the World Economic Forum, a mining 2000 conference and several Olympic events will be held in this state. That is great for the state but it makes a large call on the resources of our police force. The budget will provide $2 million to facilitate the substantial police resources required by those events. In the past, the police had to provide officers at major events through leave in lieu and all that did was stretch the police resources even more thinly. We are cognisant of the increasing burden that major events place on our police force and we are enabling it to deal with that issue.

Therefore, on the street, on the water or in the air, under this government the Victoria Police Force will have the staff and resources it requires.

CHINESE MEDICINE REGISTRATION BILL

Second reading

Debate resumed from 6 April; motion of Mr THWAITES (Minister for Health).

Mr DOYLE (Malvern) — The Chinese Medicine Registration Bill is of significant historic importance to the Parliament. It is now 20 years since a new health profession has been registered in Victoria, so the bill is a landmark in any case. The fact that Chinese medicine practitioners are to be registered reflects the changing utilisation of health professionals over the past 20 years. If it were suggested to practitioners 20 years ago that Chinese medicine practitioners and acupuncturists were to be registered the suggestion would have been met with disbelief, but given the explosion in the number of members of the public seeking complementary treatments, that registration seems a natural conclusion to what has been a long process.

Last night the honourable member for Bendigo East reminded me of that long process, which started in 1995. The Department of Human Services commenced a review of the practice of Chinese medicine in response to an increasing incidence of members of the public seeking complementary treatments and concerns that flowed from that about risks to the public.

The first thing to be done was to get a map of the profession and of what was happening. The initial stage of the process involved considerable research to find out who was doing what and to whom — who were the professionals, who were the patients, what were the educational provisions, what were the risks, what were the benefits and what was the suitability of any current regulatory framework.

The culmination of that first stage was the publication of a research report called *Towards a Safer Choice — The Practice of Traditional Chinese Medicine in Australia*. Undertaken by the Department of Human Services on behalf of all states and territories, the research was carried out by the University of Western Sydney at Macarthur campus and the Southern Cross University. I praise the work of Mr Alan Bensoussan and Dr Stephen Myers, who were instrumental in not only gathering that data for perhaps the first time in Australia but also presenting it in a comprehensive and highly readable way and making a sensible set of conclusions about how it should be treated from there.

Following that process, a recommendation was made to the Australian Health Ministers Advisory Council that Victoria take the lead in exploring the feasibility of occupational registration of Chinese medical practitioners. That process, although not complete, finds its expression today in the bill. I am delighted to indicate that there is bipartisan and wholehearted support of the legislation.

The bill is not by any means the conclusion of the process. I noted with some interest that the Scrutiny of Acts and Regulations Committee inquired of the minister why there would be two and a half years between the passing of the bill and its commencement provisions. In my view that is an appropriate time frame, given the amount of work yet to be done. Although an auspicious beginning has been made, there is still much detailed work to be done before a board can be set up to register Chinese medicine practitioners in Victoria. While I note the query of the Scrutiny of Acts and Regulations Committee, I suggest it is an appropriate time frame given the work yet to be done.

I suggested in my opening comments that the Parliament should be proud of the bill. Victoria is the first jurisdiction in the world, including Chinese jurisdictions, to legislate to register the profession. That serves the Parliament well. It is a useful flag to send to the general public, the complementary and western medicine communities and legislators around the state to show there is bipartisan support among the parties for this important legislation.

I go back to the excellent report *Towards a Safer Choice — The Practice of Traditional Chinese Medicine in Australia*. The report recommended occupational registration by statute, hence the process the Australian Health Ministers Advisory Council was involved in. It was decided at that point to protect title. The practice of the profession is not necessarily protected in the model. I shall come back to that point later because I have changed my thinking a little since the time I was working on the bill with the Department of Human Services.

There is a way forward, and I want to suggest something the minister or his parliamentary secretary may wish to take up in a later contribution. It is a way to ensure people do not practise if they are unregistered, unqualified or untrained and therefore dangerous. I would not like the public to think the house would remain silent on that dangerous aspect of practice. If the state is going to set the registration of the profession, it needs to be ensured that those who do not come within the appropriate net of training and accreditation are penalised.

The purpose of the bill is to protect the public. Some criticism has been made of the bill, mostly by western practitioners of what might be called traditional western medicine, the concern being that in some way the bill will confer kudos or offer some imprimatur to the profession and therefore is an inappropriate legislation. I argue the entire basis of the bill is to protect the public. It is not about a imprimatur of government for a particular modality of practice. As is the case with any bill, the bill before the house does not make any statements about the efficacy of seeking complementary medicine as a treatment. But the research gathered suggests that to continue to have an unregulated or unregistered group of professionals working presents a danger to the public, which means Parliament should address the problem. I make the point that the bill does not make any statement about efficacy of treatment but seeks to protect the public.

The report found that both acupuncture and Chinese herbal medicine carry significant risks. That has been well documented for the first time by Dr Myers and Mr Bensoussan and was the main impetus for the introduction of the bill. The serious, adverse events that can attend those treatments are likely to increase with the increasing use of that style of medical practice.

The other area mentioned in the bill specifically is Chinese herbal dispensing. That is a separate area, and so it should be, but that area also springs from the same concerns expressed about Chinese herbal medicine. I will talk a little later about the titles taken by professionals who complete the courses offered to train them and about the practices they will offer to the public at large, but at this point I go back to mentioning that my thinking has changed a little.

I am not suggesting that the bill should define practice, as was the case with the Dental Practice Act, but I am suggesting — some good recommendations can be teased out from the report and current thinking since its release — that it be considered what can be done to put in place mechanisms to prevent people who are untrained and therefore will not gain registration from practising acupuncture or Chinese herbal medicine illicitly. I am still unsure of the status of acupuncture practised by an unregistered and untrained person in the community. In the time frame of the couple of years left before professionals are registered, it needs to be considered how the public might be protected from those people who will be outside the tent of registration because their qualifications and training do not meet the registration high-jump bar. I will come back to that point later.

I will not talk at great length about the various options canvassed in *Towards a Safer Choice — The Practice of Traditional Chinese Medicine in Australia* for the administration of a regulatory scheme for Chinese medicine practitioners. Suffice to say a full range of possibilities were canvassed but the legislative option for registration seemed to be the best possible model, and that is where we find ourselves today.

I turn to what the implementation of the bill will provide. The Victorian model is probably the best model for the registration of health professionals in Australia and one that I am delighted to say has had bipartisan support in the case of all health professional registration acts. Under that model registration boards are established under a statute of the Parliament. In this instance the board will have nine members. That is a change from the previous model, which had only seven members on the board. The increase is in the number of practitioners. The board will have six practitioner members. While the opposition does not object to that, bearing in mind the potential workload that will face those practitioners, I will mention later how the six professionals will be selected and what issues need to be considered.

I have already mentioned that the Parliament has decided to register three different modalities: acupuncture, Chinese herbal medicine and the dispensing of herbal medicines. That is to be commended. Picking up the thread of my earlier comments about protecting people from those who are neither trained nor registered, the report argues that

protection of title is sufficient for traditional Chinese medicine but states no particular difficulties are seen if an individual state or government decides to implement protection of practice via what it calls a core practices model.

I would like to know what that may mean when teased out over the next couple of years. I have come to believe that greater stringency is needed in that area and it may be that the provisions in this bill, model bill though it is, which provide for a board to promulgate its own codes of optimal practice, may be a mechanism that can be used in this instance.

Other mechanisms may be taken up, but it would be a pity if, in registering this profession and setting very high standards for a very widely accepted form of practice, consideration was not given to the tiny percentage of people who inevitably give the public the most trouble — that is, those who are unqualified, unregistered and perhaps a danger to people who are not always as discerning as they should be when choosing who should be their practitioners. I offer bipartisan support for any regime already operating which might help the public to be further protected.

Two areas need careful consideration: firstly, how the registration board will approach standard setting. That will be a vexed area. It would be a pleasure to think there could be consensus between the multiplicity of practitioners, providers and colleges, but I do not believe there will be. If such consensus already existed a self-regulatory model might have been a more appropriate way to proceed. However, it is partly because of the lack of consensus that the statute registration model is preferred. The lack of consensus will not go away, and government must consider how it goes about resolving that when there are competing and conflicting interests, and self-interests, as to who should run an accredited course, what title it should allow one to take and what practice it should allow one to offer to the public. The minister or the parliamentary secretary may choose to respond to that in their contributions.

The board and the department have a lot of work to do in considering what courses should be accredited and the accreditation criteria. That could be problematic when many of the courses are Chinese in origin and provenance. Government may have limited expertise in evaluating those courses and the matter should not be looked at hastily.

Secondly, I am concerned about grandparenting provisions. Some practitioners of Chinese medicine believe the bill will simply capture all who presently practice. I hope that is not the case. Honourable members may recall that many years ago when chiropractors were first registered it was determined that a small group of chiropractors whose training did not enable them to be registered should be offered help either in the form of bridging courses, extra training or a specialist examination to enable them to reach registration standard. Not all practitioners or courses should be brought into the net straight away in order to provide a baseline from which to work. The expertise of professional associations must be used to assess qualifications and consider competency-based assessments, the standard examination and further education provisions.

It is appropriate that such provisions rest with the new board. Therefore it would seem appropriate that the board be set up reasonably quickly with a long lead time before professionals can apply for registration. The wider community expects the bill to protect the public, and therefore it would not be appropriate to say that in 2000 anyone practicing acupuncture, dispensing Chinese herbal medicine or practicing Chinese medicine as a holistic, complementary medicine should be registered because they practice under the provisions of the bill. That will be a matter for fairly delicate negotiations and appropriate setting of standards.

Assurances should be given that reasonable standards will be set so that people who are not at the appropriate standard are not registered as practitioners. It will cause some angst in the Chinese medicine community because I believe there is a mistaken belief that the bill means that all present practitioners will be included. Individuals in current practices should be dealt with sensitively, but the government's responsibility is to protect Victorians against practitioners whose qualifications and experience do not enable them to meet the registration standards. Some work must still be done in that area.

I would like the indulgence of the house to read a list. Government has progressed this matter a fair way since 1995, and that progress has not been made without a lot of hard work from professionals in the field from the full panoply of professions — western, Chinese and other traditions. I pay tribute to the people who have offered their time and expertise so generously to the Department of Human Services in order to offer the best advice not only on the principles that underpin the bill but also on the practicalities that must be considered and resolved before implementation.

A ministerial advisory committee on what was called traditional Chinese medicine — we should now adopt the appellation Chinese medicine — was established. Non-Chinese medicine practitioners from the

complementary medicine professions were involved in the process. They included Ms Jocelyn Bennett from the Australian Complementary Health Association; Ms Meredith Carter from the Health Issues Centre; Mr Max Pettelin, an ethnic affairs commissioner; Associate Professor Rob Moulds, Director of Clinical Pharmacology at Royal Melbourne Hospital; Dr Stephen Myers from Southern Cross University; Professor Dick Smallwood from the Royal Australasian College of Physicians; and Associate Professor Evan Willis from the School of Sociology and Anthropology at La Trobe University.

People with expertise in Chinese medicine were also involved. Those people were Mr Alan Bensoussan, practitioner and senior lecturer in the faculty of health at the University of Western Sydney (Macarthur); Dr Bing-Zhong Chen, a practitioner of traditional Chinese medicine (TCM); Mr Steven Clavey, another TCM practitioner; Dr Ben Foo, medical practitioner from the Australian Medical Acupuncture Association; Professor Andy Kleynhans, the associate dean of the faculty of biomedical and health sciences and head of the department of chiropractic, osteopathy and complementary medicine at RMIT; Professor T. Chiang Lin, a practitioner of traditional Chinese medicine who is also president of the Federation of Chinese Medicine Associations; Mr Brian May, another practitioner of traditional Chinese medicine; and Professor Jerry Zhang.

I also pay tribute to the departmental people who gave passion and energy to the preparation of bill, in particular Dr Heather Buchan, who at the time was manager of the health care evaluation section; Ms Anne-Louise Carlton, the project manager in the health care evaluation section, and Dr Vivian Lin, executive officer with the national public health partnership.

There were also two subcommittees that offered detailed advice. The first comprised primary traditional Chinese medicine practitioners, and the members were Ms Shelley Beer from the Chinese herbal medicine department of Victoria University; Ms Jocelyn Bennett, whom I mentioned previously; Ms Christine Berle, from the Australian Natural Therapists Association; Ms Chen Ying, from the Chinese medicine unit at RMIT; Ms Judy James, from the Australian Acupuncture Association; Professor Kai Zhu Li, from the Australian–Sino Acupuncture and Chinese Medicine Centre; Ms Sue Li, from the Australia–China Acupuncture and Chinese Medicine Association; Professor Yoland Lim, from the Victorian Traditional Acupuncture Society; Professor Wong Lun, from the Academy of Traditional Chinese Medicine; Ms Glenys Savage, from the Academy of Traditional Chinese Medicine; Professor Peter Sherwood, from the Melbourne College of Natural Medicine; Dr Deyuan Wang, from the Federation of Chinese Medicine Societies; Dr Kerry Watson, from acupuncture, Victoria University; Dr Charlie Xue, from the Chinese medicine unit of RMIT; and Dr Sam Zheng, from the College of Traditional Chinese Medicine.

The second subcommittee comprised generalist health care practitioners. The members included, again, Ms Jocelyn Bennett and Ms Christine Berle; Dr Paul Ghaie, who at the time was the chair of the Australian Medical Acupuncture Association; Mr Peter Gigante, a shiatsu massage practitioner; Ms Judy James, whom I mentioned before; Mr Raymond Khoury, a naturopath from the Australian Traditional Medicine Society; Professor Andy Kleynhans again; Mr Brian May again; Professor Yuri Sawenko, from the Australian Nurses Acupuncture Association; Dr Yuntian Sun, from Monash Medical Centre; Ms Grace Tham from the nursing faculty of RMIT; Dr C. T. Tsiang from the Australian Medical Acupuncture Association, and Ms Vivienne Williams from Victoria University.

I apologise for the dry reading of the list, but those people gave an enormous amount of time, energy and expertise. They are among the people who stand behind much of the legislation brought to the house, without whose work the politicians and the officers of the public service would not be half as effective. I formally thank them for their work.

The purposes of the bill are more than clear. I note a couple of changes to the bill which the opposition supports. One of them is in the schedules and makes it abundantly clear that any other registered health professionals would be governed only by their particular board. A medical practitioner, for instance, can and will be governed only by the Medical Practitioners Board of Victoria, and that is entirely appropriate. Some medical associations in particular have concerns that this should be so, and the mandated provision for consultation between the Chinese Medicine Registration Board and the other boards has been removed. It is a sensible provision if it satisfies a number of vested interests and I am pleased to support it.

I sound a note of caution to those practitioners. There are cases when a western practitioner may be registered under the Medical Practitioners Board but also voluntarily seek registration under the Chinese Medicine Registration Board — that is open to any practitioner. What if, for instance, the practitioner operating as a Chinese medicine practitioner commits a

sexual offence or some offence leading to restrictions on their practice as a Chinese medicine practitioner and action is taken by the relevant board?

Given the case for mandating communication between boards, it would be interesting to see whether something like a sexual offence, committed while registered and while being investigated by the Chinese Medicine Practitioners Board, could be communicated to the Medical Practitioners Board. An offence of that sort would be equally inappropriate regardless of which board a practitioner was registered under.

While it may be appropriate that there are informal lines of communication, and it will still be necessary to publish in the *Government Gazette* any such imposition or removal of registration by a particular board, I hope the boards themselves develop lines of communication that mean that people cannot escape from being properly regarded by a number of different boards because they have taken the step of registering themselves with separate boards. As I say, the opposition does not oppose it.

It has been normal practice to have a section 85 statement in health professional registration bills to protect the board. The reasoning given to the previous government, less than a year ago, was that if a board finds a practitioner must be deregistered or limitations need to be placed on the practice, the board has a mandated responsibility to publish a notice to that effect in the *Government Gazette* and transmit the information to other boards, particularly similar registers around the state. The inclusion of a section 85 statement may be a way of avoiding an action in the Supreme Court claiming defamation or slander by the board passing the information on.

It is my recollection that there was a case of a practitioner attempting to subvert the transmission of that necessary information by just such an action in the Supreme Court. It is necessary then to protect the board members against any such action in the normal course of their duties.

I understand the argument and I thank the minister for the briefing along those lines. There is an argument that says that sort of transmission of material is covered under common law, and that may be so.

The reason for asking about the Psychologists Registration Bill is that another such professional registration bill will be before the house; indeed, there will be three such bills. Notice was given today of two further amending bills to come before the house in a couple of weeks: one covering medical practitioners and one covering dentists.

If there is to be a change of philosophy because it is thought section 85 protection is no longer necessary for health professional registration boards, given that the Psychologists Registration Bill apparently does not contain a section 85 provision, it would appear obvious that such provisions will be progressively removed from the other health professional registration boards. I am not sure about that. It may be an elegant, and even an accurate, legal argument to say that common law protects the boards and their members adequately, but it may well be that this is a case where a belt-and-braces approach is appropriate. Section 85 provisions are often contentious, but in the past ministers for health and shadow ministers have taken a clear bipartisan approach to the fact that they were necessary.

I express no opinion on whether the bill should or should not have such a protection. In the absence of clear case law or a common-law argument showing the protection is there I would argue that it is better to go down the more conservative track and leave both protections. Even if the section 85 provision is unnecessary, I would argue it has given some degree of comfort to members of the Medical Practice Board and other boards which sometimes deal with extremely contentious and sensitive material. That material often ends up in the hands of the media, and the last thing honourable members would want is for the proper deliberations of a board to be held up by a practitioner as a result of technicalities and the courts. The boards should be able to make determinations for the safety of the public, as indeed is their charter.

The opposition certainly does not propose that as an amendment; I mention it not as something it would oppose or support but rather in the spirit of bipartisanship because it will have ramifications for every single health professional registration bill brought before the house. I am happy for that not even to be taken up in this forum because it is a difficult question. However, if it can be taken up I would be grateful for some argument.

Although the Scrutiny of Acts and Regulations Committee raised concerns about a two to two-and-a-half-year period before commencement takes place, it seems reasonable given the work that must be done in identifying appropriate courses, practices, practitioners and the vexed issue of identifying titles. I wish the Minister for Health the best of luck with that issue.

I shall deal firstly with appropriate courses. Lengthy discussion is required about which courses will be accredited by the board, why they will be accredited and for whom they will be accredited. I am confident a process is now in place which can determine that in a way that attracts bipartisan support. I point out, as I did earlier, that the professions involved have so far not been known for cooperating among themselves. Considerable professional rivalries exist between various groups, courses and modalities. The difficulties that lie ahead in determining which courses will be in and which courses will be out and how those courses should be monitored so the quality of their graduates can be assured and the public is given a degree of comfort about and protection from certain practices should not be underestimated.

It is both interesting and ingenious — I do not say that in any denigrating sense — that a schedule, schedule 1, will be created in the Drugs, Poisons and Controlled Substances Act to allow herbal preparations to be scheduled appropriately, thereby protecting the public by ensuring that only appropriately registered dispensers or practitioners can have access to preparations on that schedule. That seems reasonable.

I pay tribute to people like Dick Smallwood and Rob Moulds, who did so much work from such a fine knowledge base. For instance, how do we determine not only the appropriate use of those preparations but also whether practitioners of Chinese medicine understand the interactions between western medicines — drugs that may be pharmacy-only medications — and the drugs prescribed by Chinese medical practitioners?

Careful attention needs to be given to ensuring that the Chinese medical profession is not treated as though it were an autonomous, discrete profession unconnected to other professions, because although that may be the case for the practitioners it is certainly not the case for the patients. The patients often do not understand the possible inter-reactions between various drugs and treatments. It is an area that needs particular attention.

I made the point earlier, so I will not labour it, that I do not believe the bill should be seen as conferring automatic registration on all present practitioners — the so-called grandfather clauses. I will be interested to see how that works out.

I turn to the question of titles, to which I referred the minister — and I do not envy him his task. There is no doubt that the titles ‘Doctor’ and ‘Professor’ carry different connotations here from the ones they carry in China, and I do not say that by way of denigrating or praising either tradition. One of the reasons we are elected to this place is to protect the public, and in this case it is the public — the layman, the man on the Clapham omnibus — who must be protected. Therefore, when people take the title ‘Doctor’ or ‘Professor’ the public has a right to know exactly what that means. To ordinary members of the public neither of those titles would suggest that the bearer was a member of the Chinese medicine fraternity.

While terms like ‘Doctor’ and ‘Professor’ are common currency in western societies, there is a forgivable confusion among members of the public about their meaning. There will have to be a regularisation, if I can use such a clumsy word, of those titles. That aspect may have to be addressed by the board. I believe that could be done under the codes of practice model. I will come back to that later, because it offers the professions considerable power to regulate themselves.

We must not shy away from the question of titles. If the government is serious about protecting the public, it should be serious about the standards it is demanding, and that requires looking at courses, practitioners, practices, and the titles that people take to hold themselves up as practitioners of one kind or another. I am not just referring to the title ‘acupuncturist’, for example; as I said, I am referring to the titles ‘Doctor’ and ‘Professor’. It is a vexed question, but it is one that I believe we need to tackle head on.

Earlier I also touched on the title restrictions in the bill. I would like the government to look at developing a core practice model. As I said, I am increasingly convinced that we need to turn our minds to those who might not be registered under the bill or who might not be qualified but who offer services in backyard practices that are so dangerous that we could not possibly allow them to continue. I am not sure what model should be followed or how it should be done, but it is possibly the most serious problem we face in determining standards.

I come to a matter I flagged earlier, which concerns the board members themselves. I presume the usual process will be followed, which means advertising for people who are prepared to offer their services and expertise as members of the board. That was a practice that the previous government — and, to be honest, the government before that — was moving towards. It was once the case that board positions were reserved and that associations, institutions or groups could send their nominations for board membership to the minister. In many cases the minister had no choice but to accept the nominations of particular groups. That always seemed to me to be inappropriate. In most cases the institutions

and organisations put forward the best available people. However, it has always seemed odd that a board responsible to the Minister for Health should take away from the minister the right to choose the people with the expertise he or she is seeking.

I note that the model does not involve the nomination of individual practitioners. However, I ask that when the positions are advertised and the minister goes through the normal process of evaluating the applications that he keep in mind that the success of the board depends on the quality of the six practitioners he asks to serve on it, which in turn is fundamental to the success of the legislation. Make no mistake, there are eyes — both friendly and unfriendly — watching us. There are those wishing us to succeed and those wishing us to fail.

I am confident that there is sufficient goodwill and expertise in the Parliament to ensure the right people are chosen. However, it will be a difficult task. Not only will the people chosen need to have the required expertise and the right view of the profession, but they will also need to instantly establish their credibility within their own communities, some members of which are looking for them to fail.

Working out how it goes about the process will be one of the government's most difficult tasks. If it takes longer than normal to advertise, sift through the applications and appoint the board members, the government will find no criticism coming from my side of the house. I have no particular view about whether it would be appropriate to appoint to the board someone who is trained in the western and Chinese medicine traditions; however, it is one suggestion. I also suggest that the positions not be nominated — but again, the relevant expertise will suggest itself.

Obviously, someone with an academic background would be useful, but I caution against having too many academics among the practitioners on the board. It should be made up of a range of people, including those who deal with the public. I am sure the minister will take the matter up, but it would be good to have a gender balance on the board. Often the problems that practitioners face are differently reflected depending not only on their type of practice and expertise but also on their gender.

I wish the minister luck with his balancing act in selecting the six people. I will look at all the appointments with great interest. It is an area about which I have particular concern, because, as I said, there is no consensus among the groups inside the profession let alone those on the boundary between the Chinese professions and the western professions. In the meantime, the public expects the government to appoint people who can do all the difficult things that have been outlined today.

I refer to one part of the bill that I still do not understand. The minister will forgive me for not picking it up when the matter was considered by the previous government. I have some concerns about clause 13, which relates to postgraduate qualifications. That seems to be a difficult area in Chinese medicine. One can understand why, in western medicine for instance, people are registered once they have completed courses of postgraduate study.

Learned colleges offer specialty courses in western medicine, the graduates of which should be registered, because nobody wants people practising particular specialties unless they are qualified to do so. For instance, neurosurgery should not be open to the general practitioner. Sometimes the borders are difficult to establish. For example, in the dental profession a general dentist can practise some orthodontics, but the profession itself would rather say, 'No, orthodontics is a specialist field and you need postgraduate qualifications to practise'.

Western medicine has an established tradition, but it is still grappling with those exact problems. However, the bill does not seem to limit the practice to people who have postgraduate qualifications in Chinese medicine.

Mr Wells interjected.

Mr DOYLE — Anaesthetists is another good example. That is why I question the need for clause 13. Part of the bill's intent is to inform the public. If the board keeps a register of people who are qualified in various areas, that could be made available to the public. However, I am a little uneasy about it. I am not sure the board should be used as a *Yellow Pages* for the public.

The board is there to regulate the profession on behalf of the public. It is not there to direct members of the public to one practitioner or another, except in cases where, as I have said, the board makes a determination that postgraduate qualifications are necessary to practise in a particular area.

I have learnt from the brief discussions I have had with some members of the Chinese medicine profession that there is also some unease in the profession about clause 13, lest it be seen to restrict their practising as general practitioners. I register my concern about the clause. It is not an end-of-the-world issue, but the bill and the second-reading speech are a little unclear on

why the clause is there and what effect it will have on individual practitioners and the board.

In conclusion, the introduction of the bill has entailed a long and proper process of careful research, data collection, consultation and bipartisan support. There is much yet to be done, but the Parliament can be proud not only of the work that has been done thus far but also of the signal it sends about the way Parliament views the need to protect the public and the way the health professions are evolving.

I recall a conversation with a senior professor of medicine who was part of a National Health and Medical Research Council review of acupuncture some 15 years ago. My memory is a little rusty, but I believe the council recommended to the health minister that there was no need to register or regulate the profession and practice of acupuncture because it was not so widespread to be of sufficient concern to public safety. He openly and plainly said to me that his mind had been completely changed by the volume of people seeking complementary medicines, changing practices and the changing expectations of the public.

It is time for legislation such as the Chinese Medicine Registration Bill. Although I am pleased that consensus has existed to this point, I would not rely upon it in making some of the hard decisions about courses, practice, practitioners and titles. Although those decisions must be made in a clear and fair way, the public must be kept in the forefront of the government's mind rather than the individual practitioner.

I take pride in the legislation. As the minister and his parliamentary secretary will find, when one sits around a table one often finds oneself knowing the absolute least about a subject given the other expertise in the room. One hopes it happens less and less.

Mr Viney interjected.

Mr DOYLE — I found myself in that position a few times and if the honourable member for Frankston East does not I congratulate him. I believe he will find it happens more often than not in areas of the practice of traditional Chinese medicine. One must rely on the good offices and expertise of other people which has applied to this point in a spirit of goodwill and cooperation. However, it is now time for the government to step in and make those necessary hard decisions and draw those lines.

I am confident it has both the will and expertise in the department to do so. I am delighted to have played a part in bringing the bill to the Parliament. It is a step forward and I congratulate the government for bringing the legislation before the house. The opposition is delighted to support the bill in a way that I hope the government would have done in opposition.

Mr VINEY (Frankston East) — As I listened to the honourable member for Malvern I reflected on what a funny business honourable members take part in. During his contribution I received the greens of my contribution to the grievance debate this morning. In that speech I referred in some detail to his former position as parliamentary secretary for health. Yet this afternoon I recognise the spirit of bipartisanship and am quite prepared to acknowledge his work and commitment to the legislation. I welcome his commitment of bipartisan support on behalf of the opposition.

Although I think several of the more detailed questions raised by the honourable member for Malvern should be further covered at a later time rather than in the debate today, I will respond to a couple of issues. The government recognises his point that as world-first legislation much work on implementation needs to be done.

I reassure him that the government regards the legislation principally to be about the protection of the public. The honourable member for Malvern referred to public protection as his understanding of the intention of the legislation during the time he was involved in its drafting and the government will continue in that vein. Currently, the practice of Chinese medicine is largely unregulated and the bill will provide protection for the public through a regulation process.

The honourable member for Malvern named many people involved in consultations during his time as parliamentary secretary. I join with him in acknowledging the good work of those people. I have always understood the naming of a long list of people to be somewhat dangerous when inevitably one leaves someone out. I acknowledge the thoroughness of his notes if he has not done that.

The removal of the mandated provision for consultation between various health boards was picked up by the honourable member for Malvern as a key change to the legislation. The effect of the removal will be to implement a system where each health board will be in charge of registration practices under its own criterion.

I wish to clarify the section 85 issue referred to by the honourable member for Malvern. I acknowledge his understanding of the changes made. He referred to the possibility that the changes may change perceptions of how the issue might be dealt with in other legislation.

When the matter was raised by the Scrutiny of Acts and Regulations Committee the department's assistant director of legal services, Graham Morris, responded in some detail to Mr Homer, the senior legal officer of the SARC, and clarified the position in relation to the section 85 requirement. His response states in part:

> Clause 56(3) in fact does not limit the jurisdiction of the Supreme Court because it only affirms the existing common-law position, namely that a person cannot be held liable for defamation if all that he or she has done is to provide information which he or she is legally required to provide.

In essence, that is why a section 85 statement was not included in the proposed legislation.

The honourable member for Malvern also raised the issue of postgraduate qualifications. I will return to that aspect of the bill a little later.

The Chinese Medicine Registration Bill is an innovative piece of legislation and a first for Australia. No other country outside of the People's Republic of China has introduced legislation to provide a comprehensive system of regulation of this form of complementary therapy. Some countries have introduced occupational regulation of acupuncture only and many have regulation of herbal medicines, but nowhere is there a regulatory scheme that controls practitioners and herbal medicines, the latter of which include potentially toxic and dangerous raw herbs. The legislation will work in concert with commonwealth and state therapeutic goods and poisons legislation to systematically protect public health and safety while maximising choice of health care for consumers.

As was mentioned by the honourable member for Malvern, there has been extensive consultation during the development of the legislation, dating back to 1995. The first stage involved the conduct of a significant research project funded by the state health departments of Victoria, New South Wales and Queensland. The result was a report entitled *Towards a Safer Choice — The Practice of Traditional Chinese Medicine in Australia*, which has been well received internationally. An initial review committee was established to oversee the research process.

The second stage involved extensive policy development and consultation on options for the regulation of the Chinese medicine profession. A ministerial advisory committee was formed with two subcommittees to ensure that all those with an interest in the process were represented. In 1997 a discussion paper was circulated nationally and submissions were received and analysed. The consultation process demonstrated considerable consensus on the need for statutory registration from both members of the public and health care providers at every level in the system.

In addition, during the 1998 review of the Medical Practice Act and the Nurses Act comments were again invited on the proposed regulatory framework as it affected registered medical practitioners, nurses and their representative organisations. Those opportunities for consultation have demonstrated there is a considerable consensus on the need for occupational regulation of Chinese medicine practitioners.

In introducing the bill the government has conducted another series of consultations with key groups, such as the Australian Medical Association, the Royal Australian College of General Practitioners, the Australian Acupuncture and Chinese Medicine Association, the Federation of Chinese Medicine and Acupuncture Societies of Australia and the Alliance of Chinese Medicine Associations.

There has been some disquiet within the medical profession about the decision to proceed with regulation of Chinese medicine practitioners. The decision is based not on any intention to confer government recognition on the practice of Chinese medicine, but simply to ensure that Victorians who choose that form of medicine can be assured that there are adequate protections in place.

Medical practitioners who practise acupuncture were represented on both the ministerial advisory committee and on the subcommittee that addressed the issue of the regulation of registered health professions. The final report of the advisory committee documented the consultation and policy development processes and recommended that statutory registration be implemented in Victoria as a model for other state and territory governments. I note that the ministerial advisory committee was chaired by my predecessor in the role of parliamentary secretary in the health area, the honourable member for Malvern.

Stage 3 of the review will commence with the implementation of the Chinese Medicine Registration Act and the establishment of the Chinese Medicine Registration Board. As the honourable member for Malvern mentioned, there is considerable work to be done in determining the new schedule 1 of the poisons list and in establishing the required controls over the prescribing and dispensing of scheduled Chinese herbs. It is expected that the Chinese medicine profession, the Chinese Medicine Registration Board, the Pharmacy Board, and the Poisons Advisory Committee will provide valuable input into the process. The commonwealth government and the Australian Health

Ministers Advisory Council have indicated their support for Victoria's undertaking of this work.

The commonwealth is expected to seek a national standard for the control of scheduled Chinese herbs and to use the new schedule 1 of the Victorian poisons list as a basis for the modification of the standard for uniform scheduling of drugs and poisons.

Many practitioners registered in other disciplines have been adopting Chinese medicine modalities such as acupuncture. Increasing numbers of general practitioners, physiotherapists, chiropractors, nurses and others are offering acupuncture as an adjunct to their main form of practice. The amendments to acts that regulate medical practitioners, nurses, chiropractors, physiotherapists, osteopaths, pharmacists, dental care practitioners and optometrists are required to ensure the registration boards take responsibility for regulating their registrants who adopt Chinese medicine modalities.

The Chinese medicine profession has raised concerns about the powers of these other registration boards to confer on their registrants the right to use the protected titles of the Chinese medicine profession. The profession is concerned that such a system may result in nine different standards of training in acupuncture set by the nine registration boards.

Although I understand their concerns, I am confident that will not happen. I believe the registration boards will work closely together to ensure consistency in training standards and clinical practice for the benefit of the public. A number of boards have already flagged their intention to refer any applications to use protected titles directly to the Chinese Medicine Registration Board of Victoria for assessment and recommendation. The boards have also indicated their willingness to consult the Chinese Medicine Registration Board of Victoria about codes of conduct in the practice of Chinese medicine.

The honourable member for Malvern raised the issue of specialist qualifications in Chinese medicine. The board will have the power to enter on the register any recognised postgraduate qualifications relevant to the practice of Chinese medicine. There is no well-established Chinese medicine specialist college system in Australia as there is for western medicine. However, some well-defined specialities are practised in China and to a limited extent in Australia. Many Chinese medicine practitioners who wish to specialise in areas such as paediatrics, gynaecology or orthopaedics go to China to undertake training.

To provide the public with accurate information about the practitioners who have specialist qualifications and those who do not, it is important that the board has the responsibility for recognising postgraduate qualifications. That is particularly important given the absence of an alternative system of control through specialist colleges. Similar powers are contained in the Podiatrist Registration Act, and they are also being considered by the psychology and nursing professions. The provisions will allow the public to make more informed choices about which practitioners are well qualified to treat particular conditions.

I repeat that the bill is important. It is groundbreaking legislation not only in Australia but throughout the world, and I commend it to the house.

Ms McCALL (Frankston) — I thank the honourable member for Frankston East. It is a pleasure to agree with him on this issue on behalf of the citizens of Frankston.

I congratulate the honourable member for Malvern on his contribution not only to the debate but also in pioneering the bill. As members of Parliament we often receive brickbats, but we do not often receive bouquets. As the honourable member for Frankston East said, Victoria is the first jurisdiction in the world other than the People's Republic of China to introduce legislation to deal with this field of medicine.

I wish to share with the chamber a couple of my personal experiences of Chinese medicine. One of them was my visit to the traditional Chinese medicine and training institute in Beijing two years ago. Given that I come from a conservative background I tend to go to the family doctor. Using the words of the honourable member for Forest Hill at another time — whenever I felt tired I had a cup of tea, a Bex and a good lie down.

When one talks about medicine outside the traditional western view of general medical practice and a normal visit to hospital and considers other means of dealing with health issues, one finds that many people with a conservative temperament respond with a high level of cynicism and scepticism. I have received letters from the medical profession and the general public in my electorate that express the fear that introducing such legislation will mean endorsing a form of quackery.

My visit to the Chinese medicine institute in Beijing in 1998 did much to dispel some of my personal fears about the methods and potential outcomes of that form of medicine. During my visit I found it interesting to identify some of the items contained in the jars I viewed when passing through the institute's entrance and to

learn about the professional manner in which the practitioners practised their art and the astounding results they achieved.

A dear friend of mine who lives in my electorate practises this form of medicine. The clients who visit her tell her that they have followed traditional western methods for treating and diagnosing particular illnesses but that they have found supplementing traditional treatments with alternative forms of treatment extraordinarily efficacious. There is no need for one form of medicine to be seen in isolation from the other. The two forms can work comfortably side by side to produce positive outcomes for patients.

It is important for Parliament to recognise that society may be prepared to move away from the comfort zone of traditional attitudes towards recognising the changing cultural nature of Australia. Victoria is proud of its multicultural background. When I attend citizenship ceremonies in my electorate I am always mindful of the changing face of Victoria, and I am able to acknowledge that there are different ways of approaching medical issues and treatments. That is why I heartily support the bill.

The purpose of the bill is not to criticise or promote individual professional interests but to protect the public. It is also intended to prevent unqualified, unregistered and untrained practitioners from creating false hopes in the minds of members of the public.

I recall my time working at the Footscray campus of the Victorian University of Technology. I acknowledge the excellent work it did, particularly at the St Albans campus, in setting up one of the first courses for the training of traditional Chinese medicine practitioners in Victoria.

The details of the bill have been widely canvassed by the honourable member for Malvern and the parliamentary secretary, the honourable member for Frankston East. Some of my concerns about the section 85 statement and about whether the provisions come within the scope of the health professional registration boards have been addressed to a point. Objections have been raised by the Australian Medical Association and the Royal Australian College of General Practitioners. There will always be differences of opinion within any profession, particularly the medical profession. Those are probably healthy and we should be mindful of them, particularly with the implementation of this legislation. We should be prepared to revisit in the future any areas in which problems may arise.

Another issue was whether visiting overseas Chinese medicine practitioners could become registered. Would they become temporary registrants? Other relevant pieces of legislation already exist, including one passed in the last sessional period to cater for situations such as those that may arise at the Olympic Games. For example, athletes may be travelling with particular team practitioners so there may be a need for some complementary acceptance of the qualifications of doctors who are exclusively treating their team members and not the general public.

I am mindful that many of my colleagues wish to contribute to this debate. However, I want to say that I have moved on from the conservative, even closed mindset I had before. I have listened to and read the Victorian report entitled *Towards a Safer Choice — The Practice of Traditional Chinese Medicine in Australia*. I attended the launch of the report about a year ago in Queens Hall, when the then Minister for Health, the Honourable Rob Knowles, and members of the university communities of Victoria, the Chinese communities of Victoria and the general public came together in an extraordinary meeting of minds and an atmosphere of bipartisanship and acceptance to agree that there are different ways of looking at the one problem. I have nothing but wholehearted support for the bill and I wish it a speedy passage.

Mr LIM (Clayton) — I am delighted to support the bill. However, before I detail my support I will share a story with honourable members.

When a baby is near birth it should turn over so that it can be born head first. If it does not do so in the final weeks of pregnancy the doctor has three choices: massage the mother's abdomen to move the baby out of the dangerous breach position, prepare for a caesarean section or burn some mugroot next to the mother's little toenail.

What is mugroot, you ask? Mugroot is a Chinese herb, also known as moxa, and the right side of the little toenail is an acupuncture point. A recent study has found that moxibustion worked for 75 per cent of the 130 women trialled with the technique, whereas in the control group the baby turned on its own for just half of the expectant mothers. The amazing thing is not that the technique is so effective, because Chinese herbalists have known for centuries that it is. What is striking is that the study was recently published in a bastion of orthodox western medicine, the *Journal of the American Medical Association*.

Traditional Chinese medicine (TCM) has come of age, Madam Deputy Speaker, a fact that speaks volumes for

its significance. But its acceptance is also ironic, given that TCM has been around for a lot longer than 2000 years — indeed, it has been around throughout recorded history. In monetary terms it is estimated that over the next 10 years the TCM industry will be worth about $12 billion.

Why did it take so long for TCM to be embraced by the orthodox western medical fraternity? One reason is that TCM lacks uniform standards. In China, for example, practitioners are generally graduates of specialist schools, and many American states require some sort of licensing too. But that is not the case in Hong Kong, Taiwan or Singapore, where most practitioners learn their craft as apprentices. Another problem is that diagnoses often take place in the corners of shops or across counters, although that practice is starting to change.

It is heartening to note that Hong Kong, Taiwan and Singapore are now moving to register their practitioners; so although Victoria will be the first in the region to do so, there are others following close behind! Hong Kong and Singapore also plan to introduce licensing exams, and three Hong Kong universities have already started offering TCM degrees.

It is natural, therefore, given the uneven standards of training and licensing, that orthodox doctors may worry that patients who turn to TCM will not receive the best possible treatment. I take it that, like me, many honourable members have been lobbied by and received petitions and representations from protagonists of both sides of the debate. It would take forever just to leaf through them all. Both sides are passionate about their cause, and I respect them for that. For that reason, we should scrutinise the main thrust of the Chinese Medicine Registration Bill carefully.

The proposed legislation ensures a number of things: the training of primary care practitioners to a high standard; mechanisms for establishing and enforcing clinical standards of practice; the easy identification by the public and health care professionals of the qualifications of practitioners — especially those who are highly qualified; and access by consumers to effective mechanisms for dealing with any complaints that may arise during their Chinese medicine treatment.

The bill provides for the establishment of a nine-member Chinese Medicine Registration Board. That represents an expansion of the seven-member board suggested by members opposite when they were in government.

The provision which gives qualified Chinese practitioners and dispensers access to herbs which could be dangerous and toxic unless prepared correctly is also important. As a Chinese person who grew up in that culture and environment, I can assure honourable members that the toxicity of herbs of the same name can vary a great deal depending on the province of China they come from. The bill deals with that.

Of equal importance is the role of the newly established Chinese Medicine Registration Board in approving courses conducted by Victorian universities. Even in our own backyard different institutions require people to attend for different times before they graduate — I understand that it varies from three to five years.

While I welcome the introduction of the measure, I am concerned that it is overwhelmingly regulatory. It refers largely to registration, investigation — for example, of the appropriateness of practitioners — compliance and discipline. However, we can never get away from our need to focus strongly on the fact that the bill is about public safety — that is, the bill is intended to ensure that the practice of Chinese medicine is safe for the public. Therefore, although the bill is overwhelmingly regulatory, I accept that it is important to safeguard the public.

However, I am concerned that the bill does not touch on the fundamentals of the many unresolved issues surrounding registration. The first problem is the language barrier. A first-rate Chinese medicine practitioner who lives in my electorate must have hundreds if not thousands of clients. People keep going back to him and his clientele is growing considerably. But he speaks hardly any English, so how are we going to deal with him for registration purposes? Of course he wants to be recognised as a person to be reckoned with in that field.

The second problem is the appointment of six Chinese practitioners to the board. The member for Malvern, the shadow Minister for Health, touched on the question of who we will choose, who will be included and what mechanism will be used to make the appointments. The shadow Minister for Health mentioned that even among the fraternity of traditional Chinese medicine practitioners there is disagreement about the length of training and a range of other issues related to the profession. I was sent a list of 27 different so-called professional organisations in the field but I know many more were not listed. Unless there is some kind of agreement among those in practice about who should be their six representatives on the board, we will encounter much disquiet and disagreement about the role of the board and so forth. Having said that, I

suggest that the government should take on the task of bringing those people together and forming them into a single professional representative group instead of a series of disparate groups which compete against each other.

The member for Malvern mentioned a list of people to whom he was grateful and thanked them for their contribution to the passage of the bill. I pay special tribute to Professor T. Chiang Lin who has probably done more than anybody in the medical practitioners group. He has spent more than 15 years campaigning just to see the passage of the bill.

I particularly want also to mention another practitioner whom I have enormous respect for. I attended a function and witnessed something very moving. A young lady at nine years old was pretty well left to die. She suffers from chronic fatigue syndrome and western medicine had nothing to offer her. Her parents were in despair and went to Dr Lun Wong. When I met the young lady later she was a blooming, beautiful young person full of life and vitality. Knowing that when nobody else could help her Chinese medicine could is heartening. With that remark I commend the bill to the house and am glad to have had the opportunity to contribute to debate.

Mr WILSON (Bennettswood) — I welcome the opportunity to briefly join the debate on the Chinese Medicine Registration Bill, which is an important and substantial piece of legislation. In many ways it stands in contrast to the rest of the government's legislative program. Why is that so? That is because the bill is yet another initiative of the previous coalition government. It is not a Bracks government initiative; it is a Kennett government initiative — those are the facts.

I congratulate the shadow Minister for Health, the honourable member for Malvern, on his contribution to the debate earlier today. Those of us who know the history of the legislation will appreciate the role he played in the creation and development of the bill. The bill is another example of the honourable member's outstanding contribution when he was Parliamentary Secretary to the Minister for Health in the previous government.

Mr Hulls — It sounds like he has your vote.

Mr WILSON — I look forward to the honourable member assuming the role of Minister for Health in the incoming Napthine government. I know my view is shared by many in the professional bodies and bureaucracy.

As other speakers have noted, the legislation originated from the 1995 Department of Human Services review of the practice of Chinese medicine in response to the recognition that traditional Chinese medicine has become the choice of many Victorians and indeed many Australians. The 1995 review was undertaken by the Victorian Department of Human Services on behalf of the other states and territories in direct response to the concerns expressed by consumers, practitioners and professional groups. The review resulted in the report *Towards a Safer Choice — The Practice of Traditional Chinese Medicine in Australia*. Since that report was issued a ministerial advisory committee has advised the government on necessary action and potential legislation — thus the bill before the house has resulted.

The main recommendation of the committee was that Chinese medicine practitioners should be regulated in the same way as other registered health care professionals. I take this opportunity to congratulate all those who have participated in the various stages of the process, in particular those involved in the 1995 review, those who served on the ministerial advisory committee, and the officers of the Department of Human Services who have devoted many hours and applied extraordinary diligence to the task. I note some of the departmental advisers are now in the advisers box.

Australian health ministers in conference have agreed that Victoria should take the lead in establishing a model of regulation. The bill is an important step towards establishing a national and perhaps international framework for regulation. The Parliament should feel very pleased with its efforts in the area.

The bill has four primary purposes: firstly, to make provision for the registration of practitioners and investigation into professional conduct and fitness to practise Chinese medicine and herbal dispensing services; secondly, to regulate Chinese medicine and herbal dispensing services; thirdly, to regulate the advertising of Chinese medicine and herbal dispensing services; and, fourthly, to establish a Chinese Medicine Registration Board of Victoria and a Chinese Medicine Registration Board Fund.

In the course of researching my contribution today, I noted that it is 20 years since a new health profession has been registered in Victoria. My understanding is that the legislation has significant support in the field and the wider community. The only specific provisions I wish to refer to are those that establish the Chinese Medicine Registration Board of Victoria. That is the most important of the initiatives because it is the core provision in the bill. Clause 67 of the bill establishes the

board. Clause 68 details the powers and functions of the board and clause 69 sets out the membership requirements of the board.

As the honourable member for Malvern outlined, the new board will have nine members, comprising six Chinese medicine practitioners, a lawyer and two persons who are not Chinese medicine practitioners. I note from the minister's second-reading speech that the board will be an incorporated body and independent of government. It will be responsible for assessing and approving appropriate qualifications. It will be responsible for the registration of Chinese medicine practitioners and Chinese herbal dispensers and for investigations into the professional conduct of practitioners.

The bill provides a comprehensive outline of what constitutes unprofessional conduct and contains wide-ranging disciplinary powers for the protection of the public. It enshrines the board's ability to promulgate codes of practice to enhance the best quality provision of Chinese medicine. The opposition supports the bill and wishes it a speedy passage.

Mr HOLDING (Springvale) — It gives me a great deal of pleasure to contribute to debate on the Chinese Medicine Registration Bill, a significant piece of legislation in my electorate of Springvale. I have been approached by many practitioners of Chinese medicine, seeking my support for the legislation and giving views on the various issues the legislation raises. I do not want to deal with the regulatory framework of the bill, which so many honourable members have dealt with at length in earlier contributions; I want to deal with one particular issue the legislation raises — the efficacy of traditional acupuncture and Chinese herbal medicine. I quote from a letter that is representative of some of the correspondence I have received from some of my constituents in opposition to the legislation. I do not wish to identify the author other than to say the person is a medical practitioner in my electorate. He wrote:

> I am writing to you as a practitioner in your electorate in relation to the proposed Chinese Medicine Registration Bill.
>
> I am concerned that registration will give these practitioners effective government approval in the eyes of the public for what is essentially of unproven efficacy and safety.

It is important that the Parliament has the benefit of considering the great bodies of research that form the background to the legislation. The Parliament should ensure such comments and beliefs in the community are put to rest. I take briefly as my source the report other honourable members have referred to, *Towards a Safer Choice — The Practice of Traditional Chinese Medicine in Australia*, published in November 1996. That report formed the regulatory basis of the legislation. It was able to evaluate a great deal of the clinical research into Chinese medicine, herbal dispensing and acupuncture, to evaluate literature in English, Chinese and other languages, and the conclusions reached in literature and in clinical trials. I quote briefly from page 34 of the report, which deals with acupuncture. It states:

> Clinical trials of acupuncture are reviewed in detail in appendix 4. In summary:
>
> There are sufficient good quality clinical trials to support the use of acupuncture, especially in the treatment of pain, nausea and vomiting.
>
> There also is evidence that acupuncture:
>
> > has a marked action on a range of physiological functions, and may be of benefit in hypertension and other cardiovascular disorders, asthma and bronchospasm, digestive disorders, obstetrics, and drug addiction, although the range and quality of clinical trials is less substantive those of analgesia. …

The report goes through many other benefits of acupuncture. People in the community should not be concerned about the efficacy of acupuncture and the safety of Chinese medicine practice and herbal dispensing. More than sufficient clinical trials have dealt with many of the issues acupuncture has raised. Perhaps there has not been the same level of clinical trials into some other aspects of Chinese medicine and more work could certainly be done in some areas. Double blind clinical trials conducted in Australia have demonstrated positive results for acupuncture and Chinese herbal medicine in the treatment of conditions such as Hepatitis C, irritable bowel syndrome, chronic pain, hay fever and menopausal syndrome.

The research effort overseas is attracting considerable funding. The United States National Institutes of Health have established a National Centre for Complementary and Alternative Medicine with a total budget for 2000 of US$68.4 million. The centre funds nine specialist research centres in complementary medicine with a research budget of US$63 million. There is a need for a national research program in Australia to test the effectiveness of Chinese medicine and other complementary therapies.

Regardless of the outcome of the research initiatives it is essential that there be adequate regulatory controls to protect the public. It is particularly important that patients have confidence that the Chinese medicine practitioners they consult are well trained. Patients should also have access to effective mechanisms for dealing with any complaints that may arise about their

treatment. All those issues are dealt with in the legislation and have been canvassed by other honourable members in their contributions.

I refer to the conclusion of the report entitled *Towards a Safer Choice — The Practice of Traditional Chinese Medicine in Australia*. The question asked at page 4 is whether traditional Chinese medicine works.

The report states:

> The report reviews international trials and studies examining the efficacy of Traditional Chinese Medicine and concludes:
>
> There is a sufficiently strong case for the clinical use of acupuncture to manage pain, nausea and vomiting. Acupuncture also shows significant promise in other clinical areas, such as in hypertension and other cardiovascular disorders, digestive disorders, neurological problems, and drug addiction.
>
> There are hundreds of clinical trials on Chinese herbal medicine, the majority of which have been undertaken in China. While these generally report favourable outcomes, they do not meet a sufficiently high methodological standard for broad acceptance in the West. There is some limited evidence in western countries for the efficacy of Chinese herbal medicine in a small number of clinical disorders.

I shall add to that somewhat qualified assessment of the research. The report goes on to say at page 40:

> The Chinese herbal trials published in English language journals present some evidence for the efficacy of Chinese herbal medicine in a limited number of clinical disorders. Using the National Health and Medical Research Council grading system evidence on treatment outcomes with Chinese herbal medicine is principally Level III and IV. Further investigations are needed that combine the rigours of a good clinical trial with the flexibility of treatment approaches required in Chinese medicine.

There is a considerable body of research both in Chinese and English medicine which supports the efficacy of the treatments and herbal dispensing arrangements envisaged under the legislation. It deserves the support of honourable members. The report also includes considerable assessment of acupuncture trials and their outcomes, and I commend the tables at pages 276 and 277 of the report to honourable members.

In conclusion, I have received many representations from my constituents. I particularly mention Professor T. Chiang Lin, who has been referred to by the honourable members for Clayton and Malvern. Professor Chiang Lin is a person of great eminence and reputation in the area of Chinese medicine. He has a practice in my electorate of Springvale as well as other places in Melbourne. I have spoken to him directly about the legislation and have received correspondence from him. I thank him for his contribution to the legislation, and I commend the bill to the house.

Mr SMITH (Glen Waverley) — I shall bring a more personal aspect to the debate than has been the case so far. I have always been extremely sceptical of any sort of medicine other than traditional western medicine. Not long ago, I was at an ethnic dinner. Through Senator Tsbin Tchen I met Dr Ding Long who arrived in Australia about seven or eight years ago. He had set up a medical practice in Glen Waverley. My wife is a pretty good tennis player but she always seems to be injuring her shoulder. She said she would like to consult Dr Ding Long, which she did. The doctor stopped her playing tennis for a few months but eventually she got her shoulder back into action.

While I was at his surgery, someone suggested I talk to Dr Ding Long about the bronchitis I had been suffering from for years. I had been reluctant to take the incredible amount of pills needed to get over bronchitis, together with a few days in bed. I thought there would be no harm in talking to the doctor, and as a result I took home a concoction in a paper bag.

My wife and I cooked the herbs on the stove, reduced them and took them at certain times. Two and a half days after the first time I took the Chinese herbal medicine my congestion was completely cleared, and for the past five or six years I have not been back to my western doctors seeking treatment for this condition. I hasten to add I probably would not tell my doctor about it because of the scepticism towards it.

It might interest the house to hear that someone as sceptical as I am has found traditional Chinese medicine (TCM) extraordinarily good and I could not recommend more highly a practitioner I have found, Dr Ding Long, trained in traditional western medicine in Beijing before coming to Australia and so qualified in the two disciplines.

Like western doctors, TCM doctors take a pulse but they do not just listen for the number of beats per minute; they diagnose the state of liver, heart and various other organs from the pulse. It is extraordinary, and for my wife and me it has worked well. Our local Chinese herbalist, Dr Ding, has practices in Carlton and Glen Waverley — though I do not want too many people going to him because at this stage I wait only a limited time to see him, and I would hate to see more westerners going there! He has also plenty of Chinese and other Asian clients.

The bill researched by the Liberal Party and the Labor Party has bipartisan support. Western doctors in my

area have said the main concern is about whether members of the Medical Practitioners Board of Victoria, who practise TCM in the form of acupuncture, for example, will be regulated by the new Chinese Medicine Registration Board.

The message to doctors in my electorate — some of them are personal friends, such as Dr Stephen Blamey, one of the leading surgeons in Melbourne — is not to feel concerned, as registered doctors who practise TCM will continue to come under the jurisdiction of the Medical Practitioners Board of Victoria, not the Chinese Medicine Registration Board.

The bill does not contain a section 85 statement — a revolutionary step for the government — and it will be interesting to see how the act will work without it. The technical side of the bill has been discussed and I have added comments about my personal and practical experience. The honourable member for Clayton mentioned the language barrier. Dr Ding Long is not completely fluent in English, but his wife speaks English well.

The bill will give confidence to those people who use TCM but there will not be a great rush towards TCM practitioners. From my personal experience over an eight-year period I cannot speak highly enough of the treatment. The legislation complements my experience, and I support the bill.

Ms GILLETT (Werribee) — It is with pleasure that I make a brief contribution to debate on the Chinese Medicine Registration Bill. I am pleased to make a contribution both as the member for Werribee, as the chair of the Scrutiny of Acts and Regulations Committee and as a beneficiary of traditional Chinese medicine (TCM) for the past 24 years — four generations in my family have benefited from TCM.

Firstly, as the member for Werribee, I note that there has been significant correspondence to my office about the bill. There have been press releases, emails and correspondence from local doctors.

The majority of concerns raised by the Australian Medical Association, local doctors, the Australian College of General Medicine, the Royal Australian College of General Practitioners and the Australian Medical Acupuncture College have been addressed. That is a tribute to the bipartisan support for the bill, to the honourable member for Malvern and to the previous Kennett government, which took on an extremely difficult issue.

As the honourable member for Glen Waverley said, although traditional Chinese medicine has been around for much longer than conventional western medicine it still attracts some mystery, mysticism and scepticism. From my point of view, that is unfounded. The general feeling of the community is that there is still some misunderstanding and scepticism about that type of medical treatment. That scepticism has been overcome by virtue of the work done by the honourable member for Malvern and others. The fact that the current Minister for Health, the honourable member for Albert Park, has been able to address the final barriers to achieve general support in the medical community is a tribute to both sides of the house.

Sometimes we can feel that minds are closed and they stay closed. That is not always the case. The bill proves that even though vision may initially be a little blinkered, if people are given more information and are made to feel they are included and can work together the more quickly those blinkers can drop away.

The process adopted in the creation of the bill and the negotiation of its various parts was so important and successful that it could be recommended as the process to be followed for another very significant debate in which the community is currently engaged — the debate on supervised injecting rooms. For my part, I urge all honourable members to take note of the process followed to create the Chinese Medicine Registration Bill. Serious thought should be given to adopting the same approach to Professor Penington's recommendations.

As the chairperson of the Scrutiny of Acts and Regulations Committee I shall talk about how the committee examined the bill at its last meeting on Monday this week when the committee noted the enormously productive work that had been done to create the bill. Although it did not do so publicly, the committee privately commended the work done on the bill by the honourable member for Malvern.

The committee needed to double check a couple of matters. It was not able to gain from the minister's second-reading speech a clear understanding of why there was such a long delay in the commencement provisions of the bill — that is two-and-a-half years. Thanks to the honourable member for Frankston East, the parliamentary secretary for human services, and also the honourable member for Malvern, I am now much clearer in my own mind about the enormous amount of important work that still needs to be done to ensure all community concerns are addressed so that traditional Chinese medicine can move forward in a properly regulated and thoughtful way. The committee's concerns have been allayed somewhat by virtue of today's debate.

It is also important to point out that the introduction of the Chinese Medicine Registration Bill was made possible because both commonwealth and state health ministers agreed that Victoria should take the lead in establishing model regulations. Extensive consultation has been continuing since 1995, and Victoria is the first state to enact legislation which in effect is national scheme legislation.

The other concern expressed by the committee was about this being the first medical regulation bill for a long time that has not contained a section 85 provision.

The committee was sufficiently well informed by the minister's second-reading speech and other information it had gathered together to understand the rationale behind proposed section 56(3), which provides that:

> No action for defamation lies against the board or its members for giving a notice under this section.

Additionally, the committee understands that a common-law provision renders a change to section 85 of the constitution unnecessary.

I make no comment on that matter other than to say that the committee has written to the minister seeking clarification of the intended application of proposed section 56(3) and whether or not the provision will be replicated in other similar pieces of legislation dealing with medical regulation.

The important process that has brought the bill into being has been open, inclusive and, as the honourable member for Malvern would say, exhaustive. It has nonetheless produced a fine piece of legislation that has been put together by the Minister for Health in a form that is acceptable to all members of the medical community. The same approach is therefore commended to the house for the most important medical issue it now has to deal with — that is, the introduction of supervised injecting rooms raised by Professor Penington. I commend the bill to the house.

Mr ASHLEY (Bayswater) — It is a pleasure to be able to add a few comments on the bill, and I thank government members for giving me the opportunity. I welcome the bill in the context of debates on health service bills in general as well as in the context of the rich tapestry of our multicultural past and the relationship that Victorians have had with the Chinese community dating back 150 years.

The preparation of this epoch-making legislation has a long history. It is a unique bill not just in Australia but around the world. The minister is to be congratulated on Victoria being part of the great effort worldwide to extend the understanding of health practices in general and practices complementary to western medicine in particular. Both the government and the opposition can say that together they have played significant roles in the development of new legislation that will bring great credit to the state in the eyes of China. The bill will help build on the current relationship between the peoples of China and Australia — and the people of Victoria in particular.

In 1993 I recall standing with a group of Victorian members of Parliament in the general hospital in Nanjing in our sister province of Jiangsu and talking to the professors and heads of departments of the hospital about the health care demands they faced and their efforts to play a role in improving the wellbeing of the huge population of the province.

We were told on that occasion that many doctors in the hospital were trained in the western medical tradition and that many were also trained in the Chinese medical tradition. The point was made that China could not afford a health system based upon the western medical tradition. Victoria has a luxury that Jiangsu Province does not have.

Facilitating the development of the Chinese medicine tradition within Victoria opens up a lifestyle option for the people of this state. However, it may prove to be more than that. It may be that our scepticism over the years has been unnecessary and that the Chinese medicine option has had more going for it than we could ever have imagined.

We do not yet know what ramifications the adoption of Chinese medical practices may have. Although it is not part of the western tradition of high science and therefore not something that can be experimented with, replicated and proven time and again, Chinese medicine could be said to be a correlative science. There are plenty of other sciences which we respect and which we have regulated, such as psychology, which are based not on cause and effect and proof — on QED — but on probability. The notion is that a high correlation between what happens here and the consequences there indicates some relationship between the two, from which you may reach a significant end point that bears that out. Despite the fact you cannot experiment on it because it involves humans, it tells us something about ourselves that we would otherwise not know.

Pharmacological science and herbal science deal with chemistry and the effect synthetic drugs on the one hand and herbal remedies on the other have in interacting on the body. Provided we deal safely with pharmacological tablets or herbal remedies, bearing in

mind that both may be poisonous, each may contribute as well as the other to producing efficacious outcomes for us all.

At this stage we know very little about acupuncture, including all the issues surrounding neurotransmission, the biochemistry of the body, how the brain feeds the nerves and how the nerves can effect breakdowns in different parts of the body system.

I have an open mind. I do not believe we are giving our blessing to magic, even though that is said by some to be the case. In reality, life is far more complex and far more profound than that. As the years go by and experimentation goes on we will probably find that many of the things we are now sceptical about will be shown to have had good foundations in science. But we have not come to grips with and understood the reasons why just yet.

I commend the minister and I commend both sides of the house on the way this extraordinary piece of legislation has been dealt with. It is great to have something that is a world first. Congratulations go to the minister and the honourable member for Malvern, as well as to all those who have open minds. I commend the bill to the house.

Mr THWAITES (Minister for Health) — I thank all those honourable members who have taken part in the debate, which has been marked by the deep personal interest in the bill speakers on both sides have displayed.

It is worth acknowledging that most of the work on the lead-up to the introduction of the bill was done under the previous government. As the shadow minister said, that involved a huge amount of work by a wide range of people, and we all should thank them for the work they put in.

This is a matter to which we have devoted a great deal of time since we have been in government, because, as honourable members have noted, there are a range of views and interests to be taken into account. I particularly thank the honourable members for Clayton and Springvale for their contributions, given that they have large Chinese communities in their electorates. Their close contact with the Chinese medical profession has assisted the government's consideration of the legislation.

The honourable members for Frankston, Bennettswood and Glen Waverley also indicated their conversion to the cause as a result of personal experiences. The honourable member for Werribee played an important role in chairing the Scrutiny of Acts and Regulations Committee and acknowledging the need for work on the implementation of the bill. Finally, I thank the parliamentary secretary, the honourable member for Frankston East, who has been of immense assistance in the handling of the legislation.

The honourable member for Malvern was personally involved in preparation of the original bill and raised several important points in his contribution that I will touch on briefly. He referred to the protection of the public from those outside the registration framework, which is an issue that broadly applies across the entire field of occupational regulation.

A largely bipartisan pattern has been adopted across the legislation where title rather than the conduct of activities is protected. However, as he pointed out, an issue may arise where individuals practising in the field may not work or be qualified within the registration framework. It is important that the public is protected from any possible harm from the incompetent or improper conduct of those persons.

The field is broadened considerably because the bill provides public protection against people who portray themselves not only as registered practitioners but also in any way that misleads the public into believing they are registered practitioners. An important protection introduced by the bill provides for the registration of individuals who dispense or treat patients with certain herbs that may be harmful.

The government believes an oversight of the entire area of occupational regulation is required to determine whether people slip through the net resulting in damage to the public. The government has overall oversight of the legislation but I should think the various boards would also have a role to play, as does the Dental Board, in ensuring that unregistered practitioners do not harm the public.

The honourable member for Malvern also referred to the need for oversight of standard setting. The critical point will be who sits on the boards. It is important that board members have credibility and status. It will be a difficult task to choose board members because many people will be interested in the positions. The government will ensure it appoints the best people for the job.

The honourable member for Malvern referred to practitioners who may be guilty of offences such as sexual offences and who are registered under one occupational act. He asked how such offences will be communicated to another board. While no mandatory requirement exists for communication between boards,

neither is there any prohibition. The government would expect that if a board believed a practitioner was trying to jump the offence it would be appropriate for that board to notify another board. The number of such cases is small and tends to be highlighted in the media, giving boards the opportunity of becoming informed.

The parliamentary secretary addressed the section 85 issue. However, I make the point that section 56(3) states that no action for defamation lies against the board or its members for giving a notice. Therefore, no entitlement to sue for defamation exists. The section 85 provision does not of itself limit the right of defamation; the section 56 provision does that. All section 85 does is require that if the Supreme Court jurisdiction is limited an absolute majority is required to pass the bill. The government has received advice that the jurisdiction of the Supreme Court is not limited. Section 56(3) simply restates the position at common law and a separate section 85 statement is not needed.

The honourable member for Malvern referred to interaction between herbal medicines and western drugs. The government expects the boards, as part of their consideration of codes of conduct, to ensure that adverse reactions to herbal medicines are reported to the Commonwealth Adverse Reactions Advisory Committee.

The honourable member for Malvern referred to the important issue of research into complementary medicines and the experience in the United States of America, which needs to be looked at over time. The USA research into complementary medicines should be examined in Australia and the outcome used by the board in its determinations.

I believe that covers most of the matters raised by the honourable member for Malvern — —

Opposition members interjecting.

Mr THWAITES — I did not get a note of that one. I will have to take up that issue with the honourable member at a later stage.

I thank all honourable members for their contributions. I hope I have not left out anyone in my concluding remarks. I again commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

JOINT SITTING OF PARLIAMENT

Centenary of Federation

Message received from Council acquainting Assembly that they have agreed to joint sitting to consider passage of a resolution to invite the two chambers of the commonwealth Parliament to return to the Victorian Parliament to commemorate the centenary of the first sittings of the commonwealth Parliament in 1901.

ELECTRONIC TRANSACTIONS (VICTORIA) BILL

Second reading

Debate resumed from 6 April; motion of Mr BRUMBY (Minister for State and Regional Development).

Mr PERTON (Doncaster) — The opposition will not oppose the Electronic Transactions (Victoria) Bill but will clearly put its case — that this is only one very small part of the puzzle of electronic commerce and of the changes to society, the economy and government that are being wrought by the information or knowledge revolution.

The proposed legislation was introduced in April. It is some nine months too late and is not accompanied by the raft of other pieces of legislation and measures that are needed to maintain Victoria's leadership in e-commerce and the use of new information and communications technology. That was made particularly clear in yesterday's budget, and I shall come back to that shortly. In the second-reading speech the minister stated that the bill will provide the basis for an environment that will boost the growth of e-commerce. It seems odd therefore that budget paper no. 2 should show that the Multimedia Victoria budget is to be reduced by some 30 per cent. It seems peculiar that if the state is in the middle of a revolution and the minister wants to be a part of leading society through that revolution he would reduce expenditure in this field by that amount.

Mr Acting Speaker, as the representative of a rural constituency for which e-commerce and telecommunications provides unbounded opportunities but very real challenges and downsides you ought to share the opposition's disappointment that a budget speech so rich in rhetoric about the new economy should be accompanied by such inconsistent action.

If one looks at the budget papers and the new initiatives set out for e-commerce one finds that the main item is a $5 million budget for Internet access in town halls.

Honourable members might wonder who would go to a town hall to access the Internet. Perhaps only a backpacker or someone else seeking free Internet access. If e-commerce and the information economy are to mean something to people it would be more suitable to make them available in workplace environments, schoolrooms, home studies areas, offices, lounge rooms — any convenient place for people who want to access the Internet.

Mr Vogels — In schools.

Mr PERTON — Yes, in schools, as the honourable member for Warrnambool rightly points out.

What is utterly peculiar about the major expenditure item in this field is that the experiment has already been tried. As you would be aware, Mr Acting Speaker, Tasmania received a substantial amount of money for the purpose of improving telecommunications. The money came from the partial privatisation of Telstra. Tasmania has put Internet access in town halls. The result is an utter failure. Computer terminals remain unused day after day.

If that is what the government says e-commerce is, and if that is what the government says about leading the state into the information revolution, the chances of Victoria being a leader in this field are slight.

The bill cannot stand on its own. A couple of days after the bill was introduced the Australian Computer Society said it is a good step but that it needs to be accompanied, for example, by the provisions of the Evidence Act. Those provisions should have been introduced by the government in its first sessional period, but they are yet to be implemented. Both the Australian Computer Society and other organisations such as the Australian Information Industry Association have said that electronic commerce cannot succeed without an appropriate privacy regime — in other words, a data protection regime.

The former coalition government introduced a data protection bill in the 1999 autumn session. The proposal to introduce a similar bill was part of the Labor government's policy during the 1999 election campaign. We are now in the middle of May 2000 yet there is no data protection bill before the Parliament, and it appears the government does not propose to bring one in.

The fourth element that is necessary if the bill is to make sense is the introduction of new provisions dealing with criminal liability for improperly accessing other people's computing systems. The coalition government was about to introduce such legislation just before it lost office. However one year down the track — five years of Internet time — only one piece of legislation is before the house, which in essence provides that an electronic signature will receive recognition. That is all the bill does.

I say to the honourable member for Tullamarine that you have the right to use an electronic signature. What will you do?

She looks confused — she is right to be confused — because neither the bill nor the second-reading speech provides an answer.

Mr Hamilton — On a point of order, Mr Acting Speaker, I know the honourable member for Doncaster gets carried away — some would say passionate — about this particular subject, but he is abusing his position in this house by inviting a member to be disorderly by responding to a rhetorical question and then making disparaging remarks about her when she fails to do so. It was a theatrical gesture, Mr Acting Speaker, and I would appreciate your advising the honourable member for Doncaster not to use such means to disparage a member of this place.

Mr Richardson — On the point of order, Mr Acting Speaker, the Minister for Agriculture is complaining about theatrical gestures in this house, but it is not unknown for theatricality to be part and parcel of daily life in this place. On occasion even I have been accused of being theatrical.

Ms Beattie interjected.

Mr Richardson — I hear Tinkerbell from Tullamarine over there. I put it to you, Mr Acting Speaker, that the minister — gentleman and friend that he is — is indulging in some theatricality of his own. We all appreciate that, but I suggest to you, Sir, that it is not a point of order.

The ACTING SPEAKER (Mr Phillips) — Order! The Parliament operates successfully because debate is governed by the guidelines in the standing orders, which it is the role of the Chair to uphold at every opportunity. However, from time to time members have the opportunity to add to the debate by using a little wit, so long as it is within the guidelines. The honourable member for Doncaster should know his comments should always be directed through the Chair. The honourable member may have been straying from the debate by engaging in theatrical antics, but he is on notice that he must direct his comments through the Chair.

Mr PERTON — As I was saying before I was interrupted in that charming way by the Minister for Agriculture, all the bill does is give legal effect to electronic signatures. There are a number of available technologies that are capable of performing the same function as an electronic signature. They have different levels of reliability, and a few examples are passwords and PIN numbers, fingerprints and thermagrams, and public key cryptography — commonly known as digital signatures.

There is no guidance in the second-reading speech, in the bill or on the Multimedia Victoria web site on using electronic signatures. In Victoria that means that, although this small piece of legislation gives some legal effect to electronic signatures, the public is still left wondering what they are.

Under Alan Stockdale, the world's first Minister for Multimedia, a lot of work was done to make Victoria the leader in the field. Through the administrative leadership of John Rimmer, the first director of Multimedia Victoria, the former government had a philosophy of striving to become a leader, an exemplar and a facilitator.

That former government certainly met its own first test by becoming a leader — as I said, it created the world's first Minister for Multimedia — and in that field being first and interesting to the world media has a big effect. Alan Stockdale was invited to the first major Microsoft conference on the impact of the Internet. Of the delegates to that conference only two — Alan Stockdale and Al Gore — were elected officials. Al Gore, Vice-President of the United States of America, has been credited with coining the phrase 'the information highway'. Alan Stockdale's attendance attracted international curiosity in what Victoria was doing, and people such as Bill Gates, Larry Ellison and the members of the G7 online committee came to Victoria as a result. The government of Hong Kong came to Victoria when it was looking to put its work online. Under the former government it was clear that in the leadership stakes Victoria was right out in front.

Victoria also passed its second test by becoming an exemplar. It created the web site www.vic.gov.au — continued by the present government — and an electronic service delivery system. It set the most ambitious target in the world, that of delivering every government service that could be delivered online by 2001. It was a huge ambition, but one that was in the process of being achieved. The www.vic.gov.au web site remains one of the best government web sites in the world — because it is based on a channel system.

Ms Beattie interjected.

Mr PERTON — As the honourable member for Tullamarine rightly says, the combination of a business channel, a citizens channel, an education channel and so on on the one site gives citizens access to services at every level of government, federal, state and local. In a country like Australia most citizens are not sufficiently well informed to know about every government service or which part of government delivers what service. It is therefore intriguing for people around the world to discover that a person thinking of starting up a new business could go to a government web site as a first step.

Let me give an example. Suppose you are thinking of setting up a food processing plant in Morwell, the electorate of the Minister for Agriculture. The www.vic.gov.au model allows you to key in the fact that you are thinking of setting up such a business. When you do you will be given a range of data on all the governmental assistance programs and other information you will require. You will be told whether you need a business name, for example, and if you want to register your business online you will be given the information you need. The web site covers all the planning and application processes.

At the other end of the scale the web site can help you if your dog — or in the case of the Minister for Agriculture, your cow — is lost. You can key in the news that the animal is lost and include a description. The system will then take you to the appropriate level of government — local government in this case — and link you with the services of the dog catcher or the pound. Manningham City Council in my own constituency has already done some work on that idea, including the production of digital photos of the animals that have been lost and found. That is a simple example, but for a lot of people such a service would make life much easier and the services of government more accessible.

Mr Hamilton — How can you get a digital photo of your dog if it is lost?

Mr PERTON — The Minister for Agriculture asks how you get a digital photo of a lost dog. I'm sorry I failed to explain that. In the Manningham example I was referring to a lost dog that was found and placed in the pound, where it was photographed. The dog catcher then placed the photo in the list of animals that had been found. The service has already proved to be useful.

The third test of good government policy in this area is facilitation. The bill is part of the process by which the former coalition government was facilitating the use of online services for electronic commerce and the information revolution. The former government set up two working parties, one of which was the Data Protection Advisory Council. The council recommended the introduction of data protection legislation to cover both public and private sectors. The proposal was well received around the country. When Alan Stockdale introduced the bill into Parliament in the autumn session last year, the assessment of the legislation by the *Australian Financial Review* said that the bill would become the template for similar legislation around the country. That leadership has now been lost.

Although a federal data protection bill has recently been introduced into the commonwealth Parliament, in my view it does not go far enough in protecting the citizens of Victoria and the privacy of their data. If Victoria had had a stronger state government and a minister for information technology or multimedia when the bill was being developed, it may have had an impact on the federal government — and on both Liberal and Labor federal policy-makers — and led to the introduction of a data protection bill that met the objective of making Victoria a world leader in e-commerce.

The bill is based on the commonwealth Electronic Transactions Act of 1999. The commonwealth Attorney-General, the Honourable Darryl Williams, said in November 1999 when the commonwealth legislation passed the Senate that:

> Australians have welcomed the information technology revolution. It has the potential to enrich their lives, work and wellbeing.

The federal legislation which came into effect on 15 March this year provides that citizens can use electronic signatures to transact business with commonwealth departments and agencies. In addition, the federal evidence provisions mean they can use electronic documents that are as legally sound as traditional paperwork to communicate electronically with government on a diverse range of issues.

The question the Minister for State and Regional Development must answer either at the conclusion of this second-reading debate or during the committee stage, should the bill reach that point, is what the impact will be of Victoria having failed to adopt the provisions of the federal Evidence Act that allow for the use of that documentation. The answer may be in the bill but I do not have legal advice to indicate that it is covered in that way. The view of Victorian and interstate legal experts is that the provisions yet to be introduced into law in Victoria are a crucial cornerstone for the efficacy of the bill when it becomes law.

The federal act on which this bill is based is based on the federal government's philosophy of a light-handed legal framework to support and encourage business and consumer confidence in the use of electronic commerce. The United States government has a similar position. The former coalition government held the same view — that is, that the legal framework should be as light handed as practical. The Labor government has also used the term 'light handed' in its policy pronouncements in this area. I suspect the continuing use of that terminology in the ministerial statement on Connecting Victoria was due to the editing of the speeches not being particularly good. It appeared that in delivering his Connecting Victoria speech Mr Brumby used a number of phrases stolen directly from speeches made by the Honourable Alan Stockdale, the former Minister for Multimedia. Thus the language remained much the same.

When he was the Minister for Multimedia, Alan Stockdale understood that light handed did not mean hands off. Light handed means that if we want to make this thing work and make it fly, we must inspire people. We must have a Premier who everyone knows is interested in the field. We need to have a Premier like the Honourable Jeff Kennett, who convened a meeting of a multimedia taskforce to which executives in the computer industry flew from interstate and overseas, not just to talk to the Premier or the Minister for Multimedia but to meet among themselves. Jeff Kennett's multimedia taskforce provided a forum in which members of the industry spoke among themselves and information about new collaborative opportunities in Victoria and the Asia–Pacific region was exchanged.

What is the comparison between the leadership demonstrated by that government and this? This government abolished the Premier's multimedia taskforce. The ministerial statement on Connecting Victoria made in November last year contained a promise of the introduction of an information technology advisory group. It was said that the chairman would be announced by the end of that month. Now it is May but there has been no announcement of a chairman or members of the body and no funding has been provided for an expert committee to advise the minister.

If one thought the minister was a propeller head, if one thought Bill Gates, Larry Ellison or Al Gore were at the other end of the telephone and knew their mate John

Brumby, one would think the minister would use his contacts. The reality is it is clear that he had had no involvement in this field whatsoever before he become the Minister for State and Regional Development.

Since the honourable member for Broadmeadows has become the minister he has had very little involvement, focusing on his roles as Minister for Finance and Minister for State and Regional Development but staying well clear of Multimedia Victoria and the important decisions that need to be made in the multimedia area.

The expert advisory group has just disappeared. You would think the minister would be shamefaced about that. Rather than being shamefaced, when challenged by the media, notably the *Age*, on the failure to appoint the advisory group, what did the minister say? He said, 'I can't appoint the advisory committee. I have to plan five years into the future before I can have an advisory committee'.

A number of business people in the chamber would know that, with the way information technology is moving, you cannot plan 18 months ahead, much less 2 years ahead. Would the minister plan for the information economy without involving the professionals who are a part of the information economy? But, no, the minister arrogantly says, 'I am doing brilliantly without an advisory committee. I will set it up after I have down my five-year plan'. In his budget there is no funding at all for the advisory group. That clearly means that the intellectual leadership provided by the state — not just to Australia, not just to the Asia–Pacific region but internationally — has gone.

To see that one has only to look at the amazing changes that are taking place. Internet traffic is doubling every 100 days. It is clear that communications are moving away from paper-based systems and into the electronic sphere. All honourable members who use the Parlynet system would have noticed those changes in our lives. By way of example I mention my own correspondence. I estimate that some 70 per cent of my correspondence would be by email, 20 per cent by fax and a mere 10 per cent in hard copy. The proportion of electronic communications that make up our correspondence is accelerating for each of us. I notice that the honourable members for Sunshine and Bentleigh are nodding. They are adept in this field.

It is clear that the Internet is revolutionary. The number of documents that are travelling electronically is doubling every 100 days. The Gartner group, Forrester Research and others have estimated that international commerce will surpass $300 billion by the year 2002. In my view that is a massive understatement. As most of the stock exchanges of the world have moved to electronic delivery, dramatic changes have been seen in the stockbroking industry in Australia and internationally. Literally trillions of dollars in transactions are moving electronically.

It is estimated some 200 million to 300 million people in the world access the Internet, and that figure is increasing dramatically indeed. There are many statistics in the area. I note that in his second-reading speech the minister used similar figures. As I have already indicated, some of them might be a little dated. The reality is that Australian business is understanding the change. For instance, it is estimated that last year $13.8 billion was spent by Australian businesses and Australians in general in developing the IT industry.

What are the regulatory issues? The major regulatory issue is giving confidence to those who want to transact business online. Honourable members would all have heard stories from their friends and others of their reluctance to allow teenage children and younger children to access the Internet from home unless supervised. I see nods from a number of members in the chamber. The new and free media of the Internet presents a number of interesting challenges. United States President Bill Clinton put it well in a speech earlier this year in which he stated:

> … the Internet should be a free trade zone, with incentives for competition, protection for consumers and children …

Talking with his American audience, he continued:

> I want to work with you to find ways to give consumers the same protection in the virtual mall they now have at the shopping mall — to enhance the security and privacy of financial transactions on the Internet, an increasingly deep concern of citizens everywhere; and to bring advanced, high-speed connections into homes and small businesses.

Let us consider protection for children. In the new media pornography has flourished. For instance, if a person looking for information on the White House typed in www.whitehouse.com instead of www.whitehouse.gov that person would find himself or herself at a pornography site.

Mr Hamilton — How did you find that out?

Mr PERTON — I typed www.whitehouse.com by mistake.

Mr Stensholt — Is this a confession?

Mr PERTON — There is no need for confession. People should have the confidence to let their children search online and experience the liberation of finding

high-quality information on anything they want. Today in doing my work I clicked on to the www.britannica.com site. All honourable members would remember how much *Encyclopaedia Britannica* used to cost. When I was a child my widowed mother could not afford *Encyclopaedia Britannica*. I think we bought the *World Book*. I am sure that would be the case with many people in the chamber.

Encyclopaedia Britannica was the best encyclopedia in the world, but it was overtaken by the dramatic changes in the industry. As the Britannica people saw *Encarta*, the American encyclopedia, come online and be produced in CD-ROM format at a cost of some $US60 or $US70, they sneered. They said the content is not there. It is not as authoritative an encyclopedia. But as parents increasingly bought *Encarta* and did not spend the $10 000 or $15 000 to buy Britannica, the company tried to move online. It introduced a CD-ROM that cost some $1200 or $1300. Again the Britannica organisation was surprised when no-one bought the CD-ROM. It dropped the price to $499 and still no-one bought it. Ultimately the company producing *Encyclopaedia Britannica* went broke. Last year the intellectual property of Britannica and the name were bought by an international financier and today the *Encyclopaedia Britannica* is on the web for free. It is remarkable that that incredible intellectual resource is available to the children of Australia and any other jurisdiction of the world for free. The CD-ROM can be bought at a shop. For some people Internet access is still slow, so they will buy the CD-ROM.

Remarkable changes are taking place. If parents want their children to be able to explore that incredible world of knowledge, to follow their curiosity as far as it will take them, they will have to be given the confidence to put their children in front of an online computer without constant parental supervision. The federal government's regulations on the censorship of Internet content, while not perfect, are an attempt to head down that track — to give the parents of this country the confidence that the government is trying to eliminate the transmission of web sites that would be unsuitable for their children and to give their children that empowerment.

Bill Clinton was talking about protection for consumers. All honourable members in the chamber who use the Internet would have had people say to them, 'I would not put my Visa or American Express card number on the Internet'.

Mr Wynne — You don't get your stuff back.

Mr PERTON — The honourable member says that he did not get his stuff back. I must confess I have not had that experience. I have dealt with companies like Amazon and Australian companies doing business online, including Telstra. I have not had the experience of the honourable member for Richmond, but that is a point I will come back to because it is a strong point.

We see our friends giving their credit cards to waiters in restaurants to take round the corner and put through machines. Who knows whether they take the numbers? Who know what impressions they take of the records? How many times when ordering flowers for a funeral or for friends or the like have honourable members either given their credit card details over the phone or requested their secretaries to do the same?

Mr Wynne — You get the print out.

Mr PERTON — As the honourable member for Richmond says, ultimately the consumer gets the print out. We confidently give our credit card numbers over the telephone, but on the Internet, sites such as amazon.com offer higher security. It is very difficult to intercept those numbers as they are being transmitted across the Internet. Government must give people confidence that when they transmit financial details across the web those details will be kept secure, not just in the transmission but by appropriate rules that apply to the Internet merchant.

I am very keen to see, as was the former Minister for Multimedia, Alan Stockdale, Australians feeling confident to deal with companies such as amazon.com or britannica.com. I want Victorians and Australians to do business with Victorian companies. Government should aim to have the next amazon.com based in Melbourne in whatever field it appears, be it fine food or sporting equipment.

International consumers should feel confident transmitting their credit card details to Australia. They should feel confident that in applying an electronic signature to a document sent to an Australian company they are protected by a legal regime among the best in the world. Victoria should have the transportation infrastructure in place so the consumer who orders from a Victorian company will feel confident that fulfilment of that order will be prompt. I hope not just Fedex, DHL and other American-based transportation companies will fulfil those orders but that home-grown Australian transport companies can grab a share not just of the Victorian market and not just delivering for amazon.com and the like in Melbourne but sending our product out to the world.

That will require a sophisticated legal regime. It requires a Supreme Court with judges who understand the issues of electronic commerce, who do not need to be persuaded over a period of days that the particular electronic signature mechanism has been appropriate. I agonise that the bill will provide no guidance to a Supreme Court judge on what sort of electronic signature is appropriate. There is no way a Victorian government agency can state that a particular form of electronic signature will be recognised by the courts, and that is a tough call.

A number of honourable members in the chamber were members of the Law Reform Committee that reported on technology and the law. Judges have not been appointed on the basis of their understanding of these matters, and if Victoria does not have the personnel with the correct skills — I certainly put it to the Parliament that most barristers, solicitors, accountants and other professional do not have these skills — some guidance needs to come from government.

Victoria should have experimented with its own public key authority. No clear legislative authority exists for the introduction of electronic signatures. In this early part of the revolution if Victoria wants to lead, whether it is done through a private sector contractor or through government itself, there is certainly the opportunity to give Victorian businesses a jump-start on people in the rest of the world.

While it is understood that business-to-business transactions issues can probably be resolved more simply than business-to-consumer issues, the amazing success stories of amazon.com and the like and the amount of revenue brought into the jurisdictions within which they work says that government should be helping Australians who have the creative ideas to achieve their goals and not require them to go to the United States of America to fulfil their ambitions. People are not being unpatriotic when they leave for the United States of America.

I took some study leave in February and I met some brilliant Melbourne people working at Microsoft in Seattle. They were working there because they believed they could not get the venture capital in Australia and they could not get past the oligopolies of the Fairfax, Murdoch and Packer families who operate in Australia. Take a look at Looksmart. Maybe it would always have gone to San Francisco to become the leaders in its world market. But would it not have been great if the company could have stayed in Melbourne and achieved that same end?

It must be hoped that one of the people who have gone to America to get their business going or one of those experimenting here can return or stay and develop their business and revenue in Melbourne. As Parliamentarians we need to give people overseas confidence that they can deal with a Melbourne person or a regional Victorian person protected by the full weight of the law. Government needs to have a look at consumer law.

A number of honourable members have purchased goods from the United States of America on the web; I have purchased goods from England and elsewhere. What consumer protection do we have? If amazon.com or another overseas company cheats me, am I going to go to Washington State to make an application under their consumer laws and appear in a consumer protection tribunal?

As the honourable member for Burwood rightly says, ‘No way’! The government has to ensure the Victorian consumer affairs tribunals are in a position to deal with electronic transactions from citizens around the world who might want to deal with a Melbourne or Victorian regional business and have the confidence that electronic complaints will be dealt with speedily and expeditiously.

A copycat piece of legislation that adopts the rules of the United Nations Commission on International Trade Law (Uncitral) which are under criticism by many lawyers and are possibly obsolete, is not needed; a copycat piece of legislation following the completed legislation in New South Wales is not sufficient. Victoria must go further. The new world economy is about ideas — about doing things in a new and different way.

The legislation says an electronic signature can be used instead of a written signature, but the bill lacks the revolutionary thinking that marked the Stockdale period as Minister for Multimedia in the state.

Some people have said the approach of the previous government was bipartisan. I would love to see a bipartisan approach: a minister for multimedia or information technology or e-commerce in the Labor government coming to the opposition and saying, ‘We really want to make this thing fly in Victoria. We want to produce an education system where the kid in Walwa or Dunolly or the like can be taught by the best teacher in the world; where a person doing business from Warrnambool or Dunkeld or Merino is able to open the shop to anyone in the world’.

I offer to the Labor government the thoughts and the intellect of the opposition and the thousands of people in the multimedia and e-commerce industry who supported the previous government. If only government members were prepared to take a position of leadership! If only the Premier could acknowledge his mistake in rejecting the achievements of the Stockdale–Kennett government in the area and delegate information technology to a Minister for State and Regional Development!

Imagine an international businessman or an international government leader coming to Victoria, having read about electronic service delivery, Skillsnet and the public Internet access achieved by the former government, wanting to meet the minister for information technology in Victoria. He meets a Minister for State and Regional Development who does not visit the office of Multimedia Victoria but leaves it to the parliamentary secretary, the honourable member for Mitcham. He is a nice bloke but I do not see the honourable member for Mitcham as a leader in the field. He showed no interest in the field before the Labor Party came to government and is not the person to introduce to a Bill Gates or a Larry Ellisson.

Do the members of the Labor Party feel confident to send Steve Bracks to see a Larry Ellisson or a Bill Gates, with his charming smile and white dinner jacket — isn't that what attracted Barry Donovan?

Ms Beattie — Suave.

Mr PERTON — The Premier does not understand the game at all. On his first trip to Europe the Premier goes to Davos. Did he meet the British Prime Minister, now a leader in the field — —

An honourable member interjected.

Mr PERTON — Yes, he met Bob Carr, but did he try to get some Labor Party connections with the British Prime Minister? The Premier did not meet any people who count in information technology — the house would have heard in his speech if he had. Instead what did the Premier do? He went to Davos and met some Victorian business people.

I can take the Premier out to meet some Victorian business people in the IT industry. Dr Napthine, the Leader of the Opposition, well regarded by the IT and multimedia industries, would be happy to take the Premier to meet some people in the field.

Three weeks ago the parliamentary chamber was used for an economic summit to chart the future of the state. Was anyone from the computer industry invited? No. Did anyone attend from the telecommunications industry? No. There was no-one from the multimedia industry; no-one from e-commerce. The Premier of the state convenes a summit on the new economy and there is no-one from the new economy. It is devastating. In the circumstances the legislation is a joke and a sham.

Another important aspect is the digital divide. The budget increased the funding for Skillsnet marginally, but there is no estimate of the additional number of people who can be trained. The legislation throws into stark reality the digital divide in business and society as a whole. If it can be understood that an electronic signature can be used and then a provider of an electronic signature can be found and someone else at the other end who will accept it, users are empowered.

Who will be empowered by this legislation? The answer is the big American multinationals that have already made the changes and the few Australian major corporations that have invested money to enable them to utilise the rights provided by the measure. What does the legislation give to the businessman in Ballarat, Bendigo, Dunolly or Maryborough? Not much at all. The honourable member for Richmond should take the bill down to Victoria Street, Richmond, and then tell me how many of the shopkeepers there will be able to take advantage of it. The bill gives extraordinary rights to those who are online and switched on to e-commerce. Their growth will be stupendous and amazing, but to those who are not part of e-commerce and the new economy it becomes quite mysterious.

The Minister for Workcover is in the Chamber.

Mr Cameron interjected.

Mr PERTON — The minister wounds me by referring to 'red Dunolly'; I feel the pain! Having sat in the Dunolly pub a little over a month ago, I can feel the pain. Nevertheless, the Liberal Party governed for the whole state when it was in government, and that is why even though the voters of Dunolly rejected the coalition parties at the last election they are very much in our minds as we look at the issues arising from the new economy.

It is important that the bill is passed. It is even more important that Victoria becomes the leader in this field. The Queensland government, through its Minister for Communication and Information, has been travelling around the United States of America and Europe saying that Victoria has dropped the ball and Queensland is very much open for business.

The new leaders in this area are companies such as Red Hat, the Linux developer, and Oracle. They are

heading to Queensland and not to Victoria. What is the Victorian Labor government focusing on? What jobs has the government crowed about in this field? The establishment of call centres. A call centre might be important in depressed areas where jobs are not available, but the problem with them — —

An honourable member interjected.

Mr PERTON — That is just the point I make: the problem with a call centre is that it does not take much training for a person to become a call-centre operator, so it is inherently a business that does not have a high training component. Does it have a high investment? No. The honourable member for Tullamarine is shaking her head. She is right. It has a very low investment, and it is transient. The problem with call centres is that they go where telecommunication and labour costs are the lowest.

While the Minister for Local Government, who represents the seat of Bendigo West, crows that AAPT has set up its call centre in Bendigo, it did so under the agreements it had with the previous government for the implementation of VicOne. It is a transient business and when the telecommunication costs fall and the English language skills in other jurisdictions improve the business — —

Mr Cameron interjected.

Mr PERTON — I would rather have 500 software developers jobs in Bendigo; I would rather have young people in Bendigo being trained in how to become leaders in this field. Being a call-centre operator is not a qualification for becoming a leader in information technology. If the minister believes he is part of a government that is totally incapable of dealing with this new — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Phillips) — Order! It is getting close to the dinner adjournment, so honourable members need not get too excited. The honourable member for Doncaster must make his comments through the Chair and not be distracted by interjections from the other side.

Mr PERTON — It is a good thing the minister interjected, because it demonstrated his lack of knowledge of and lack of sympathy for the field. Given that the Premier went to Davos and came back knowing only that computer power doubles in 18 months — that was his great revelation — it is not surprising that the Minister for Local Government does not know much about the field.

Mr Wynne — He is happy with the 500 jobs.

Mr PERTON — The honourable member for Richmond says the minister is happy with the jobs.

Mr Wynne — Absolutely.

Mr PERTON — The difference between Liberal and Labor is that the Liberal Party wants Victorians to be among the best trained people in the field in the country. It wants Victorians to be confident global citizens who do business globally. The minister is satisfied with the televillage model that is the centrepiece of the Labor Party's Connecting Victoria project, which has allocated a budget of $127 000 for Ballarat and less than that for Portland. That is the centrepiece of the Labor's policy.

I have discussed the bill with a number of experts in the field. One of the comments I received from an e-commerce expert from the United States was that although the bill deals with executing transactions, it is weak on verification. The questions which people do not feel confident about and which are not resolved by the bill include who will determine when a communication is sent and who will determine when a communication is received.

The general impression in the business sector and in society generally is that most digital records are capable of being altered or intercepted. That lack of confidence requires some government intervention to help people cope with the question of third party verification.

I will refer briefly to a communication from John Gregory, one of the experts in the field from the Ontario Attorney-General's department. I refer to page 779 of *Hansard* of 6 April, which reports the minister referring to thermograms and fingerprints and electronic signatures. The Canadian expert has written the following in respect of electronic signatures:

> A biometric should be regarded as a particularly dangerous form of PIN.
>
> A PIN, when it is suspected that it has been compromised, needs to be changed.
>
> A biometric cannot be changed. Once compromised, it is compromised for all time. Some biometrics can be easily used as a means of masquerade; whereas some will be more resistant to masquerade …

He then refers to the film *Gaticca*, where a fingerprint was created for the purposes of masquerading. He says that the increasing use of biometrics as an electronic signature has its own dangers.

Other Australian commentators have said that although the bill is part of a national scheme and although it is important to have consistent law across the country, the authority for issuing electronic certificates and public key issuance has been left to chance.

This area of policy is important. It is an area in which the Liberal coalition government took the lead but which the current government has left to other states and to the national government. No longer does anyone interstate or internationally think of Victoria as a leader in the field.

Although the opposition will not call for a division and will not oppose the bill, it believes the most important thing the government could do would be to admit it has made a mistake, appoint a minister for information technology, the electronic economy and multimedia, and — —

Dr Napthine interjected.

Mr PERTON — It is vital that that be done. As I said earlier, the Leader of the Opposition is well regarded and respected by the information technology and multimedia industry. I hope the Premier has a change of heart and gains the same respect, because it is essential for the future of Victoria.

Mr STENSHOLT (Burwood) — I am pleased to support the Electronic Transactions (Victoria) Bill because over 20 years ago I edited one of the first personal computer users magazines in Australia and subsequently headed up a corporate services branch for a government department that had a large budget and a large computer area.

As the second-reading speech notes, the bill is based on the uniform legislation bill developed by the Standing Committee of Attorneys-General (SCAG). The New South Wales government produced the original draft, and in so doing adopted the key provisions of the United Nations Commission on International Trade Law (Uncitral) model law of electronic commerce of 1996.

I commend the work of such international legal bodies as Uncitral and private international law bodies such as the International Institute for the Unification of Private Law (Unidroit), with which I had a productive relationship some years ago when I was a counsellor in the Australian embassy in Rome.

The bill is a product of extensive consultation, as the previous speaker, the honourable member for Doncaster, has mentioned. I appreciate the honourable member's bipartisan support for the bill. Honourable members have seen examples of his enthusiasm and virtual theatre. It would be nice to capture him on the Internet.

An honourable member interjected.

Mr STENSHOLT — We cannot use 'Shakespearean'. We need a modern term that perhaps has not evolved yet — although it will evolve quickly.

Although there has been strong bipartisan support for information technology initiatives over the years, as the honourable member for Doncaster well knows, he was a little disparaging about the initiative on town halls. However, I recall a press release that stated that the honourable member for Doncaster would hold an electronic meeting at the Doncaster town hall. Clearly he is totally in favour of using electronic means to encourage people to go to town halls. He has shown some leadership in the past in that regard because it would allow the people in Doncaster to interact with their member of Parliament. He saw it as a means of allowing people to go online at an innovative electronic town hall meeting to enable them to question their candidate.

Town halls, as the honourable member for Doncaster has said, are an important focus for the electronic media that people can access. I commend and thank him for his past initiatives, which have now been taken up by the government.

Picking up on that point, he was congratulatory of the former Premier, the former honourable member for Burwood. When the honourable member for Doncaster had his electronic town hall he saw it as adding a local dimension to the Liberal Party's 'world-leading www.jeff.com', which some people said caused the election loss. No-one knew what the blurred advertisements were about but it had Jeff.com on the bottom.

As the successor in Burwood to jeff.com, I found when I arrived at the electorate office that there was no computer. There was no chair, desk or rubbish bin, but that is another story. Although the electorate assistant had a computer, the former honourable member for Burwood did not use a computer in his office.

Mr Perton — On a point of order, Mr Acting Speaker, one of your duties in the Chair is to ensure that honourable members at least try to speak the truth. The honourable member for Burwood rightly knows that computers were used by the former Premier's staff in his Burwood electorate office. The former Premier himself used a computer in his ministerial office. As a

guardian of the Parliament you should ensure that the honourable member for Burwood speaks the truth.

The ACTING SPEAKER (Mr Phillips) — Order! The Chair is placed in a difficult position. However, I do not uphold the point of order on the basis that the honourable member for Burwood is making a statement that when he arrived at the electorate office there was no computer. I can only take the honourable member for Burwood on his word. He has said there was no computer in the office, so there is no point of order.

Mr STENSHOLT — I perhaps did not finish my description, Mr Acting Speaker. A computer used by electorate staff was in the office. However, there was no computer in the office of the former Premier — that is, in what was his room in the electorate office. The former Premier had a computer on his desk at 1 Treasury Place but I understand he was unable to play the game on jeff.com because his computer was not fast enough.

The bill is the product of extensive consultation, part of which has been the enthusiasm and expertise of the honourable member for Doncaster, which I acknowledge. The bill aims to remove existing legal obstacles to conducting electronic transactions and I commend those involved in the process leading to its introduction.

The bill puts in place enabling rules to promote electronic communication and ensures that electronic transactions are not penalised or discriminated against in any way simply because they are electronic. The phrase used is 'functional equivalence' with non-electronic or 'hard' transactions.

The bill contains a series of technology-neutral provisions favouring no particular mode of technology. The area is difficult because, as has been pointed out, technology changes so quickly it could lead to a morass of legislation that changes every 100 days. The virtue of the bill is that it is comprised of base and enabling legislation. An earlier speaker used the term 'light handed' but the idea is 'enabling' or setting the basis.

Transactions will not be ruled invalid simply because they use electronic media or because electronic communications are involved. As has been pointed out, the bill gives legal effect to electronic signatures and encourages companies to develop reliable solutions to e-commerce security issues. The legislation sets the enabling agenda for Victoria to lead the way in the development of e-commerce.

As I said, the key word is 'enabling'. The government's Growing Victoria strategy includes many initiatives promoted by the Minister for State and Regional Development. I have no problem with the minister's involvement in the area. The government is looking at development, and leading-edge development is very much in the electronic e-commerce area. It is appropriate that the Minister for State and Regional Development has responsibility for the electronic area as part of his overall responsibility for state development.

The government has demonstrated complete support for electronic commerce development, including the 'Connecting Victoria' ministerial statement in November, the Skills Net program, and earlier this year the $1.3 million Victorian E-Commerce Early Movers scheme was launched. I was pleased to assist the minister to launch that scheme, which was well received. Recently the *Australian* published an article headed 'Bracks to back SME commerce', which was followed by a description.

The minister launched the scheme at the offices of the City of Boroondara, which is one of the three councils in my electorate. Representatives from the City of Monash, another council in my electorate, and some e-commerce entrepreneurs who have developed a program to promote e-commerce through Monash traders were also present. It is a positive move. The proposal, modest though it may be, exists to help each of the councils promote e-commerce in their municipalities. It is a partnership between state and local government, and between local government with local businesses.

It was pointed out by the previous speaker, who quoted from the figures given in the second-reading speech, that there is a lot of money involved in the development of e-commerce. The private sector is expected to be the main mover in that regard. It is important that legislation is designed to enable such movement and growth.

The government is also promoting other schemes, including the Working Dog information technology (IT) awareness program in the Goulburn Valley. It is continuing to reinvigorate Victoria's Interact festival and is establishing an IT task force. I was pleased that its membership includes an international leader on intellectual property law. The previous speaker was bemoaning the lack of understanding of this area in the legal profession, yet I see people such as Katie Stephens on that committee providing legal expertise and advice and matching that with the IT area in the development of skills. Victorians need to be skilled in the area to be at the forefront of electronic commerce and development. There are many examples in

Australia — and many in Melbourne — of the expertise in this area. There is, for example, a lot of expertise in the development of games software, IT and e-commerce.

Labor has also supported the further development of the electronic documentation archiving project, which is a joint venture between the Public Record Office Victoria and the Commonwealth Scientific and Industrial Research Organisation.

Many small and medium-sized enterprises in my electorate will be able to take good advantage of the developments in e-commerce. The business-to-business (B2B) exercise is seen as a great trial of the global development of such commerce. There has been a sudden growth of activity through the Internet and it has resulted in an explosion in e-commerce. However, there have been some initial teething troubles. Although Amazon.com is yet to turn a large profit — I understand it lost several hundreds of millions of dollars last quarter — its actual business grew astronomically. Indeed the amount of e-commerce is growing but the difficulty will be to make money in such a growing area and ensure it is secure. It is a matter of making the field profitable for investors and also making it secure for consumers.

In recent weeks there has been a degree of caution in the market. That has been demonstrated in the performance of the Nasdaq index, with the Australian index of Internet technology stocks listed on the stock exchange taking a dive. There is probably a little bit of re-rating going on, but no-one is game enough to say that the area will not be one of the drivers of growth in the future.

As the previous speaker said, there is a need for some form of caution for consumers involved in e-commerce. For example, they should make sure the people with whom they deal exist and can deliver what they promised — that they are not just post office boxes in remote places across the world.

Caution aside, e-commerce, including B2B, is growing and will continue to grow at a steady pace. The government has provided strong support for the commercial development of electronic commerce. I have already mentioned some examples and I am sure there will be many others in the public and private spheres. These are examples of the types of actions and activities the current bill will further enable.

In summary, the legislation is part of ensuring the legal and regulatory environment will facilitate the uptake of e-commerce right across the state and will enhance the global competitiveness of Victoria. The bill sets out the foundation for such facilitation. I commend the bill to the house.

Mr DOYLE (Malvern) — If someone had said to me last Sunday as I was frantically fiddling with the television set in my seat at Colonial Stadium and watched the Geelong Football Club go down in no uncertain terms that this week I would be speaking on the Electronic Transactions (Victoria) Bill it would have been an occasion of much humour given that I am happy to admit that I am a complete techno idiot. After all, that is why I have a 15-year-old son. What is the point of having children of that age if they cannot fix all these things for you — and he duly did with the television set in our seat. However, it did not do any good because the team still went down.

An honourable member interjected.

Mr DOYLE — Luckily I have two younger children, so they should see me safely into my dotage, which given last night is not that far away.

I wish to talk about two exciting clauses of the bill — clauses 9 and 10 — in conjunction with the health portfolio. Telemedicine is an interesting area that opens up great possibilities. However, I urge caution and ask for further consultation with certain groups that the government may not have considered consulting.

One of the wonderful things about technology is that it provides a means of bringing people and ideas together, and the bill provides a secure means of doing just that. There are many applications for telemedicine in the world of health. Medical consents, referrals between practitioners, signatures on documents such as prescriptions, and the health records of patients sometimes involve sensitive and delicate matters. When information has to be transmitted to a site many kilometres away it needs to be done securely to ensure it reaches only the appropriate clinicians. For instance, if a prescription is needed at a far flung bush nursing agency, a doctor will not need to go to that location to provide the required signature for the prescription. Clause 9 — the clause that deals with signatures — provides that signatures can be provided by way of electronic communication.

Clause 10 deals with the production of documents. Referrals to particular specialists, consent forms or medical records may require a high level of security and verification as well as a high degree of confidence in their communication. The bill provides an appropriate means of sharing information such as consents and referrals between agencies and clinicians

over great distances. One can think of a range of applications for electronic communication in the world of health. Information could be communicated in this way between clinician and clinician and between clinicians and institutions such as aged care, sub-acute and acute facilities, a range of nursing homes or hostels, and other such institutions.

The benefits that will flow from the legislation are enormous. However, I urge caution in one area. It would be useful for the government to consult with the appropriate professional bodies and the boards that govern those bodies. I can suggest a list of such bodies off the top of my head — the Australian Medical Association, the Pharmacy Guild of Australia, the Pharmaceutical Society of Australia, the medical colleges, the Royal Australian College of General Practitioners, the Medical Practitioners Board and the Pharmacy Board of Victoria.

The right to provide prescriptions is conferred by way of registration with any of the regulatory boards and professional associations of clinical professions. The bill may also affect optometrists, ophthalmologists and dentists. I urge the government to consult with those particular professional bodies, because each will be affected by the bill. However, we do would not want an open-slather application of the bill.

How can the government ensure a consistent approach across the health professions? The answer is simple. Each of those registration boards has a range of possibilities open to it. Any legislation dealing with a particular health profession always provides for the registration of the profession and prescribes a set of regulations that the profession must comply with. They are the legislative instruments used to regulate a particular health profession. However, it is possible for such legislation to provide for an optimal code of practice for each profession.

It would be a useful to consult with each board and ask for its recommendations regarding the particular profession it regulates. For instance, it may be useful to ask what optimal code of practice the Medical Practice Board recommends for medical practitioners and specialists who use technology to transmit signatures, consents, referrals, patient records or whatever else may be pertinent to that profession. Those codes of optimal practice could be worked out by the boards in consultation with the appropriate government departments and experts in the world of e-commerce and then promulgated throughout the professions.

I hate to look at the dark side of the issue, but it is possible for some overservicing to occur if the particular health profession is not carefully overseen. I will not go into how that may take place: that would be the province of the Health Insurance Commission or the appropriate regulatory boards.

Mr Perton — Unless it involves overservicing outside the jurisdiction.

Mr DOYLE — As the honourable member for Doncaster points out, unless it involves overservicing outside the jurisdiction. That point also raises the issues the honourable referred to earlier about the need for confidence in and verification of the process. A range of such issues should be addressed and answered before any codes are promulgated.

The government should ask the professions to consider what they believe is the optimal practice for their particular clinicians. I doubt whether any of the registration boards are even aware of the bill, much less its ramifications for the clinicians they regulate and register.

Although the opposition does not oppose the bill, I wish to raise an issue about its application in difficult legal, professional and clinical areas other than those that the bill is intended to deal with. When one considers the application of clauses 9 and 10 to the health professions, one sees that a coherent approach is needed that takes into account the points of view of the health professions. Although, as I said, the opposition does not oppose the bill, it believes a good deal of work still needs to be done. Firstly, we need to consider how the bill will impact on each of the professions; and secondly, the professions need to be consulted to determine the optimal practice for their clinicians.

I will refer briefly to the impact the bill may have on the health portfolio. Having said that, I believe there are exciting possibilities for the bill in the world of health.

Telemedicine is one of the greatest advances we have seen in the area of health — and it is expanding.

Mr Delahunty interjected.

Mr DOYLE — I am delighted to hear the honourable member for Wimmera echoing my sentiments. He may wish to talk about the application of telemedicine to some of the bush nursing agencies in his electorate.

Mr Delahunty — The Stawell Hospital.

Mr DOYLE — The Stawell Hospital is a fine institution. The bill may prove to be an excellent tool in bringing services to rural and regional health

institutions and to clinicians who may not otherwise receive them. However, I caution against allowing an open slather application of the bill. The government should take a considered approach and consult with the appropriate health professions, at least to make them aware of the existence of the bill and its possibilities.

Those professions can therefore react appropriately to the bill. I am not suggesting they should react, but it may well be that through the codes of practice available to them they can develop a policy for each of the health professions that will enable their members to take full advantage of the bill. They can make sure the verifications are in place, and they can give the community confidence in the process. Sometimes difficult situations such as these can lead to the patients they serve and the people of Victoria being the better for it.

Mr LANGUILLER (Sunshine) — I am happy to put on the record the humble comments of someone who represents a peculiar electorate, the electorate of Sunshine. After consulting with a number of groups in the community, I feel I have an obligation to raise some issues.

I commend the government on the initiative it has shown in bringing in a good bill that confirms that it is pro-business and will continue to work constructively, cooperatively and openly with the business community.

A number of speakers, particularly the honourable member for Doncaster — who is an authority in the field — have made good contributions to the debate. I sincerely welcome many of his comments and constructive criticisms. He knows where the industry is at and is aware of the challenges faced by this and other governments and the community at large. I welcome his statement that the bill delivers for the business community, because that is the intention of the bill.

Although it is designed to deliver benefits to more than just the business community, it serves business without shame. With the support provided by the budget it puts a number of packages in place. Government members are confident that, although it is pro-business and shows that the government works well with the business community, the bill will also bring many ordinary Victorians along with it.

It is a good bill because it is produced by a good government and a good minister. It opens up the debate and gives all Victorians the opportunity to participate in e-transactions, e-commerce, data transactions, electronic transactions or whichever term you wish to use. I am no expert. I am one of those members who can barely manage a laptop. However, I recognise that that is where the future lies. It seems we are damned if we engage in it and damned if we don't. I would rather engage constructively. We should be striving to be up there with the leading nations of the world.

Organisations and community groups in Victoria face a number of challenges. I will mention one section of the community that has engaged with the new technology and is doing everything it can to position itself and its members for the future — that is, the trade union movement. The Australian Council of Trade Unions and the Trades Hall Council in Victoria are doing everything they can to ensure their members have access to the software and the services they need to enhance their ability to use new technology, including electronic transactions and data transfer.

We must engage in order not to be disengaged. Both Victoria and Australia must ensure they are up there with the best. We must have access to the best technology and continually encourage providers to invest so the services will be of good quality and will continue to improve. Experts tell me that, unfortunately, some of the big providers in Australia are not necessarily using the best technology available. That disadvantages us in world trade.

Access to technology is an important issue. It affects not only a person's ability to buy software and hardware but the whole issue of education and training. I remain confident that the government is doing everything it can to provide access to the widest possible range of community members. A good example is the announcement made by the Minister for Education that every school in Sunshine will receive additional money that is specifically tagged for computers and for training and educating teachers, who can then pass on their computer skills to their students.

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

Mr LANGUILLER — It is not surprising that many of my Labor colleagues have rushed into the chamber as I am addressing access to and equity in data constructions and e-commerce. Before the suspension of the sitting for dinner I was saying that the government has made a number of good decisions that go a long way to providing access to new technologies to people in the electorate of Sunshine. It has provided assistance to the schools in Sunshine and additional funds to ensure that teachers are adequately trained to teach their students.

However, access is not simply a matter of handing out computers and modems to all citizens — even

assuming that one could ever do that. Consideration needs to be given to who in the community stands to lose the most if left out of access to the new technology. It is a complex phenomenon, because it is not simply a matter of not having the financial capacity to purchase software and/or training — it goes to the heart of a range of other issues in our society that this government and only this government has begun to address seriously.

I am obliged to put on the record the fact that there are a number of people from communities with non-English-speaking backgrounds in the electorate I represent and in the western and northern suburbs generally. The member for Richmond, who also represents those communities, is a strong advocate for them. People from communities with non-English-speaking backgrounds are disadvantaged in gaining access to technology because technology is fundamentally conducted and accessed in English.

Society ought to do something to ensure communities have access to new technology. That is being done by ensuring that communities have improved access to education in general terms. I am more than happy to put on record that a number of schools in my electorate — namely, St Albans Secondary College, St Albans Meadows Primary School and others — received significant financial assistance to start the process of rebuilding.

People of low socioeconomic status, or poor people, form a section of the community that finds it difficult to access new technology. Some people in the community are illiterate. Literacy needs to be improved, and the government is doing something about that. I have elaborated on that matter before.

People in the community with disabilities need to be remembered also. They ought to have access to new technologies because new technologies have a broad impact on our lives — on the way in which we communicate with each other, are educated and socialise.

Senior citizens are another section of the community whose access to new technologies needs to be progressively improved. There is a significant number of women in my electorate. They should have access to new technologies, too. I particularly commend a report conducted in 1999 by the La Trobe Shire Council, which comprehensively researched a large sample in the region, highlighting a number of concerns.

By the same token, new technologies can assist the very groups that I have indicated can be disadvantaged in accessing the technologies. People can communicate better and more efficiently and undertake daily tasks by accessing new technologies.

Also new technologies offer advantages to businesses in the western suburbs and beyond. Those businesses continue to embrace new technologies, taking up the opportunities to join in the global economic community.

Providers must provide access to good technologies everywhere. I am concerned about providers segmenting markets. To use an analogy, segmenting markets is somewhat like dividing up an aeroplane; some technologies are economy class, some are business class and some are first class. Unfortunately, the big providers in town are segmenting the market in that way. I call on them and on the government to do everything that can be done to ensure the big providers improve the quality and provision of technologies across the board, providing access as equally as possible.

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! There is far too much audible conversation in the chamber. Would government members wishing to talk please leave the chamber.

Mr LANGUILLER — This subject is complex. On the one hand I recognise that new and more efficient technologies must be encouraged and introduced into our communities because they can assist in the growth of the economy; on the other hand I believe that in some areas new technologies should not necessarily be welcomed. They should not be used for the purpose of replacing services that have traditionally been provided by people.

The branch of the Commonwealth Bank in Glengala Road, Sunshine, closed down three weeks ago. Members of the community, particularly older people, did not welcome the closure of the only bank in Glengala Road. The bank had assisted thousands of people and some 50 small businesses in the Glengala area.

A public rally was held rejecting the closure of the bank and the so-called introduction of new technologies. Older people, indeed the general community in Sunshine West, did not think that new technologies should necessarily replace the services the Commonwealth Bank traditionally provided to the community. Some 720 people gathered to send that message to the Commonwealth Bank; 9000 signatures were collected on a petition and a number of other

important public rallies and other such events took place. They were organised particularly by the federal member for Lalor, Julia Gillard; the federal member for Gellibrand, Nicola Roxon; and the Glengala ward councillor, Sam David from the City of Brimbank. I commend those people because they sent a message that the community wished to send.

In conclusion, the challenge is how to strike a balance between encouraging the increased introduction into our society of new technologies — data transactions, e-commerce and other such transactions — while at the same time ensuring good services continue to be provided.

Mr Perton — On a point of order, Mr Acting Speaker, the honourable member for Sunshine is making an excellent speech and a great contribution to debate in the Parliament, but I cannot hear him over the babble of members on the front bench. Mr Acting Speaker, I ask that members on the side of the honourable member for Sunshine demonstrate the same respect for him during his contribution as do opposition members.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Doncaster has reinforced a point the Chair has made on two occasions in the 12 minutes the house has been sitting since the resumption after the dinner break. I ask members on the government benches to refrain from talking. If they want to talk they should go outside.

Mr LANGUILLER — In conclusion, the challenge is to strike a balance between encouraging new technologies and enabling providers to push forward their commercial agenda and protecting consumers and ensuring access can be widened to as many community groups, trade unions, municipalities, small business sectors, older people, people from non-English-speaking backgrounds, indigenous communities and people with disabilities as possible. Society must find ways of increasing involvement with new technologies to ensure that certain groups are not disadvantaged and that there is equality in economic growth and the redistribution of wealth for the purpose of improving living standards.

The government will retain powers through regulation to respond to unforeseen and unintended occurrences likely to arise, particularly in the fast-moving new technologies industry. I commend this good bill to the house. I am sure it will be welcomed by the business community, particularly the big providers. The challenge remains for us to ensure smaller businesses in our community and the various other sections of the community I mentioned before and which I represent in the electorate of Sunshine can benefit from the introduction of new technologies to our society.

Mr DELAHUNTY (Wimmera) — I shall make a small contribution to the debate on the Electronic Transactions (Victoria) Bill, which I do not oppose. My contribution will not take as long as that of the honourable member for Doncaster, who has a great deal more knowledge than I have of this industry, and I do not have the room to move around in the chamber like he has nor the flare with the arm movements!

The bill provides a regulatory framework that recognises the importance of the information economy. The growth of the Internet and other electronic communication technologies provides a range of opportunities and benefits for Victorians, especially in the business sector. E-commerce is rapidly being adopted across Australia and the world.

When I was fortunate enough to travel overseas a couple of years ago I booked my holiday through the Internet. It was a fantastic opportunity to look at the web site of my accommodation in England, and I was able to pay the account before I left Australia. I was amazed that when I finalised the bill in London I received a £5 discount for using e-commerce. I thought it was a good system!

Mr Hulls — They thought you were Mary!

Mr DELAHUNTY — They would have charged us double!

Small business is taking up the opportunities provided by e-commerce. It is important for the government to support small business and develop the opportunities, particularly with regard to employment growth. The number of business web sites has doubled between 1996 and 1998. Internet-based commerce has grown from $61 million in 1997 and is expected to reach $1.3 billion by 2001.

For the state's future global competitiveness the government must continue down the route of the former government. I have not had the time to go through the budget papers with the detail the honourable member for Doncaster has, but in his contribution he said the Labor government's budget allocation to multimedia had decreased by 30 per cent, which is a great disappointment. It highlights that the state no longer has a multimedia minister or the opportunities to build on the strengths of multimedia in Victoria that existed under the previous government.

The bill facilitates the use of electronic transactions. Major impediments to the uptake of e-commerce arise from concerns about security of information. E-commerce has global dimensions and it is vital for regulatory initiatives to be consistent with national and international best practice. I am told the corresponding commonwealth law was enacted in 1999 and it is expected that other state and territory jurisdictions will follow suit shortly.

The bill seeks to promote business and community confidence. That is important particularly in areas such as my electorate of Wimmera. It is important that my constituents have the confidence to take in the electronic commerce of today's world.

The bill enables contractual dealings such as offers, acceptances and invitations to be conducted electronically. My experience in local government has shown me that there are great opportunities in areas such as planning, IT and multimedia to use the electronic system for work such as contracts.

The bill also provides a regulatory framework that enables businesses and the community to use electronic communications in their dealings with all sectors of government, whether they be water authorities, health providers, catchment authorities or local government, particularly with regard to planning, rates and all areas in which business and community must be confident of the confidentiality of the electronic system. Importantly, e-commerce enables the transfer of information quickly and effectively.

I refer now to telemedicine. My brother Michael is the chief executive officer of the Stawell Hospital.

An honourable member interjected.

Mr DELAHUNTY — His problem is that he barracks for Collingwood also, and they haven't won a final in September for a long time!

The ACTING SPEAKER (Mr Lupton) — Order! You can't help bad luck!

Mr DELAHUNTY — I knew the Acting Speaker would bite the bullet!

Michael won a Churchill Fellowship to study telemedicine. He and I believe — as do many honourable members — telemedicine offers enormous potential for patients, particularly in remote areas of Victoria and across Australia. It not only saves time and costs for patients but, importantly, it reduces the trauma for patients, their family and friends.

In 1998 a first for Victoria in neurology consultation using telemedicine was trialled in Stawell. The demonstration involved the use of two televideo sites — one in the Kingston Centre in Cheltenham in Melbourne and the other in the televideo room at the Stawell District Hospital.

The health professionals involved included a neurologist, occupational therapists and physiotherapists. The patients were in Stawell. The outcome of the trial from the patients' perspective was that both patients were comfortable with the consultation process and experienced no difficulties in participating in a telemedicine consultation. They were delighted that they could have a consultation in Stawell rather than undergo a 6-hour return trip to Melbourne. Follow-up consultations occurred via the telemedicine system.

The outcomes from the professional perspective were that the consultations went smoothly and provided all the necessary mediums to allow an effective consultation to occur. From an allied health point of view, all agreed it was beneficial to participate in consultations both in a professional education sense and to allow future involvement with the patient.

Telemedicine is important in the context of the bill because of the need for security of patients' files. On the matter of telemedicine, I believe the latest position is that medical benefits are derived only from face-to-face consultations. That is not an issue for this chamber but it is an issue for the use of information technology (IT) and the operation of telemedicine in remote areas of Victoria and across Australia.

I picked up a paper entitled *Telehealth+Victoria — Australian Healthcare Anywhere.* The paper states that the mission of the organisation is to make the practice of health care at a distance as natural as it would be in person. The aim of Telehealth in Victoria is to develop effective distance health initiatives and deliver independent practical services for the benefit of the health industry, government and health consumers. Telehealth is also known as telemedicine or distance health care. Telemedicine is being embraced worldwide and is becoming an integral part of modern health care. The shadow Minister for Health talked about that previously. Telehealth is beginning to deliver its potential to substantially improve the way health care is managed and delivered.

Victorians have built and are continuing to invest in a substantial technical infrastructure that is arguably superior in quality, standardisation and support to any other single network in the world. The former

government can take credit for having worked with the industry to develop that system through the multimedia portfolio. There is broad recognition that to gain maximum results from the technology, independent relationships between all components of the system need to develop and identified obstacles need to be removed — that is part of what the bill is about.

In the Wimmera, another area important to my electorate, the regional connectivity project has been established between Ballarat University and the remote areas of western Victoria. There are regional connectivity facilities at Nhill, Minyip and Edenhope, and a smaller operation at Horsham. The previous government funded knowledge navigators to work in rural communities. I have an uncle, Hugh Drum, who is not well and not as active as he was on the farm; he has embraced the use of IT through the support of knowledge navigators. He is also concerned about confidentiality and security.

Again I congratulate the previous government, and I am pleased to see there has been continuing support by the present government in the establishment of further regional connectivity projects in remote areas of Victoria.

My last comments concern the development of IT in western Victoria. If IT is to be used nationally in remote areas, the appropriate infrastructure is necessary. Major issues in the Wimmera include poor infrastructure in remote areas. That is not altogether an area of responsibility of the state government, but it could provide some support as did the previous government through the regional connectivity projects. Other major issues are the relatively high costs in regional areas in comparison to metropolitan areas; technical skills shortages — again, that is where the regional connectivity projects can assist in upskilling; the low skill level of the general community with ageing populations and the loss of young people to larger centres.

In conclusion, the second-reading speech states:

> The bill gives legal effect to electronic signatures. A person may use an electronic signature to satisfy legal requirement to provide a signature …
>
> There are a number of technologies currently available that may be capable of performing these functions. They have differing levels of reliability — a few examples are passwords and pin numbers, fingerprints and thermograms, and public key cryptography (commonly known as digital signatures).

Some progress has been made through the bill in addressing the areas of concern in security and confidentiality. I have no hesitation in not opposing the bill.

Ms BEATTIE (Tullamarine) — It gives me great pleasure to join the debate on the Electronic Transactions (Victoria) Bill. Mr Acting Speaker I hope you will not be offended if the debate does not extend as long as it did last night — it is certainly not meant as a personal affront to the Chair!

The ACTING SPEAKER (Mr Lupton) — Order! I can assure you the Chair agrees wholeheartedly with your sentiments.

Ms BEATTIE — Thank you, Sir.

The bill establishes a regulatory framework for the use of electronic transactions in commerce and also removes the legal barriers that may inhibit the use of electronic communications. The bill also recognises that electronic data is a valuable form of transaction in this modern era, and that transactions effected electronically are not, for that reason alone, invalid. In other words, it validates electronic data and provides for the meeting of certain legal requirements regarding the transmission of writing and signatures by electronic communication.

For the first time the legislation allows documents to be produced to another person by electronic communication and permits the recording and retention of information and documents in electronic form. The bill also provides for the determination of time, date and place of dispatch and receipt of electronic communication at the same time stipulating when an electronic communication will bind its purported originator.

The bill is modelled on the Commonwealth Electronic Transactions Act 1999, which in turn adopts most of the provisions of the United Nations Model Law on Electronic Commerce 1996. The commonwealth law was enacted in December 1999, and it is expected that the state and territory jurisdictions will follow the wonderful example set by the Bracks Labor government.

The bill was developed through a national scheme to promote consistent and comprehensive legislation. It seeks to promote business and community confidence in the use of electronic transactions and enables the private and public sectors and the community to communicate by electronic means.

It may be claimed by some people that it will create a group of people who, because of economic circumstances, cannot afford the latest technology. It is

most important that we do not create an upper class who are technology rich and a lower class who cannot afford technology.

The Australian Council of Trade Unions has an excellent scheme where union members can, for a small weekly amount — —

An Honourable Member — Very modest.

Ms BEATTIE — For a very modest amount they can have the latest technology in their homes. It is called Virtual Communities. I advise those honourable members who are not union members to join up pronto and get on to that scheme!

Honourable members interjecting.

Ms BEATTIE — I can see the debate causes much enthusiasm. Labor has demonstrated complete support for electronic commerce development over recent years. In opposition, Labor maintained a position of bipartisan support. Since being elected during those glorious weeks last year Labor has supported several valuable initiatives.

I see the parliamentary secretary is listening enthusiastically to the debate. Those initiatives include the landmark 'Connecting Victoria' ministerial statement. It was a great day when the Minister for Finance read that statement to the house in November last year.

Other great initiatives include the government's continuing support for the Skillsnet program and its initiating the $1.3 million Victorian E-commerce Early Movers scheme in partnership with local government.

Mr Perton interjected.

Ms BEATTIE — Bipartisan support! I urge honourable members to listen to the next initiative.

Mr Perton interjected.

Ms BEATTIE — I urge the honourable member for Doncaster to listen to the initiative, because it might be relevant to him. I refer to the Working Dog information technology awareness program in the Goulburn Valley.

Mr Robinson — An excellent initiative!

Ms BEATTIE — We know a lot of working dogs.

Other government initiatives include its continuing with and reinvigorating Victoria's Interact Festival — and I see the parliamentary secretary once again enthusiastically listening; the establishment of an information technology (IT) skills task force; and the further development of an electronic documentation archiving project, which is a joint undertaking between the Public Record Office and the CSIRO.

The House Committee of which I am a member had a meeting during the lunch break today. Although we were working when others were enjoying their lunch, it is a pleasure to be on that committee. The honourable member for Preston, who is not in the house, is an enthusiastic member of the IT committee. I am not sure whether the honourable member for Doncaster is on the committee; however, I am sure we will take any input from him.

Mr Perton — I am frequently a consultant.

Ms BEATTIE — I am pleased to hear that. We will listen carefully to any suggestions he might have. The IT subcommittee of the House Committee has proposed some fantastic initiatives to ensure that all honourable members can join the modern electronic world. I am sure honourable members value the House Committee's input.

I again remind those who want to join the e-commerce world for a small charge that the ACTU already has an excellent scheme in place. I am aware that the honourable member for Dandenong North emails his speeches to Hansard. I assure you, Mr Acting Speaker, that unfortunately not all of us are that considerate of Hansard reporters.

The bill enables contracts, offers, acceptances and invitations to be dealt with electronically. I look forward to the day when prospective buyers do not have to present themselves at house auctions, where the real estate agents can see them sweating as they near their upper limits. Prospective buyers may be able to contain themselves a little better when they are sitting by the keyboard rather than standing with sweating upper lips at house auctions. I look forward to that day.

The Bracks government has worked tirelessly to efficiently deliver government services online to all Victorians. I am not sure whether the honourable member for Doncaster talked about lost dogs or found dogs?

Mr Perton — Both.

Ms BEATTIE — He talked about dogs that were found after they had had their photographs taken. Giving people the ability to go online to locate their lost dogs, should they be found, is a great initiative. I am sure all honourable members worry about dogs of theirs that are lost.

Families will save thousands of dollars printing photographs they have taken using digital cameras. No longer will they have to go to the trouble of running to the chemist with their films and paying for photographs that are not worthy of being reproduced. The whole process can be done using a digital camera and an online computer, which I am sure interests all honourable members who are called on from time to time to have their photographs taken for publicity purposes.

Complex administrative transactions can also be dealt with online. The bill puts in place default rules relating to the times and sending places of transactions, which means that transactions should not be discriminated against simply because they are generated electronically. Another important feature of the bill is the requirement that the conduct of an electronic transaction will need the consent of both parties. The consent may be inferred from conduct or given subject to certain conditions.

I now turn to clause 9, which is the signature requirement. Subject to other laws that specify particular requirements for electronic signatures, the clause provides that where a signature is required it may be an electronic signature. There are some circumstances in which that would be entirely inappropriate, and I suggest that the making of a will would be one. That type of document should always be signed by hand. Heaven forbid — I hesitate to say this because I know it is a sensitive issue in the Liberal Party — if warring factions of a family could change wills by electronic means. That could mean that people would be hovering around a deathbed waiting to shove a document for electronic signature under the dying person's nose. I will not go into the issue of family factions; we all know how sensitive they can be.

Clause 13 recognises the importance in law of determining the place and time of dispatch and receipt of information. The clause relates to Victorian law and states that an electronic communication is dispatched when it enters an information system outside the control of the originator, and that unless otherwise agreed between the originator and the addressee of the electronic communication the dispatch of the communication is deemed to have occurred at the time it enters the information system.

In his contribution to the debate the honourable member for Doncaster talked about PIN numbers and bank slips for Visa cards, Bankcards and such things. I will briefly relate to the house a true story involving a friend of mine who had the use of a hire car when he arrived from overseas. As I said, Mr Acting Speaker, I know this has been a broad ranging debate and I thank you for allowing me to continue in this fashion. After my friend arrived from overseas he happily drove around Australia in a hire car I had booked for him using the imprint of my Bankcard. On exiting Australia he paid cash for the car, and my slip was to be torn up and thrown in the garbage bin. That did not happen. I was charged a hire fee for the car for the month or so that my friend from the United States was in Australia. I had a devil of a time — —

Ms Kosky — You too?

Ms BEATTIE — Yes. I had a devil of a time trying to get that money back. The bank wanted to charge me interest while it was deciding whether or not that transaction was valid. I urge all honourable members to be aware of that.

The honourable member for Doncaster talked about giving credit card details over the Internet. I am told by some banking experts that the best thing to do in those circumstances is to have another credit card with a small limit of, say, $500 to cover small transactions. That means you can always keep track of your purchases so you don't break the bank. That may be something we should all consider.

'That is only 113 words long' are words used to describe many of the bills that come before the house. I have not counted the words in the Electronic Transactions (Victoria) Bill, but it appears extensive and covers a broad range of subjects. The bill is comprehensive and although it takes Victoria into commercial and electronic reality it also provides the checks and balances required in our modern society.

Although the honourable member for Doncaster presents himself as the pre-eminent expert in the house on electronic technology, I urge a bipartisan approach. The Minister for State and Regional Development is also an expert on the subject, as is the parliamentary secretary and the honourable member for Coburg. The Minister for Racing has tested the commercial lines and e-commerce by having a flutter, not to bet on horses but to test the electronic transfers system. I understand those transactions were successful and that he will further test those electronic means of gambling to provide the necessary checks and balances for those who may be caught by some nefarious means.

As a member of the Scrutiny of Acts and Regulations Committee I have read the bill in its entirety. It is an important bill because it takes Victoria into the modern, worldwide system in line with other countries. I urge honourable members to not just flip through the bill but

to read it in detail. When people talk about electronic transfers and entering the e-commerce world they will know what they are talking about. I commend the bill to the house.

Ms BURKE (Prahran) — When one speaks about a bill before the house its size is not relevant; it is the content that makes a difference. The content should be of some value to the communities served by honourable members. The Electronic Transactions (Victoria) Bill will certainly make a difference. One is reminded of the overwhelming possibilities of electronic commerce that move at such a rapid pace it is difficult to keep up with.

The responsibility of government is to legally open up opportunities for the community to experience electronic commerce and to protect the interests of Victorians against criminal activities and invalid users. People who have no access to electronic technology should not suffer discrimination. Looking to the future one can clearly see that for education and every other form of communication one needs to be online.

The bill removes existing legal obstacles to conducting electronic transactions and puts in place default rules for the time and place of sending and receipt of electronic communications. It has two main principles. The first is that a transaction should not be discriminated against or held invalid simply because it is made using electronic media. The second extremely important principle is technology neutrality, meaning that the law should not provide advantages to or favour any particular kind of technology.

The bill is only one of many that honourable members will see in the house concerning communication technology and e-commerce. During the 1980s legislation was introduced to deal with faxes. Today we are looking at legal signatures on the Internet. It is possible voices transmitted via the Internet will be legal in the future. It never ceases to amaze how the entire process continues to evolve.

One area that will prove difficult for legislators is keeping in touch not only with people who use electronic technology on a commercial or community basis but also with those over the age of 40 who have little access to electronic technology and are not sure how to deal with it.

Business and contractual arrangements, the buying of shares and many other processes are now conducted online. Through facilities such as town halls and libraries the government must try to assist people to understand the simplicity of computers. Funding for town halls is about breaking down the barriers for people who not only have no computers in their homes but have no training and cannot access computers.

The wonderful thing about electronic transfer is the incredible breakdown of distance. Rural and regional Victoria suffers enormously from the problems of distance and lack of accessibility. Electronic transfer will be a big mover and shaker for businesses in the country. In the future contracts will be able to be let globally and tenders, maps, architectural drawings, plumbing plans and all sorts of other documents will be able to be transferred in a legal and statutorily correct manner under the planning rules and dealt with more speedily. That will be important in improving the quality of life in rural and regional Victoria and in making local government more efficient. The bill complements commonwealth law, the commonwealth bill being passed in December 1999.

The Australian Tax Office will be an issuer of the private and public keys — a certification of authority — until other parties start to move in and take over that responsibility. The opportunities in this area are forever growing. It will be important not only for the general community but also in areas such as local government, where it will assist in streamlining many transactions. A big problem in dealing with any government authority is the speed at which people's problems can be addressed — that is, final documents assessed, a final signing off organised and the issue filed away.

I will not speak further on the bill. Other honourable members have provided ample analyses of its provisions and I am sure more will follow. The legislation is another important advance for Victoria. It is pleasing to see it is ahead of the other states but there is a long way to go. I look forward to many more bills of this standard being brought before the house.

Mr HARDMAN (Seymour) — It was a pleasure to listen to the honourable member for Prahran as she delivered a concise and informative speech on the Electronic Transactions (Victoria) Bill. It would be great if other honourable members took note of how the honourable member presents information to the house.

The bill is important. It does several things, but basically it makes electronic signatures valid. In validating the electronic alternative to communicating with pieces of paper the bill removes the legal obstacles to electronic commerce and thereby supports it.

Currently electronic commerce is a minor part of the economy, but as with all other aspects of information technology it is growing rapidly. That growth is

reflected in estimates that the electronic commerce market will have a value this year of around US$300 billion and around US$1 trillion by 2003. The bill will allow all Victorian electronic commerce enterprises to access that huge market by aligning Victoria's regulatory initiatives with national and international best practice.

For example, people from my electorate of Seymour who might be a little isolated or a long way from larger population centres will gain a great deal from the legislation, especially if the federal government bites the bullet and spends much needed money on the updating of telephone lines to increase bandwidth. Provided the required bandwidth is available, my constituents will benefit because the large populations needed to support the more traditional businesses that exist in places such as Melbourne will not be necessary because access will be available to the whole world from home through the Internet.

I am pleased with the commitment of the Bracks government to boost electronic commerce in Victoria. The bill is essential to Victoria's future international competitiveness. The passage of the bill and the government's other initiatives in access and training — I will not go into them because they are extensive — should give Victorians confidence in the future of the state. I commend the bill to the house.

Mr MAUGHAN (Rodney) — I have a great deal of pleasure in speaking on the bill. As other speakers have indicated, the opposition will not oppose the legislation.

The bill is essentially about establishing a regulatory framework for the use of electronic transactions in commerce and removing some of the legal barriers that could inhibit the use of electronic communications. I have enjoyed listening to the debate so far because this subject is important for the future of global commerce and communications as they will affect the state and nation. As other speakers have said, the industry is expanding at a tremendous rate. There is a need to acknowledge the rapid growth in electronic communication and the storage of material. More and more people are beginning to use it to make their lives easier and more fulfilling, and to enable them to communicate with friends and business colleagues in other parts of the world.

When discussing the issue of electronic commerce it would be remiss of me not to pay tribute to the tremendous contributions of the former Treasurer and Minister for Multimedia, the Honourable Alan Stockdale, and the honourable member for Doncaster, who was the chairman of the multimedia task force that pushed Victoria to the cutting edge of electronic commerce. The former government enthusiastically embraced that initiative to try to place Victoria at the forefront of electronic commerce and to give young people in our schools the opportunity to be well versed in the use of electronic equipment such as computers.

It needs to be acknowledged that Victoria has one of the best computer-to-student ratios of any state in Australia and probably of any comparable state in the world. Victoria has been a leader not just in Australia but in the world in pushing electronic commerce. The former Premier was at the forefront of that push, together with the Honourable Alan Stockdale.

Although I remain bipartisan on the issue and do not wish to play politics, I regret that the government does not have a minister for multimedia. The lack of a responsible minister suggests that multimedia may be downgraded under this government. I am not in any way denigrating the government, but I regret that lack. We have lost the initiative, but some good things are occurring, including the continued funding of the Skillsnet program, which is provided for in the budget. As a member representing country Victoria I believe the program has had an enormous influence on making the Internet available to people in country Victoria. It gives them the skills they need to use computers to communicate with friends, relations and business colleagues in other parts of Australia and around the world.

I have had the pleasure of opening a Skillsnet program in Echuca, where numerous courses have been run at the Campaspe College of Adult and Further Education. I have also launched Skillsnet programs in Cohuna, Tongala and Kyabram. I have been involved in the launching and support of Skillsnet programs in four of the major towns in my electorate.

Mr Delahunty interjected.

Mr MAUGHAN — As the honourable member for Wimmera said, we want those programs to continue because they give the people of country Victoria the skills they need to use computers to communicate with others, to conduct business and to break down the barriers of distance. Electronic communication is important in breaking down the tyranny of distance that has disadvantaged country Victoria throughout its entire existence. I will go further by saying that if we use the technology intelligently it will enable many of the underdeveloped countries of the world to raise their standards of living and become involved in world commerce. If they have the skills and the drive they will be able to overcome some of the disadvantages

they have experienced as a result of poverty and their location in the world. Electronic communication provides tremendous opportunities.

The Skillsnet program caters for a range of different groups, including the aged, the underprivileged and farmers. The honourable member for Wimmera talked about telemedicine. That is an important development for people in country Victoria and country Australia, because doctors in one part of Australia are now able to communicate with specialists in other parts of the country. It will also benefit the legal system because it will enable expert witnesses who are required to give evidence in court cases in country Victoria to be called from other parts of Australia.

Mr Perton — And from London and New York.

Mr MAUGHAN — As the honourable member for Doncaster said, expert witnesses will be able to be called from London and New York. Instead of having to come to court they will be able to give their expert evidence in the privacy of their offices, which will reduce costs significantly. It can only add to the delivery of justice in Victoria.

The barriers of distance will be broken down in medicine, justice, social science, education and, of course, commerce. I know of a person who conducts a profitable business in New York from his home in country Victoria using the Internet. E-commerce is currently estimated to be worth US$300 billion a year, and that figure is growing rapidly.

In the two years from 1996 to 1998 the number of Australian business web sites has doubled, and that rate of increase is continuing. In 1997 the estimated worth of Internet-based commerce in Australia was $61 million. It is estimated that by 2001 the value of Internet-based commerce will have increased to $1.3 billion. That is a twentyfold increase in the value of Internet-based commerce in just four years. We have just started. I visited a virtual reality courthouse in the United States, which shows the potential of electronic communication.

The bill is based on two principles. The first is the principle of functional equivalence, which means a transaction should not be discriminated against or held to be invalid merely because it was made using electronic means. The second principle is technology neutrality, which means that the law should not advantage or favour one particular form of technology over another.

Clause 9 gives legal effect to electronic signatures and provides that if under the law of this jurisdiction the signature of a person is required that requirement is taken to have been met if you can identify the person; the person is approved; the method used was reliable and appropriate for the purposes for which the information was communicated; and the person to whom the signature was required to be given consents to that requirement. In other words, you can use electronic signatures.

I am fascinated by the method used for transferring a handwritten signature using electronic encryption. The method is such that the signature cannot be changed or altered. As a member of the Law Reform Committee I was able to observe the techniques of encryption being used in both Paris and Brussels.

Mr Robinson — That was just before I joined!

Mr MAUGHAN — Yes, we went just before the honourable member for Mitcham joined the committee. I am very sorry he was not with us because — —

Mr Robinson — You're sorry!

Mr MAUGHAN — I am indeed sorry. I enjoy travelling with the honourable member for Mitcham.

Mr Robinson interjected.

Mr MAUGHAN — It was a most enlightening trip and we learnt a great deal about encryption, which is an important aspect of the bill.

Clause 11 relates to the recording and retention of information and documents and provides the means by which that can be done.

Other honourable members wish to speak on the bill so I will be brief. The bill is good legislation. It has the potential to break down the barriers of distance and offers great opportunities to people in country Victoria. However, I conclude by reinforcing the notion that despite all that we still need good telecommunications infrastructure in country Victoria and country Australia. That is essential, as the honourable member for Wimmera made clear in his contribution. I support enthusiastically his plea for better telecommunications infrastructure in rural areas. Once we get that, the barrier of distance will be broken down.

I welcome the bill and wish it a speedy passage through the house.

Mr ROBINSON (Mitcham) — Before making some brief comments on the bill I commend the honourable members who have made contributions so far. The debate has been wide ranging, as is

appropriate. Those honourable members who have occupied the chair have demonstrated tremendous management skills and should be commended for allowing the debate to progress in the manner it has.

The bill is aimed primarily at facilitating the expected rapid growth in electronic commerce. Previous speakers have given their perspective on the way that revolution will affect the lives of Victorians and others who live beyond the state.

The bill does not contain penalties of any sort, seeking rather to encourage an acceptance of and familiarisation with the new world of business behaviour. It seeks to bring into the electronic age the longstanding, if not exactly ancient, principles of contract law.

I studied law for a little time while at university — until I saw the light and decided not to continue because I preferred to make a meaningful contribution to the state! Nevertheless, in my time studying law at university I became acquainted with one or other of the voluminous texts on contract law, such as the one by Carter, Harland and Lindgren. Honourable members should note that the passage of the bill will be a boon to people like Messrs Carter, Harland and Lindgren. Although the principles of offer and acceptance occupy only one or two pages of textbooks as large as theirs, they will in their infinite wisdom find the need to produce a 32nd or 33rd edition for the benefit of students who will go through university in years to come. If they are able to make a dollar out of doing that, half their luck.

Any number of estimates have been made of the way electronic commerce will transform business life in Australia and across the globe. Based on advice which has been circulated in the house and to which several honourable members have made reference, in his second-reading speech the minister estimated that e-commerce already accounts for about $300 billion worth of trade a year. That is an extraordinary amount and shows why parliaments such as ours need to come to terms with the field. Those developments are exciting.

We in Australia need to understand that in global terms we are coming off a rather low baseline. A couple of recent articles have attempted to quantify Australia's position in the field. They remind us that it is difficult to quantify our position accurately, even though it is possible to some extent to foreshadow developments in trade and commerce. We cannot predict precisely which path consumer behaviour will take. One of the articles, which was written by Lyall Johnson and published in the *Age* of 2 February, is headed 'Online businesses miss out on profit'. It states:

> Australian business is yet to see the benefits of the Internet with only 2 per cent that are online recording a profit from or through their web sites in 1999.

That is somewhat of a sobering statistic given the excitement which usually surrounds discussions of e-commerce. A month later, on 1 March, Ross Gittins wrote an article headed 'Why we're not buying the net sales pitch'. He makes the point quite starkly when he quotes statistics showing that six months before the date of the article more than three quarters of Australian households did not have access to the Internet:

> Of course some people use the net at work. Even so, almost 60 per cent of all adult Australians hadn't used it in the previous 12 months.
>
> … 95 per cent of adults hadn't used it to buy or order things in the previous 12 months.
>
> …
>
> The number using the net to buy groceries was too pathetic to bother recording. And in the three months to August, 97 per cent of adults didn't use the Internet for banking.

Those somewhat stark statistics do not suggest for a moment that in years to come Australians will not be avid exponents of e-commerce in its various forms but they highlight that we are working from a reasonably low base relative to the rest of the world.

It is extraordinarily difficult to accurately predict trends in consumer behaviour. My wife has occasionally studied marketing which involves some study of consumer trends and consumer psychology. She has a row of textbooks in the study at home, none of which make her or anyone else any wiser when trying to predict precisely how consumers or people in business will react to the provision of new opportunities.

Nevertheless, the role of government must remain one of taking stock of changing technologies and opportunities and doing what it can to put in place protocols and procedures to make profound transformations in business and commerce as accessible as possible. People cannot ask any more of governments and Parliament. Whether people choose to take up those opportunities is up to them.

The bill is significant because it helps put protocols in place. On 1 September Victoria will become the first state in the country to adopt a new regime for electronic commerce, and that is something of which we should all be proud. In the course of debate on the bill members on this side have spoken about the bipartisan position that has been taken on this front in recent

years. Having listened to bits and pieces of the contribution of the member for Doncaster one could be forgiven for thinking that the bipartisan position has now ended, which is disappointing. In her well-researched contribution the honourable member for Tullamarine outlined to the house a list of the current government's significant contributions to the further development of the new technologies. I will not go over those contributions as I know other members wish to speak in the debate.

It is disappointing that the honourable member for Doncaster spent so much of his contribution effectively posturing and trying to score political points on an issue that until now has thankfully been devoid of point scoring. On reflecting on some of the comments made by the honourable member for Doncaster, I am surprised that he chose to do that.

I was surprised to hear the honourable member for Doncaster denigrating town hall Internet facilitation when in his own campaign he made a highlight of suggesting that very thing. Furthermore, I am surprised to hear him wax lyrical — —

Mr Perton — On a point of order, Mr Acting Speaker, I do not mind the honourable member for Mitcham making light of that as a point of humour, but truth is another matter. In conversation with me earlier the honourable member made it clear that he understood that during the course of the election I had used the device known as an electronic town hall and that I had certainly not — —

An honourable member interjected.

Mr Perton — The point of order relates to the honourable member deliberately misleading the house. He is aware it was an Internet matter — not support for physical access to the Internet at a physical town hall. I ask the honourable member to tell the truth in the house and not attempt to mislead the house under the guise of humour.

Mr Brumby — On the point of order, Mr Acting Speaker, the honourable member for Doncaster is unusually sensitive tonight. In his point of order he claimed that the honourable member for Mitcham had deliberately misled the house. As you know, Mr Acting Speaker, that is not a parliamentary form. I ask that the honourable member withdraw that unparliamentary language.

The ACTING SPEAKER (Mr Jasper) — Order! Is the honourable member for Doncaster prepared to withdraw his comments?

Mr Perton — The minister has no entitlement to ask me to withdraw a comment relating to another member. He allegedly spoke on the point of order, so first — —

Mr Hulls — He knows the rules.

Mr Perton — You have no entitlement to ask me to withdraw. It was not an unparliamentary term.

The ACTING SPEAKER (Mr Jasper) — Order! I accept the words of explanation from the honourable member for Doncaster. The honourable member who believes an untrue comment has been made should ask for that comment to be withdrawn and not the minister at the table. Does the honourable member for Mitcham want to speak on the point of order?

Mr ROBINSON — All I want to do is get on with the speech, if that is all right with you.

The ACTING SPEAKER (Mr Jasper) — Order! Are you prepared to withdraw your comments?

Mr ROBINSON — Whatever comment I have made that has so mortally offended the honourable member — —

Honourable members interjecting.

Mr ROBINSON — I just want to get on with it.

Mr Perton — In the spirit of matters, I am more than happy for the honourable member to proceed.

The ACTING SPEAKER (Mr Jasper) — Order! Under the circumstances that is correct. Does the honourable member for Doncaster have any further comments on the point of order?

Mr Perton — No.

Mr ROBINSON — Let's get on with it. I was about to make the point that I thought it was remarkable that the honourable member for Doncaster would seek to wax lyrical about the former government's contribution in the field. He was known to have been promised by the former Premier a portfolio position in the information technology field in a third Kennett government, which was not delivered. When the interim cabinet was announced by the former Premier immediately after the election, the honourable member for Doncaster, despite his representation in the field, was not included in the first 18. I find it surprising that he would therefore seek to wax lyrical on the role of the former government.

Additionally the honourable member seems to have conveniently forgotten some of the weaknesses manifestly apparent in the former government's contribution in the field. To remind him I refer to an article in the *Australian* of 7 March 2000 headed 'Bracks to back SME e-commerce'. The journalist writes:

> Maxi Multimedia managing director Michael Lappen said the ousted Liberal government had failed to deliver on its high-tech rhetoric under former Premier Jeff Kennett and retired Treasurer Alan Stockdale.

Mr Lappen is quoted as stating:

> Our business has been basically held back by the incompetence of Stockdale and Kennett to move from strategy to delivery …

I thought up until tonight that the position on the issue was one of bipartisanship, but obviously I was mistaken. Far be it from me to offer advice to the honourable member for Doncaster in this field, but I do not think it does him any credit to claim that all that was undertaken and promised by the former government was rosy. Based on the comments I have referred to and on common knowledge in the industry, that was not the case.

Honourable members interjecting.

Mr ROBINSON — I am happy to table that document!

In conclusion, the comment made at the Scrutiny of Acts and Regulations Committee was that, in the professional opinion of people who know these things, the clause notes in the bill were probably the finest they had ever seen. That is worth recording for the purposes of the debate. Those notes are deserving of praise, and the bill deserves the support of the house. I am sure that is what it will receive.

Mr THOMPSON (Sandringham) — The bill introduces a number of practical legal amendments to the law to facilitate electronic commerce. One of the great impacts of electronic commerce over the next century will be in the number of transactions that will take place through the medium of the Internet — not transactions in the order of tens of thousands or millions, but trillions. The uptake of usage of electronic commerce is accelerating at an extremely fast pace.

The former coalition government positioned Victoria in education, in multimedia and in the general uptake of computerisation across government services in a manner that was more or less unprecedented in the Western world. Victoria had a pre-eminent role, as recognised by the Microsoft corporation and by the appointment of the world's first Minister for Multimedia, increasing the opportunity for the state to capitalise on technology innovations.

The former Minister for Multimedia has played an outstanding role in the area, positioning the opposition now to set the pace and give an example. One of great tragedies in recent months has been the failure of the government to take over the mantle in the IT and multimedia area. There was no better example of that than the World Economic Forum recently held in the chamber. Not one member of the information technology or telecommunications industry was represented at the forum, despite that being the fastest area of growth at the moment. The government has failed to travel the information superhighway. It is not on track and not even online.

I will make one further comment. The shadow minister has often been an exponent of the world's first transaction. Using the information superhighway I was able to order through Amazon books from the parliamentary chamber a book written by a constituent of mine, Arnold Zable, entitled *Jewels and Ashes*. That is one example of the impact of electronic commerce. Amazon required that I verify a 10-page contract, the fine detail of which I hope is consistent with the bill before the house. With those remarks, I conclude my contribution.

Debate adjourned on motion of Mr BATCHELOR (Minister for Transport).

Debate adjourned until next day.

NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL

Second reading

Debate resumed from 13 April; motion of Ms GARBUTT (Minister for Environment and Conservation).

Ms ASHER (Brighton) — The opposition does not oppose the National Taxation Reform (Further Consequential Provisions) Bill. This is the second bill of two put forward by the government to implement the intergovernmental agreement on national taxation reform. The house will recall that the very pivotal intergovernmental agreement on the reform of commonwealth–state financial relations was included as part of the schedule to the first bill. It will be the benchmark for national taxation reform in the Commonwealth of Australia.

The bill before the house is very technical, complex and detailed. I thank either the departmental officers, parliamentary counsel or perhaps even the minister for the detailed explanatory memorandum. I have been in this Parliament for more than eight years and it is a pleasure to see a detailed explanatory memorandum which outlines in plain English what this very complex and technical bill is designed to achieve.

I will go through the main features of the bill. First is an amendment to the Accident Compensation Bill which redefines the word 'penalties'. Under the powers of the Workcover Authority, recalcitrant employers who have not adhered to the legislation may be charged additional premiums. Those additional premiums will now be defined as penalties, which will mean they attract no goods and services tax (GST). The opposition supports that definitional alteration.

The second major feature of the bill is a series of amendments to the Funerals (Pre-paid Money) Act which allows the GST to be remitted by funeral directors. I will explain that provision to honourable members who are in ill-health! Although some interim arrangements were put in place by the commonwealth for those who have pre-paid their funeral arrangements, if one dies post-July 2000 the prepaid funeral will attract a GST.

Under Victorian law, funeral directors have a very strict investment regime for prepaid funeral funds. All investment is decreed under legislation except an administration fee. In practical terms the bill allows the GST to be remitted to the commonwealth. Indeed, if Victoria had not altered its legislation, an inconsistency would have existed between commonwealth and state legislation, and it is far preferable that they are compatible.

The third feature of the bill relates to the casino. When the first bill relating to the intergovernmental agreement was discussed I drew the attention of the house to a clause in the agreement requiring the states to adjust gambling taxes to ensure that the net outcome for gaming operators was exactly the same as prior to the imposition of the GST. I refer to the budget documents tabled in the house yesterday where, in direct contradistinction to the clauses in this bill, the budget claims credit reduction of revenues flowing from gaming.

As the sponsor of this bill, the Minister for Finance would well know that the reason state revenues are decreasing in future forward estimates is that the commonwealth and the states — every state — have signed up to offset the taxation arrangements between gaming operators and the commonwealth. Gaming revenues in every state will decrease, but the commonwealth will refund those revenues at a later date under its no-disadvantage test.

In the first bill dealing with alterations to gaming revenues the government adjusted revenues for Tatts and Tabcorp, and in this bill the government is adjusting arrangements relating to the casino, as it flagged it would do some weeks ago.

Mr Batchelor interjected.

Ms ASHER — As the minister says by interjection, the government is required to do that under the intergovernmental agreement signed off by Labor and Liberal states with the commonwealth government.

Initially the gaming taxes of the approved betting competitions, which I am advised are not currently conducted at the casino but which may well be in the future, are altered to reflect the intergovernmental agreement.

The major feature of the bill is the sixth deed of variation to the management agreement with the casino reflecting the revised taxation arrangement. As I indicated, in net terms, gaming operators under the agreement will be no worse off, and the sixth deed of variation reflects this.

It is a complex deed of agreement, but in addition to the calculations it reflects the requirement for the casino to report to the Victorian Casino and Gaming Authority and gives the Auditor-General the power to inspect the goods and services tax remittances from the casino as it ought.

The variation to the agreement was signed on 3 April by the Minister for Gaming, John Pandazopoulos, and representatives of Crown Casino. Again, despite their complexity, the opposition has received no complaints regarding the provisions. They pick up the distinction between commission-based players and ordinary players. There are enormous implications for tourism from commission-based players and those distinctions are enshrined in the deed of agreement. The distinction should continue to be enshrined.

The bill also picks up taxation alterations to interactive gaming. I will not comment on the government's longstanding objective to reduce the amount of gaming in the state, notwithstanding the fact that it has altered its position on interactive gaming and has taken on the commonwealth government, which wanted to have a moratorium on the issue. The government has facilitated interactive gaming and given tax concessions

to interactive gaming operators. It is instructive to note the difference between the rhetoric of the Labor Party in opposition and its actions in government.

The fourth major feature of the bill is adjustments to the Tattersall Consultations Act 1958. The net effect is that ticket prices will not go up and payout amounts will not go down. It is a complex arrangement which I understand will receive significant attention from Tattersalls in terms of its agents and small businesses to determine the best arrangements for them. The net effect is intended to be that the payout for players will not diminish.

I turn now to amendments to the Racing Act 1958. As honourable members will recall, there have been significant changes to bookmakers' statements from the time of the introduction of the first National Taxation Reform (Consequential Provisions) Bill.

The bill goes further than the imposition of the goods and services tax on the states and picks up a number of flagged changes to bookmakers' statements by the government. The bill flags a new bookmakers' levy — up to 1 per cent — to replace the existing dollars from the previous hypothecation of part of the stamp duty on bookmakers' statements which, as all honourable members will recall, was abolished in the first tranche of national taxation reform bills.

The revenue from the bookmakers' levy will be directed into a bookmaking development fund to be controlled, with some ministerial approval, by the Victoria Racing Club, the Harness Racing Board and the Greyhound Racing Control Board. I accord thanks to the Honourable Peter Hall in the other place, the shadow Minister for Racing, who has conducted an extensive consultation on the matter with those bodies.

Although individual bodies may have reservations regarding the changes, fundamentally the levy will accrue benefits to metropolitan racecourses where money was not allocated or hypothecated previously. There will be an increase in the amounts for non-metropolitan racecourses. While individuals associated with the gaming industry may have comments on the matter, on advice, the opposition is happy to see the new arrangements in place and to see how they go. If dilemmas emerge the opposition will call on the government to reassess the bookmakers' levy.

The next major provision of the bill is an increase to the Transport Accident Commission premium which was flagged recently in question time by the Minister for Finance. In addition to increases in the consumer price index — entrenched in the legislation for some time — the Minister for Finance claimed an increase of 5 per cent was warranted and that that was what the government would call for in terms of a premium increase.

In the 1999 annual report of the TAC the commission chairperson, Margaret Jackson, indicates:

> As a result of the analysis undertaken it is expected that there will be an initial one-off impact on the TAC's funding position of approximately $80 million.

Again I emphasise, and still within the same quote —

> This impact can be accommodated within the TAC's current solvency position.

The minister has decided to go further and have a 5 per cent premium increase. The opposition will track the increase. It is a change in policy for the government to insist on 10 per cent increases. The opposition will monitor whether a 5 per cent increase is warranted in terms of the introduction of the GST.

The final element in the bill is the provision for increases in fees that are determined by statute. The first bill looked at the issue of fees determined by regulation and accorded ministers of the Crown an unusual latitude: ministers were exempted from the requirements of the Subordinate Legislation Act. The quid pro quo was that they were allowed a one-off increase but were accorded generous latitude by the government to increase fees struck by regulation by up to 10 per cent.

The bill deals with fees determined by statute. I do not know whether the Minister for Finance shares my view, but I was surprised at the limited number of fees struck by statute. Three are itemised in the bill. The first is cemetery fees — the theme of death pervades this bill! The government allows the trustees of a cemetery trust to increase fees by up to 10 per cent.

I am more than happy to place on record my thanks to both the Premier and the Minister for Finance for providing access to briefings. I placed on record a question regarding the disciplines placed on cemetery trusts as I was concerned that they were insufficient. The answer from the briefing officers was that because the cemetery trusts are off-budget entities they are therefore subject to the provisions of the Trade Practices Act and the Australian Competition and Consumer Commission regulations and that there will be external, not internal, rigour regarding embedded tax savings. I will reserve my judgment on that aspect.

The second statutory increase provided under the proposed legislation relates to increases to legal practice fees which have ceilings placed on them and are not predetermined fees. At this stage I flag some caution that the full 10 per cent increase has been allowed but not for all of the legal practice fees. The initial fidelity fund fees may well not incur the increase, although I am not altogether sure of that. However, in terms of additional levies the full 10 per cent is allowed as a ceiling under the bill. Similarly, with respect to fees determined under the Trustee Companies Act 1984, I am advised that they are ceilings rather than absolute limits. A ruling of up to 10 per cent has been allowed.

I turn now to two fundamental issues. The first is the extraordinary claim made by the Minister for Finance in his second-reading speech when he stated categorically that no windfall gains will result from stamp duties applying to GST-inclusive prices. The opposition will hold the government to account. As I said, that is an extraordinary claim. The Minister for Finance — his second-reading speech is not a Treasury document — has said there will be no windfall gains under the GST, despite the circumstance where the government will continue to levy stamp duty and gain additional revenue as a consequence.

That claim is amazingly definite and I contrast it with the claims made by the New South Wales Labor Treasurer, Michael Egan, who acknowledges the possibility of windfall gains. I ask the Minister for Finance to clarify the underlying structure in the Victorian budget that allows him the latitude of saying there will be no windfall gains in contrast with New South Wales where a Treasurer of the same political persuasion has acknowledged there may be windfall gains.

What structural difference is there between the New South Wales and Victorian budgets? The Minister for Finance says New South Wales is a high-taxing state. That comment is in direct contradiction to claims the minister has made in this house that Victoria is a high-taxing state. Everyone knows Victoria's taxes have dropped considerably and that New South Wales is the no. 1 state for taxation. I ask the Minister for Finance to clarify why there is such a different structural circumstance between stamp duty revenue paid to Victoria and that paid to New South Wales which would lead the Victorian Minister for Finance to say there will be no windfall gains while the New South Wales Treasurer says there may well be.

I direct the minister's attention to the budget, which clearly shows that in the 2000–01 financial year state revenue from the stamp duty on property sales will increase by 14 per cent per annum; stamp duty on insurance will increase by 17 per cent per annum; and stamp duty on vehicle transfers will increase by 2.4 per cent per annum. It is clear that the government has already budgeted for increased stamp duties. With the extra component of stamp duty — which is a tax being levied on a tax, which is not what the commonwealth said would occur but which the government is going to do anyway — there is a real chance of a windfall gain.

The second interesting issue is whether the government has been sufficiently rigorous in looking at the goods and services tax in terms of embedded tax savings, about which we have heard a lot of nonsense. Every economist says that $100 million of embedded tax savings is achievable. The GST is a growth tax, the revenue from which will flow to the states. The Victorian government has been slack. It has refused to look at the issue. There has been a complete lack of rigour in the way the Victorian government has approached the implementation of the GST.

Nothing illustrates my point better than the difference between the way the Victorian government wants to apply the national taxation reform to itself and the way it wants to apply it to community organisations. In the two bills the house has already dealt with the government has said it will allow its own entities to increase taxes by up to 10 per cent. However, it has said that the most vulnerable groups in our society — disability services groups, community service groups and other groups catering to vulnerable people — will get the 10 per cent embedded tax savings and that as a consequence they will have their grants cut by 10 per cent.

The Labor government has made a political decision to pass the GST on to non-government organisations and vulnerable community groups, but it will not apply any rigour to itself to find any embedded taxation savings. For example, it will allow the cemetery trusts and the legal community to charge up to 10 per cent, and it will allow a heap of other organisations to avoid the application of any rigour at all.

The tragedy is that although its entities can be referred to the Australian Competition and Consumer Commission, the government cannot. No authority in the commonwealth can do anything about the Victorian government's cynical exploitation of the GST issue, including the fact that it will cut the funds or grants of community organisations while allowing its own revenues to increase — and then blame the GST.

The state government wants everything its own way — and it wants a growth tax. There was a rush to sign off

on the intergovernmental agreement between the commonwealth and the states. The New South Wales Premier, Bob Carr, bowled everyone over in his rush to sign it! The Labor states want the growth tax just as much as the Liberal states want it.

The Labor government also endorses its federal leader's approach, which is to say that a federal Labor government will not get rid of the goods and services tax. Those on the other side of politics want the revenue and the growth. There may well be minor pullbacks on a number of things, given what the federal opposition leader, Kim Beazley, is saying, but fundamentally the federal ALP is wedded to the GST. The states know it will give them the growth revenue, which is the reason why they have signed up to the agreement.

Not only does the Victorian government want the growth tax and not only does it endorse Kim Beazley's decision not to fundamentally change the GST, it also does not want to find any embedded tax savings to distribute to community groups. The government is lazy, slack, and happy to simply say, 'Everything will go up by 10 per cent'.

In a classic example of wanting something in every possible way, Labor wants the growth revenue, but it says, 'Gosh, we think the tax is awful'. Regardless of whether they are Liberal or Labor, state governments have for years asked for access to a growth tax — and now they have it.

The opposition does not oppose the bill, but it finds the application of the GST extraordinary. The government has embarked on a cruel regime of forcing community organisations to find embedded tax savings. It has cut the grants to those organisations at the same time as it is not prepared to apply any rigour to itself. The government will impose increases of 10 per cent because it has no rigour and no intellectual honesty. Despite its laziness the government has bagged the ultimate growth tax, for which state governments have been asking for years.

As I said earlier, the opposition does not oppose the bill, but it does oppose the manner in which the government has sought to shirk its obligations to search for embedded tax savings.

Mr LENDERS (Dandenong North) — I enthusiastically support the bill, which the government has had to introduce to deal with the awful situation Victoria has been left in by the previous government's signing of the intergovernmental agreement, which will burden Victorians with a tax that none of us wants but which we will have to deal with.

Firstly, I note the gracious comments of the Deputy Leader of the Opposition in acknowledging the access to briefings provided by the Treasurer and the Minister for Finance. The government is more than prepared to provide briefings and delighted that the opposition appreciates them, because in the end if Victoria is to get out of the mess imposed on it by the federal Liberal government's goods and services tax, the bill needs to be passed. The bill, which is the third relating to the implementation of the GST that the house has debated, deals with a lot of areas, including Tattersalls and scratch tickets and even the inequity of imposing the goods and services tax on prepaid funerals. It is primarily an enabling bill to reduce the burden of the GST on Victoria and to put some sense into the issue.

I found a couple of the comments of the Deputy Leader of the Opposition a touch amusing.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Loney) — Order! Under sessional orders the time for the adjournment of the house has arrived.

Malvern Elderly Citizens Welfare Association

Ms BURKE (Prahran) — I refer the Minister for Housing to the second stage of a housing project for the Malvern Elderly Citizens Welfare Association. MECWA started as a small group looking after elderly citizens and is now a multimillion-dollar provider of fine aged care services with a fabulous — probably the grooviest — hostel in Greville Street in my electorate.

The first stage of the project consisted of 10 housing units. To be eligible for public housing units people must be assessed under public housing criteria. The project is up and running and works well. The second stage is a $2-million project involving 20 units. Most people eligible for public housing are over the age of 60 and have been removed from rooming houses and low-cost flats which are common in inner Melbourne and which are now being restored into new housing by what we call yuppies. Some $2 million is outstanding. While the MECWA has waited for the funding, costs have risen and only 18 units can now be provided.

I ask the Minister for Housing to inquire about the status of the funding and to assist those elderly and vulnerable people to be housed as soon as possible. The community would be grateful if the minister would evaluate the situation and let me know as soon as possible.

Gladstone Views Primary School

Ms BEATTIE (Tullamarine) — I refer the Minister for Education to the Gladstone Views Primary School in my electorate and ask her to investigate what priority a $500 000 gymnasium has at the school. When doing the rounds of schools in my electorate earlier this year I was welcomed with open arms.

The former principal of the school, Mr Rob Cook, raised with me a telephone call he received shortly before the state election last September from my predecessor, a man rejected not only by the voters of Tullamarine but by his own party, which rejected his ambition to become vice-president of the Liberal Party.

The former honourable member for Tullamarine advised Mr Cook that the school would receive a grant of $500 000 for the gymnasium. Mr Cook, a fine principal who worked tirelessly for his school, quite rightly was sceptical of the claim in the pre-election period. It now seems that the telephone call was a cruel hoax. Surely not even my predecessor could be so cruel as to make false promises to a fine, hardworking school community such as Gladstone Views.

Swan Hill: railway land

Mr STEGGALL (Swan Hill) — I refer the Minister for Transport to the leasing of railway land in Swan Hill. Freight Australia has refused the application of the Swan Hill Rural City Council to lease railway land for car parking for a new development in Swan Hill. Currently Freight Australia cannot legally sublet any land under its primary lease unless the land use is railway connected.

To surrender the land to the council Freight Australia must relinquish the lease to Victrack so that a new lease can be drawn up between the council and Victrack. Freight Australia has some 60 small parcels of land in Victoria that are caught in the same situation. The leases form part of the company's primary lease agreement with the government, and it is understandably reluctant simply to relinquish the leases. It has offered to relinquish the parcels of land and future small parcels from its primary lease if the government will add the South Dynon railway site currently leased by Freight Australia to its primary lease.

The small pieces of land are required for many and varied developments throughout Victorian country areas and the inability to move on the leases is creating a logjam. A policy issue exists between the government and Freight Australia that needs sorting out. At Swan Hill the land is required for a car park which the city council wishes to provide. The company also has land at Tresco that is housing a disused cooperative packing shed. That land is needed by private enterprise to develop a new packing operation for the area's fast-growing international fruit industry.

I urge the minister to make the exchange with Freight Australia and remedy the logjam. It would be of particular advantage to rural districts, and metropolitan areas would also benefit. There are many parcels of land under the Freight Australia primary lease that will come up from time to time.

The ACTING SPEAKER (Mr Loney) — Order! The honourable member's time has expired.

Forests: Trentham coupes

Ms DUNCAN (Gisborne) — I ask the Minister for Environment and Conservation to report on a matter that was brought to my attention this morning.

Honourable members may recall a strong community campaign that developed out of Trentham in response to the regional forest agreement (RFA). A contingent from the town came to Parliament a month or so ago to present a petition to the government requesting that a series of coupes be set aside in recognition of the discovery of a set of powerful owls in the area. It was a hard-fought and successful community campaign in which many people were heavily involved.

The RFA that was finally delivered gave the people of Trentham a lot of pleasure because it recognised the powerful owl site and provided a 500-hectare protection zone around the town from which any form of logging is excluded. That area was a critical RFA issue for me. The much-improved outcome that resulted from groups making representations demonstrated the government's commitment not just to looking after conservation values but also to recognising the existing significant flora and fauna and tourism values that are provided by the forest around the town.

Today I received a number of calls from people in Trentham, but one in particular was from a woman who was involved in the campaign and was a leader in her community on this issue. Her call disturbed me, because although there is to be no logging in the special protection zones, she believed a logging team was about to commence or had already commenced logging in a special protection zone. This woman is pretty au fait with all of the issues, and I believe she would know whether the loggers were in or out of the coupe. The conservation of the specified area is a significant issue,

and the townspeople have worked very hard to achieve it.

I ask the minister to advise how the area that was set aside as a special zone under the RFA to protect the powerful owl was today logged at the boundary and whether that will have an impact on the breeding of the powerful owl in the area.

Wimmera–Mallee Water: charges

Mr SAVAGE (Mildura) — Wimmera–Mallee Water has a policy of providing only half the normal dam fills for farmers in the Wimmera–Mallee system because of the current low status of its reservoirs. There is a crisis in the volume of water remaining, and that is compounded by the fact that the system is so inefficient that it loses up to 90 per cent of the water that is transmitted. Consequently, there is a significant impost on farmers because they are receiving only half the water they need. The rating system is based on a hectare charge, and farmers pay significant amounts whether they take water or not, as well as extra amounts on the basis of having dams filled.

I wrote to Wimmera–Mallee Water on 6 April and yesterday received a call from Mr John Konings, the chief executive officer, to say that this was a ministerial matter and that he would not adjudicate on it. He suggested I refer it on for ministerial decision. I am disappointed that it took Wimmera–Mallee Water four weeks to advise me of that requirement. The authority is also discouraging self-managed catchments, so whether farmers have their own water supply or not they still have to pay the hectare charge, which is compounding the current water shortage.

I ask the Minister for Environment and Conservation to inquire into the issue and advise whether farmers who are receiving only half the normal dam fills should pay the extra rating charge. Some farmers are already facing difficulties because of low commodity prices, and action on this matter could ease the burdens they currently face.

Rail: Tongala crossing

Mr MAUGHAN (Rodney) — I refer the Minister for Transport to the need for flashing lights at a rail crossing intersection at Curr Road, Tongala. The Echuca–Toolamba railway line intersects with Curr Road, which was named after one of the early settlers of the area. It travels north-south and intersects with the railway line to the east of Tongala. It has always been a dangerous crossing. The rail line does not go across the road at right angles. Visibility is obscured for traffic travelling in a northerly direction when trains are travelling in an easterly direction from Echuca towards Kyabram.

I can remember about four major accidents at the site in a period of 15 to 20 years, and many near misses. Fortunately nobody has been killed. People have been seriously injured and there have been some very narrow escapes. It is dangerous enough when trains travel on a regular schedule, but I say in passing that until recently there had not been a train on the line for a period of 15 or 20 years because it was closed by the previous Labor government in the 1970s. However, over the past two or three years freight trains have been running again transporting rice and rice products to and from the rice mill at Echuca.

Part of the problem is that although the crossing is properly marked, drivers have become complacent because of the irregular train schedule. There was another major accident at that crossing on Saturday night. Two locomotives were tipped on their sides, four rail trucks were derailed and a road transport vehicle was badly damaged. Fortunately, no-one was killed or injured.

There is a lack of warning lights at the site and visibility is poor. It is a busy road, and the number of vehicles that travel along it is increasing. I ask the minister to investigate the possibility of installing warning lights at the crossing to help avoid the recurrence of any accidents.

Occupational health and safety: first aid

Mr HOLDING (Springvale) — I ask the Minister for Workcover to investigate the activities of a company in my electorate that provides first-aid courses for workplaces, which a constituent has directed to my attention.

Last year the company promoted the first-aid courses it provides for employees. As a result a firm located in Keysborough decided to pay for four of its employees to attend the course and received a receipt verifying the payment. Subsequently, the firm advised the course provider that two employees would not be attending. However, at the conclusion of the course the first-aid course provider sent one of the workers who was unable to attend the course a certificate that stated that he had completed the course and that he had obtained a level of proficiency in infection and disease control, resuscitation, the treatment and control of bleeding and so on. That certificate was provided under the common seal of the training company.

On 29 November the firm wrote to the first-aid course provider advising that the employee had not attended the course. The firm is yet to receive a response to the letter, a refund or an explanation of how the certificate came to be issued. First-aid training is important, and I am concerned that the situation was able to occur. The provision of first-aid training is not regulated, and it would appear that the Occupational Health and Safety Act is not being adhered to.

Caulfield South Primary School

Mrs SHARDEY (Caulfield) — I refer the Minister for Education to the promised upgrade of the Caulfield South Primary School. I first raised the issue with the minister last November, when I informed her that in 1998 the school had created a strategic plan for its future needs. Based on that strategic plan and on advice from the former Department of Education, the previous government promised an upgrade to the tune of $500 000 to provide for multipurpose rooms, canteens and toilets.

When I raised the matter in the house the minister gave a flippant response. She stated that she would not promise anything that had been promised by the previous government. However, the school was subsequently informed — the information was reported in the local newspaper of 6 December — that the minister had investigated the situation and had promised $500 000 for the upgrade as part of a $60 million capital works program for state schools. As I said, that upgrade was designed to provide for multipurpose rooms, canteens and toilets. The school was to receive between $10 000 and $15 000 to produce a detailed master plan for the project, and the bulk of the funding was to be allocated in the 2000–01 budget.

To the school's horror there is no mention of the funding in the budget. The school council contacted the appropriate regional office of the Department of Education, Employment and Training to ask what had happened to the funding. The response was not good news: the council was told that it could not be given an answer. It seems the school has been given a Clayton's promise.

I ask the minister to investigate what has happened to her promise to provide for a $500 000 upgrade of the Caulfield South Primary School. If she does not wish to tell the local member — she normally does not wish to advise local members on this side of the house what is happening — I ask her to at least inform the school council.

Police: Mordialloc station

Ms LINDELL (Carrum) — I ask the Minister for Police and Emergency Services to provide some clarification on the provision of the proposed new Mordialloc police station.

The issue gives the lie to the campaign slogan of the honourable member for Mordialloc, which was 'Geoff Leigh gets results'. As all honourable members know, the honourable member was unable to deliver on his 1996 election campaign promise that the Kennett government would build the Dingley bypass. He was also unable to deliver on the other campaign commitment he gave during the 1996 election campaign — to keep the Mordialloc–Cheltenham Community Hospital open. His other 1996 election commitment was to ensure the provision of a new Mordialloc police station. Unfortunately, that is another commitment on which the honourable member for Mordialloc failed to deliver.

Mr Perton — On a point of order, Mr Acting Speaker, the purpose of the adjournment debate is to allow members to ask ministers to undertake courses of action. The honourable member is using the opportunity to cast aspersions on a fellow honourable member. I ask you to bring the honourable member to order and ask her what matter she is raising with the minister that is within the purview of his administration.

The ACTING SPEAKER (Mr Loney) — Order! I do not uphold the point of order at this stage. The honourable member has been speaking for 1 minute, during which she has identified the minister to whom she is addressing her request. I assume she will shortly come to the action she is requiring of that minister.

Ms LINDELL — One thing the honourable member for Mordialloc has delivered is the seat of Carrum to the Bracks government.

Honourable members interjecting.

Ms LINDELL — The honourable member ran a vendetta against the Aspendale Gardens community by continually denying them a primary school. His efforts were instrumental in the defeat of his Liberal colleague and the removal of his party from government. I have a bit of a soft spot for him — —

Mr Perton — On a point of order, Mr Acting Speaker, you directed the honourable member to identify the action she wants taken.

Honourable members interjecting.

Mr Perton — I know she is a little phobic and likes to have a go at the honourable member for Mordialloc — —

The ACTING SPEAKER (Mr Loney) — Order! The honourable member for Carrum has spent a further 30 seconds getting to the point, during which — —

Mr Perton interjected.

The ACTING SPEAKER (Mr Loney) — Order! The honourable member for Doncaster will come to order!

During that time there has been a loud interchange across the chamber. I have asked the honourable member for Carrum to come to the action she wants taken, and I am sure she will.

Ms LINDELL — In my first sentence I said I was seeking from the Minister for Police and Emergency Services clarification about the provision of a new building for the Mordialloc police station. That was my very first sentence.

Mr Leigh interjected.

Ms LINDELL — I have a bit of a soft spot for the honourable member for Mordialloc. That is why I am asking the Minister for Police and Emergency Services to help him out a bit by interpreting the budget for him. The people of Mordialloc were promised a new police station for a number of years, but it was funded only in last year's budget — according to what the honourable member for Mordialloc has been telling local residents for the past 12 months. However, he still seems confused. Yesterday and today he has been bleating in the chamber about the funding for the police station not being available.

I ask the minister whether he can shine some light on the issue. Was the funding for the Mordialloc police station made available in the last budget, as the honourable member for Mordialloc has led local residents to believe, or has he again failed to get results? This is an important local issue. Police officers stationed at Mordialloc service much of the electorate of Carrum, including the suburbs of Aspendale, Edithvale, Mordialloc, Parkdale, Mentone and, of course, Aspendale Gardens.

Wimmera business and community leadership program

Mr DELAHUNTY (Wimmera) — I raise for the attention of the Minister for State and Regional Development a matter relating to a regional training scheme for the Wimmera — and I hope he is listening from his office.

To achieve dynamic and growing economies, Victoria's regions — in this case, the Wimmera — must have dynamic and growing communities. Strong community and business leadership is imperative in all sectors of the Wimmera if sustainable regional economic growth is to be achieved. The region must have the capacity to nurture and develop leadership in some of its people, because leadership is the key to growth and development.

The Wimmera Development Association, with funding assistance from the federal government, has led the way in meeting that challenge. Early in 1999 a WDA steering committee appointed a project team of regional development specialists to research, develop and articulate a leadership program for the Wimmera.

Research undertaken in the region highlighted the fact that the Wimmera lacked locally based opportunities for personal and professional development programs that would foster the skills and competencies local organisations needed. Throughout the research phase of the project existing leadership models were evaluated, regional needs were identified and possible program structures were assessed.

Extensive research led to the designing of the Wimmera business and community leadership program. The program aims to develop the region's leadership so that the growth of businesses and rural communities can be stimulated and sustained. It seeks to achieve those goals through three specific and highly integrated elements, each designed to touch the region's full spectrum of business and community organisations.

The cost of delivering the leadership and business management skills program is estimated to be $250 000. It is envisaged that $82 000 of that amount will be gathered from regional contributions. The WDA seeks project funding from the state government to the value of $165 000 to help with establishing the pilot program. The leadership management committee that will implement and coordinate the program estimates that it will be self-funding after two years of operation.

I ask the minister to fund this worthwhile program because it will lead to the further development of community and business leaders for the Wimmera.

Hopkins–Moore street intersection, Footscray

Mr MILDENHALL (Footscray) — I ask the Minister for Transport to investigate the failure of westbound heavy trucks to turn right, as suggested by

the signs, at the intersection of Hopkins and Moore streets in Footscray and to seek advice from Vicroads on what measures might be taken to prevent heavy trucks from moving through the narrow main streets of the Footscray shopping centre. They reduce the amenity of the area and cause congestion and inconvenience not only to shoppers but to the buses and trams that move through the centre of the busy shopping centre.

The issue, which has been championed by Des Carroll of the Footscray *Mail*, warrants attention. I ask that Vicroads investigate the matter and provide a series of suggestions to the council — —

The ACTING SPEAKER (Mr Loney) — Order! The honourable member's time has expired.

Responses

Mr BATCHELOR (Minister for Transport) — The member for Swan Hill raised a complex issue about communities particularly those in his electorate but it is a problem across metropolitan and country areas — that is, getting access to land which the community regards as being surplus to transport requirements. The example raised by the member is land that is currently part of a lease to Freight Australia. The community is seeking to get access to that land for community or economic purposes. The member highlighted the cases of a supermarket in Swan Hill and a packing shed at Tresco. He indicated that Freight Australia was reluctant to facilitate that access while it was in negotiations with the Victorian Rail Track Corporation (Victrack) about rail-track access at South Dynon. As I understand it, the issue at South Dynon concerns commercial negotiations for rent rather than a straight swap.

I understand the point the member is making and I will take it up with both Freight Australia and Victrack as they are the parties to the negotiations at South Dynon. However, I can tell the member for Swan Hill that there is a lot of land around the rail system which community groups or outsiders may regard as surplus to transport needs but which is part of leases and long-term plans. The government will ensure that any site that might be excised from Freight Australia's head lease and made available for community or some other commercial or economic use is spare and excess to requirements and that current and future transport needs are not overlooked in the releasing of that land. We must be careful to protect the current and long-term rail requirements of that land. However, if we can facilitate a more productive use of the land through some community or commercial activity, we will move towards that.

The member for Rodney raised the issue of a level crossing in Curr Road in Tongala which was recently the site of a collision between a train and a semitrailer. That particular crossing is notorious locally and I was interested to read in one of the local newspapers the comments of a local resident, Peter Tomkins, about the accident. In his opinion, the accident was a result of poor visibility at the crossing, truck driver complacency and a lack of warning lights which made for a dangerous scenario.

The accident caused two locomotives to be derailed and considerable damage was done to railway infrastructure. The truck did not come out of it too well. A train driver was injured as a result. The most worrying concern is that anybody — the car driver, the truck driver or the train driver — could have been injured in such an accident. It has been suggested that the government look at installing flashing warning lights at the intersection. I will ask the Department of Infrastructure to look at that suggestion but also to examine whether other issues could be attended to to improve safety at the crossing.

It may be that some advice needs to be given to the local truck-driving community. It may be that the approach or the alignments need to be rechecked. It could be that some other environmental issues need to be addressed. I will ask the department to look at that.

The honourable member for Footscray raised an important matter relating to westbound trucks at the intersection of Hopkins and Moore streets in Footscray. The trucks turn into the shopping centre when it is inappropriate. I will ask Vicroads to investigate the matter to see whether some change could be implemented at the intersection to provide some relief to shoppers while looking after the freight movements of trucks, perhaps encouraging more appropriate alternative routes.

Ms DELAHUNTY (Minister for Education) — The honourable member for Tullamarine raised the matter of the Gladstone Views Primary School having received a hoax call from the former honourable member for Tullamarine. As the current honourable member for Tullamarine accurately said, the former honourable member for Tullamarine was rejected by the electorate and furthermore rejected by the party, and for good reason.

It appears the former honourable member for Tullamarine called the Gladstone Views Primary School promising that if staff members voted Liberal in the next budget they would receive $500 000 for a new

gymnasium. I believe that when he was asked to put that in writing he demurred, for good reason.

I will happily investigate the matter and get back to the current honourable member for Tullamarine. The former member got his just deserts when the electorate threw him out. He was holding out false hopes. However, if the school is entitled to a gymnasium, I look forward to proceeding with that through the normal channels.

The honourable member for Caulfield raised the matter of funding for the Caulfield South Primary School. She spent some time discussing the matter, referring to a local newspaper. The honourable member raised that matter with me publicly in the house in November. I said on that occasion that if a promise had been made by the previous government this government would honour that commitment — if that was in the forward estimates. I consistently said that during the election campaign and have continued to say that since coming to office. I have never deviated from that. There is no need to be churlish. Under the budget the school will receive not just $500 000 but $550 000 as the total end cost for a canteen, toilets and a multipurpose room. The first instalment of that money will be $36 000 in the year 2000–01. It is well deserved by the students of Caulfield South Primary School.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Gisborne raised with me a serious matter concerning logging in the Trentham area. This morning I received phone calls from Trentham residents who believed that logging was occurring in an area set aside under the regional forest agreement for the protection of the powerful owl in a special management protection zone. I ordered the logging to be stopped immediately and demanded a full explanation from the department. This afternoon the department advised me that it had made a serious error by commencing logging at the boundary of an area set aside as a special management zone. That is absolutely outrageous and totally unacceptable.

I understand that the honourable member is distressed and so are the residents of Gisborne, and I am concerned and angry that that has occurred. I have demanded a full investigation immediately. I have asked for full details on how that occurred, how it can be ensured that it does not and cannot happen again and what can be done to offset the incident. I expect to receive a report tomorrow and will consider all the options at that time and get back to the member.

I have been advised by the department that so far the impact on the powerful owl is concerned the incident did not occur in a pristine area. It was logged some years ago. As a result the department does not expect it will have a severe impact on the powerful owl in the area.

The government recognises the commitment of Trentham residents to the protection of the powerful owl. They made representations to the independent panel I appointed to hear community concerns during the regional forest agreement process. They campaigned strongly. The government listened and acted, providing that protection to the powerful owl. It is disturbing, indeed outrageous, that the department should make such a damaging mistake, and I will make sure it does not happen again.

The honourable member for Mildura raised with me an issue concerning Wimmera–Mallee Water. He has outlined how it is discouraging self-management of water catchments. That is a serious issue in the present extended drought. Wimmera–Mallee Water has advised the member it will not make a decision about the issue and that it should be a ministerial decision. I will seek details from Wimmera–Mallee Water, consider the decision and advise the member of its resolution.

Mr CAMERON (Minister for Workcover) — The honourable member for Springvale raised a matter concerning first-aid courses. He outlined to the house that a firm in Keysborough had enrolled some employees in a course but only two of the four employees did the course. Nevertheless an employee who did not do the course was subsequently sent a certificate saying they he had complete proficiency in a whole range of workplace health and safety areas.

Naturally the honourable member for Springvale is concerned about that. I suspect that that would be of concern to other local people, particularly as this is Health and Safety Week. In Health and Safety Week the government is keen to promote good workplaces, together with unions, employers, organisations and a range of community organisations. The honourable member for Springvale has asked that I look at the matter, investigate how that could have come about and consider the need to examine the requirements of conducting workplace first-aid certificate courses. I advise the honourable member that I will examine the matter and subsequently reply to him.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Carrum raised the provision of a new police station for Mordialloc, which I have to say has been a running sore for some time. It was one of the police stations committed to by the Cain–Kirner government, the last

Labor government. The previous government upon coming to office spent some millions of dollars in buying out contracts to ensure the police station was not built.

I congratulate the honourable member for Carrum. She is the one local member in the area who has taken an ongoing interest in this matter, unlike the honourable member for Mordialloc. The honourable member for Carrum says the honourable member used the campaign slogan of 'Geoff Leigh gets results'.

Honourable members interjecting.

Mr HAERMEYER — He promised the Dingley bypass in 1996 — nothing happened. He promised the Mordialloc police station — again nothing happened.

Mr Leigh — You won't give it to us!

Mr HAERMEYER — The honourable member for Mordialloc is getting very excited. For seven years the honourable member for Mordialloc and his party were in government — seven long years! Seven years in which they could have built a police station in Mordialloc, and they did nothing!

The honourable member for Mordialloc is running around saying because the Mordialloc police station does not appear in this year's budget papers the Labor government has no commitment to building it.

Mr Mulder interjected.

Mr HAERMEYER — Absolutely, and very grateful you are, aren't you? The honourable member for Polwarth obviously takes a lot more interest in the police stations in his electorate than the honourable member for Mordialloc does in his. He is a good member compared to the honourable member for Mordialloc. He got five police stations!

The ACTING SPEAKER (Mr Loney) — Order! The minister will refrain from travelling the state's police stations otherwise we will be here all night!

Mr HAERMEYER — The honourable member for Mordialloc says that because Mordialloc police station is not mentioned in this year's budget the Labor government is not committed to building it. The reality is that the Mordialloc police station was provided for in the current year's budget, which is the 1999–2000 budget. That was a budget brought down by the previous government. I have to ask the question: was that merely a phantom budget and was it a fake promise? I am baffled. The Labor government is looking to finalise a site on the basis that the money was made available by the previous government, so I hope the money is actually available. I will check just to make sure that the money is there.

If the money is not available, the Labor government will give the commitment that during its first term, it will build in Mordialloc the police station the honourable member for Mordialloc never realised was needed, that he has only just discovered and that the previous government did not build in seven years!

The honourable member for Mordialloc seems to have some difficulty with budget documents because funding for the station was promised in his own government's budget. I do not know whether he needs it written in crayon or whether he is just an idiot looking for a village!

This government will build a police station in Mordialloc no matter how much he drags his knuckles along the ground here — thank heavens the carpet in this place has been replaced!

Mr BRUMBY (Minister for State and Regional Development) — The honourable member for Wimmera raised a matter with me regarding a proposal from the Wimmera Development Association for a leadership program called the Wimmera Business and Community Leadership program and seeking funding of $167 500.

I have attended the Wimmera region on a number of occasions; I recently spoke at a very large and well attended gathering sponsored by the Wimmera 20–20 agribusiness forum at which a number of awards were presented to young business leaders. A great deal of positive work is occurring in that region in creating leadership programs and sponsoring of young business achievers.

Pursuant to the government's Reviving Rural and Regional Victoria action plan, the Bracks government is committed to encouraging and strengthening leadership skills and capacities in rural communities. Leadership training for rural and regional Victoria was a prominent feature of my address to Melbourne University's Centre for Public Policy on 17 April. I stressed that the development and enhancement of leadership skills and capacities was important to the social, economic and the commercial development of our rural communities.

A number of regionally based programs are already operating across country Victoria in Gippsland, Goulburn, Murray, Loddon and Alpine valleys, and other programs are being developed for Barwon,

Western in Ballarat and South–Western in Warrnambool.

The honourable member for Wimmera raised the matter on behalf of the Wimmera Development Association. I understand the association has been discussing its proposal directly with the rural communities office.

In fostering leadership skills and capacities and developing a rural community leadership program, the government is keen to address what it sees to be a number of essential issues. These include, firstly, the need to focus on encouraging interest and developing leadership skills and capacities in our smaller and medium-sized communities in particular and, secondly, placing emphasis on meeting vital practical skills and needs.

The other issues are, thirdly, ensuring a project-based approach to funding rather than an individual allocation; and fourthly, ensuring there are straightforward, effective and practical administrative arrangements in place.

I envisage that funds for the rural community leadership program will be available to 47 councils throughout regional and rural Victoria. Funds will be available to councils and other bodies such as chambers of commerce, service clubs and regional development organisations to implement initiatives, promote leadership and enhance skills and capacities in country towns and rural communities.

In the budget delivered by the Premier on Tuesday the government has committed $1.75 million over each of the next three years towards funding for leadership programs and other local economic initiatives. I made a key announcement jointly with the Minister for Agriculture, the Honourable Keith Hamilton, that funds will be allocated from the program and his department. The program has the highest priority for the Victorian Farmers Federation: a rural leadership program focused on capacity building in small and medium-size communities.

There will be 10 pilot projects across the state over the next three years. It is a significant commitment to capacity building. Trial projects are currently operating in Victoria, and the government believes they can build jobs, confidence and investment in rural Victoria.

I will look closely at the application from the Wimmera Development Association through its executive officer, Philip Sabien. It is a good proposal but is substantial and has to be matched with the available funds over the next three years. An announcement will be made within the next three weeks.

Ms PIKE (Minister for Housing) — The honourable member for Prahran asked about the second stage of a project to build units for older people in Glen Iris.

I am pleased the matter of the community housing joint ventures has been raised. The government is committed to providing a wide range of affordable housing for low-income earners within the community. Yesterday the Treasurer announced in the budget an additional $94.5 million — the first new money above the commonwealth–state housing agreement and a significant injection of resources into just this kind of project where people get together with government to provide the opportunity for low-income earners, whether they are young or old, to have access to affordable housing.

The particular project referred to by the honourable member for Prahran is with the Malvern Elderly Citizens Welfare Association. The first stage of the venture, 20 units for elderly people in Elm Road, Glen Iris, has been built and people are living in the units. It is a good project and the government is now moving on to the second stage. MECWA has successfully tendered for the second stage. The Office of Housing is now evaluating the project and there is some debate about whether accommodation should be for singles or doubles.

Given that it is a large project valued at $2 million further discussion is necessary on the final details of the nature of the accommodation. I understand from the Office of Housing that the region is setting a meeting to resolve the matter and when the plans are approved the project should proceed. Shortly we will see the second stage of the project being built and soon another 20 or so older people in the area will be successfully accommodated in a community housing project.

The SPEAKER — Order! The house stands adjourned.

House adjourned 10.57 p.m.