

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-FOURTH PARLIAMENT
FIRST SESSION**

**12 April 2000
(extract from Book 5)**

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By authority of the Victorian Government Printer

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

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Leighton, Mr Michael Andrew	Preston	ALP			

¹ Resigned 3 November 1999

² Elected 11 December 1999

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Wednesday, 12 April 2000

The **SPEAKER** (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

PETITION

The Clerk — I have received the following petition for presentation to Parliament:

Gas: Yallourn North supply

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of Yallourn North residents sheweth that there is a great demand for the supply of natural gas to our community.

Your petitioners therefore pray that the La Trobe shire and the state government work on a joint venture to supply natural gas to our township.

And your petitioners, as in duty bound, will ever pray.

By Mr **MAXFIELD** (Narracan) (283 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

Statutory Rule under the *Children and Young Persons Act 1989* — SR No 26.

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 26.

JURIES BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered next day.

MEMBERS STATEMENTS

Minister for Environment and Conservation: correspondence

Mr **McARTHUR** (Monbulk) — The house is entitled to be informed about the deplorable performance of the Minister for Environment and Conservation. The minister has 2000 documents sitting

on her desk awaiting signature. The minister should have got the message by now that she has mail!

On 16 December 1999 in this house I advised the minister that there was a letter on her desk from the South Australian minister awaiting a response. At the time she denied it, but on 29 February she made a personal explanation advising members that she had misled the house, because she did have the letter. Now she has two letters on her desk from the federal minister concerning red-tailed black cockatoos. She cannot find those letters either. The minister has the report from the committee reviewing small-town sewerage schemes on her desk, but she cannot find it.

The minister has 2000 pieces of correspondence awaiting signature. She does not even open her email. She features on the Labor shame file for her appalling performance. She gets a mention on crikey.com.au because she cannot open her letters. She gets lost in national parks, and now she cannot find the way to her office.

Minister, you've got mail!

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

Parliament: access for hearing impaired

Ms **CAMPBELL** (Minister for Community Services) — I have just used Auslan sign language to say that I am happy to be here, but deaf people cannot understand our speeches unless signing is used.

Recently I attended the Deaf and Hearing-impaired Info Expo, titled 'Education, Employment and More', which was jointly coordinated by Nanne Stubbs from the Victorian Federation of the Parents of Hearing Impaired Children and VSDC, an organisation that provides services for deaf children. The expo included three events that were aimed to ensure that deaf or hearing-impaired people and their families and friends were informed of a range of services.

As signing interpreters conveyed my opening words at the expo I was struck by the fact that when deaf or hearing-impaired people visit Parliament they face a sea of silence. I draw to the attention of the house the need for signing to take place in this place. Auslan is a language used by deaf people in Victoria and throughout Australia. There are 30 000 Auslan users. It is important for Parliament to be accessible to people who are deaf or hearing impaired. Technologies such as hearing loops should be used in this place to ensure that people who are not totally deaf are able to understand what is said — —

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

Nursing homes: privatisation

Mrs SHARDEY (Caulfield) — I refer to the misrepresentation of facts by the Minister for Aged Care concerning the transfer of state-owned nursing home beds to the private and voluntary sector.

The facts are that the \$1.7 million so-called good deal in annual state funding being paid to Moran and other nursing home owners is the same amount the government has to pay regardless of whether the homes remain in public hospitals or not because the commonwealth legislation allows for a reduced level of funding to homes that have historically been in state hands, a difference known as the standard aggregated module or SAM discount.

The private and voluntary sector organisations that now operate in nine nursing homes as a result of the previous government's program have contributed \$35 million in capital funding to provide older Victorians with high-quality accommodation so they do not have to continue living in large wards in old buildings within public hospital grounds. State nursing homes receive about \$14 million in state funds to make up the difference between commonwealth funding to state-run nursing homes and the higher rate the commonwealth pays to all other nursing homes. The state has a bill of only \$1.7 million annually for the provision of nine new nursing homes for 485 older Victorians, instead of approximately \$2.8 million which it paid previously.

The claim of the minister that the previous government was to privatise another 3000 beds is simply not true.

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

Stella Kariofyllidis

Mr CARLI (Coburg) — I wish to congratulate Cr Stella Kariofyllidis on her election as mayor of the City of Moreland. Cr Kariofyllidis is Greek born and migrated to Australia at the age of 14. She is the first female mayor of the City of Moreland, but more importantly is the first woman of Greek–Australian background to be elected mayor of any city in Australia. That is an important milestone. It is indicative of the importance of people from diverse backgrounds and communities being in public life.

Cr Kariofyllidis is the second overseas-born councillor to be elected in the five mayoralties of the City of

Moreland. The other was Cr Anthony Helou, who is also a fine councillor and who led the fight by the City of Moreland against Hansonism and intolerance. That era led to the coining of what has now become very much the motto of the City of Moreland, 'One community — proudly diverse'. I congratulate Crs Stella Kariofyllidis and Anthony Helou on the important part they have played in the community through their leadership and by encouraging the diverse communities to participate in public life. The importance of — —

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

Water: rural infrastructure

Mr STEGGALL (Swan Hill) — I join with the honourable member for Monbulk in expressing my disgust at the lack of action and decision making by the Minister for Environment and Conservation.

The implementation of some 270 water and waste water schemes in small country towns across Victoria has been held up following the last election. There were three ways in which charges were able to be made for these schemes: firstly, up-front payments; secondly, 40 quarterly payments; and thirdly, by arrangement between the authority and the person concerned. The minister has stopped all those options, and I draw to her attention correspondence addressed to her, some of which concerns, for example, Boort, where proposed major horticultural and other developments totalling some \$66 million will not proceed without the installation of sewerage systems. The developments, which include a supermarket complex, are currently proceeding on the basis that sewerage systems will be installed.

Not all properties in the township of Boort are able to meet the current Environment Protection Authority standard of containing all waste water within the property. Many households currently discharge grey water into the streets, where it stagnates, becomes odorous and is eventually discharged outside the town, thereby having an adverse effect on the environment.

The minister made much political capital during the election out of the payment for these schemes, and I ask that she now make — —

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

Forest: Trentham coupes

Ms DUNCAN (Gisborne) — Members will recall that approximately three weeks ago I presented a petition in Parliament on behalf of the people of Trentham. Approximately 40 people and two powerful owls made the trip to present the petition to me on the steps of Parliament. The petitioners said:

We, the undersigned citizens of Victoria, respectfully request that the Victorian government immediately cease logging operations planned for the three coupes located close to the Trentham township.

They also made submissions to the independent panel arguing the importance of these coupes, not just for the protection they afforded the powerful owl but also for the tourism values they provide for the economy of Trentham.

In the initial draft regional forest agreement (RFA), 125 hectares around Trentham was reserved. As a result of the submissions, the petition and a great deal of hard work by the government and by me, 500 hectares has been set aside around Trentham. That is three times the area in the RFA consultation paper and will provide full protection to the Trentham powerful owls, in addition to the other areas that have been set aside for their protection. I congratulate the individuals and groups involved on their efforts in this process, and we all agree it is a fantastic outcome.

I advise the honourable member for Doncaster, who claims to speak on behalf of the people of Gisborne, that he should be better informed before he speaks on matters he obviously knows very little about. Claims that he speaks to conservation groups in my area are amusing. It is not what I am told by the groups. The catchcry on conservation at the last state election was, 'For goodness' sake, put the Liberals last'. Some groups are not happy —

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

Youth Files Theatre Group

Mr MAUGHAN (Rodney) — I wish to congratulate all associated with an innovative project called Youth Files Theatre Group. The group was formed by young people at the Rushworth P-12 College, some of whom were having difficulties with the traditional education environment and were at risk of not completing their education.

Under the direction of the student welfare coordinator, Bronwyn Rose, and director, Jennifer Neild, the students set about producing a performance based on

their own experiences of isolation, boredom, drug and alcohol issues, problems with the law and sexual abuse.

The dramatisation that emerged has received critical acclaim in Victoria, South Australia and New South Wales. The group received a Local Government and the Arts leadership award and members of the group were keynote speakers at the Goulburn North East student welfare conference. They also received the Campaspe shire's Community Group of the Year award. More importantly, there has been a remarkable change in the young people. They are now confident, self-assured and willing to build on and extend their skills, and in most cases to continue with their education.

The group has recently been invited to attend the Fifth International Playwrights Conference in Athens in October and to present their play in Bangkok as part of the Makhampton Youth Theatre 20th anniversary celebrations.

I pay tribute to all involved in this innovative and highly successful project, and I seek support to enable the group to visit Athens and Bangkok later this year.

Home-opoly

Ms ALLAN (Bendigo East) — As honourable members are aware this is Housing Week. I am pleased to inform the house that I am participating in one of the many activities to mark Housing Week in my electorate of Bendigo East. Along with local councillors, Bendigo identities and members of the community I will be playing Home-opoly, which is a life-sized board game created by housing agencies in the Loddon Mallee region. Playing Home-opoly involves rolling a dice and trying to land on the right squares to solve your housing problems. It will give the players an inside look into the issues and problems people without proper housing face daily.

Lack of adequate, safe and secure housing is an issue faced by many people in our community. On census night 1996, an estimated 105 000 Australians identified themselves as homeless. Many of those people live in country areas. Approximately 6000 people are seen by housing services in the Loddon Mallee region each year, but that is only a small percentage of the people who are homeless in our community.

This Friday I will have the opportunity to experience some of the difficulties people in our community face in trying to find housing. We will be playing Home-opoly at 12.30 p.m. at the Bendigo Marketplace. I acknowledge the work done by the Loddon Mallee SAAP Network, EASE and the other agencies in Bendigo in bringing this important issue —

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

Gas: Colac supply

Mr MULDER (Polwarth) — Last Thursday in Colac TXU announced that natural gas would be connected to the city. Negotiations for the supply of natural gas for Colac have been under way since 1993. The former Treasurer, Alan Stockdale, and the former honourable member for Polwarth, Ian Smith, secured natural gas for Colac with connection to be completed by June next year.

Throughout the 1990s state and local government, along with the business sector, set about laying a solid foundation for the Colac region and were able to attract industry even though the area is not connected to natural gas. Natural gas will ensure that the current level of investment in the region continues to grow.

Recent investments completed, currently under way or committed for the region include: CRF Meats food processing plant, \$10 million; Barongarook Gardens aged care development, \$10 million; Mercy Health aged care development, \$14 million; TXU natural gas connection, \$4 million; Pearsons Engineering manufacturers, \$1 million; Colac–Otway Performing Arts Centre, \$5 million; and Regal Cream's relocation of its dairy division from Melbourne to Colac. Negotiations are currently under way for another multimillion-dollar industry for the city.

I formally recognise the efforts of the former mayor of the Shire of Colac–Otway, Helen Paatsch, and her councillors, and particularly the CEO of the shire, Glenn Patterson, and Mr Rob Davis, the shire's manager of strategic development, for the manner in which they have marketed the region to potential investors.

All that is now required is for the government to commit to the redevelopment of Colac's health services and the upgrade — —

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

Powerhouse Neighbourhood Centre

Mr STENSHOLT (Burwood) — I pay tribute to the Powerhouse Neighbourhood Centre, which I visited last Monday at a housing estate in Ashwood. The centre serves the communities of Ashwood, Chadstone and Jordansville, and today the George Hess Room at the Powerhouse centre will be dedicated in honour of one of the long-term public tenants in the area. I also pay

tribute to Sandra Grant, another great public tenant nominated for the Francis Pennington award this year.

MANDATORY SENTENCING

The SPEAKER — Order! I have accepted a statement from the honourable member for Richmond proposing the following matter of public importance for discussion:

That this house debates a matter of public importance being the damage to the reputation of Victoria's legal system caused by mandatory sentencing laws and the impact those laws have on juveniles, particularly from indigenous communities.

Mr WYNNE (Richmond) — It is important for a number of reasons that the house debate this matter of public importance. I hope members on both sides will address the issue of mandatory sentencing with the same seriousness they displayed during last week's debate, which resulted in the house expressing bipartisan support for the motion on the stolen generations. In the same way as the house recognised the wrongs done to Aboriginal and Torres Strait Islander people by the misguided policies of previous administrations, which resulted in the forced removal of indigenous children from their families, kinship groups and communities, honourable members should also take a public stand against contemporary policies that inflict moral, social and ethical wrongs on Aboriginals, in particular young Aboriginals, who are the most vulnerable in our society.

Mandatory sentencing is fundamentally wrong. It casts a shadow across our legal system and diminishes us as a community. If honourable members reach into their hearts and examine their consciences they will agree that a policy that locks up young people, and Aboriginal young people in particular, and gives the courts no discretion in sentencing is fundamentally flawed. Such a policy leads to an endless spiral of criminality and, tragically, death.

I refer in passing to some disturbing statistics I have drawn from the Australian Institute of Criminology that highlight the critical nature of the contemporary issue we are discussing. I refer to the *Australian Deaths in Custody and Custody-related Police Operation 1997–98* report published by the Australian Institute of Criminology, which states:

A total of 99 people were reported to have died during the year ended 30 June 1998. Twenty-three of these deaths occurred in police custody or custody-related police operations and 76 in prison custody.

Of those 99 deaths, 17 were of Aboriginal and Torres Strait Islander people.

The report further states that:

More people died in Australian prisons in 1997–98 than in any other 12-month period over the last 18 years.

...

In recent years the number of Aboriginal and Torres Strait Islander people in Australia's prisons has continued to increase, as has their level of over-representation in both police and prison custody. It needs to be emphasised, yet again, that Aboriginal people are heavily over-represented in the number of custodial deaths compared with their number in the community. Nationally, Aboriginal adults represent only 1.4 per cent of the adult population but this year —

that is, 1997–98 —

more than 17 per cent of all custodial deaths were of Aboriginal people.

That cannot be tolerated in this state, because mandatory sentencing inherently discriminates against offenders who by any measure are the most disadvantaged in our community. It is right and proper for the Victorian Parliament to stand up and repudiate that policy. It is incumbent upon us as parliamentarians to voice our deep concerns clearly and unequivocally.

In doing so, we should heed the sobering words of the late Senator Neville Bonner, a most distinguished federal parliamentarian, as reported in the 1988 interim report of the Muirhead inquiry into Aboriginal deaths in custody:

I quite categorically state that my race is psychologically scarred, and such a condition is a direct result of our dispossession of our traditional lands, the destruction of our culture and the erosion of our customs. This has sapped our dignity and self-respect, and until such time as justice has been achieved in this area we will continue to crowd Australia's prisons.

What has changed since 1988?

The matter before the house goes to an incredibly challenging social question. The commonwealth government's acquiescence to the Northern Territory government diminishes Australia's international reputation as a fair-minded country. The reputation of Victoria's legal system and those of the other states, territories and the commonwealth, are judged by nations around the world in light of the Northern Territory's inhumane mandatory sentencing laws.

The mark of a civilised society is the way it treats its indigenous and young people. When the commonwealth government criticised the United Nations report on Australia's treatment of Aborigines, it

elevated its reputation as a violator of human rights — and it did so on behalf of all Australians.

Chris Sidoti, Australia's Human Rights Commissioner, said:

By pressuring the United Nations to water down its report on the Northern Territory and Western Australia laws, Australia has adopted tactics of some of the world's worst human rights abusers.

When the international press reports on the repressive sentencing regime of the Northern Territory and the commonwealth's response to it, the international community does not differentiate between the Northern Territory and Victoria.

The Victorian government has repeatedly condemned the laws in the Northern Territory that permit mandatory sentencing. As a matter of legal principle Victoria continues to call on the Northern Territory and commonwealth governments to abolish mandatory sentencing.

You will be well aware, Mr Speaker, as will the house, of the vigorous representations made by the Attorney-General at a recent meeting in Melbourne of commonwealth and state attorneys-general. He rightly led the charge on behalf of Victoria, putting a powerful case that mandatory sentencing in the Northern Territory needs to be repudiated and abolished. The house should applaud the leadership of the Attorney-General in taking up the matter in the appropriate forums.

The efforts of our Attorney-General, together with those of a number of other attorneys-general, in making significant public representations on the matter have resulted in a serious review by both the commonwealth and the Northern Territory of mandatory sentencing laws — although in my view, not serious enough. Other speakers will take up that issue.

The Victorian government echoes the comments of the Social Justice Commissioner, Bill Jonas, who said:

The passage of overriding legislation by the commonwealth would send a clear message to the states and territories that they do not have unfettered power to introduce laws that further disadvantage indigenous Australians. Mandatory sentencing laws are the antithesis of social justice.

The New South Wales Chief Judge, James Wood, has said that mandatory sentencing risks:

... presenting a face of justice which is not so much blind, but one that is cruel, ignorant and dismissive of the international treaty obligations which this country has adopted.

Judge Wood called on judges to:

... listen to their consciences and their faith and take a stand against the unjust laws and policies of the secular state.

So Victoria should take a principled stand on the issue and condemn the Northern Territory for its appalling, harsh and unfair mandatory sentencing laws.

The deal between the Prime Minister and the Chief Minister of the Northern Territory, Denis Burke, is a sham. It absolutely fails to deal with the discriminatory and inhuman effects of mandatory sentencing. The government submits that nothing has changed.

Mandatory sentencing has a disproportionate effect on socially disadvantaged people. It is a tragic reality that in the Northern Territory many Aboriginal people are the most disadvantaged and as a consequence experience the highest rates of incarceration.

Aborigines make up 25 per cent of the population in the Northern Territory and 75 per cent of the jailed population. The total incarceration rate is three times the national average and three times the rate in Victoria.

The fate of Aboriginal people entering the justice system was the subject of the Muirhead Royal Commission into Aboriginal Deaths in Custody. The commission recommended that state governments that have not already done so should legislate to enforce the principle that imprisonment should be utilised only as a sanction of last resort. Why did the commission make this recommendation? Because Aboriginal people entering prison often die. Instead of making incarceration a matter of last resort the Burke government makes it an option of early resort.

The consequences for Aboriginal people are immense. Significant numbers of Aboriginal people in the Northern Territory live in remote communities. In those communities mandatory sentencing has the effect of removing family members to jails in Darwin and Alice Springs. Predominantly, men are removed from their families and communities for long periods of time.

The removal has significant adverse consequences for the cultural education of young men. Mandatory sentencing contributes to the erosion of cultural maintenance and practice in Aboriginal communities.

In this regime Aborigines sentenced to jail are sent to cities far removed from their communities. When the jails in Darwin are full, Aboriginal people are sent to Alice Springs. Families and friends cannot visit them. Do we need to ask why such a high rate of Aborigines commit suicide in prison? Distance, isolation and severity of punishment are the recipe for despair and, ultimately — tragically — death.

One of the key reasons for Aboriginal people being locked up is drunkenness. The Attorney-General has given a reference to the Drugs and Crime Prevention Committee to address this significant social issue. I look forward to the opportunity for the committee to conduct a thorough inquiry into the fundamental question of Aboriginal incarceration.

What of the commitment of the former government to addressing Aboriginal justice questions? The former government has made no annual report on its progress on the implementation of the Muirhead recommendations since 1996–97.

However, the government is developing a comprehensive whole-of-government response titled the *Victorian Aboriginal Justice Agreement*. Significantly, it will be signed off by the Aboriginal and Torres Strait Islander Commission (ATSIC) and regional councils. Central to the strategy will be diversionary programs. The government response will be revealed over the next few months. Victorians must stand together with Aboriginal communities and repudiate the unfair and unjust law so dramatically and disproportionately impacting on Aboriginal communities. I commend the motion to the house.

Honourable Members — Hear, hear!

Dr DEAN (Berwick) — The opposition and I support any genuine attempts to convince states with mandatory incarceration legislation that they should remove it from their statute books and use alternative methods of sentencing. Let us be clear what is being discussed — not mandatory reporting or mandatory sentencing, but mandatory incarceration. The Attorney-General would not say mandatory sentencing is being discussed, or the .05 laws would have to be removed. We are talking about mandatory incarceration — loss of liberty on the automatic determination of an offence.

The opposition supports genuine attempts to change the position of the states but abhors the use of important social issues as an opportunity to score political points or headlines. I give the Attorney-General the benefit of the doubt: this is a misguided approach to achieving his goal rather than a cynical political exercise. The Attorney-General has been grabbing headlines on the issue for some time. The question is whether grabbing headlines was done for political purposes or whether it has helped achieve the objectives of both the opposition and the government. He has certainly got the headlines, but at what cost?

A couple of weeks ago, before the Standing Committee of Attorneys-General (SCAG) arrived in Victoria to discuss the issue, influence each other and have sensible dialogue, what did the Attorney-General do to help dialogue, promote cooperation and change minds, as has to occur in the Northern Territory? He stood in the Parliament before the attorneys-general arrived in the state and said that Denis Burke shows a frightening ignorance of the separation of powers under the Westminster system and should be asking himself now whether he is fit to be Attorney-General in the Northern Territory. That was the conciliatory message before his arrival at SCAG.

What did the Attorney-General say about the Western Australian Attorney-General and the Northern Territory position before they arrived at the meeting? He said he would not go down the racist, immoral, unethical, mandatory sentencing path those attorneys-general had gone down. The comment certainly got a headline, with the scoreline reading headlines, one; the ability to change the minds of the two gentlemen concerned in reasoned debate, zero. If a person genuinely wanted to change the minds of those two gentlemen, why insult them before they arrived to have discussions?

When the two gentlemen arrived at the meeting, what did the Attorney-General do? He placed a series of motions on the agenda. Was that an attempt to get dialogue and consensus among his fellow attorneys-general? Absolutely not! The motions he set down were a reflection of what he said in this Parliament. He insulted them in the meeting they were participating in while he was purporting to try to get them to change their minds. What was the effect? Another score for the headlines and one for motions totally rejected and replaced by a resolution that each Attorney-General would note the position of the other. The Victorian Attorney-General failed absolutely to make any change in the attitudes of those two attorneys-general.

The Prime Minister then went to the Northern Territory to engage in discussions. The Victorian Attorney-General offered no discussions, consultations, pleadings or suggestions of options, but the Prime Minister went to the Northern Territory or wherever he met with the Chief Minister — it may have been in Canberra — and had a discussion with Mr Burke. He came out not with the result we would have liked but with a step forward — that is, \$5 million to try to divert away from that process those young people who would otherwise be caught in it. That must be a win for those young people. It certainly is not a panacea — I wish more could have been achieved — but it is a step forward.

What was the approach of the Victorian Attorney-General? He abused the Prime Minister and said in the press that he actually made things worse. That is a patently untrue statement, and resulted in a score of headlines, one; Victoria's relevance in changing the minds of the Northern Territory and Western Australia, zero.

This motion has been moved in the Victorian Parliament, but everyone knows that its connection with this state is extremely tenuous. Members of the opposition are happy to debate it because we are always happy to state that we regard mandatory sentencing as totally inappropriate. What does the government claim is the connection between mandatory sentencing in the Northern Territory and Western Australia and the Victorian legal system? They say it is the fact that United Nations representatives are so silly that they will not know that Victoria does not have mandatory incarceration, that the Northern Territory and Western Australia do and that somehow they will therefore think worse of Victoria. Any reasonable person would probably think they would be saying that Victoria has done the right thing compared with those two other jurisdictions. It is incorrect to assume that UN representatives look at Australia and do not see that it is a federation made up of states and territories and do not look to see what each jurisdiction doing.

What a ridiculous and tenuous connection on which to put this motion forward! Why has it been moved? My prediction is: headlines, one; change in Western Australia and Northern Territory, zero. What could the Victorian Attorney-General be doing instead of insulting the Northern Territory and Western Australia attorneys-general and grabbing headlines for political kudos? For a start, he could be having cooperative discussions. Australia is, we hope, a cooperative federation. He could be having cooperative discussions with Mr Foss, Mr Burke and Mr Williams — but none of that!

The Victorian Attorney-General says it is a waste of time. In other words, he will not even attempt to make an objective argument to those attorneys-general involved, who are not politicians first and foremost, as distinct from this Attorney-General, but are first and foremost attorneys-general. The Victorian Attorney-General will not try to persuade them to use their legal background and understanding to change their minds.

The Western Australian opposition led by Dr Gallop voted for mandatory sentencing. Dr Gallop has said time and again — the news clippings are there if honourable members wish to look at them — that

Western Australia supports mandatory sentencing. What has happened? The executive of the Labor Party — the branches in Western Australia — have moved a motion supporting the federal opposition leader, Mr Beazley. The Western Australian branches of the Labor Party are against mandatory sentencing while the Attorney-General's Labor colleague in Western Australia says he is for it.

Mr Hulls interjected.

Dr DEAN — The Attorney-General said by interjection that we will never change the minds of Mr Foss, Mr Burke or Mr Williams. Could not the Attorney-General change the mind of his own colleague in Western Australia?

An Honourable Member — Waste of time!

Dr DEAN — 'Waste of time'? Is that the answer when his own colleague has a position with which he disagrees?

Honourable members interjecting.

Dr DEAN — I am sure there are all sorts of connections in the Labor Party this Attorney-General could use, but that will not happen because, although in this case it would score a headline, it would be a bad headline for the Labor Party. Is this Attorney-General all about politics or is he genuinely trying to change the lot of the people in Western Australia and the Northern Territory who are subject to mandatory sentencing laws?'

What else has the Attorney-General done? He has called for intervention by the federal government. One of the first duties of a parliamentarian in Victoria is to look after the interests of Victorians. What happens when one calls for intervention against other states by the federal government? When the federal government next wants to intervene in Victoria and the Attorney-General says, 'Don't intervene in our state', guess what he will be told by the federal government? 'You can't have your cake and eat it too. You have said you agree with federal intervention. Don't you tell us we can't intervene in an issue such as safe injecting houses'. If the Attorney-General moved a law on euthanasia, the federal Attorney-General may want to intervene. The Attorney-General has denied his chance to fight that intervention. With his double-edged sword he may have sliced the faces of the Northern Territory and Western Australia, but the other side of the sword has cut deep into his own constituency.

Australia is a federation and we operate independently as part of that federation. Victoria, as does every other

state, has a right to operate its own criminal laws in its own independent way. The Attorney-General should be trying to change the position in the Northern Territory and Western Australia without creating the possibility of bringing down the heavy hand of federal intervention on Victoria in the future. It may be that the Attorney-General has a federal perspective and is more a federal politician than a state politician. He was a federal politician and perhaps he has not yet made the transition to understanding that his obligation is to Victorians and not to the federal government. On that basis Victoria is now at risk.

There is one further matter that exposes the hypocrisy of the government and the Attorney-General. Between 1997 and 1999 the Aboriginal justice plan was prepared in conjunction with the Aboriginal community, the Aboriginal Justice Advisory Committee (AJAC) and the Aboriginal Torres Strait Islander Commission (ATSIC). The Aboriginal community agreed to operate on the plan, which was two years in the making because when an Aboriginal justice plan is put together one has to ensure the Aboriginal community agrees with it and owns it.

The former government went from one end of Victoria to the other talking to Aboriginal communities. They agreed with the plan to divide Victoria into regions, to set up committees within each region, to have a coordinator in each region, and to put into place best practice to try to lower the level of Aboriginal incarceration in Victoria. That Aboriginal justice plan was ready to go. It was agreed to by ATSIC, which said it would fund part of it, agreed to by the Aboriginal community, by AJAC, and by all the ministers of the time who signed off on the agreement. What has happened to the plan? The plan was developed in partnership with the Aboriginal community; it was not a Kennett plan but an Aboriginal plan. Absolutely nothing has happened to that report.

For seven months the report has remained on the Attorney-General's desk gathering dust, yet he looks to the Northern Territory and Western Australia and says, 'I will fight for the Aboriginal people in those states', while he does nothing in his own state. That is absolute hypocrisy. The Attorney-General needs to do something about the Aboriginal justice plan and fix up Victoria, which has a one to four imprisonment rate against Aboriginals. The Attorney-General should do something.

Mr HULLS (Attorney-General) — I am proud to have been personally criticised by the shadow Attorney-General because I have been loud and passionate about mandatory sentencing. I am more than

happy to wear that criticism. Mandatory sentencing is on the agenda in Victoria because the former Kennett government and the former parliamentary secretary were happy to allow mandatory sentencing to be the norm in the Northern Territory and Western Australia. Not once was there ever a word from the former parliamentary secretary about mandatory sentencing. Now that he is in opposition, all he does is criticise me because I stand up against mandatory sentencing. The fact is one does what is right in this game. If you have passion and believe in something, you yell loud from the rooftops about it.

Mandatory sentencing is not a states' rights issue. It is a human rights issue. The dirty, grubby deal that has been done by John Howard and Denis Burke only entrenches mandatory sentencing. It does not go near fixing the problem. Not only does the deal entrench mandatory sentencing, but it rewards the Northern Territory to the tune of \$5 million for having mandatory incarceration. The federal government said to the Northern Territory, 'Look, you have mandatory sentencing, guess what we will do? We will reward you by giving you \$5 million'.

What about the Victorian Aboriginal young people who need money for diversionary programs? What about young Victorians who are desperately in need of federal assistance? We cannot get it in Victoria. However, the Prime Minister says to the Northern Territory, 'Good on you for having mandatory sentencing, here is \$5 million'. The former parliamentary secretary is more than happy for the Northern Territory to be rewarded. The \$5 million is nothing more than a bribe that will entrench mandatory sentencing in the Northern Territory.

If racism is a crime, John Howard and Denis Burke have aided and abetted in the commission of a crime. It is as simple as that — they have aided and abetted in the commission of the crime of racism. The dirty, filthy, underhanded political deal entrenches and enshrines mandatory sentencing and racism as the norm in the Northern Territory.

I was happy to put mandatory sentencing on the agenda of the Standing Committee of Attorneys-General. The shadow Attorney-General would say it should never have been put on the agenda. When I put mandatory sentencing on the agenda I was accused by the Northern Territory and the Western Australian attorneys-general of being rude for having done so. I am more than happy to be branded rude if it means standing up for what I believe in. Mandatory sentencing is wrong, it is unethical, it is immoral and it is racist.

In the Northern Territory mandatory sentencing is no more than a substitute for social policy. It locks up young people who the Northern Territory would rather ignore. At one stage the federal Liberal Party looked as though it was going to show a bit of spine. I know the federal member for Kooyong, Petro Georgiou, told a meeting of Liberal MPs that he would vote against mandatory sentencing.

Honourable members interjecting.

The ACTING SPEAKER (Mr Phillips) — Order! Interjections are disorderly. Although the Chair welcomes a stimulating debate, the Chair may have heard comments that could be deemed as disorderly. Interjections by honourable members out of their place are also disorderly. When honourable members are referring to other honourable members they should refer to them by their correct titles. The Attorney-General does not need any support in getting into the debate. The more opposition members interject, the more the Attorney-General's volume increases, because he is not put off from what he is saying.

Although the Chair has no difficulty hearing the Attorney-General, the volume sometimes reaches the point where it is too loud. The Attorney-General listened to the shadow Attorney-General without interruption, and I request that the same courtesy be shown to the Attorney-General.

Mr HULLS — Thank you, Mr Acting Speaker. As I said, the federal member for Kooyong is reported in his local press of 10 April as stating that he:

... told a meeting of Liberal MPs he would vote against the government and support a private member's bill seeking to outlaw the Northern Territory's mandatory sentencing laws for juveniles.

The Victorian government welcomed that statement. However, Mr Georgiou now appears to have backed down. He believes the grubby compromise and the tinkering around the edges of the agreement entered into between the Prime Minister and the Chief Minister, Denis Burke, now has mandatory sentencing off the agenda.

Mandatory sentencing in the Northern Territory requires that a person under the age of 17 who is charged with a second or third property offence receive a term of imprisonment of 18 days. For a third offence the magistrate has no option but to jail that young person for 28 days.

The pathetic tinkering by the Prime Minister and Denis Burke still means that young people under the age of 18 will be subject to mandatory incarceration. The deal has

not changed anything. All it has done is raise the age limit of those who appear in adult courts from 17 to 18. Big deal! The Victorian government is called on to do the same thing. It has appointed a committee to examine the operation of the Children's Court, and I will make an announcement when I open the new Children's Court on Friday. Victoria has no mandatory sentencing laws.

The tinkering does not solve the problem of mandatory incarceration. Unfortunately, in the Northern Territory people over 18 years are still subjected to mandatory incarceration. For a first property offence the sentence is a minimum of 14 days jail; for a second, the minimum is 90 days jail, and for a third offence, the minimum is 12 months jail. Judicial discretion is taken away. I should have thought any fair-minded Australian Attorney-General would vehemently oppose the taking away of a judge's discretion. Not, it appears, Denis Burke or John Howard.

The jailing of young people in the Northern Territory has a huge effect on their lives. Once a young man has reached a certain age he can no longer be initiated. Young men who miss out on initiation because they are incarcerated are not entitled to the respect and standing in their community that initiated men receive. They then fall between two worlds — black and white — and fit within neither. A lifetime of exclusion is a high price to pay for the theft of some pencils.

As a matter of principle, and despite what the shadow Attorney-General may think, the Bracks government is obliged and will continue to be vigilant in its efforts to persuade the Howard government to do the right and just thing by intervening to overturn those flawed and offensive laws. The Bracks government will continue to condemn both the Northern Territory and Western Australian governments. As Victoria's chief law officer I will continue to use every means available to me to point out to Denis Burke, Peter Voss and John Howard that mandatory sentencing is racist, immoral and unethical and must be overturned.

Regardless of what the shadow Attorney-General says, the fight will continue because the Bracks government believes in and is passionate about the issue.

Dr NAPHTHINE (Leader of the Opposition) — The Victorian Liberal Party is opposed to mandatory incarceration, and its view on that has been known for many years. Various jurisdictions and lobby groups argued in favour of mandatory incarceration during the former Kennett coalition government's term of office from 1992 to 1999, but the former government did not go down that track. I again make it clear that the

Victorian Liberal Party is opposed to mandatory incarceration.

The disappointing thing about this morning's debate is that it is more about politics than about substance. It is not about the real issue of establishing a better system for dealing with juvenile offenders or offenders from indigenous backgrounds. Rather than trying to enhance the reputation of the Victorian juvenile justice system, the Attorney-General has used the debate on the issue in a crass political way.

Although the Attorney-General criticised both the Northern Territory and Western Australia governments, he did not refer to the stand of the Western Australian Labor Party on the issue. I refer to an article that was published in the *Australian* of 29 March under the heading 'Concern for votes is mandatory principle'. Similarly, the Attorney-General's concern is for votes rather than for dealing with the substance of the issue.

It is grossly disappointing for Victorians that the government is not concerned about the substance of the issue — it is more concerned about the rhetoric and the votes.

The article is about a different concern for votes, this time involving the Labor Party in Western Australia. It states:

Labor enthusiastically supported mandatory sentencing before the last election.

It further states:

Support for mandatory sentencing is more about neutralisation than principle which is why Gallop will ignore the ... party's concerns.

I further refer to an article published in the *Kalgoorlie Miner* of 29 March. Under the headline 'Gallop stands firm on issue of mandatory sentencing', it states:

The West Australian Labor leader Geoff Gallop said yesterday the parliamentary party would not alter its pro-mandatory sentencing stance, despite a vote by the party's state executive rejecting the position.

...

Mr Beazley wants the commonwealth to override WA's mandatory sentencing laws, but Dr Gallop has consistently said the laws reflect the community's desire, and the federal government has no place in what is a state matter.

I would be interested to hear the Attorney-General's comments on Dr Gallop's stance on pro-mandatory sentencing and on his view that the federal government should not get involved in these issues.

An article published in the *West Australian* of 26 March states:

Dr Gallop, in a speech bordering on hectoring —

it sounds like he is a great mate of the Attorney-General's; hectoring is a strong suit of the Labor Party —

told Labor delegates that the parliamentary wing of the party had supported mandatory sentencing for serious repeat offenders since 1992.

I repeat: the Labor Party in Western Australia has supported mandatory sentencing since 1992 and has said it will not change its stance in the lead-up to the next state election. Clearly the Labor Party as represented by the government and the Attorney-General has its own views on mandatory sentencing and I challenge government speakers who follow me in the debate to say where they stand with respect to the position of Dr Gallop on the issue.

The matter of public importance statement being debated refers to the reputation of Victoria's legal system. I will make a few remarks on Victoria's reputation with regard to the juvenile justice system because the statement refers to juveniles in particular.

I am proud that under the previous government Victoria achieved a lower rate of juvenile incarceration than any other state. The Attorney-General would do well to refer to that when talking about the reputation of Victoria's juvenile justice system. Victoria has the unique situation in which offenders who are over 17 but under 21 years of age and who go before the adult courts can be sentenced to the juvenile justice system if it is in the interests of the offender — when it is more likely the offender will be rehabilitated in that system and it is considered he or she would be vulnerable if placed in the adult prison system. Victorians should be proud of that unique system, which was enhanced by the previous government, and the current government should support it.

I mentioned last week that when the previous government came to power in 1992 young Aboriginal offenders were grossly overrepresented in the juvenile justice system — 33 times greater than the white Victorian population. The level of overrepresentation was reduced to 12 times greater than the white population — a significant reduction — through the positive programs of the previous coalition government under which it worked with the Aboriginal community across Victoria, but it is still too high and further work needs to be done.

The Attorney-General talks about how he can further enhance the reputation of Victoria's juvenile justice system. He should say why for six months he has been sitting on the report carried out by the honourable member for Berwick for the former government with regard to the indigenous community and the justice system, including the juvenile justice system.

Dr Dean — And accepted by the Aboriginal community.

Dr NAPHTHINE — Yes, it was done in conjunction with the Aboriginal community.

I turn to deal with the state of facilities in the juvenile justice system. Between 1982 and 1992 Victoria had a Labor government that espoused social justice principles. It was high on rhetoric but low on substance and action, as is the current government. It did nothing to improve physical facilities in the juvenile justice system. Victoria had juvenile offenders living in the most appalling conditions in the old bluestone Turana buildings and other facilities at Parkville and Malmsbury that were an absolute and utter disgrace. If anything damaged Victoria's reputation in juvenile justice it was the primitive and subhuman conditions the former Labor government allowed to develop.

By contrast, between 1992 and 1999 the coalition government built a new Melbourne juvenile justice centre for 14-to-16-year-olds, a new Malmsbury centre for the 17-to-21-year-olds and a new Parkville juvenile justice centre. The former government rebuilt the infrastructure of the juvenile justice system at a cost of well over \$40 million to improve the conditions and opportunities for young offenders.

The previous coalition government did not just build new physical facilities. It also provided a range of positive programs such as Handbrake Turn; the male adolescent program for positive sexuality, which is a world leader; peer support; Turning the Tide, a program for drug offenders; and other TAFE, education and work programs. Victorians had a juvenile justice system of which they could be proud.

The matter of public importance statement refers to the reputation of Victoria's system. That reputation was enhanced by the actions of the previous coalition government and I challenge the present government to build on that success rather than —

The ACTING SPEAKER (Mr Phillips) — Order! The honourable member's time has expired.

Ms CAMPBELL (Minister for Community Services) — I am delighted to speak on this matter of

public importance and support the motion before the house. I am sure the house is convinced that it is neither in the public interest nor in the interests of young people to have mandatory sentencing laws in any Australian state or territory. The laws have a significant impact on juveniles, particularly those from indigenous communities. The mandatory sentencing of juveniles to custodial orders is a fundamentally flawed and racist law. It replaces good social policy with a quick fix with short-term gains and long-term negative consequences. It removes judicial discretion and is immoral and unethical.

Mandatory sentencing gives unfettered power to the legislature and removes judicial discretion. That flaw must be highlighted throughout Australia and internationally. The Northern Territory Parliament has accepted an unconscionable position. It is wrong for the legislature to ensure that people are incarcerated; it is immoral, and it is essential that Victorians speak up against it.

Dr Dean — You think that is immoral?

Ms CAMPBELL — I will speak up anywhere — —

Honourable members interjecting.

Ms CAMPBELL — I will speak up anywhere in this nation about the inappropriateness — —

Dr Dean interjected.

Ms CAMPBELL — I said anywhere. Are you not able to hear? I will put the case at any forum. I will put it to the shadow Attorney-General, I will put it to the Leader of the Opposition, I will put it to anyone in the Labor Party. It is important that members of this Parliament speak out about the importance of good social policy, and I am happy to do that.

The judiciary, particularly the magistrates in the Northern Territory, have signalled loud and clear that the separation of powers has been totally compromised by the imposition of mandatory sentencing to custodial facilities. I point to Mr Ian Gray, currently a Victorian barrister but formerly the Northern Territory's Chief Magistrate. When the laws were presented to the Northern Territory community Mr Gray outlined to anybody who was prepared to listen that they were fundamentally wrong and that he was prepared to argue the point conscientiously and consistently. He said it was important that magistrates had discretion in sentencing and that the law should provide them with that independence, something that is denied in the Northern Territory. Mr Gray stated:

What is evil about the regime is that there are no options. It becomes an automatic decision; you press a button.

It was commendable that Mr Gray saw it as his duty to outline his concerns to the Parliament and the community. Unfortunately he was unable to convince the then Attorney-General, now Chief Minister, Denis Burke. Ultimately Mr Gray believed it was unconscionable to apply the law and resigned from his position. He wanted to continue to advocate a change to the law.

I support Mr Gray and a number of other eminent members of the judiciary who have spoken out against the mandatory sentencing law. The New South Wales Chief Justice, James Spigelman, said:

The continued existence of sentencing discretion is an essential component of the fairness of our criminal justice system ... No judge of my acquaintance is prepared to tolerate becoming an instrument of injustice.

The New South Wales Chief Judge at Common Law, James Wood, said that mandatory sentencing risks:

... presenting a face of justice which is not so much blind, but one that is cruel, ignorant and dismissive of the international treaty obligations which this country has adopted.

I refer to our international treaty obligations, particularly in relation to social justice. I also refer to some of the visionary work undertaken in Australia and the lessons we have learnt from it, from which the international community could benefit. The Australian community has spoken out on a number of occasions about social justice issues. Some excellent and groundbreaking work has been done by the Human Rights and Equal Opportunity Commission, which has focused on a consideration of good sentencing legislation and practice and good social policy.

An article in the *Australian* of 7 April quotes Bill Jonas, the Aboriginal and Torres Strait Islander Social Justice Commissioner, as calling on the federal coalition to send a stern message to all the states and territories that have mandatory custodial sentencing laws. The Human Rights and Equal Opportunity Commission and the Aboriginal and Torres Strait Islander Social Justice Commission have implored the community to ensure that everyone, young person and adult alike, who appears before a court receives an appropriate sentence. The article quotes Mr Jonas as stating in his annual report on social justice that:

Western Australia and the Northern Territory should repeal mandatory sentencing provisions.

He also states that mandatory sentencing laws are the antithesis of good social justice policy.

I note for the record the importance of Victoria continuing to provide a strong juvenile justice program with a three-pronged approach that focuses on the rehabilitation of young offenders, community safety, and a consciousness of the importance of good post-release programs.

The lesson the Northern Territory could learn from the Victorian experience is that juvenile crime is a social problem that has many causes and effects. Socioeconomic disadvantage, poor educational attainment, family breakdown, sexual abuse, violence, family drug abuse, marginalisation, unemployment and a history of failure all combine to lead many vulnerable young people into offending behaviour. It is obvious that, particularly in the Northern Territory, the Aboriginal community is disproportionately over-represented in the criminal justice and jail system. It is important that the national community speak strongly to the Northern Territory and any other state or territory that wants to impose mandatory sentencing and emphasise that the focus should be on the causes of social dislocation, not on mandatory sentencing.

The ACTING SPEAKER (Mr Phillips) — Order! Before I call the honourable member for Evelyn, I advise the house that the honourable member for Mildura will be slotted in between speakers. Therefore, the honourable members who are listed to speak will move back one.

Mrs FYFFE (Evelyn) — Last night when I heard what the topic of the matter of public importance was to be, I considered it important.

I am pleased to be able to speak on the damage done to our legal system by mandatory sentencing laws and on the negative impact those laws have on juveniles, particularly from indigenous communities. Last week the house debated a motion on the stolen generations of Aboriginal and Torres Strait Islanders. I was proud to be a member of Parliament as I listened to members of both sides talking seriously and constructively about the stolen generations.

When I got home at a quarter past 12 last night, I set my alarm for 5.30 a.m. I wanted to rise early so I could return to Parliament to research this important topic. After listening to the comments of the Attorney-General and observing his behaviour, I am appalled. I thought the government was serious about the matter, but it seems to me the Attorney-General is jealous of the fact that the federal government has given the Northern Territory government \$5 million to assist with the problem.

The matter of public importance refers to juveniles particularly from indigenous communities, which therefore recognises that white people are also affected by mandatory sentencing laws. I admit that the majority of those affected by mandatory sentencing appear to be of Aboriginal descent, but the laws apply to both black and white people.

I am opposed to mandatory incarceration, but I point out that although Victoria's legal system has a very good reputation, we still have problems that we must work through. We still have a disproportionate number of indigenous people in our jail system. The subject of the matter of public importance implies that the mandatory sentencing laws in Western Australia and the Northern Territory have an impact on the reputation of Victoria's legal system. Although I acknowledge that the intent of the debate is to focus on mandatory sentencing as it affects juveniles in Western Australia and the Northern Territory — and I do not wish to trivialise that — I point out that Victoria has mandatory sentencing laws for offences such as exceeding the speed limit and driving with a blood-alcohol reading over .05.

Mandatory sentencing is a complex issue, as is evidenced by the passionate and varied opinions expressed on the matter. The parliamentary leader of the Western Australian Labor Party supports mandatory sentencing but, as referred to by other speakers, his state party does not.

There are always two sides to every argument. We must approach debates with a balanced point of view. The mandatory sentencing laws in the Northern Territory and Western Australia were introduced in response to community concern and anger about a perceived rapid increase in the frequency of property offences. All laws introduced into parliaments must come from the people. They must address the needs, desires and requests of the people who vote for us. It is within our power to introduce legislation in response to their demands. That is what the governments of the Northern Territory and Western Australia have done, in a sincere desire to handle a problem that was getting out of hand.

In his second-reading speech on the mandatory sentencing legislation, Mr Reed, the Deputy Chief Minister of the Northern Territory, said:

The legislation was introduced at a time when there was considerable concern in the community about the level of break and enters, property damage and theft. There was also a great deal of dissatisfaction in the community about the perceived leniency of the courts when sentencing for these offences.

Anyone who has had his or her home broken into, as I have, will know that often what is taken is not of great monetary or sentimental value. But the damage done to both your personal possessions and your emotional state can be excessive, given that a stranger has entered a place which is sacrosanct and which you have developed lovingly over many years.

When we read media reports of people being sentenced for things like stealing a tin of biscuits, we all consider that to be outrageous. They should not be sentenced. What we are not told, however, is what happened during that break-in, how many other break-ins have happened that the offender is suspected of but has not been convicted of, or how the personal liberties of the victim were infringed. A young offender in the Northern Territory could also be facing a hundred outstanding property offences; that would not be unusual.

Years ago, when I was growing up, a young person getting out of hand could be taken by the ear by the local community police officer, given a tongue-lashing and dragged home. The father of the house would then follow through with suitable punishment, and the offender would be made to apologise to the person whose property was damaged. Most often that would put the offender back on the straight and narrow.

The intention of this motion, however, is to condemn a government — two governments — for handling a situation that is of concern to the majority of their constituents. In his second-reading speech the Northern Territory minister said:

What this bill does is add an element of flexibility for second-stage offenders by providing that a juvenile sentenced by a court for a second property offence or offences may now be referred to a diversionary program.

I commend the Prime Minister for the grant he has given to the Northern Territory to help expand those diversionary programs.

While there may be a variety of diversionary programs designed for specific groups and locations, it is intended that the first program will be based on victim-offender conferencing. However, before being accepted into a program the offender will be required to admit his or her guilt, accept responsibility for his or her actions and agree to participate in the program. I think that is a highly commendable course of action, and I doubt that any honourable member in this house could criticise it.

Under the victim-offender conferencing program the offender must meet the victim, apologise, listen to the victim's account of the damage caused by the offence

and reach agreement about appropriate restitution for the victim. That might take many forms and might include monetary payments or providing a service such as mowing the victim's lawn for an agreed number of weeks or months.

The aim of the diversionary programs is to give 15 and 16-year-old offenders one last chance before they face certain jail. While giving that chance to offenders this bill also provides an opportunity to make amends to the victim and to society in general.

Victim-offender conferencing is not an easy option; indeed, experience with similar programs elsewhere indicates that juveniles find participation in such programs difficult. Many juvenile offenders have never before considered either the consequences of their actions or the effects their actions may have on others.

The Attorney-General was disparaging of the agreement between the Prime Minister and the government of the Northern Territory, even though diversionary programs are essential for proper handling of problems encountered in the Northern Territory. It is sad that the Attorney-General is treating the issue as a political football and an opportunity for populist behaviour. People who live in glass houses should not throw stones. Let us get our own house in order before we so rapidly and disparagingly condemn other governments.

These issues arise in our community, not just in the Northern Territory and Western Australia. In Healesville in the electorate of Seymour and adjacent to my electorate I was approached recently by two highly respected elders of the local Aboriginal community. They were concerned that their children were being differentiated from other children by the police in their approach to criminal activities. A young boy had been apprehended while shoplifting in a supermarket. The local police sergeant said he would not attend because if he did he would be accused of racism. The Aboriginal elder said to me, 'Christine, how are our children going to fit into society if they are going to be treated differently?'

I urge honourable members to think carefully about what is being done in such situations.

Mr STENSHOLT (Burwood) — I rise to speak on this matter of grave public importance, mandatory sentencing — or mandatory jail as you could call it in common parlance. It is an issue governments and law reformers need to address immediately.

Recently I attended the Australian and Commonwealth Law Reform Conference in Perth, Western Australia, as

a member of the Law Reform Committee of this Parliament. Many delegates from all over Australia and overseas participated in the conference and, as can be imagined, mandatory sentencing was very topical. I took the opportunity to talk with the local press and the Australian Broadcasting Corporation about mandatory sentencing and issued a press release. I said then, and I say again, that mandatory sentencing is unjust and inhumane.

The automatic sentencing regimes of the Northern Territory and Western Australia run counter to one of the great traditions of common law: discretion in sentencing for judges and magistrates. Mandatory sentencing is wrong in all its various forms, including three strikes and you are out and the absolutely unjust laws of the Northern Territory which openly discriminate against Aborigines and Torres Strait Islanders.

Honourable members will have read in the newspapers about the extraordinary and appalling sentences handed down to juveniles and young men and women for trivial offences such as stealing towels, taking food from an ex-husband's house to feed his children because there was no food left for them or stealing biscuits and cordial. Jail sentences have been handed down automatically for all of those offences while other people have walked free from corporate crime involving millions of dollars.

Today's newspaper reports on another case of automatic sentencing in the Northern Territory. A window worth \$100 was broken and the offender, quite happy to pay for it, turned up in court with the deposit — but no, automaticity took over and he got three months jail for a second offence.

For too long there has been mistreatment and misunderstanding of Aboriginal communities in Western Australia and the Northern Territory. My own views on the matter were formed when, as a student, I went walkabout with Pat Dodson for several months. We visited Darwin, Melville Island, Katherine, Tennant Creek, Halls Creek, Wyndham, Broome, Port Hedland and other local communities. It certainly left a deep impression on me. The injustice, mistreatment, the pushing of Aboriginal communities beyond a mile from the towns, the way the police treated Aborigines, the redneck attitude, the way they were looked down on and the hope they would go away strengthened my resolve to take a stand on human rights.

If honourable members think I am passionate about the issue of mandatory sentencing, they are right. I do not like to see people going to jail for trivial offences. I do

not like to see the discretion taken away from judges and magistrates when sentencing people. Those close communities are different from Melbourne or Darwin, because everyone knows what is going on and people tend to confess to minor crimes. However, the automaticity of penalties means those people are taken away from their communities, and it is no wonder the suicide rate in the jails is so high.

The laws are discriminatory, but they are indiscriminate in the way they are applied. They are unjust, and in many ways they are racist. The federal member who represents part of my electorate, Petro Georgiou, has had the guts to stand up to the wishy-washy stance of the federal Liberal leader, John Howard. This week's edition of *Progress Press* features Petro's and my views on the issue of mandatory sentencing. The article outlines his views on the issue, which have already been referred to by the Attorney-General, and also reports on my belief that the Western Australian and Northern Territory governments should abolish mandatory sentencing or the federal government should override it.

Mr Howard's recent compromise is a case of insincerity and poor long-term public policy. The compromise ensures that the laws do not apply to juveniles, but it is merely a euphemistic change. The additional funds for diversionary programs will be useful, but the way those programs will be set up is a worry. To avoid falling into the same trap Victoria needs to pay attention to how it is done. The programs will work only if magistrates have the discretion to oversee how the programs are run and implemented rather than the power being given to the police, which is the suggestion currently being put forward.

I agree with the Attorney-General that the Prime Minister's action is insufficient. It does not change the real issue of mandatory sentencing and mandatory jailing. That comment has also been made in the newspapers. The cartoon that appeared in one of the newspapers yesterday showed Little Johnny Howard as the so-called hunter over the buffalo of the Northern Territory saying with a wink, wink, 'Is it all right to get up yet?'. The responsible Northern Territory Chief Minister is saying, 'It is a win situation for me, because it means no change'. In effect he was saying, 'It means we can go on with the indiscriminate jailing of young men and women, the taking away of Aboriginal men and women from their children and their local communities and putting them into jails, whether for 14 days, 3 months or even, in some cases, a year'. That has occurred for trivial offences. It is not just; it takes away human rights, and to a large extent it is un-Australian.

I am proud to be Victorian. Victoria does not have those sorts of laws. Victoria has a long tradition of strong justice, equality and access before the law. I am horrified as an international lawyer that Australia has been so severely criticised by the United Nations for having those sorts of laws. It is an affront to me that Australia can ignore international covenants on human rights. It is an affront to have a Prime Minister who can thumb his nose at international obligations.

Australia has signed the covenant on civil and political rights. I read it last night to refresh my memory. It is interesting that it states that people should have interpretation. Money for that purpose is now being supplied, but it was not being supplied before. Australia signed those covenants and for many years we were leaders on the Human Rights Committee. I am not sure what Justice Elizabeth Evatt thinks about it, given that she has been Australia's representative on the Human Rights Committee since 1992.

Australia had an extraordinarily proud record on the Human Rights Committee, but it no longer has that reputation. It has lost its reputation because of the wishy-washy Prime Minister ignoring the committee and even threatening not to go to meetings. It is an absolute disgrace. Unfortunately, it brings opprobrium on Victoria and the rest of Australia. Like others, I have concerns about the damage to our legal system both in Victoria and around Australia.

I applaud the efforts of the Attorney-General in standing up and making it clear where Victoria stands on this important issue concerning justice and human rights. I appreciate the positive views put forward by the opposition. However, I do not appreciate the point that their views seem to be a little bit mixed and frayed around the edges. I urge opposition members and their state and federal colleagues to walk with us, with Aboriginal communities and with Aboriginal leaders such as Pat and Mick Dodson to put an end to such indiscriminate and discriminatory sentencing regimes. I commend the motion to the house.

Mr THOMPSON (Sandringham) — The question I put to the house is whether it has been mandatory sentencing that has led to the loss of the lives of Aboriginal and non-Aboriginal people in custody in Australia.

Two constituents wrote to me two months ago expressing their concerns about their son, who had been incarcerated at the Frankston police station, and they sent the same letter to the Attorney-General. In their correspondence they say they were shocked that they were not able to visit their son or that he was not able to

return the telephone calls they made to him. He is 19 years old. Their letter states:

It was our understanding that his time in the Frankston lockup would be for a few days only as buildings were not designed for long-stay use. Being just three days short of Christmas Day we were led to believe that he would be transferred to the Melbourne assessment prison before Christmas, thus enabling us to visit him. According to the police, this was the practice in previous years. This did not happen. In fact it was not until the evening of Wednesday, the 5th of January 2000, some 17 days later, that he was eventually transferred to the Melbourne assessment prison.

The parents went on to note:

We found the whole experience dehumanising. In some ways, not only had he been given a life sentence, we felt that emotionally speaking we had also. We were sympathetic to the police on duty each time we visited as they appeared to be left between a rock and a hard place. To be fair to them they were only enforcing the law. However, the reality is that prisoners stay much, much longer than originally planned and to this end correctional facilities including the Frankston police station need to provide appropriate accommodation and facilities for prisoners that enable their families to visit.

Nineteen days passed before we could speak with our son at the Melbourne assessment prison.

Nineteen days passed before a person — only 19 years old — who was being held in a Victorian police station was able to receive a visit from his parents. The parents went on to say:

Such insight certainly sheds new light on his stealing behaviour. Mind you, we fully support his being punished for his crimes. He admits his wrongdoing, is prepared for his punishment and has no desire to reoffend again. His treatment at the Frankston facility, however —

during the tenure of the current Attorney-General —

further confounds his perception of justice. Please consider all of the above issues. We look forward to your response.

The issues of juvenile justice and mandatory sentencing will not necessarily be resolved in a tub-thumping environment. Some time ago a journalist asked whether the death of the young Aboriginal boy in the Northern Territory was a consequence of his mandatory sentence or of a breakdown in his life in the community and the immediate world around him.

Is it not possible that, irrespective of mandatory sentencing, at some point youngsters in Victoria, the Northern Territory or Western Australia could end up with custodial sentences as a result of judges appropriately exercising their sentencing discretion, balancing the issues of retribution, reform and deterrence? Such youngsters would not necessarily be detained in circumstances such as those in the Frankston lockup, but they would be deprived of their

liberty. Although there is a custodial element in the Victorian juvenile justice system — for example, in detention centres such as Baltara, Turana and even Malmsbury — there is perhaps not the same rigorous environment that exists elsewhere.

Earlier the Leader of the Opposition told the house of the achievements of the former coalition government in upgrading youth detention centres and developing a range of worthy educational and training options with a view to providing quality lifestyle outcomes for the youngsters who fall into the criminal justice system.

I note in today's *Herald Sun* an editorial comment to the effect that the issue of mandatory sentencing has been hijacked by those wishing to represent it as racist, which according to the writer it is not. Whether the issue is racist or not is irrelevant to the present debate, which must focus on the life outcomes of individuals who are subjected to the penal system, whether at the Frankston lockup, in the Northern Territory, or in Western Australia.

I support the remarks of the previous speaker about outstanding Aboriginal role models such as Pat and Mick Dodson, who have contributed wisely and strongly to the resolution of Aboriginal issues in Australia. The Aboriginal and the wider Australian communities must endeavour to work together to find a way through the issues and not turn them into purely political exercises.

Mr SAVAGE (Mildura) — I do not agree with the wording of the matter of public importance (MPI). This is the Parliament of Victoria, and whether or not the Northern Territory government has mandatory sentencing has little relevance to the state of Victoria. The powers of this house are limited to things that can be done within the state, as is the case with the Northern Territory Parliament, whose powers are limited to what it can do within the Territory.

The wording of the MPI is flawed in the sense that it refers to the damage done to indigenous communities in this state on the basis that the mandatory sentencing laws in the Northern Territory have some impact on them. I cannot see any connection between the two. This is the second occasion on which the Parliament has become emotionally charged in debating issues that have no relevance to the state of Victoria.

Victoria has mandatory sentencing — for example, mandatory penalties are prescribed in the legislation applying to drivers with blood alcohol levels over .05. A person who commits murder is sentenced to life imprisonment — that is a mandatory sentence.

I understand the reasons for the passionate views expressed by honourable members on both sides of the house. I recall the inaugural speech of the Attorney-General in 1996, when he made certain references to his time as a lawyer with the Aboriginal legal service at Mount Isa in Queensland. I remember those comments better than the maiden speeches of anyone else in the house. Coming from a different perspective, they had a significant impact on me, and I learnt a lot about what his role entailed.

When in my previous career I was in charge of a police station I became involved in a pilot program called the Bacchus Program, under which we diverted Aboriginal offenders who were brought in for drunkenness and other minor offences to a sobering-up centre to minimise the amount of time they spent in custody. That program is still working and has been very successful.

My sister was in charge of the health service at Hermannsburg, a place I have visited, so I have some insight into the deprivation and disadvantages that some Aboriginal communities and some Aboriginals experience. But I come back to the fundamental problem with the MPI, which is that the issue does not have any relevance to the state of Victoria. How would we feel if other state legislatures dictated to us on Victorian issues? I think we would feel rather unhappy about it! We have to take stock of where we are going on this issue.

There is an element of propaganda about the mandatory sentencing debate. If you look at the laws that have been enacted in the Northern Territory you will see that they are explicit and do not refer to 'one strike and you are out'. If you are an adult in the Northern Territory, the first sentence for a property offence is a minimum 14 days jail, and in special circumstances the court does not have to impose a mandatory sentence. In Western Australia, an adult being sentenced for a third or subsequent offence of burglary will receive a mandatory sentence, so the situation is not as clear-cut as it would appear from some of the comments made by honourable members.

The Northern Territory law will be amended to provide that a person will be treated as an adult from 18 years of age rather than 17 years. Police officers will be required to divert cases of minor offences at the pre-charge stage, and with more serious offences they will have the discretion to divert offenders and, on the successful completion of a program, not to pursue the charges.

Northern Territory residents have twice the chance of being robbed and three times the chance of being

bashed than Victorians. The laws reflect the needs of the Northern Territory people.

It is disappointing that no member of the house has acknowledged that the laws were made for the Northern Territory. No-one has acknowledged the rights of the Northern Territory people. It is a dangerous path. What is the next issue to be picked up? I understand why many feel passionately about the issue, but stock has to be taken of what is being said.

A previous speaker mentioned the Human Rights Committee report. Looking at the membership of the Committee on the Elimination of Racial Discrimination (CERD) one has to ask why these people are criticising Australia. I have looked at the membership list of the committee: the members include a lawyer from Romania; a lawyer from Guinea; a diplomat from Cuba; a South African; a senior consultant from India; a Russian; a former Pakistan foreign secretary; and — it gets worse — people from Ecuador, Argentina and China. Does anybody remember the events at Tiananmen Square a few years ago? Yet the Australian people are being dictated to by these people saying that ours is a racist community. Australia has to say, 'This is not on'. Australia's track record may not be perfect, but compared to some of the countries I have mentioned Australia shines and does not deserve to be censured.

A democracy reflects on the needs and views of others and does not dictate to or hijack the legitimate democratic processes of others. We might disagree with others but must not try to dictate to them. From reading the newspapers over the past three or four months it is difficult to find balance on the issue. Taking a certain line could permanently categorise a person. The purpose of this Parliament needs reflection.

In a final comment I point out that the community is concerned about crime and punishment and safety. If crime is committed an appropriate penalty should be imposed.

A few weeks ago a constituent complained that his son was severely assaulted by a person wielding a billiard cue. The offender was charged with causing grievous bodily harm with a weapon and received a fine of \$1700, despite two days before the assault having received a suspended sentence. There is an imbalance between the respective needs of the victim, the community and the perpetrator. The needs of Victoria should be focused on. It does not bring credit to anyone to indulge in personal and private views using the Parliament as a vehicle in this way.

Ms McCALL (Frankston) — I endorse much of what the honourable member for Mildura has said. It seems peculiar that an issue for the Northern Territory and Western Australia should be debated in the context of Victoria's legal system. I am disappointed that again the Attorney-General does not think it important enough to be in the chamber to listen to the debate. One can only hope he is sitting in his office with his ear glued to the speaker.

The attitude of the Attorney-General on the issue is personally distasteful to me. One can feel strongly about particular issues but I strongly believe it is not appropriate to meddle unnecessarily and intemperately in the affairs of the rest of Australia.

Australia is a federation of states and territories. In 1901 the forefathers dramatically wrote about and defended that system. They declared the rights of states and territories to dictate their own future and laws. It is appropriate for the federal government to say it is not for it to interfere to the extent of overturning laws. The issue of euthanasia, however, presents a conflict of whether laws should be overturned or introduced.

The Attorney-General should be looking at Victoria's backyard — to issues relating to law and order and juvenile justice. The Leader of the Opposition spoke at some length on the progress made in relation to juvenile justice and to deaths in custody. I commend the previous government for its action. I condemn the current government for its inaction.

Victoria must get its own house in order and identify issues in its own backyard. The honourable member for Sandringham talked about the lockup in Frankston — an area I know well; the overflowing of Victorian prisons; and the reluctance of the current Minister for Police and Emergency Services to undertake a police review, promised in the run-up to the state election, about the overflow of prisons.

I am bitterly opposed to mandatory incarceration. Mandatory sentencing on matters of .05 blood alcohol content and so on already exists in Victoria. If mandatory incarceration legislation appeared in Victoria bipartisan support would avoid it. The negative impact is from those who feel it appropriate to wash Australia's dirty linen in the international arena.

What reason was given by the Northern Territory for introducing mandatory sentencing? I shall quote from a number of articles on this issue. An article in the *Age* of 19 February states, *inter alia*:

Calls for tougher sentencing had long been a feature of the Territory's politician landscape. Territory crime rates were

significantly higher than the national average. Lurid coverage of crime was a staple for the local tabloid. ... In a jurisdiction with a population of less than 200 000, politicians are keenly attuned to the concerns of their tiny, 3000-member electorates.

Wouldn't we all like a 3000-member electorate!

And crime was a big issue.

The then Chief Minister, Mr Stone, is quoted as saying:

... he intended to implement a 1994 campaign promise of mandatory imprisonment for property offenders.

In other words, he wanted to get tough on crime. If we relate that back to Victoria, one of the things the Labor Party — the current government — was very quick to discuss prior to the last state election was the fact that Victorians wanted the government to get tough on crime — the people wanted everybody to get tough on crime. The problem is that, regrettably, the introduction of mandatory incarceration and mandatory jail terms in the Northern Territory does not appear to have been a deterrent to crime.

An article in the *Age* of 29 February by Petro Georgiou states:

In Alice Springs, unlawful entry and criminal property damage have risen by 20 per cent since mandatory sentencing started.

We may or may not criticise the right of the Northern Territory to introduce mandatory sentencing and mandatory incarceration laws, but the reasons behind its introduction were probably reasonable. The difficulty is that it does not appear to have had the desired effect. It is not up to Victoria to dictate what should be done in the Northern Territory; it is up to Northern Territorians to say that the elected government had the right to introduce the laws. I do not believe it is appropriate for Victorians, to debate an issue that belongs in either the Western Australian or Northern Territory parliaments.

I shall quote from the second-reading speech on the amendment to the Sentencing Act made on 11 April by Mr Reed, the Northern Territory's Deputy Chief Minister:

Mandatory sentencing has been in operation for more than two years. It is now appropriate to finetune the regime and ensure that it is operating in the way the government intends. One of the most difficult problems with the present mandatory sentencing regime has been its application to offenders who have been found guilty of multiple offences. It is not uncommon for property offenders to face more than one charge. In fact, some offenders, particularly young offenders, may have accumulated a large number of charges on different informations, complaints, or indictments, and

involving many occasions, before appearing before the court for sentence.

To those Victorians who make moral judgments mandatory incarceration may not seem appropriate, but it is not inappropriate if the Northern Territory has decided that it is appropriate for the Northern Territory.

In his passionate fight on behalf of territories and states other than his own, the Attorney-General has brought Victoria's legal system into disrepute. He was very quick to raise the question in this house last week about the actions of the honourable member for Malvern in defending his constituents. I found it most interesting that in his former role as shadow Attorney-General he wrote to the coroner.

Will Victoria's reputation be improved by the passionate screaming and ranting and ravings of the Attorney-General, or will that bring Victoria into disrepute along with the interference by a state or federal government in the government of a state or territory? As a defender of federation there is no question in my mind that the moves made by the Prime Minister to try to come to some reasonable resolution to this matter is the appropriate way to go. It is not appropriate for those of us who do not live in the Northern Territory or Western Australia to impose a form of government and an attitude when we are probably not in possession of all the facts.

Mr MAXFIELD (Narracan) — Mandatory sentencing: what shame it casts on our democratic country! How can we be a fair and decent society when we lock up our indigenous and young people? The Howard government must hang its head in shame. It must show leadership on this issue; it must show compassion; it must show decency. It has a responsibility to all citizens of Australia. The Howard government does not just represent people in Canberra, it represents the entire nation — from Broome to Hobart and all the places in between.

Australia cannot pretend it is a collection of little sovereign countries all over the place. Federation took place a long time ago in a building not far from here. The federal Parliament sat in this chamber for some time. We cannot ignore the fact that Australia is a federation, and a proud nation — although slightly tarnished at the moment in international eyes.

I call on members opposite to condemn the members of the Howard government for what they have done on this issue or, more accurately, their inaction on this issue. They should stop engaging in shady deals to save their own skin. Why is Alexander Downer, the Minister for Foreign Affairs, trying to nobble international

reports? The effect of that on Australia's international reputation concerns me greatly. For example, an article in the *Herald Sun* of 18 March refers to a United Nations report and states:

Australia was in the same basket as China, Burma and Malaysia in attempting to 'nobble' a United Nations report into mandatory sentencing, human rights commissioner Chris Sidoti said yesterday.

What shame and damnation for our country to be equated with countries such as Burma! The article continues:

But the most damning sections of the report were excised from its final version, allegedly following intense diplomatic pressure from the Howard government in Geneva and New York.

It is a tragedy that our foreign affairs minister shows such disregard for our international relations. The Minister for Foreign Affairs admitted that Australian officials had been in contact with United Nations officials before the official report was published. Fortunately, some members of federal Parliament who have pride, credibility and responsibility are chasing Downer to find out why he is causing such shame to our international reputation. The article continues:

Opposition foreign affairs spokesman Laurie Brereton labelled the episode shameful and contemptible.

'That damning findings by UN officials were abandoned following intense lobbying by Australian diplomats represents a new low point under John Howard and Alexander Downer', Mr Brereton said.

So there are some decent people in federal Parliament who understand our international obligations and responsibilities.

Is there justice in mandatory sentencing laws? I say, no, no, no. How can judges uphold justice when confronted with unjust laws? It is wrong to stop judges considering offences on their merits and using their discretion and experience to deal with the people who come before them for a whole range of reasons. Some are habitual criminals but others have committed an offence for sheer economic circumstances. Tragic situations befall some people — for example, a mother who is desperately trying to clothe or feed her children may make some bad decisions. We know about the Aboriginal child who was jailed for stealing a biscuit. It is a sad society that cannot take some time to find out why the problem occurred and address the underlying cause.

Mandatory sentencing is just applying bandaids to the problem. It is not addressing the problem or dealing with the issue behind crime in our community. Crime is

not being dealt with properly. More people are being locked up on the pretence that by locking them up they are out of sight and out of mind. It is a tragic view.

I was brought up to believe in Australia's democratic institutions and the separation of powers. Joh Bjelke-Petersen, a former Premier of Queensland, had no idea what the separation of powers was about. The corruption that came from that attitude permeated through Queensland society causing immense shame and damage to that state. The National Party should be aware of the problems that caused.

Mandatory sentencing blurs the line of the separation of powers. When a person goes before a court under mandatory sentencing, it is not the judge sentencing him or her, it is the Parliament. We must cherish and hold dear the separation of the judiciary from the Parliament because what happened in Queensland is evidence of the failure to honour the separation of powers. I hope all opposition members understand the separation of powers. I know government members certainly do.

Ian Gray was the Chief Magistrate of the Northern Territory when the government introduced the new laws. He raised serious concerns about the introduction of such laws in the Northern Territory. An article in the *Sydney Morning Herald* of 14 March reports that:

Last year, one Northern Territory magistrate reportedly told the Northern Territory Criminal Lawyers Association that he turned a blind eye to covert deals, such as swapping charges, to avoid the mandatory sentencing laws. Such deals may achieve a more compassionate result but such hidden justice is neither accountable nor transparent.

Why are judges in the Northern Territory enabling underhanded deals to get around what they perceive to be bad laws that they are forced to administer? What a shocking position to find ourselves in today. The article further states:

'What is evil about the regime is that there are no options. It becomes an automatic decision; you press a button'. Gray saw it as his duty to oppose the proposals.

That was the Northern Territory Chief Magistrate, who on a daily basis has to deal with those accused of committing crimes. What do other judges around the country say? New South Wales Chief Justice Spigelman is reported as saying:

The continued existence of sentencing discretion is an essential component of the fairness of our criminal justice system ... No judge of my acquaintance is prepared to tolerate becoming an instrument of injustice.

The New South Wales Chief Judge at Common Law, James Wood, says mandatory sentencing risks:

... presenting a face of justice which is not so much blind, but one that is cruel, ignorant and dismissive of the international treaty obligations which this country has adopted.

I congratulate the Attorney-General, Rob Hulls, on standing up strongly for an issue in which he firmly believes. Rob Hulls is a man of immense principle and probably one of the best attorneys-general the state has ever seen. His attitude certainly shows that he is a man of fine principles.

What about the deal done over the past few days between John Howard and Denis Burke on mandatory sentencing? Is it a sham? Has the deal changed anything other than saved John Howard's skin when members of his party were threatening to cross the floor? Has he done a sleazy deal or has he shown truth and honesty? Does the deal do anything about the discriminatory and inhumane effects of mandatory sentencing? No, it does not. The deal was about saving his own skin and not about looking after our indigenous youth who are subjected to mandatory sentencing. The Prime Minister was happy to do a deal to save his own skin and protect his government, but sadly he is not willing to look after the youth and indigenous people who are affected by this major problem.

In Victoria we hear echoes of the comments of Social Justice Commissioner Bill Jonas when he said:

The passage of overriding legislation by the commonwealth would send a clear message to the states and territories that they do not have unfettered powers to introduce laws that further disadvantage indigenous Australians. Mandatory sentencing laws are the antithesis of social justice.

We are not just individual states or territories. As a society we have an obligation to carry on in a manner that reflects on us all, not just on individual states. I do not regard myself as a Victorian first; I regard myself as a citizen of this fantastic country of Australia. We are all citizens of Australia. I have a great loyalty to Victoria — it is a wonderful state — but I am concerned about the stain this places on our country.

Mr McINTOSH (Kew) — I refer to comments made by the honourable member for Narracan and remind him — and it may be that I am just an old barrister who is a little concerned about some of the irrelevancies he was talking about — that we are a federation and have sovereign power to legislate on certain things depending on the interpretation of the constitution. The provision of criminal legislation is the purview of the states: it was always intended to be and always will be the purview of the states. Unless we have some form of constitutional reform we should support the sovereign power of the states to legislate on criminal activity in their own jurisdictions.

The importance of that is paramount when one examines mandatory sentencing. Through constitutional history, in England, Victoria and Australia, mandatory sentencing has not been completely unknown to the common law. As the honourable member for Mildura said, once upon a time in this state — up until the early 1980s — there was a mandatory death penalty for a conviction for the crime of murder. Mandatory life imprisonment has only recently been altered in Victoria. There is now full discretionary power over the charge of murder, so no longer is a person inevitably sentenced to death or life imprisonment.

Mandatory sentencing has taken hold in a number of areas, such as speeding offences and other minor summary offences. However, this jurisdiction has led the way on indictable offences with the abolition of any form of mandatory sentencing that leads to incarceration.

What is wrong with mandatory sentencing? Because of my background I am morally and philosophically opposed to it for many reasons. Mandatory sentencing is wrong because it does not prevent crime. A recent report issued by the Australian Institute of Forensic Science states that while there is an argument for mandatory sentencing it exists only at the margins and that on balance the deterrent allegedly provided by mandatory sentencing does not work.

The Northern Territory has the power to legislate on crime. Unlike Western Australia it is not a state and remains subservient to the commonwealth government. An appalling, unstoppable precedent would be set if the commonwealth started legislating to invoke international treaties as a justification for altering the law.

It is far better to go through the political process to change an issue with which one disagrees. Although it does not necessarily make it right, I understand there is overwhelming popular support for mandatory sentencing in both the Northern Territory and Western Australia. I will bet my bottom dollar that an overwhelming number of Victorians would like to see the reintroduction of the death penalty for certain murder cases. I am opposed to the reintroduction of the death penalty at any stage.

The cost effectiveness of mandatory sentencing is also questioned. In my humble opinion moneys spent on jails, cells and caring for prisoners would be better spent on education, counselling, early intervention and diversionary programs for which the commonwealth has now committed \$5 million in the Northern

Territory. Those programs provide for a more efficient and effective allocation of funds.

Perhaps for a lawyer the most interesting aspect of mandatory sentencing is that it removes a fundamental thread that has existed in the common law and been adopted in Australia with acclamation — that is, the discretion provided to judges. That discretion has been repeatedly exercised in both criminal and civil areas. One has the ability to attend court to apply for an injunction in a civil case or the opportunity of putting a plea before a judge for offences including murder and receiving a bond in certain circumstances. The individual application of the law and what is right and just is taken into account in assessing those circumstances. Mandatory sentencing impinges on judicial discretion.

Earlier speakers have referred to the United Nations committee on the elimination of all forms of racial discrimination. In the Northern Territory and Western Australia mandatory sentencing applies to indigenous Australians in far greater proportion than it does to non-indigenous Australians, and it is that which the committee finds offensive. That aspect goes to the nub of Victoria's reputation.

Although the Attorney-General is not in the house to hear speakers from both sides, he has said that mandatory sentencing offends him and has labelled it as both racist and discriminatory. However, figures from his department show that the Victorian criminal justice system provides an incarceration rate for non-indigenous Australians that is 13 times less than for indigenous Australians. To reverse the figures, indigenous Australians are incarcerated at a rate 13 times higher than non-indigenous Australians. In Western Australia that figure is 21 times. Those figures are incredible.

If discrimination exists in the Northern Territory criminal justice system — not just the mandatory nature of the sentence but its application — that application also applies in Victoria. If the Attorney-General decries the Northern Territory and Western Australian criminal justice systems as being discriminatory and racist, he fails to see that Victoria also has a large plank in its eye. Let he who is without sin cast the first stone. The Attorney-General cannot hold his head high and say with pride that he has given conscious thought to the issue.

The rhetoric is unbelievable and I find his bleating about the issue offensive. For seven months a well-researched, well-discussed and well-documented Aboriginal justice plan commissioned by the former

Attorney-General has remained on his shelf. The very plan agreed to by the community, Aboriginal groups, the Department of Justice and the Attorney-General to deal with the problem of lowering Victoria's incarceration rate from 13 to a decent figure has just remained on his shelf.

It is the way criminal justice is applied that is offensive. The Attorney-General should look at what is happening in Victoria instead of throwing stones all over the place. Instead of acting like a bull in a china shop he should do something about the way criminal justice is applied in this state. Until he does so he will not be entitled to be known as the chief law officer of Victoria.

Ms DELAHUNTY (Minister for Education) — I rise with a heavy heart to join the debate on mandatory sentencing laws, the impact they are having on Victoria's legal system and the reputation of Australia in the eyes of both Australians and others around the world. Many honourable members have joined the debate with tremendous good will, and I will challenge a couple of points raised in that spirit.

Human rights do not stop at the River Murray. Regardless of the judicial or political systems by which our states and territories are circumscribed it is hoped that all Australians share agreed moral and civic values and concur on human rights agreements, and that those values are not proscribed by any arbitrary state boundaries.

This is not a constitutional argument, as the honourable member for Kew would have it, but a moral argument. It is a moral argument about laws that diminish us all because they breach human rights and because they are a mean, nasty and unproductive quick fix for a law-and-order problem that is a symbol of social schisms that many in our society want to turn their backs on. Legislators, whether in this state or any other, cannot turn their backs on those social problems and pretend that a judicial answer which breaches basic judicial traditions will solve them.

Honourable members have heard that the Northern Territory and Western Australia have crude and, if I may say so, craven laws to deal with a law-and-order problem. They have also heard that since the introduction of mandatory jailing — let us not gild the lily, because this is about jailing kids for stealing crayons — there has been an increase in crime in the Northern Territory of up to 20 per cent. If there were to be a solution for the law-and-order problem in the Northern Territory — it does exist, as the honourable member for Mildura pointed out — the laws we are debating would not be it. They are not solving the

problem the Northern Territory government and other supporters of such crude and craven laws would have us believe is the reason for their existence.

The debate is not about law and order but about governments and citizens turning their backs on problems which exist in society and which have been caused throughout Australia's history by its citizens refusing to face the fact that in the past they stole the land and children of indigenous Australians and that in two Australian jurisdictions they are stealing their rights now by jailing children for stealing crayons and cordial.

The situation diminishes us all as citizens of a supposedly civilised society and of the world. It diminishes us all whether we live in Victoria, the Northern Territory or elsewhere. Like other honourable members I am embarrassed and ashamed that the Human Rights Commissioner for Australia, Chris Sidoti, would have to say that by the action of the federal government in trying to water down its report on the laws in the Northern Territory and Western Australia, Australia has adopted the tactics of some of the worst human rights abusers in the world. As Australians we should hang our heads in shame.

I return to the central point. This can be approached as a legal issue or as a constitutional issue, but that would miss the point. For Australia's indigenous population the death in custody of a young Aboriginal boy last month in the Northern Territory is nothing new. In the 1980s some 100 Koori Australians lost their lives in the same circumstances in jails. In the 1990s a further 147 Koori Australians lost their lives in bleak prisons and detention centres around Australia. In the past 20 years Australian authorities have had their attention drawn repeatedly to the fact that Koori Australians are vastly overrepresented in the criminal justice system. It is known they are overrepresented because indigenous Australians continue to suffer the economic and social disadvantages and the discrimination that they have suffered since white man first came to the continent.

In 1991 the Royal Commission into Aboriginal Deaths in Custody made a series of recommendations to all state, territory and federal governments. A major recommendation was that imprisonment or detention should be a sanction of last resort. That has been ignored in the passing of the relevant laws in the Northern Territory and Western Australia. Other recommendations were that diversionary programs, such as cautioning and family conferencing, must be introduced to keep offenders out of the formal court system; that non-custodial sentencing options must be looked at before the consideration of imprisonment or detention is reached; and finally, that laws and policies

on sentencing must be developed in consultation with local communities.

Australia is a signatory to the international covenant on civil and political rights. Australians cannot walk away from that fact and pretend it did not happen or that it happened in another generation. Because it signed the covenant Australia is responsible for it and must adhere to it. Central to that principle when it is applied in the area of juvenile justice is that society must look after the best interests of the child. To throw a child into prison for stealing crayons, cordial or food is not looking after the child's best interests. The spectrum of recent judicial decisions is ludicrous and shameful.

All honourable members would be aware of the incisive cartoon that appeared in the newspapers some weeks ago portraying the image of Alan Bond walking out of prison in Western Australia while in the corner was the cartoon character of a young black boy being incarcerated for stealing a crayon. That is why this issue is not a constitutional issue; it is a moral issue.

Today, members of the Koori community who live in my electorate, the mayor of Darebin, Cr Tim Laurence, and the chairperson of the Darebin Aboriginal Reconciliation Working Party, Mr Reg Blow, are holding a press conference to say publicly that the federal government has neglected its international obligations and has turned its back on Aboriginal Australians by not expressing its sorrow over the stolen generation and not intervening with its moral force to remove this blight on our judicial system.

The press conference will also highlight what occurred at the reconciliation convention in May 1997, when a quarter of the Aboriginal delegates turned their backs in silent protest on the Prime Minister, who was ranting and raving at the podium about a 10-point plan while studiously ignoring the fact that as the leader of the federal government and Prime Minister of this country he had a moral and legal responsibility to ensure that Australians adhered to their moral obligations.

We have stolen their land; we have stolen their children. We should not now steal their human rights.

Mr RYAN (Leader of the National Party) — I make it very clear from the outset that I am opposed to mandatory sentencing and everything that travels with it. It does nothing to add to the operation of law in any jurisdiction; rather, it detracts from the operation of law as society should properly apply it.

Having made that position clear, I am uncertain how this matter has made its way before the house today — that is, trying to establish the nexus between the basic

position of opposing mandatory sentencing and Victoria's legal system. Across the broad spectrum of politics in the state there is unanimous opposition to mandatory sentencing. The present legal system does not accommodate mandatory sentencing as part of its fabric; and equally, in its law-making capacity the Parliament is unanimously against mandatory sentencing.

One is inevitably led to the conclusion that members of the government, particularly the Attorney-General, are using the floor of the house to develop a political issue that is not otherwise an issue in Victoria. This debate is being used to further the intentions of the Attorney-General, as was exhibited during the course of the recent conference of attorneys-general. He wants to push the barrow on behalf of the Labor Party in an environment where he knows full well that there is a united view across the Victorian Parliament against the notion of mandatory sentencing.

In many respects what the Attorney-General is doing is fine, because I understand the tactic that is being employed. It is one that governments of all persuasions have used — that is, having generalist debates to make their cases in what they consider to be a populist fashion. It is unfortunate that that method is being adopted in a debate on an issue that is crucial to the nation and to society. It is unsavoury for the Attorney-General and the government to use the issue for their own purposes.

The concept of juveniles being subject to mandatory sentencing is, as I said, repugnant to me. On the contrary, I am a great believer in judicial discretion. In the years that I practised law I always believed the courts are best placed to make judgments about the individuals who come before them and to deal with their cases on their merits. It seems to me to be a contradiction in basic judicial terms to say an individual cannot be dealt with that on that basis.

I appreciate that in other areas of law there have been many instances of absolute statutory liability. The courts adopt mandatory positions on traffic infringements — for example, drink-driving, speeding fines and such matters — based on a statutory structure that endorses the application of laws on a basis other than the merits of the case. But to have that apply to juveniles in the criminal justice system is repugnant. Juveniles who come before the courts, particularly juveniles from indigenous communities, should be able to have their cases dealt with on their merits.

As the debate has unfolded honourable members have heard various stories of how different people in

different jurisdictions have mandatory terms of imprisonment imposed on them simply because the statute under which they are sentenced is based on the notion of three strikes and you are in. The people who are subject to the process therefore find themselves imprisoned for the most minor of offences that would otherwise attract minimal condemnation. I reiterate that that is a complete misapprehension of how our laws ought properly function.

Under governments of all persuasions the Victorian community has taken an extremely responsible attitude to the issue, which comes up from time to time. Bearing in mind those who have generated the debate, I understand that the leader of the Western Australia Labor Party supports mandatory sentencing because it is considered to be popular in the community in which the laws apply. Having the debate in that context demonstrates once again the fickle nature of politics — and of the government. That does not detract from the fact that the community has consistently said to governments of all persuasions that mandatory sentencing ought not be part of our judicial system.

The issue has arisen nationally because of its application to indigenous communities. I endorse the comments of other speakers about the necessity to ensure that laws apply fairly to all members of our community. When you consider the figures you see the impact that laws such as this have on indigenous societies. It is wrong, and it should not be countenanced. That is why I say that not only the judicial system but the community at large function best if the courts have available to them a sentencing regime that gives them the flexibility to deal with individual issues in a manner they consider appropriate in the circumstances. Imprisoning someone because of a statutory regime that is unrelated to the offence the court is dealing with at the time is the wrong way to go.

I also recognise that there are different views about the matter in different parts of the nation. But we are members of the Legislative Assembly of Victoria, and we are debating this matter of public importance on behalf of the Victorian community. We are doing that in the context of the community having repeatedly told governments of whatever political persuasion that mandatory sentencing should not be part of the structure of our society. It is to the great credit of Victorians that such is the case. For my part I certainly hope that situation continues. I am pleased to say that despite the words proposed by the honourable member for Richmond there is, as I understand it, no move in the Victorian community to countenance any other option than that which currently prevails under Victorian law.

I support the concept contained in the matter of public importance. However, I regret that an issue so vital to the way our society functions has been used and misused by the government and the Attorney-General for their own grubby ends.

The SPEAKER — Order! The honourable member for Frankston East has 7 minutes.

Mr VINEY (Frankston East) — I am proud to support the intent of the matter of public importance proposed by the honourable member for Richmond. I condemn on a series of grounds the mandatory sentencing laws in the Northern Territory and the failure of the commonwealth government to act to have them removed.

I am surprised by the suggestion by the Leader of the National Party that this is a political tactic on the government's part, given that mandatory sentencing and the Prime Minister's failure to do anything about it are part of the most cynical political exercise seen in Australia for many years. As was noted in last weekend's *Age*, the Prime Minister's behaviour reflects what is described in America as classic dog-whistle politics. The Prime Minister is sending out a message to people who can hear only the sound of the dog whistle.

Those American-style push-polling tactics are typical of the degrading, grubby political tactics of the other side. The Prime Minister's dog-whistle politics introduced into Australia by mandatory sentencing on the one hand gives the community the impression that the policy is not supported but on the other hand fails to acknowledge that the policy is degrading the country's judicial system.

The Leader of the National Party has suggested that the matter is not relevant because there is no proposal to have such laws introduced in Victoria. He misses the point that Victoria's justice system is diminished by the fact that mandatory sentencing has had a terrible impact on the reputation of Australia's judicial system. The mandatory sentencing laws in the Northern Territory fly in the face of good social policy. What is the point of having a justice system which has no flexibility and in which judges and magistrates are suggesting that the judiciary needs to take a stand against the laws?

In my experience there has scarcely been an instance of a judiciary in Australia standing up against a set of laws imposed by a legislature, but that is what is happening in the Northern Territory now, because the laws of that territory have brought its judiciary to that point.

I lived in the Northern Territory for about a year in the 1980s and worked in Darwin. I worked for about

six months on a key project to set up an Aboriginal youth outreach program. That project expressed the kind of policy that mandatory sentencing completely ignores. We used a 24-seater bus to visit young Aboriginal people in their communities and take them to safe venues. Too many of them were living in unreasonable and unsafe environments, often homeless, often without adequate safety supports. Mandatory sentencing uses a blunt instrument to beat such young people. The young people I saw are typical of those being beaten into submission by that blunt instrument.

Mandatory sentencing is the creation of a lazy, inconsiderate government that cannot be bothered to establish decent social policies to look after the most disadvantaged in the community. It stands condemned not only by this and other parliaments in this country but, more importantly, by the international community. It is a cowardly, lazy policy.

I said at the outset that this debate is a response to the dog-whistle politics of the Prime Minister. Having spent quite a bit of my time working in the Northern Territory with young Aboriginal people — —

The SPEAKER — Order! The honourable member for Tullamarine and the Minister for Finance will not cross between the Speaker and the Chair.

Honourable members interjecting.

Mr VINEY — I am prepared to say — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Mr VINEY — This is an important issue. The Leader of the Opposition interjects because he does not want to listen to what I have to say. I wish to say what the Prime Minister is not prepared to say to the indigenous people of Australia — namely, 'I am sorry'. The Prime Minister has refused to say those words. I am sorry for what has happened to the indigenous people of Australia, and I am ashamed of what has happened with mandatory sentencing.

The situation with mandatory sentencing is no different from the matters we used to discuss as kids. We used to laugh about convicts being sent to this country for stealing a loaf of bread, now we see young aboriginals locked up for stealing a packet of biscuits.

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

Debate interrupted pursuant to sessional orders.

RESIGNATION OF MEMBER

Mr McNAMARA (Benalla) (*By leave*) —

Mr Speaker, parliamentary colleagues, I have had the privilege of serving this Parliament for 18 years, a rare privilege that we share. It creates great opportunities for us all to serve our community, as well as giving us some unique memories.

In that 18-year period I have had 11 years as Leader of the National Party and 7 years as Deputy Premier. No-one outside politics can fully understand the sorts of things you do in this job or the experiences you have. Some experiences are good, some bad, but all are memorable.

I have decided today to formally tender my resignation as the member for Benalla. I look forward to spending more time with my wife, Merryl, and my family. I also look forward to doing a number of things outside politics.

I hope good genes flow strongly through our family. My father is 95 and still runs a real estate business — although he did give up running auctions when he turned 90! At the age of 50 I am looking forward to further challenges.

I thank my wife, Merryl, and the family for the great support they have given me in this job. None of us could carry on the role of a member of Parliament without the support of our spouses. It is particularly hard on the spouses of members in rural electorates who have office-bearing positions and have to base themselves in Melbourne. Other members of their families have to carry on handling all the jobs at home, not just the jobs they would normally do but the member's jobs as well.

As party leader over an 11-year period I averaged about one night a week at home. That emerged when we went through the diaries recently. I am looking forward to changing that. Perhaps I will be able to advise honourable members in a few months' time whether Merryl also sees that change as a benefit.

I acknowledge Jan Gales, my personal assistant and secretary for 11 years. Jan organised me and made sure I got to appointments on time, or at least as close to time as possible. I appreciate her support over that period.

I thank the constituents of the electorate of Benalla. The boundaries have changed marginally over the years, but it has always been a fantastic area to represent. I appreciate the support they have given me in every election since the first one I contested back in 1982.

At times you get frustrated and angry with people in this job. Early in the piece I was given some advice that no doubt applies to any walk of life: you can be cranky with someone in a debate in the house or on an issue that does not go the right way — maybe even with one of your colleagues — but if you are still cranky the following day the problem is not with the other person but with you.

One of the great things I have appreciated about my time in Parliament is that I have made many friends, I hope within my party but also among my Liberal colleagues, with whom I had the opportunity of sharing a coalition for nine years, and in the Labor Party. Sometimes making friends involved meeting people through parliamentary committees. In the early days I was on the Budget and Expenditure Review Committee for six and a half years. Later I had an issue with the chairman of that committee, a former honourable member for Essendon, when he developed a taste for cheese! The members we have met and the friendships we have made will carry us through our lives in the future.

We can all be overly sensitive at times. In the 18 years of my time at Parliament I have been insulted by people who may be said to be experts, but I have never requested an apology for anything said about me. Members must get on with the business and carry on with their roles.

In north-eastern Victorian — a couple of my colleagues share the representation of that area with me — the economy is probably stronger than in any other area of country Victoria. The rate of unemployment in the Benalla electorate is down to 4.8 per cent, which is probably about two-thirds of what it is in metropolitan areas. It is possible to achieve an even lower rate. One municipality, the Shire of Alpine, claims to have the lowest rate of unemployment of any municipality in Victoria — it is between 3 and 3.5 per cent. That level of employment is based on good, sound agricultural industries, but also on some terrific tourism development.

I represent an area that consists of towns such as Bright that were better known 20 or 30 years ago as tobacco towns; others that were better known as cattlemen or timber towns, such as Mansfield; and other places, including Marysville and my home town, Nagambie. I know over the next few weeks, particularly over the Easter period, it will be a struggle for the candidates in the coming by-election to identify which people are locals and which are tourists, because the tourists will outnumber the locals by about 5 to 1 in many of those townships. The increase in tourism has been

tremendous for those rural economies because it has meant a diversity of employment.

Tourism development is at a good stage in Victoria. In the coalition's first term in government I had the privilege of being the Minister for Tourism. More domestic tourists now holiday in Victoria than Queensland. My electorate has tourist attractions such as those recommended by the Victorian Winery Tourism Council, which I suppose I have some small interest in. Some 2.5 million tourists come from within and outside Victoria to visit the wineries in the country. That is exceeded only by the number of visitors to the Melbourne Cricket Ground during the football season, which we put down under the heading of a religious festival, so the number of winery tourists is significant.

The Benalla electorate has great tourism diversity — the snowfields of Mount Buller, Mount Hotham and Lake Mountain near Marysville, and the various wineries, national parks, waterways and the other attractions around them. We need to try to build on the strong base that already exists in that part of Victoria.

The area also has a significant number of producers for world food export markets. The fact that over the past six or seven years the area experienced growth in food exports from \$2 billion to \$4.5 billion means we are on target to achieve the aim of \$12 billion. I compliment the government on taking up the challenge of increasing food exports to that amount.

Victoria is probably in as good a financial position as we are ever likely to see it in. About six or seven years ago Victoria had a debt of about \$32 billion; it is now back to \$5 billion. I would like to be coming into government now! If one compares the annual deficit of \$2.5 billion before the former coalition government came to office with the current surplus of more than \$1.8 billion, one sees that this is a great time to be in government.

Some great things can still be achieved for Victoria. We cannot get the State Bank back — that is gone — but we can do other things and look at other opportunities to create a better community.

I am particularly fortunate to have had the opportunity of representing my community for 18 years, to have been selected as leader of my party for 11 years and to have had the extraordinary privilege of being Deputy Premier of Victoria for 7 years. During that time Victoria experienced some of the most dramatic changes it has ever seen. Many issues were addressed and there were many reforms during that period. Victoria is in the strongest economic position of any

state of Australia over the past 50 years. The challenge for us all as parliamentarians is to ensure that Victoria stays at the forefront and that it continues to lead the charge.

I gave an undertaking to my party that I would step down when I found a candidate for my electorate who I believed would make a strong contribution to Parliament. Bill Sykes is such a candidate. He is now in the position to tackle the challenges ahead of him: being elected at the by-election and representing a constituency in Parliament.

I advise you, Mr Speaker, that I will formally tender my resignation towards the end of government business today. I have many fond memories of my time here. The secretary of the St Patrick's Day society, Tony Sheehan, and I look forward to joining members of both sides of the house on 17 March 2001. We have had some memorable evenings — some more memorable than others. Most honourable members have been able to recover from those evenings.

An Honourable Member — The ones we can remember.

Mr McNAMARA — Yes, the ones we can remember. We look forward to continuing that association in the future.

As I said, the period I have spent in the Parliament has been interesting, and I look forward to the challenges life will offer me in the future.

I again thank honourable members for their forbearance in giving me the opportunity to make this statement. I wish honourable members all the best in the future. Thank you.

Honourable Members — Hear, hear!

ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That I have leave to bring in a bill to amend the Environment Protection Act 1970, the Alpine Resorts (Management) Act 1997, the Magistrates' Court Act 1989 and the Environment Protection (Amendment) Act 1999 and for other purposes

Mr PERTON (Doncaster) — I ask the minister to give the house an explanation of the content of the bill.

Ms GARBUTT (Minister for Environment and Conservation) (*By leave*) — The main content of the bill concerns enforcement and penalties involved in environmental issues.

Motion agreed to.

Read first time.

EQUAL OPPORTUNITY (GENDER IDENTITY AND SEXUAL ORIENTATION) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Equal Opportunity Act 1995 to prohibit discrimination on the basis of gender identity or sexual orientation and for other purposes.

Read first time.

ACCIDENT COMPENSATION (COMMON LAW AND BENEFITS) BILL

Introduction and first reading

Mr CAMERON (Minister for Workcover) introduced a bill to amend the Accident Compensation Act 1985 to restore common-law actions for damages with effect from 20 October 1999, to increase compensation for non-economic loss and to make miscellaneous amendments to that act, to amend the Dangerous Goods Act 1985, the Transport Accident Act 1986, the Accident Compensation (Workcover Insurance) Act 1993 and the Extractive Industries Development Act 1995 and for other purposes.

Read first time.

NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL

Introduction and first reading

Mr BRUMBY (Minister for Finance) — I move:

That I have leave to bring in a bill to make further amendments to state legislation as a consequence of national taxation reform and for other purposes.

Ms ASHER (Brighton) — Mr Speaker, the notice paper does not indicate which acts the Minister for Finance seeks to amend. Can he advise the house which acts the bill seeks to amend?

Mr BRUMBY (Minister for Finance) (*By leave*) — A number of acts are amended by the bill. I understand the acts are identified in the documentation provided to the house.

The SPEAKER — Order! The words that appear on the notice paper as the long title of the bill are provided by parliamentary counsel and are acceptable.

Mr McArthur — On a point of order, Mr Speaker, the request made by the Deputy Leader of the Liberal Party is simple and reasonable. The bill the minister has given notice of apparently amends a number of acts of Parliament. All the Deputy Leader has asked is that the Minister for Finance tell the house which acts the bill amends. Given that he is the minister in charge of the bill, I would have thought that would be a simple request to answer.

The minister has carriage of the bill, which comes within his finance portfolio responsibilities. If he is unable to advise the shadow Treasurer and Deputy Leader of the Liberal Party what acts of Parliament are being amended by the bill, I wonder what on earth he is doing. The request was a simple one, and the minister should be in a position to tell honourable members what legislation is being amended by the bill so they can at least start to prepare for debate on it, as there will be a very short time for preparation. Perhaps the minister could assist honourable members to prepare for the debate.

The SPEAKER — Order! I am prepared to rule on the point of order and will hear no further submissions on it. The procedures of the house allow for a member to require a minister to provide a brief description of the bill being proposed. The Deputy Leader of the Opposition took that opportunity and the minister provided a brief description. There is no point of order.

Motion agreed to.

Read first time.

PLANNING AND ENVIRONMENT (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Planning) — I move:

That I have leave to bring in a bill to amend the Planning and Environment Act 1987, the Building Act 1993, the Prostitution Control Act 1994, the Residential Tenancies Act 1997 and the Subdivision Act 1988 and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to give the house a brief explanation of the bill.

Mr THWAITES (Minister for Planning) (*By leave*) — The bill makes a number of amendments in order to make building permits more consistent with planning permits. It will introduce a number of changes to increase penalties for breaches of planning legislation. It makes statutory law revisions in relation to the Residential Tenancies Act and the Subdivision Act and also increases penalties in the Prostitution Control Act.

Mr McArthur — On a point of order, Mr Speaker, the opposition welcomes that brief explanation, which was provided as it should be by the minister, which is in direct contrast with the actions of the Minister for Finance, who was unable to do so.

The SPEAKER — Order! There is no point of order.

Motion agreed to.

Read first time.

RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL

Second reading

Debate resumed from 15 March; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr PERTON (Doncaster) — The Renewable Energy Authority (Amendment) Bill is a minor bill — extraordinary in a time when greenhouse gases and environmental issues are so much in the minds of business and industry and the responsibility of the Victorian populace under the Kyoto accord and to future generations is so much at the forefront of international and national politics.

The bill merely changes the name Renewable Energy Authority Victoria to Sustainable Energy Authority Victoria. My colleague the shadow minister for natural resources and energy, the Honourable Philip Davis in another place, said of the bill:

It is interesting to observe that the more things change, the more they stay the same. The initial legislation, the predecessor to the principal act, constituted a body entitled the Victorian Solar Energy Council. That legislation, the Victorian Solar Energy Act 1980, was repealed in 1990, and the Renewable Energy Authority Victoria Act was implemented. Renewable Energy Authority Victoria

subsequently took the business name Energy Efficiency Victoria to present itself publicly as a trading entity.

Policy in this area ought to be bipartisan and political parties ought to work together. It is a sad reflection on the state of Labor Party politics that its most impressive act is a change of name. The honourable member for Seymour is in the house sharing the disappointment — he made stronger commitments to his constituents.

The former Liberal government was committed to the reduction of greenhouse gas emissions following its assessment of the available scientific evidence that the greenhouse effect is important. The government produced material for the benefit of the public explaining why the government thought it an issue. A guide published in the *Herald Sun* last year states:

There has been much discussion and debate in the past few years about the greenhouse effect and the ways it can impact on the earth's climate. While the full impact of climate change on the planet is still being investigated, there is no doubt that the concentration of greenhouse gases in the atmosphere is increasing.

The article went on to indicate that the largest proportion came from stationary energy and the second-largest proportion came from transport industries.

From its findings the Kennett government indicated to the community that most of the greenhouse gases in Victoria are emitted from the production of energy-generating electricity, petroleum refining and the direct use of fuels in industry, commerce and homes. The second greatest source was from transport motor vehicles, rail, air travel, shipping, industry, iron and steel, aluminium, food and beverage production and waste — that is landfill emissions and waste water treatments.

In this area the Kennett government was regarded as a national leader. The previous Premier said:

Although the impact of climate change is still uncertain, the costs of increased global warming are potentially high. So it is important for everyone to work together and take action to manage greenhouse gas emissions and reduce the risks of climate change.

Yesterday in my address to the house on the Flora and Fauna Guarantee Bill I made it clear that the previous Liberal government and the coalition government that followed it were strong in this area of policy — much stronger than the Labor Party has ever been. I referred to the fact that former Liberal Premier Dick Hamer established the Environment Protection Authority (EPA), which has done so much to ensure that air quality in Victoria is good and remains better than that

in most other parts of the country and other parts of the world.

The 1999 election policy of the Kennett government was built upon the August 1998 action plan entitled 'Victoria's greenhouse action — responding to a global warning'. The document stated the then government's commitment to addressing climate change issues; outlined initiatives that contributed to Victoria's action; set priority areas for future investment; and identified funding for a number of initiatives.

In its election policy manifesto the coalition government also committed an additional \$2 million per year to Energy Efficiency Victoria, which doubled its existing budget.

The federal government praised the former coalition government's commitment to the reduction of greenhouse gases, as evidenced by the former government's Energy Smart Business program. In 1998 that program had more than 300 companies as members, all committed to implementing energy management strategies within their business operations.

As I have travelled around the state and met with businesses to discuss these issues it has been very interesting to see the commitment of major industry in Victoria to reaching a satisfactory solution to the greenhouse problem. There is a genuine commitment by companies such as BP, for instance, which has international and national programs for better quality fuel, to reduce the emissions from motor vehicles and truck transports. Yesterday I met with the RACV, which is working with its members and the community to ensure that cleaner fuels are produced and that drivers are encouraged to have their cars tuned.

One of the very important things the government must do in this state is acknowledge that government is not the answer to the greenhouse gas emissions problem. I know it is a function of the Labor philosophy to think government is the answer. I will not go as far as Ronald Reagan and say that government is the problem, but in this instance government can do very little because the most avoidable greenhouse gas emissions in this state actually occur as a result of the activities of ordinary citizens, whether it is those romantics in our community who enjoy log fires, those people who use motor vehicles that are larger than they need or even those engaged in modern architecture who create large buildings with large windows without providing appropriate curtains or drapes to ensure that heat and energy are not wasted overnight.

The Kennett government's policy on the reduction of greenhouse gases was very much based on the leadership and forward thinking of Sir Rupert Hamer and his Liberal government of the 1970s, which introduced the Solar Energy Council Act. Having gone back through the records — 23 years is probably a long time in anyone's memory — I found that as early as March 1977 the Hamer government was offering to help finance solar energy research at the Australian National University, with Sir Rupert saying the government would do everything within its power to develop alternative energy sources and resources.

In May 1977 Sir Rupert Hamer announced the members and terms of reference of the new Victorian Solar Energy Research Committee, which was set up to review all solar energy research being carried out in Australia and Victoria particularly and to advise the state government on the best way to support the most promising lines of research. The committee was also to act as the official government body for publicising the use of solar energy by the public and industry. An article in the *Age* of 2 May 1977 states that Premier Hamer recognised that solar power:

... cannot be the whole answer, but properly harnessed it might be able to meet between 5 and 10 per cent of our energy needs.

In December 1978 Sir Rupert spoke at the Energy Today seminar sponsored by the then Gas and Fuel Corporation. That seminar was part of the corporation's Energy Management Week. He also announced that \$370 000 of taxpayer funds was to be spent on solar energy projects and was reported in the *Sun* of 20 December 1978 as saying:

In a continent like ours we ought to devote more time to solar energy.

Dick Hamer became known as an energy-saving Premier who identified the potential of non-traditional sources of power. In 1978 he announced that the expense of running government car fleets would be reduced by introducing more four-cylinder cars. A small car directive was issued in June 1979 ordering that one in three government cars have small four-cylinder engines. That was reported in the *Sun* of 20 December 1978.

To conclude on the contribution of Sir Rupert Hamer in this area of policy — I note that the honourable member for Tullamarine, who paid tribute last night to Premier Hamer's contribution in this area of policy, is present in the chamber — in 1979 he opened the state government-sponsored Solar Energy Today conference at Melbourne University saying that Australia would

need an industry greater than that now producing cars for sun power to supply 10 per cent of energy needs. He identified that Victoria, despite its size, with coal, oil and natural gas reserves could not afford to be complacent about energy. That was reported in the *Herald* of 19 February 1979.

It is not just my assertion that the Kennett government was very good in this area of policy; the cabinet secretary, the Honourable Gavin Jennings in the other place, has gone on the public record as saying that the outgoing government served Victoria well and that the Renewable Energy Authority had its virtues and played a significant role as a proponent of efficient energy use and in promoting the development of renewable energy technology in this state. He went on to say that, under the Kennett government, if left to its own devices one would anticipate that the initiatives undertaken by Energy Efficiency Victoria would lead to a reduction of 2.6 million tonnes of carbon dioxide emissions over the next 10 years and that that contribution should not be ignored in the context of the debate but should be acknowledged and applauded. I thank the cabinet secretary for his applause for the previous government's work.

The cabinet secretary also said the Labor government recognises the initiatives of the outgoing Kennett government. He mentioned that in August 1998 the former government responded to the global warming issue by releasing Victoria's greenhouse response action plan, which acknowledged that the Kyoto target was fair but challenging.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.04 p.m.

QUESTIONS WITHOUT NOTICE

Industrial relations: 36-hour week

Dr NAPHTHINE (Leader of the Opposition) — Can the Treasurer advise the house of estimates provided to him by his department of the additional cost to Victorian taxpayers on government construction projects after the implementation of the 36-hour week?

Mr BRACKS (Treasurer) — I can advise the Leader of the Opposition that the Property Council, among others, has done an assessment of the recent agreement signed by the Master Builders Association, major contractors and the unions involved, and it estimates the increased cost will be about 5 per cent a year up to 2003, which leaves the building costs of

Victoria lower than New South Wales and gives us a competitive edge.

Ballarat: war memorial

Ms OVERINGTON (Ballarat West) — I refer the Premier to the fact that more than 30 000 Australians have been prisoners of war, from the Boer War to the Korean War, from Europe to South-East Asia. Will the Premier inform the house what action the government is taking to recognise Australia's prisoners of war?

Mr BRACKS (Premier) — Australians owe a great debt to those who served our country in times of war. From the Boer War to the Korean War, from Europe to South-East Asia, and in varying degrees of humanity more than 30 000 Australian men and women were incarcerated in prisoner of war camps. Almost one-third of those Australian men and women paid the ultimate price for their service to our country.

The honourable member for Ballarat West has led a campaign to establish in Ballarat an Australian memorial to prisoners of war. I congratulate her on that campaign. Such a memorial does not exist anywhere in Australia.

Mr Honeywood interjected.

Mr BRACKS — Of course it does. I did not include every war. I said 'South-East Asia'.

Last month, with the honourable member for Ballarat West, Mr Caligari and other local people who are pushing for this memorial Australia-wide, I visited Ballarat and the proposed site of the memorial paying tribute to Australian prisoners of war. Regional Victorians have made a great contribution to Australian defence forces and their efforts abroad ever since the Boer War, and many have suffered the fate of being incarcerated as prisoners of war during that time. An Australian memorial in Ballarat would be a fitting tribute to Australian prisoners of war and recognise the role of regional Australians in those campaigns overseas.

I announce today that the Victorian government will commit \$50 000 to the proposed national prisoners of war memorial in Ballarat — one for all Australians. I have also written to other premiers and chief ministers of territories asking them to contribute an equal amount to the Australian prisoners of war memorial in Ballarat. An appeal to help fund the \$2 million project also has the support of the commander of the Interfet forces in East Timor, Major-General Peter Cosgrove, and the Returned and Services League.

It is proposed that the memorial will comprise a 130-metre walkway in Ballarat's Botanic Gardens with a granite wall carrying the names of all Australian prisoners of war. It is also proposed to have paving stones cut in the shape of railway sleepers to represent the infamous Burma–Thailand Railway. The memorial will not only commemorate Australian prisoners of war but also serve as a place of contemplation for the friends, families and descendants of those who were incarcerated during those wars.

I thank the honourable member for Ballarat West for her leadership and promotion of the memorial. I am pleased to say the government will contribute to the memorial and will seek the support of other states and the wider public to make sure it is a reality.

Education: funding

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to the fact that her department has now received sign-off from the economic review subcommittee of cabinet, of which she unfortunately is not a member. Will the minister advise the house what education programs will be cut due to the \$50 million reduction in her budget?

Ms DELAHUNTY (Minister for Education) — I can give the honourable member for Warrandyte some examples of what will be cut. One area will be in the number of consultancies that were awarded under the former government, of which the honourable member for Warrandyte was a member and senior education minister.

Under the former government Dr Kevin Donnelly received consultancies amounting to \$500 000. Did any of those consultancies go to tender, as is required by the law? None of those consultancies went to tender.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster!

Ms DELAHUNTY — Consultancies will be cut as part of the Bracks Labor government's belief in accountable, transparent government. Government money will go into classrooms, not consultancies.

GST: government services

Mr LENDERS (Dandenong North) — I refer the Minister for Finance to the former government's deal with the Howard government to introduce the goods and services tax, and I ask what the impact of the GST

will be on the price of Victorian government goods and services and general government fees and charges?

Mr BRUMBY (Minister for Finance) — As honourable members are aware, the Howard government's goods and services tax (GST) will impact significantly on a range of prices across the community affecting churches, schools and community groups, and it will impact significantly on government goods and services. While everybody is aware that the Bracks government is obliged to support the intergovernmental agreement on tax reform, it does not support the GST — but it must honour the agreement.

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier and the Leader of the Opposition should not interject across the table.

Mr BRUMBY — In answer to the question asked by the honourable member for Dandenong North, the Bracks government is committed to fully protecting the state's budgetary position in order to maintain the government's service delivery capacity and to minimise the price impacts of the federal government's GST. Embedded tax savings will be extracted from suppliers and passed on to consumers wherever possible. However, there are no general government savings available for 2000–01 because of the intergovernmental agreement and the requirement to claw back \$100 million of embedded tax savings and pay that sum to the Howard government.

The payment to the Howard government of \$100 million in embedded tax savings means that the price of all government goods and services will increase by the full 10 per cent.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Monbulk!

Mr BRUMBY — The second aspect concerns the prices charged by government business enterprises. I am pleased to say that because the cost-embedded tax savings can be passed back to consumers the price increase may not be the full 10 per cent but may vary by up to 10 per cent.

One such increase concerns Transport Accident Commission (TAC) premiums, which as a result of the GST have to rise. The policy the government has taken is to minimise that increase. I am pleased to say that it will not be an increase of 10 per cent; however, because of the Howard government's GST there will be an

increase in premiums from 1 July of 5 per cent. Other states have already increased premiums — South Australia by 5 per cent from November 1999, and Tasmania by 5 per cent from December 1999 — which shows the extent to which the Bracks government will go to minimise the impact on consumers.

It means that because of the Howard government's goods and services tax there will be a 5 per cent increase from 1 July plus automatic indexation because of inflation of about 2.5 per cent. So because of John Howard's GST third-party premiums will increase by about \$20 from 1 July this year. When you think of the impact of TAC premiums on country people in particular, it is no surprise that today the Liberal Party has announced it will not run a candidate in Benalla. Earlier we heard a speech by the former Leader of the National Party, who announced he is retiring from Parliament. Perhaps it is no surprise that the Liberal Party has announced it is not running a candidate in Benalla — —

Honourable members interjecting.

Mr BRUMBY — Why doesn't the Liberal Party want to represent rural Victoria? It is running scared. I never thought I would see the day — —

Mr Perton — On a point of order, Mr Speaker, based on earlier rulings of yours the minister's answer needs to be relevant to the question, and he should not debate the question. I ask you to bring him back to answering the question, which is about a narrow issue concerning the effect of the goods and services tax on government services.

The SPEAKER — Order! I uphold the point of order. The minister was beginning to debate the question and I ask him to come back to answering it.

Mr BRUMBY — I have been talking about the impact of Mr Howard's GST on things such as TAC premiums, what that will mean for regional Victoria and why it is no wonder that the Liberal Party has decided not to run in Benalla. Why does the Liberal Party not want to represent regional Victoria — —

Mr Perton — On a point of order, Mr Speaker, the minister is clearly disregarding your ruling. I ask you to either call him to order or sit him down immediately.

The SPEAKER — Order! There is no point of order. The Speaker is the ultimate arbiter of when the minister should be called back to order or sat down. I ask the minister to provide an answer and not to debate the question.

Mr BRUMBY — The government still has with the federal Treasurer applications under section 81 for exemptions, but it has not had an answer on those applications. The reality is that the government's position as outlined in today's policy is designed to minimise the impact on consumers. However, because of Mr Howard's GST unfortunately TAC premiums will increase by 5 per cent from 1 July.

The Liberal Party says it supports the bush, but it does not want to run in Benalla. It is like Hansie Cronje — —

Honourable members interjecting.

The SPEAKER — Order! The Chair will not be in a position to call the minister back to answer the question if that level of noise persists. The minister had hardly an opportunity to utter half a sentence.

Mr BRUMBY — The Liberal Party's decision not to run is a bit like — —

Mr McArthur — On a point of order, Mr Speaker, this is now the third time the minister has strayed from the issue in the question and you have already ruled that he should be relevant to the question and not debate the issue. It is the duty of the Chair to uphold the traditions of the place.

The SPEAKER — Order! I have already upheld that point of order and have stated that I will call the minister back to answer the question. However, as I indicated in my previous ruling, the Chair is not in a position to do that when hardly half a sentence has been uttered by the minister. I call the minister, but I warn him that should he stray into debating the question I will pull him up.

Mr BRUMBY — If you imagine a motorist in Benalla from 1 July 2001 — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Polwarth shall cease interjecting. He is far too loud for this chamber.

Mr BRUMBY — It could be in Benalla, Mansfield, Euroa, Bright or Mount Buller — wherever that motorist is, his or her compulsory third-party premium is going to rise by \$20 next July because of the GST introduced by the Liberal-National party government. The extraordinary thing is that in this environment you would think that the Liberal Party would be out there running a candidate in Benalla. For it to say that it will

not run is a bit like Hansie Cronje saying he wants cricket to be clean.

Honourable members interjecting.

The SPEAKER — Order! Besides calling the minister back to answer the question, I remind him of his obligation under sessional orders to also be succinct. Some 10 minutes have elapsed since he commenced his answer, and even allowing for the numerous interruptions I ask him to conclude.

A Government Member — He has!

The SPEAKER — Order! The minister has concluded his answer.

Gas: eastern pipeline

Mr INGRAM (Gippsland East) — I refer the Minister for Environment and Conservation to Duke Energy's eastern gas pipeline project and its decision to use a cofferdam and open cut on the Brodribb River. Will the minister instruct the land and water management authorities to compel Duke Energy to underbore the river crossing to reduce the risk of serious environmental damage?

Ms GARBUTT (Minister for Environment and Conservation) — I can assure all honourable members that protection of the state's rivers and waterways is high on the government's priorities. That is demonstrated by the government's commitment to increase environmental flows in the Snowy River to 28 per cent. It also has a major commitment to a catchment and river restoration program, and I am working towards implementing that now. The government has also promised to implement the Gippsland Lakes action plan to further protect those waterways and has abolished the catchment management levy in the recognition that the health of the state's rivers is the responsibility of not only rural and regional property owners but all Victorians.

The commitment to the protection of our local waterways is also reflected in the implementation of the East Gippsland pipeline development. Work is under way on four major river crossings in Gippsland, and they are proceeding in accordance with the licence issued by the Southern Rural Water Authority. The normal method of river crossing is to dig a trench and bury the pipe. The licence conditions apply to protect the bed and the banks of the river. The alternate option, as the honourable member pointed out, is to bore under the river to minimise the impact. That was tried on the Mitchell River but proved unsuccessful and had to be abandoned when sandstone was struck.

I have asked the department to arrange to transfer the responsibility for issuing licences for works on waterways from the rural water authorities to the catchment management authorities (CMAs). The protection of our waterways is a fundamental aim of the CMAs, and the licensing functions now sit logically with them. The issue can be further considered following that move.

Drugs: Geelong rehabilitation services

Mr TREZISE (Geelong) — Will the Minister for Health inform the house of the latest action by the government to meet the need for more drug treatment and rehabilitation services for young people in Geelong?

Mr THWAITES (Minister for Health) — The Bracks government has a four-pronged strategy to tackle the drug issue.

Opposition members interjecting.

Mr THWAITES — The opposition thinks this is hilarious, but it is probably the most serious social issue the community faces.

The first strategy is to prevent drug abuse. The government is introducing a range of programs in schools and the community to stop young people getting into drugs. The second is about saving lives, and that is being examined by the Penington committee in the context of reducing the terrible death toll from heroin. The third strategy is about effective policing, and that is the reason the government is boosting police numbers and resources so as to better clamp down on the drug trade. The fourth and very important strategy is to get lives back on track. That means more rehabilitation facilities and detoxification services. Many people, young people in particular, want to get off drugs but they cannot because the services are not available for them.

The government must face facts: this situation applies not only in the city but in a number of regional areas as well. Unfortunately the previous government ignored the problems in regional areas.

Opposition members interjecting.

Mr THWAITES — You won't even run in regional areas.

Opposition members interjecting.

Mr THWAITES — The previous government ignored regional areas. I visited the rehabilitation centre

in Geelong which was defunded and subsequently closed by the previous government. The opposition does not have a good reputation in regional areas. That is why the Liberal Party has signed its statement of surrender today, saying that although it would prefer to run a candidate in the Benalla by-election it has decided it will not.

Mr Ryan — On a point of order, Mr Speaker, in a bipartisan sense the opposition accepts the minister's statement that this is a very serious issue for the Victorian community. I ask you, Sir, to tell the minister not to debate the point but to stick to it.

The SPEAKER — Order! I am not prepared to uphold the point of order at this stage as the minister was just straying from answering the question. However, if he does go down the track of debating the question I will not hesitate to call him back to answering it.

Mr THWAITES — I am very happy to announce today that the Bracks government will fund a new youth residential withdrawal service for Geelong. It will provide a place for young people to withdraw from drugs and enable them to have the necessary time out away from peer groups who may be using heroin or other serious drugs. A drug-free domestic home environment will be staffed around the clock by professional staff to ensure that young people get the best treatment and opportunity to rehabilitate themselves. The average length of stay will be about 10 days. Very importantly, at the end of that time there will be a follow-up service and counselling so that the young people who have been through the withdrawal process do not lapse back into drug-taking behaviour.

The local drug reference group in the Geelong area, made up of representatives of the police, local government and non-government organisations, together with the local Labor members, has been assiduous in developing a plan to reduce the terrible harm drugs are causing and coming up with recommendations such as the residential withdrawal service. I congratulate the honourable member for Geelong, who has been working very hard on the issue and who I am sure will make a real contribution to addressing this serious social issue in Geelong.

Arts: funding

Mrs ELLIOTT (Mooroolbark) — I ask the Minister for the Arts whether it is a fact that the government is refusing to make additional contributions to Victoria's major performing arts organisations, as recommended by the Nugent inquiry, hence

jeopardising significant extra federal government funding and the ongoing viability of those organisations.

Ms DELAHUNTY (Minister for the Arts) — I thank the honourable member for her question, which I believe is the first question in six months of government that has been asked by the shadow Minister for the Arts.

Opposition Members — You got it!

Ms DELAHUNTY — Thank you. It is a serious matter.

Members will recall that last year the federal government decided to launch an inquiry into the financial health of the major performing arts companies in this country. After extensive consultations a report was delivered to the federal government which made recommendations about two matters: firstly, an agreement that support from the community, corporate sector and government is necessary if we want a flourishing and sustainable performing arts sector; and secondly, it advised the federal government on a funding model involving millions of dollars from the federal government and contributions from various states according to the classification of our major performing arts companies.

While brief consultations were undertaken with Helen Nugent, the chair of the inquiry, it was basically a federal government inquiry. The Victorian government was invited to make submissions and be part of the consultations, which it was. However, when the report was delivered to the federal government many states considered there were errors in it. I am pleased to report to the house today — —

Mr Honeywood interjected.

Ms DELAHUNTY — Given the interjection, I ask whether anyone on the opposition side of the house believes the Melbourne Theatre Company, for example, should be devalued in terms of its relativities with the Sydney Theatre Company. Is the member for Warrandyte saying the Melbourne Theatre Company is a lesser company than the Sydney Theatre Company? That is what the interjection implied. You accept that, do you? You downgrade the Melbourne Theatre Company — they would like to know that.

Honourable members interjecting.

Ms DELAHUNTY — Don't turn it up. I would also argue, as we have exceptionally — —

Honourable members interjecting.

Ms DELAHUNTY — Don't tempt me!

The other error the government considers was made in the Nugent inquiry was to advise that Victoria should lose its second orchestra. Does anyone on the opposition side of the house support the abolition of the second orchestra in this state? That is what the Nugent report recommended.

I am very pleased to report to the house that as a result of extensive negotiations between Senator Richard Alston and ourselves, we have made — —

Mr Ryan interjected.

Ms DELAHUNTY — No, Peter McGauran wasn't within a bull's roar of this. He's still trying to find the Melbourne Theatre Company; he doesn't know where it is!

Honourable members interjecting.

Ms DELAHUNTY — I am very pleased to announce that as a result of those negotiations the federal government has agreed that such a hostile merger between the State Orchestra of Victoria and the Melbourne Symphony Orchestra would involve the loss of a second orchestra in this state. We have achieved an agreement I believe would be supported by all members of this house — that is, we should not lose our second orchestra.

Honourable members interjecting.

Ms DELAHUNTY — We have also had agreement from the federal minister that the Melbourne Theatre Company will not be downgraded. That is a significant achievement, and I look forward to completing those negotiations when the federal minister deigns to call us all back to the culture ministers meeting which, as honourable members know, was cancelled at 5 minutes to midnight.

Drugs: schools strategy

Mr SEITZ (Keilor) — As a former teacher, I am concerned about the report in the media today about drugs in our schools. I ask the Minister for Education to inform the house of government plans to tackle the scourge of drugs in our schools.

Ms DELAHUNTY (Minister for Education) — We are all horrified at the notion of heroin being used in our schools. But it would be pointless to put our heads in the sand and pretend that without clever strategies we can stop it at the school fence.

The government will have a comprehensive, four-pronged drug education program, as outlined by the Deputy Premier. The first prong relates to prevention — education and prevention are absolutely the key to stopping this scourge. The government is committed to a series of strategies, the most important of which is establishing individual school drug education, prevention and early intervention and harm minimisation strategies.

The government is supporting the development of individual school action plans — that is, agreed action plans to ensure that drug education programs are available to all students. The plans must be tailored to the particular needs of the student demographic in each school. Clearly that will vary from school to school and region to region. The government wants a student welfare approach that addresses the student welfare needs of young people. It wants a role for and the involvement of the whole school community and the local community service providers, and it particularly wants the parents to be involved in the strategies.

I commend the previous government for the work it put into the number of programs it began, particularly Turning the Tide. It is a shame the previous government pulled out so many welfare coordinators and guidance officers that the continuation of the programs in some schools was put in jeopardy.

The education department is about to launch a new teacher resource kit to support teachers in schools. Known as Get Wise, it involves a principal's guide, a student welfare action manual, classroom activities and extensive advice on communication with parents.

The house will also be aware that the government has committed significant resources to the welfare area, in particular to student welfare coordinators in secondary schools and to school nurses, which was announced by the Deputy Premier a couple of weeks ago.

Honourable members may be interested to hear about a couple of research projects the Department of Education, Employment and Training is undertaking to ensure we have the best advice and the best strategies to be found either here or overseas. One new project, due to begin later this year, deals with responding to the needs of our young people following episodes of illicit drug use. The aim of the program is to develop models appropriate to school settings to support, retain and reintegrate young people, particularly 14 to 18-year-olds, who wish to return to school despite the fact that they have been involved with heroin or other illicit drugs. The program extends the Changing Tracks

program, which was a trial begun in Springvale that targeted 20 young people in that area.

Ms Asher interjected.

Ms DELAHUNTY — Are you interested in drug education or are you not? Are you serious about drugs — —

Honourable members interjecting.

The SPEAKER — Order! The minister will ignore interjections, and the Deputy Leader of the Opposition will desist.

Ms DELAHUNTY — The Leader of the National Party has called upon honourable members on this side of the house to be serious about drugs. I hope that call extends also to the Deputy Leader of the Liberal Party. The drugs issue is a scourge and needs a bipartisan approach. I trust that, on this issue at least, the house can agree.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order, and I ask the Deputy Leader of the Opposition and the Leader of the National Party to cease interjecting across the table in that manner. I ask the minister to desist from taking up interjections and to conclude her answer.

Ms DELAHUNTY — Thank you, Mr Speaker. The second research project I wish to refer honourable members to is known as the Start program — a program for student transition and resilience. It is being trialled in over 120 Victorian schools and is based on a collaborative project by La Trobe University and the Department of Education, Employment and Training.

In addition, I report to the house that we now have agreement across the school sectors — government, independent and Catholic — to share information, particularly about parent-student communication, on dealing with illicit drugs such as heroin.

Finally, I report to the house that the number of students expelled from schools for drug-related incidents has dropped over the past three years, despite what we read in the *Herald Sun*. In 1997, 39 students were expelled; in 1998 it was 27; and in 1999 it was 21. We are making progress, but we need bipartisan support; and, whatever happens in the by-election, I hope we get it.

Food: genetic modification

Mr STEGGALL (Swan Hill) — I refer the Minister for Agriculture to a statement made by him at the Minyip Victorian Farmers Federation meeting earlier this week to the effect that he would allow local municipalities the right to ban the research into and production of genetically modified (GM) food crops — like a GM-free zone, I guess. Is that government policy, or is it another statement made off the top of his head?

Honourable members interjecting.

Mr Hamilton — I ask the honourable member to repeat the last part of his question. I simply did not hear it over the interjections of the rabble opposite.

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the National Party, repeating his question.

Mr STEGGALL — My question was to the Minister for Agriculture — at least he got that bit right! I referred to the statement made by him at the Minyip VFF meeting earlier this week that he would allow local municipalities the right to ban research into and production of genetically modified food crops. I asked if that was government policy or another statement made by him off the top of his head.

Mr HAMILTON (Minister for Agriculture) — I thank the honourable member for repeating his question, despite the sting in the tail, which was beneath him. It is no wonder the Liberals will not be standing a candidate in Benalla!

Mr Brumby interjected.

The SPEAKER — Order! I ask the Minister for State and Regional Development to desist.

Mr HAMILTON — The government has a policy of encouraging genetic-free zones in Victoria.

Honourable members interjecting.

The SPEAKER — Order! The opposition benches will come to order. The honourable member for Bentleigh!

Mr HAMILTON — I did not say Liberal-free zones.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order to allow the minister to answer the question.

Mr HAMILTON — There will be GM-free zones in Victoria; that is government policy. However, as I have indicated, although perhaps not clearly enough, the policy can be implemented only with the cooperation of local government authorities. That is the only reasonable approach to take that will offer farmers in Victoria the opportunity to participate in programs involving genetically modified organisms, to have an opportunity to continue their involvement in conventional crop development, and to engage in the development of organic farming.

The government is about giving farmers a choice; it is about working cooperatively with the industry; and it is also very much about working cooperatively with local government. If that cooperation does not occur, our farmers will be denied choice. The implication of the question asked by the honourable member is that he would continue with the thrash and bash program of the previous government, which did not involve consultation and cooperation.

Housing: frail aged

Mrs MADDIGAN (Essendon) — I ask the Minister for Housing to inform the house what steps the government is taking to improve support for aged public housing tenants and frail aged people who are homeless or living in insecure accommodation.

Ms PIKE (Minister for Housing) — I thank the honourable member for Essendon for her question, which is timely because it is Housing Week.

Throughout Victoria, both in metropolitan areas and in rural communities such as Benalla, events are being organised to celebrate Housing Week. Housing Week is about valuing the contribution that people living in public housing make to society. We all know good housing policy is fundamental to social cohesion. That is exactly why the Bracks government is committed to public housing and why it is strengthening the support for public housing.

I am pleased to announce that the government is providing desperately needed new assistance for frail older people living in public and community housing and for homeless people. The government has a whole raft of new initiatives that will mean that an additional \$6.4 million will be provided for new aged care outreach health and support services. These people are some of the most vulnerable people in our community.

Members on both sides of the house would agree that it is an indictment of society that some older people who

are coming to the end of their lives find themselves either in insecure accommodation or, even worse, homeless. They are the forgotten people. For many years they have been put in the too-hard basket.

The funding of \$6.4 million will provide 31 outreach workers and new health and aged care support services across Victoria to reach more than 1500 homeless older people. The money will assist frail older people living in public or insecure housing, and it will provide case-managed packages to 200 older people who are living in high-rise buildings and about 950 older people who do not have access to the health and support services they need.

In making this announcement I wish to acknowledge the positive recommendations of the ministerial task force on support services for tenants in low-cost accommodation, which was chaired by the shadow Minister for Health when he was parliamentary secretary. It is disappointing that after the task force did that extremely well-researched and valuable work and identified the plight of disadvantaged older Victorian citizens in its report, the previous government ignored the problem, put it on the back burner and did nothing practical to assist those people.

The initiatives I am announcing will assist 4000 older people across Victoria, which demonstrates the determination of the government to ensure that we do better for older Victorians, particularly those with a long history of recurring homelessness or those who are disadvantaged, in poor health or marginalised.

Mrs Peulich — On a point of order, Mr Speaker, I listened carefully to the minister. I am flicking through the program of events for Housing Week issued by the department. I ask the minister to tell me which particular event is being scheduled for Benalla, because I am unable to find it.

The SPEAKER — Order!

Mrs Peulich interjected.

The SPEAKER — Order! If the honourable member for Bentleigh does not cease interjecting she will find herself on the receiving end of sessional order 10. There is no point of order. The minister has finished her answer.

RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL

Second reading

Debate resumed.

Mr PERTON (Doncaster) — Before the suspension of the sitting I had set out the proud history of the Hamer Liberal government in conservation matters.

Ms Allan interjected.

The SPEAKER — Order! The honourable member for Bendigo East is being disorderly.

Mr PERTON — The honourable member for Bendigo East says that was yesterday's topic. The Hamer government's record in every area of conservation is still the best in the state. If the honourable member for Bendigo East needs verification of that she should talk to the honourable member for Tullamarine. Perhaps she could also talk to the cabinet secretary, the Honourable Gavin Jennings in the other place, who in a speech praising the Kennett government's record in this area said that as a result of its initiatives Energy Efficiency Victoria — —

Honourable members interjecting.

The SPEAKER — Order! There is far too much audible conversation coming from the government benches.

Mr PERTON — Mr Jennings said that the work of the previous government through Renewable Energy Authority Victoria would have led to:

... a reduction of 2.6 million tonnes of carbon dioxide emissions over the next 10 years and that contribution should not be ignored in the context of this debate. It should be acknowledged and applauded.

Mr Jennings also said:

It is also worthy of note that the incoming Labor government recognises the initiatives of the outgoing [Kennett] government. In August 1998 the former [Kennett] government responded to the global warming issue by releasing Victoria's greenhouse response action plan, which acknowledged that the Kyoto target was a fair but challenging one.

The response identified a number of initiatives that were supported financially by the former government in a significant way. Some \$15 million was spent each year on initiatives to reduce greenhouse emissions, to enhance greenhouse sinks and to plan for the future.

I will continue to quote Mr Jennings for the benefit of the honourable member for Bendigo East because some

members of the Labor Party recognise the fine work done for the environment by the former coalition government.

Mr Jennings went on to say:

Three initiatives were funded under that scheme. The first was Replanting Victoria 2020, which aimed to better understand and extend Victoria's greenhouse sink capacity and consisted of four components: a revegetation program, establishing plantations, reforestation and carbon tracking. The Energy Smart Business Cascade program spread the message of energy efficiency throughout the business supply chain. The Greenpower Accreditation and Facilitation program monitored the purchase and delivery of green power by energy providers. That accreditation scheme aimed to build consumer confidence in available green power products.

Ms Overington — Eyes up!

Mr PERTON — That interjection comes from an honourable member who could not even find the time to represent her constituents by meeting the head of state and who told lies to her community. If you are going to interject in this debate, start by showing a demonstrable record of achievement for your constituents!

Ms Overington — You are reading.

Mr PERTON — Of course I am reading — I am quoting from your cabinet secretary.

The DEPUTY SPEAKER — Order! I remind the honourable member for Doncaster that he must address the Chair, a requirement of which he is well aware, and I ask him to return to the bill.

Mr PERTON — Thank you, Madam Deputy Speaker. I look forward to you appropriately disciplining the honourable member for Ballarat West as well.

The Honourable Gavin Jennings, the Bracks government's cabinet secretary in the other place, went on to say the following:

The Bracks Labor government wants to go on record congratulating the outgoing government on its foresight and initiative in making those commitments and undertakings. The best estimation is that those measures plus other measures implemented under those programs have the capacity to save the globe 2.6 million tonnes of carbon dioxide emissions over the next 10 years.

The cabinet secretary made it clear that the Bracks government will work to continue the fine record of achievement of the Kennett government. It is pleasing that some members of the team — I see the adviser in the advisers' box — who worked on this area of policy under the previous government have retained their

positions. The opposition will keep a close watch on the government to ensure that the members of the talented team who worked on those matters for the previous government continue to work in the area.

As I was saying before the suspension of the sitting, it is no good the government getting this area of policy right unless the community works with it. For instance, the honourable member for Bellarine has been very strong in working with his community in this area.

Last year the Kennett government published some useful information for the community's benefit. The government publication headed 'Reducing the greenhouse effect in Victoria — a partnership — greenhouse action you can take', which appeared in the *Herald Sun* of 16 June 1999, had some good suggestions on the roles that individuals can play to help the environment. For example, it said there are many ways in which people can make better use of the fuel and electricity they use for heating their homes.

The simple suggestions included having shorter showers — householders can save up to half a kilogram of greenhouse gas emissions per minute by taking shortened showers; waiting until you have a full load before using the washing machine; and buying energy-efficient appliances, which includes looking for the high energy ratings which can save up to \$300 a year per household and up to 2000 kilograms of greenhouse gas emissions. Other simple suggestions included sealing out drafts and limiting heat flows through roofs; finding out more about green power from electricity retailers; installing energy efficient lighting; something as simple as turning off lights or appliances when they are not being used — something I am sure you do, Madam Deputy Speaker, in your household; and ensuring that when building a home you take advice from organisations such as Energy Efficiency Victoria.

Other energy-saving suggestions in the *Herald Sun* publication related to waste management. For example, it stated that decaying food and garden waste can generate more than 3 tonnes of greenhouse gases each year. The personal contribution that household members can make by recycling and composting is dramatic. My area of Doncaster, for instance, has a three-bin system, which means that around 90 per cent of households undertake appropriate recycling.

All honourable members have seen people in supermarkets buying products with environmentally friendly packaging or taking their own containers for refills. One interesting idea is to buy second-hand items and not demand new products unless it is necessary.

Another is to set up a worm farm to deal with your organic waste, thereby reducing damaging emissions and gaining a few million pets. Through the honourable member for Bayswater I recently met representatives from an innovative eastern suburbs company that is producing self-composting toilets that rely on worms to break down the waste, which ensures that household discharge helps the community rather than hinders it.

Alan Duke, the director of that firm, proudly told me just a few weeks ago that the city of Brunswick has established a project using self-composting worm-powered toilets. If those of us who live in the suburbs start to use waste water appropriately, our personal contributions to savings in greenhouse gas emissions will be significant.

The honourable member for Glen Waverley, who has a strong commitment to this area of policy, said that as often as possible he does not use his car and catches the train to Parliament. The average family spends \$4700 on travel and generates 6 tonnes of greenhouse gas emissions each year mainly because of car travel. Simple suggestions such as walking, cycling, skating, catching a tram or train or using a car pool need to be made to the community. All of us look at our friends and notice that not many of them catch public transport — Melburnians and Victorians in general are reliant on motor vehicles, often through personal choice rather than need. The impact of the greenhouse effect and the Kyoto accord on personal lives, workplaces and agricultural practices must be communicated to the public.

The honourable member for Seymour is nodding. He lives in a community that has been dramatically affected by the compliance requirements for Victoria under the Kyoto accord, and the community must be informed that compliance is not just to be left to government, employers and the farming community, but there is a personal responsibility on each of us to comply with the accord.

In today's debate there is no need to go through all of the work a citizen can do. As indicated by the Honourable Gavin Jennings, now a member of the other house, the Kennett government introduced some good programs in schools. For instance, the Energy Smart Schools program was introduced to help reduce schools' operating costs and to improve conditions for schools and for the environment. Donburn Primary School in my electorate has set up a recycling and composting area in the school grounds so the children can understand and contribute to reduction in greenhouse gases. Most schools participate in activities like Clean Up Australia Day that are important because

they benefit the environment in general and enable us to fulfil our responsibilities to reduce greenhouse gases. On behalf of the Bracks government the Honourable Gavin Jennings congratulated the Kennett government for its work in this area.

I would like to touch on five areas: the first is Greenpower, which gives consumers the option to purchase electricity from renewable sources such as solar, wind, hydro or biomass — a popular program, though not widely taken up. However, in a recent consumer survey undertaken in 1999 by Energy Efficiency Victoria it was found that 9 in 10 consumers want to do more to conserve energy and reduce greenhouse gas emissions. Greenpower presents an opportunity to do that.

Another program is Replanting Victoria 2020, which is about building on Victoria's other programs and developing new ways to extend vegetation cover across Victoria through revegetation, reforestation, plantations and carbon tracking. For instance, last year the Kennett government announced it would spend \$9 million over the next three years on Replanting Victoria 2020 to increase the area of carbon sinks and to gain more knowledge about them. The then government committed nearly \$600 000 in the Corangamite region as part of the program and the funding went towards a number of revegetation projects including the Woody Yaloak Landcare group; the Corangamite Catchment Management Authority for the Geelong boulevard project; the You Yangs to Brisbane Ranges corridor and the Otways biolink. As always, the honourable members representing the Otways area are strong in their representations.

Industry is also playing a significant role. Alcoa Australia, although based in Western Australia, is supporting the Woody Yaloak Landcare community with time and resources. Edison Mission Energy, the owner and operator of the Loy Yang B power station, has pledged \$1 million for a five-year Landcare program in Gippsland to reverse land degradation, support greenhouse-related research and expand carbon sink capacity.

The area of policy is dynamic as a result of the activity of the former Victorian coalition government. In her closing remarks the Minister for Environment and Conservation should commit herself to continuing the work of the previous government.

In the private sector there is also interesting and dynamic change. Those members who have travelled in rural Victoria this year will have talked to people who have been approached by Japanese or American

companies seeking to purchase or rent land or take options on forests or land in anticipation of being able to buy carbon credits to reduce the impact on manufacturing industries under the Kyoto accord obligations.

There will be some interesting challenges as forests are locked away and agricultural land is converted to timber growing. Wherever you drive in Victoria the blue tint of the blue gum plantations can be seen. What will happen to rural communities as farming families leave and the relatively less labour-intensive tree farms replace more intensive activities? The honourable members for Seymour, Polwarth and other electorates — —

Mr Spry interjected.

Mr PERTON — The honourable member for Bellarine rightly points out there will be dramatic impacts on communities. As the number of children in rural schools falls the Victorian government will face the same change as every other Australian state government faces in supporting rural communities with falling populations as a result of changing land use.

There is also the possibility of an open international trading market in carbon emission credits. The weak Australian dollar is caused by the strongly held prejudice and perception of European and American financial markets that Australia is a resource-based economy. Will that mean polluters in Japan, the United States of America and the like will be keen to buy carbon emission credits in Victoria, and in Australia in general?

The honourable member for Ballarat faces challenges in future. For instance, what will happen if carbon-emitting manufacturing enterprises in Ballarat and elsewhere discover that their right to discharge carbon emissions is a valuable commodity that will be purchased by companies in Japan and the United States?

I am pleased the Honourable Gavin Jennings in the other place has dedicated himself to a bipartisan approach to this matter because, with disrespect to the minister, I do not think she is capable of dealing with the issues. Both sides of the house working together may be better equipped to deal with them.

Lots of innovative Victorians are working in this area. Recently I was invited to a seminar sponsored by McKean and Park, a firm of commercial lawyers who work in the financial sector preparing Victoria and Australia for this new trading regime. Recently Ross Blair, a consultant with McKean and Park, wrote

to me making some very valuable points which I shall share with the house:

In order to have trees growing in 2008 which comply with the requirements necessary for carbon sinks, it will be necessary to plant these trees within the spring season of this and the next two years. Bearing in mind that seedlings and land have to be acquired, the likelihood is that there are only two planting seasons left ...

That is a very significant issue for the community. Mr Blair went on to say:

... as we have argued for a substantial time, a properly structured greenhouse emissions market will have the capacity to enable us, without additional cost, to tackle almost all the environmental problems which currently beset this state;

He goes on to make the point that:

...the commencing date for the 'glide path' period to 1 January 2008 —

at which point our Kyoto obligations click in —

is rapidly approaching. The implementation of an emissions licensing regime will be extremely difficult ...

He and his firm are trying to work with those people in the financial market to develop a positive aspect which will be beneficial in the introduction process. He believes the Victorian community needs to work towards a carbon credits emission pertinence market of international trading significance. He is certainly working towards the development of that industry in Victoria at the earliest possible date.

I commit myself and the opposition to being prepared to work with the government on this question. It is my view that a properly briefed and resourced all-party committee would be best equipped to work to do that.

Mr Spry — There is some urgency about it, too.

Mr PERTON — Indeed. As the honourable member for Bellarine rightly points out, there is some urgency in the matter with only two planting seasons potentially available to pick up the 2008 period. It requires tripartisan work. The Allen report presented to the Victorian government points out there will be substantial impacts on both manufacturing and agriculture and on almost every aspect of the economy.

The bill and this area of policy need to be seen within the strategic framework for advancing Australia's greenhouse response. As most honourable members are aware, Australia is a party to the United Nations framework convention on climate change and took an active part in negotiating the Kyoto protocol, which it signed on 29 April 1998. The national greenhouse

strategy is the primary mechanism through which Australia's international commitments are to be met. The strategy, which was developed by all Australian governments, commonwealth, state and territory, and which extends the program of action launched as part of the 1992 national greenhouse response, maintains a comprehensive approach to tackling greenhouse issues. The range of actions it encompasses reflects the wide-ranging causes of the enhanced greenhouse effect and the pervasive nature of its potential impacts on all aspects of Australian life and the economy.

The strategy has three fronts: firstly, to improve the awareness and understanding of greenhouse issues; secondly, to limit the growth of greenhouse emissions and enhance the greenhouse sink capacity; and thirdly, to develop adaptation responses. Governments have identified the limitation of Australia's net greenhouse gas emissions consistent with the Kyoto protocol as the most important area for action.

The strategy provides for monitoring of progress, especially in relation to the Kyoto emission target, and for review in the light of that monitoring and other changes and circumstances. The first review is scheduled for 2002.

Although Australia contributes only just over 1 per cent of total greenhouse emissions, its per capita emissions are among the highest in the world — and substantial growth in emissions is projected. That point is made clear by Clair Miller, the environmental reporter, in an article in the *Age* of 4 November 1999, in which it is suggested that:

Australia has overtaken the United States as the world's worst greenhouse gas polluter ...

That is according to an analysis of United Nations statistics. It continues:

A spokesman for Senator Hill said Australia had always been one of the world's highest producers of greenhouse gases because of its reliance on coal-fired power. Other countries relied more on nuclear power.

That is a difficult issue for the community. The community as a whole probably has a great deal of resistance to the notion of nuclear power plants; there has never been a push by any government to move down the nuclear track.

However, as Victorians we have to face the fact that coal-fired production of power is among the most difficult aspects of Victoria complying with the Kyoto accord. That is one of the reasons it was such a good idea that the Victorian government adopted the strategy of divesting itself of the production of electricity.

Mr Howard interjected.

Mr PERTON — I am glad the honourable member for Ballarat East interjected on that point. If the honourable member for Ballarat East says that he would prefer the taxpayer to bear the burden of the adjustment of our electricity industry in accordance with the Kyoto accord — —

Mr Howard interjected.

Mr PERTON — It utterly confounds belief that the honourable member, who claims to have some economic expertise, wit and intelligence, would want to leave the taxpayer at risk of substantial monetary loss. It just shows that socialism is not dead. We all thought that the falling of the Berlin Wall and the end of the Soviet Union had brought about the end of socialism, but it obviously lives on in a little bastion in Ballarat!

Ms Lindell — On a point of order, Madam Deputy Speaker, the fall of the Berlin Wall has little to do with the bill. I ask you to direct the honourable member for Doncaster back to the bill.

Mr PERTON — On the point of order, Madam Deputy Speaker, debate in the house would become dull if one were not allowed to respond on the subject matter of the interjection. It was a passing reference, and I intend to continue talking about the national greenhouse strategy.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. I believe the honourable member for Doncaster was making a brief passing reference and will now return to the bill.

Mr PERTON — Thank you, Madam Deputy Speaker, and it is a pleasure to have you in the chair as always.

Work on the national greenhouse strategy commenced in late 1996 with strong cooperation between the federal government and the Kennett government. The national greenhouse strategy recognises that the existing initiatives by individual state and territory governments and local councils to reduce greenhouse gas emissions form a substantial part of Australia's overall effort.

The national greenhouse strategy document, which I had thought I had with me, states that significant examples of that work include the Kennett government's Energy Smart Business program, which, as I have already stated, in 1998 had more than 300 member companies, all committed to implementing energy management strategies in their

business operations. The strategy includes eight modules, which I shall not elaborate on at length. There is a substantial document somewhere in the chamber that runs to a couple of hundred pages. For honourable members who are interested I point out that it is a good read because it puts into context where we are up to and what we need to do.

The eight modules are: module 1 — profiling Australia's greenhouse gas emissions; module 2 — understanding and communicating climate change and its impacts; module 3 — partnerships for greenhouse action: governments, industry and the community; module 4 — efficient and sustainable energy use and supply; module 5 — efficient transport and sustainable urban planning; module 6 — greenhouse sinks and sustainable land management; module 7 — greenhouse best practice: industrial processes and waste management; module 8 — adaptation to climate change.

Briefly, for the benefit of honourable members and to put this into the context of the Kyoto accord, the first conference of parties to the United Nations Framework Convention on Climate Change (FCCC) in 1995 set in train the negotiations to establish a protocol that would:

... strengthen the commitments of developed countries for the post-2000 period; and

advance the implementation by all countries of their commitments under the FCCC.

As a result of the final protocol, developed countries as a whole will strive to reduce their greenhouse gas emissions from 1990 levels by at least 5 per cent by 2008–12. In recognition of the fact that developed countries have different economic circumstances and differing capacities and costs in reducing emissions, each developed country has a specific differentiated target. Australia's requirement is to limit its greenhouse gas emissions in the target period to no more than 8 per cent above 1990 levels.

That recognises Australia's unique position as a developed country that has a substantial resource base. I know there was a lot of controversy about the negotiations, but even the limits we have signed up to will lead to dramatic costs for business, agriculture and manufacturing. There still remains a substantial risk of loss of jobs in the Victorian community if we are to reach those international obligations. Some of the simple solutions that have been suggested to me involve substantial losses of jobs.

When one goes back to the GATT negotiations one sees that there was always the view that there should

have been a special category of countries, including Australia and a couple of the more advanced South American economies, where essentially there were OECD level incomes and GDPs but the countries were essentially resource exporters. One of the fair aspects of the lower requirement for Australia is the reality that we do not use nuclear power for our energy resources. Were we to head down that track, there would be all the requirements for safe holding of the wastes and the risks involved. That is not politically acceptable in Australia.

The targets under the Kyoto protocol encompass all the major greenhouse gases and the range of sources and significant sinks. Therefore, the protocol allows Australia to include emissions from land clearing in the calculation of its target. This arrangement provides scope for cost-effective mitigation action by ensuring that all avenues for reducing emissions can be pursued.

The behaviour of the Labor government in Queensland in this area is sad. That government, with its short-term sectional political interests, is encouraging land clearing. While we in Victoria have gone about the business of helping Australia to meet its obligations, it seems that the Labor Party's friends in Queensland are doing everything in their power to ensure Australia has difficulty meeting its international obligations. I call upon the minister and the Premier to take some action to get the Queensland government to take a realistic approach in the national interest.

Winding up on Kyoto, of interest is the contribution by the federal Minister for the Environment, Senator Robert Hill, to the Kyoto debate:

Australia accepts the balance of scientific evidence which suggests that human activity is accelerating the increase in the earth's average temperature, thus enhancing the natural greenhouse effect and causing the climate to change.

Senator Robert Hill is continuing to review and refine the federal government's greenhouse strategy. I would be interested in the minister letting us know in her response to the second-reading debate what role her ministerial council on greenhouse gases is taking and what contribution she has made. I invite her to do that because she has not been forthcoming about the work she should be doing on that front. I ask her to be open and transparent in that area.

In May 1999 the Prime Minister indicated that upon the passage of the Environment Protection and Biodiversity Conservation Act (EPBCA) the government would commence a process of consultation with the states on the issue of applying a greenhouse trigger in relation to new projects that were major emitters of greenhouse

gases. In December 1999 the commonwealth government released a consultation paper on the topic 'Possible application of a greenhouse trigger under the EPBCA'. That is important for state policy because the act passed by the commonwealth Parliament will commence in July 2000.

Introducing a greenhouse trigger in the framework of the EPBCA would mean recognising greenhouse gas emissions as a matter of national environmental significance for the purposes of that act. A greenhouse trigger would provide another measure for addressing Australia's international responsibilities on climate change. In particular, the significance of identifying greenhouse emissions as a matter of national environmental significance in the EPBCA is that projects that were major emitters of greenhouse gases would trigger the requirement for assessment and approval.

Lastly, in the area of applicable law that regulates the state's activities and our activities as Victorians is the attitude of the United States of America. In August 1997 the United States senate voted 95 to nil against US participation in an international carbon withdrawal regime unless there were guarantees that US competitiveness would not be compromised and unless all nations were included in the regime. On 12 November 1998 Vice-President Al Gore made the following statement on the signing of the Kyoto protocol:

Our signing today of the Kyoto protocol reaffirms America's commitment to meeting our most profound environmental challenge — global climate change. US leadership was instrumental in achieving a strong and realistic agreement in Kyoto — one that couples ambitious environmental targets with flexible market mechanisms to meet those goals at the lowest possible cost. At the close of the Kyoto conference, President Clinton and I made clear his intention to sign this historic accord. In the 11 months since Kyoto, the evidence of global warming has grown only stronger, and so has our resolve ... We hope to achieve progress in refining the market-based tools agreed to in Kyoto, and in securing the meaningful participation of key developing countries.

The commonwealth government has indicated it will not formally ratify the treaty until the United States has done so. Australia contributes some 1 per cent to international greenhouse gases and there seems to be little sense in turning the economy upside down when the largest emitters of carbon dioxide do not sign up.

There are critics of that approach. In the *Australian Financial Review* of 11 April reference was made to the Lavoisier group in Melbourne, which argued that the desire to limit the emission of carbon dioxide and other so-called greenhouse gases is predicated on assumptions and not necessarily on scientific fact. Both

the minister and I received invitations from the Lavoisier group and I understand it is conducting a seminar at the end of May. Listening to arguments from both sides is a worthwhile exercise.

The Lavoisier group states that the assumption relating to global temperature rising has been subject to vigorous challenge from a number of eminent atmospheric scientists. The group argues that global atmospheric temperatures have dramatically declined since October 1998. It also questions the belief in Canberra that the introduction of an emissions permit trading regime will result in only minor economic dislocation. The group further argues that the science behind global warming policy is far less certain than has been asserted.

The Lavoisier group is a significant group with significant scientists working for it. My instinct is that only a small minority of scientists takes that approach. For example, I learnt from talking to a Commonwealth Scientific and Industrial Research Organisation economist the other day that he believed that was very much minority thinking. However, in a democracy where considerable disruption will follow those issues it is important to take account of all arguments.

As I said, Victorians have been very strong in their support of environmental matters since the 1970s under the leadership of Sir Rupert Hamer. Recently the Australian Bureau of Statistics published a document entitled *Environmental Issues — People's Views and Practices*. That substantial document is available from the library. The report is interesting in that when people were asked to identify the social issue most important to them 30 per cent said health; 26 per cent, crime; 17 per cent, education; and 13 per cent, unemployment. Environmental problems were nominated as the most important social issue by only 9 per cent of respondents. A similar figure applies in the United States.

The study asked those who did not indicate environmental problems as the issue most important to them whether they were concerned about environmental problems. That survey resulted in 69 per cent of people indicating they had environmental concerns. The figure is down from 75 per cent in 1992 but roughly consistent with the figures recorded by the Australian Bureau of Statistics in the mid to late 1990s.

In February I met with representatives of the American national parks association in Washington DC who indicated they had the same results. When pressed, people acknowledged they had environmental concerns but those concerns were not at the top of their thinking.

Those results illustrate to government and those with the scientific material who understand the depth of the challenge that a considerable need exists to educate the community on the importance of good environmental activity.

Returning to those figures, 43 per cent of people questioned in the survey felt that over the past 10 years the quality of the environment had declined. That was far higher than earlier reports and I am not sure what it demonstrates because the Cain–Kirner, Hawke–Keating, Howard and Kennett governments respectively have done much work on environmental issues. Obviously international press coverage indicates to people that the quality of the environment is declining by raising a consciousness of the greenhouse effect on a number of environmental disasters. The survey shows that pollution continues to be the environmental problem of greatest concern for Australians, with 29 per cent of people reporting it as their major concern.

The study is also interesting in the context of the bill. The survey studied energy conservation measures and found that just over half Australian households reported that their dwellings had some form of insulation. The Victorian figures indicate that some 70 per cent of Victorian households have roof and ceiling insulation and 22 per cent have wall insulation — the highest of any state or territory other than the Australian Capital Territory. Over a long period Victorian builders, architects, town planners, state and local governments and individual citizens have taken a responsible attitude to insulation.

Victorians were asked in the survey why they installed insulation. Some 80 per cent said it was to achieve comfort, 13.2 per cent said it was to save on energy bills, and sadly only 3 per cent said it was to reduce energy use. It may have been just a matter of what people considered to be the issue off the top of their heads when asked and that if they had had explained to them its importance for the environment the answers might have been different. However, those figures are of concern.

Mr Spry — That's because 93 per cent regard it as inexhaustible.

Mr PERTON — Indeed, what the honourable member for Bellarine said is true. In the survey green power was defined as electricity generated from renewable energy sources such as solar, wind, biomass, wave and hydro power. About 3 per cent of households nationally were connected to a green power electricity scheme. It is interesting to note — it is a great challenge for the new government — that of those not connected

the majority — 79 per cent — were not aware of any green power schemes offered by electricity companies. That is why the Kennett government, working with the electricity producers, made sure the figures were highlighted to citizens and the option to take up green power was included with their electricity bills. Like me, Madam Deputy Speaker, you would have received pamphlets on the issue during the past year.

Victoria has been ahead of the pack in its use of gas. The ABS figures show that over 70 per cent of Victorian households obtain their room heating and some 65 per cent heat their water for household use from gas rather than electricity.

Mr Spry — They still don't in Portarlington.

Mr PERTON — The honourable member for Bellarine is following me in this debate. I hope he will make a strong point of the fact that he has been a supporter of gas to his community and that his community has been betrayed by the Labor government, because the extension of the gas supply was ready to go under the previous government. It is an appalling situation.

A lot of work has been done in the Latrobe Valley. I know that the Gippsland upper house Liberal members are strongly involved in working on the issue and that a number of companies are looking to oversee the manufacture of wind-generated turbines and the implementation of wind-generated electricity in Gippsland. For instance, a couple of weeks ago Stanwell Corporation announced it would lodge a planning application with the Shire of South Gippsland in its bid to get wind-farm turbines turning. Local government in the area is very supportive, as are the local Liberal members.

Energy conservation is an important policy area. As I said earlier, it is sad that the government's major contribution is to spend tens of thousands of dollars on introducing a bill to change the term 'renewable energy' to 'sustainable energy'. It is disappointing because it will not result in any electricity initiatives or other action.

I have a number of questions for the Minister for Environment and Conservation. I notice that the Attorney-General is at the table. I would be grateful if he would pass them on for the minister to answer. In regard to the removal of the research function the question which was raised in the upper house and which remains unanswered concerns the fact that the bill enables Sustainable Energy Authority Victoria to

lend or grant up to \$25 000 per annum without ministerial consent.

Also missing from the bill — this was also pointed out in the upper house — is a clear audit process to monitor the efficacy of the way the programs are proposed to be introduced by the government through the authority. As the shadow minister in the other place said, to a large extent investing in the renewable energy sector involves risk because it concerns developing technologies. It is important to have an open and transparent review and audit process to ensure that grants and loans are made only in cases of proven technologies and where the risk to the taxpayer will be minimal or of benefit to the community. I would love to hear the government's response on that.

There is also a need for an answer from the government on the future of the existing board. The opposition presumes the government intends to spill the board on 1 July. It would be appropriate for the members of the board to be reappointed given the comments of the cabinet secretary on the efficacy of its programs.

In conclusion there is no doubt that there are reasons to be concerned about the greenhouse effect. A press release from the Bureau of Meteorology dated 5 January states that the 1990s were Australia's warmest decade in the 90 years for which high-quality records are available. Dr John Zillman, the Director of Meteorology, says that the Australian annual mean temperature during the 1990s was on average one-third of a degree Celsius higher than the average for 1961 to 1990, making the 1990s the warmest decade since the 1910s. During the last decade there were six record hot years, each hotter than the other. While it may be coincidence — it may be caused by other random factors — there is a strong suspicion that it is caused in some part by the greenhouse effect.

Both state and federal governments must provide ongoing support for research into greenhouse emissions and global warming. That is vitally important not just for our quality of life today but for that of our children and grandchildren. I praise the federal government, particularly the Minister for Environment and Heritage, Senator Robert Hill, for its initiatives and leadership. I hope the Labor government takes the lead from the Honourable Gavin Jennings, follows the Liberal Party's example and shows real leadership and initiative in this area of policy.

Mr HOWARD (Ballarat East) — I am pleased to speak in support of the Renewable Energy Authority Victoria (Amendment) Bill. It demonstrates that the Bracks government has a significant position on the

environment. It made many promises during the election about environmental protection, greenhouse emissions and the need for Victoria to reduce those emissions and support alternative energy uses wherever possible.

The bill establishes a new authority, the Sustainable Energy Authority Victoria, which is a new name for the old authority. The change will achieve a couple of things. It is not just a name change; it is about sending a significant message to Victorians and showing significant leadership in the areas I have outlined. It indicates the Labor government's commitment to the reform of Energy Efficiency Victoria and establishing sustainable energy certainty for the state.

The Sustainable Energy Authority Victoria will provide a comprehensive strategy for greenhouse gas reductions and the development of renewable energy systems. The objective of the new authority is to facilitate energy efficiency and the development and use of renewable energy to achieve environmental and economic benefits. The authority will also address the need to reduce greenhouse emissions.

Particularly over the past 20 years, people have become aware of and concerned about greenhouse emissions. Honourable members would be aware that the Framework Convention for Climate Change (FCCC) led to two significant international conventions taking place. The first was in Rio de Janeiro in 1992, which was the first time leaders and organisations from across the world involved with environmental concerns came to talk about what needed to be done to address the issues.

Five years later in 1997 there was a follow-up meeting in Kyoto. The honourable member for Doncaster spoke about some of the issues raised at the Kyoto convention. Australia, among many other nations, became a signatory to the accord signed in Kyoto, which commits it to reducing carbon dioxide emissions.

In order to reduce carbon dioxide emissions, the amount of fossil fuels being burnt must be reduced. The combustion of fossil fuels has expanded exponentially since the turn of the 20th century. The requirement to burn fossil fuels to provide for our energy needs must be slowed.

One of the major by-products of the combustion of fossil fuels is carbon dioxide. Given its thermal properties, any increase in the level of CO₂ results in more heat being released into the atmosphere. The result of that may be not only to raise global temperatures but also to melt the polar ice caps in the

Arctic and Antarctic circles. That would have a devastating effect, raising the sea level and changing coastlines around the world. We must address the matter seriously, reduce the build-up of carbon dioxide in the air and not add to global warming.

As well as reducing the amount of fossil fuels that are burned, a number of other things can be done, as has occurred in Australia and around the world. One thing to consider is the other end of the system that for centuries has been kept in balance. Although carbon dioxide is released by the burning of fossil fuels and as part of the respiratory process of all plants and animals, plants are also an important solution to the problem. As part of their growth, plants carry out photosynthesis, by which they take carbon dioxide out of the air and convert it to plant growth, or food, with oxygen as the other by-product. It is vital to ensure the maintenance of a considerable plant population. Not only that, a significant replanting program should be implemented to ensure that carbon dioxide is taken out of the air and recycled as oxygen. That process provides a sink for greenhouse gases.

Part of the work of the renamed Sustainable Energy Authority Victoria will be to consider ways of promoting reforestation and extending the growth of plant materials so that some of the carbon dioxide gases that are being released into the environment can be absorbed.

To help reduce the amount of fossil fuels that are being burned we must find alternative, renewable sources of energy, for which there are many easily attainable sources and one of which is solar energy. Over the years much research has been done on using solar energy to heat water and generate electricity. Solar-heated water is not yet the standard in Australia, even though it should be. Only some people are using solar energy to heat water, although it is viable to do so. Research into using solar energy to generate electricity and heat water should be promoted.

Recently I was pleased to attend a function held by the Earthworker group. Earlier I was wearing a jacket with an Earthworker badge on it, but unfortunately over the past hour the temperature in the house has risen and I have had to take my jacket off. I would not like to blame the honourable member for Doncaster for adding to the hot air and the greenhouse effect in this chamber through his extended speech!

The Earthworker group involves members of the Electrical Trades Union and other union organisations working together with industry to promote renewable energy resources. Late last year I was pleased to attend

a promotion of Earthworker in Swanston Street. A plan was announced to use wind power to establish a significant electricity generation source in Gippsland. I was pleased to support that project of the Earthworker group, which the government also supports. Speakers at the meeting highlighted a number of other ways in which renewable energy can be added to the electricity grid, and that also needs to be promoted.

As well as solar and wind power, methane is a source of renewable energy. Just to the north-west of Ballarat there is a significant piggery, which, as a means of controlling its effluent problem, is producing fertiliser and converting methane into electricity. That large piggery produces enough electricity for a city of 40 000 people. It is surprising what can be done when one considers alternative energy uses. The methane is produced by treating the effluent from pigs. In years to come we could consider treating human effluent, which has become a problem, to create electricity for the grid.

Around the state attempts have been made to tap into the methane that is produced in many municipal garbage tips. As the waste is broken down, methane is created, which can be used to generate electricity to add to the grid. Part of the work of the new Sustainable Energy Authority Victoria will be to further promote the many renewable energy projects that are being developed.

When comparing the work done by the current government with that done by the former government, I note that the honourable member for Doncaster said the former Kennett government had done many wonderful things for renewable energy. I point out that Renewable Energy Authority Victoria was established in 1990 by the former Labor government. In 1992, when the Kennett government inherited it, the REAV had an annual budget of \$3.6 million. Year by year over the next seven years the government that the honourable member for Doncaster said was committed to the environment reduced the authority's budget.

That is horrendous. The honourable member for Doncaster can say what a wonderful job he thinks the Kennett government did, but it reduced the budget by nearly half in four short years from nearly \$3.7 million to \$1.9 million. That process continued for six of the seven years of the Kennett government. Even in 1999 the annual budget was still below the level inherited from the previous Labor government — that is, it was still below \$3.4 million. Only in the last year of the Kennett government, when it woke up to the fact that an election was coming, did it finally do something about renewable energy. Former government members thought to themselves, 'Perhaps we should respond to

Kyoto and bump up the budget for Energy Victoria', and they increased it to over \$5 million. Still, that was commendable.

What did the new government do? Did it say that \$5 million a year was appropriate? No, the Bracks government, as the bill demonstrates, acted on its strong commitment to renewable energy and to keeping faith with the people of Victoria. It arranged for an increase of more than \$17.5 million over four years in the Sustainable Energy Authority Victoria (SEAV) budget to almost double its income.

This government stands alongside former Labor governments in a proud tradition of support for renewable energy, and it will commit significant amounts to a range of environmental programs in addition to the \$17.5 million commitment to SEAV over the next four years. Labor governments have been far more committed to environmental issues than Liberal governments. The figures I have just presented on the SEAV budget are a prime example of that commitment.

It is a shame the honourable member for Doncaster was so negative. He gave a lot of information about the past, but as shadow minister for conservation and environment he showed honourable members almost nothing about his vision for the future of renewable energy. A few thoughts did emerge, to give him credit, but not much in the way of policy. Most of his presentation was negative.

The government plans to give significant support to environmental programs across the state. The legislation is part of a concerted effort to reduce greenhouse emissions and work with the federal government to meet the commitment it made at Kyoto.

Mr Steggall interjected.

Mr HOWARD — Yes, there is some doubt about the way the federal government and the federal minister, Senator Robert Hill, responded to the Kyoto protocol. They appeared to agree, but not to a reduction in greenhouse emissions. Rather, they seem to have agreed to limit the increase in emissions over the next 12 years to 8 per cent. Many Australians are disappointed by that position; but if that is the agreement Australia actually signs the Victorian government will work closely with the federal government to ensure that greenhouse emissions are reduced. The new arrangements for the SEAV will make that possible.

The legislation will also enable support to be provided for other activities associated with fostering renewable

energy projects. It will allow the authority to make grants to organisations and groups in the community and to support them in innovative projects to introduce more renewable energy sources and reduce the effects of greenhouse gas emissions.

Up to now, Energy Efficiency Victoria has had only one office, in Melbourne. More recently, however, it has started to branch out into regional Victoria. There is now an office in Geelong, and that trend will continue. I will not divulge any further information about that at the moment because the highly competent Minister for Energy and Resources in another place, the Honourable Candy Broad, will be making specific announcements in the near future about the opening of further EEV offices in regional Victoria. I am looking forward to that and to welcoming the minister back into regional Victoria to make her announcements.

I am disappointed that the honourable member for Doncaster has said the former government, by selling off its electricity and gas assets, did a wonderful thing and increased the state's ability to reduce greenhouse gas emissions. That attitude reveals the difference between the Bracks Labor government and the former government. This government shows leadership and responsibility. It does not sell off assets to multinational companies based in other countries who feel little requirement to develop alternative energy sources. If the utilities had still been in government hands the government could have applied better controls.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member's time has expired.

Mr SPRY (Bellarine) — I rise with enthusiasm to speak on the Renewable Energy Authority Victoria (Amendment) Bill and to reflect the concerns of many people in all parts of my electorate including Point Lonsdale, Queenscliff, Ocean Grove, Portarlington and other areas.

The opposition, as the honourable member for Doncaster has said, will not oppose the bill. I make the point, however, that it is disappointing that the government has not taken the opportunity to give substance to its pre-election rhetoric on the matter.

The bill is essentially window-dressing with little body in it. It provides only for a change of name and a drip-feed trickle of additional funding. In essence it provides little hope for people who are genuinely concerned about greenhouse gases and related issues.

In 1980 legislation was introduced by the Hamer Liberal government to address the emerging issue of greenhouse gases. That should not be forgotten, despite

what the honourable member for Ballarat East said earlier. The legislation was the Victorian Solar Energy Council Act, which established the council to investigate alternative methods and sources of energy generation to the traditional fossil fuels. Over the years the focus gradually changed to reflect the community's greater concern about pollution and such downstream impacts as the possible consequences of global warming. That was highlighted by some of the statistics referred to by the honourable member for Doncaster in his eloquent contribution to the debate. The honourable member has a fine record of genuine concern for the environment, which is always reflected in his contributions to debates on the subject.

The efforts of the former coalition government in accelerating forest plantation programs in Victoria should be applauded. As a result of those efforts so-called carbon sinks were developed to reduce the levels of carbon dioxide in the atmosphere in accordance with the Kyoto agreement referred to earlier by the honourable member for Ballarat East.

In my electorate of Bellarine, small though it may be, there is already evidence of two or three plantations being developed by forward-thinking farmers. They are taking advantage of the dual opportunity to not only meet the demand for blue gum woodchips but also gain the benefits of the carbon sink initiatives.

To reduce overall energy usage the Kennett government continued to support the work of Energy Efficiency Victoria (EEV). In the past decade or so that organisation has had a significant impact on raising awareness of the relevant issues. This morning I had the pleasure of visiting the head office of Energy Efficiency Victoria at 215 Spring Street, Melbourne, where I saw it has a staff of 40 dedicated people.

Despite the claim made by the honourable member for Ballarat East that the Kennett government did not put enough effort into promoting the issue, I would have thought providing 40 people dedicated to encouraging Victorians to become more aware of the benefits of alternative energy and energy-saving devices was a significant demonstration of the commitment of the former government to the issue.

The programs the people at EEV are promoting range from energy-saving initiatives to the Green Power initiative, all of which are legacies of the drive of the former coalition government. The honourable member for Doncaster touched on the Green Power initiative earlier, and it is worth reflecting on it. I will quote from a brochure given to me this morning by Iain Buckland,

the manager of the initiative at Energy Efficiency Victoria. It states:

Green Power is electricity generated from clean, renewable energy sources ...

When you buy Green Power from your electricity supplier, renewable energy is purchased on your behalf. It is distributed to your home through the grid, in the usual way.

By agreeing to pay a small additional charge on your electricity bill, you are replacing conventional electricity with clean, renewable energy.

I believe the price of renewable energy is slightly higher than the price of standard power. The price of standard electricity is something of the order of 12 cents per kilowatt hour. If a person takes the opportunity of demonstrating his or her commitment to limiting the greenhouse effect and saving power he or she will be required to pay something of the order of 15 to 16 cents per kilowatt hour. That reflects the fact that through the Green Power initiative Victorians are making a sacrifice in their drive to use energy-efficient power sources.

As the honourable member for Ballarat East said, an EEV centre has opened in Geelong. From the brochures given to me this morning my understanding is that an office will open in Bendigo. I will pre-empt what I presume the honourable member for Ballarat East was about to say — an office will open in Ballarat shortly. I hate to steal his thunder.

Mr Steggall — None in Tresco?

Mr SPRY — None in Tresco. There are many areas in Victoria where an office is yet to be opened, and there is no indication that any office will open in those areas. There is no office in Carrum, either.

Mr Hulls — None in Benalla.

Mr SPRY — There is no hope of one opening in Niddrie. The fact that offices are opening throughout regional Victoria is an indication that both this government and the previous government have been keen to promote the concept of energy efficiency in Victoria.

Only 6 per cent of Victoria's power comes in the form of renewable energy. That includes hydro-electricity, solar power, wind power and biomass and wave-generated energy. Victoria was and still is cooperating with the federal government in a program to increase the usage of renewable energy from 6 per cent to 8 per cent of total consumption. That federal government program is known as the 'plus 2 per cent' policy. It requires Victoria's electricity retailers and

some of its bigger consumers to buy at least 2 per cent of their power needs from renewable energy sources.

One of those sources of renewable energy is the wind generator at Breamlea, which is in the electorate of my colleague, the honourable member for South Barwon. I am sure the honourable member is proud of that fact. That old demonstration wind-power generator has been a feature of the Breamlea landscape for some time. It was owned by the former State Electricity Commission, which sold it to a company called Alternative Technology Association. It feeds the energy generated by wind power into the electricity grid.

I am also aware of a biomass energy generator which, although it does not feed into the grid, provides other benefits in the form of fuel for combustion engines. That generator is on a property of Dr Brian Barrett at Tylden, which is in the electorate of the honourable member for Gisborne — although she may not know much about it. I know a little about it because my brother, Jonathon Spry, manages the property for Dr Barrett and is heavily involved in the whole process. It involves recycling fat, most of it from fast food outlets in the city, and not only refining it and producing fuel suitable for some combustion engines but also using the waste product to make compost.

It is also informative to reflect on the fact that Australia's greenhouse emissions per capita are among the highest in the world, which is not a good record. The average Australian family is responsible — indirectly, admittedly — for producing about 20 tonnes of greenhouse gases per annum. That is a startling figure. I use the word 'indirectly' advisedly, because the generation of power by conventional means results in the release of vast amounts of carbon dioxide into the atmosphere. But when you translate the total into use per family, you arrive at the figure of about 20 tonnes, which, as I said, is staggering.

Greenhouse gas emissions can be reduced in many ways. The Energy Efficiency Victoria office at 215 Spring Street has a number of interesting brochures detailing those initiatives, and I have a couple with me this afternoon. I recommend that honourable members visit the office and read about the options that are available.

One detailed brochure headed 'Energy efficient house design' suggests that the most effective way of cutting back on household energy use is through the correct orientation of the building. I live in an old house in Queenscliff that was built back in 1863. In those days — —

Mr Hulls — It must be worth a fortune!

Mr SPRY — It is probably worth a dollar or two. I have never bothered to assess its value — I am very comfortable just living there.

Mr Doyle — How much did it cost you when you built it?

Mr SPRY — I assure the honourable member for Malvern that although I may be wise, I'm not that old!

In earlier days most houses were orientated to the south. The people who came out to Australia from the colder climes of England and other parts of the British Isles found our climate insufferable, so they tried to cool down their environment by building houses that faced south. Nowadays we tend to build houses that face north. We add on verandahs and adopt other heat minimisation initiatives that keep out the heat in the middle of summer and allow in enough heat and light in the middle of winter to reduce the use of energy.

Another brochure headed 'How to save on your energy bills' talks about home insulation and has all sorts of useful hints on the best lighting to use. For example, it recommends the use of compact fluorescent lighting in lieu of incandescent lighting. Victorians would be well advised to read the brochures produced by Energy Efficiency Victoria so they can learn how to reduce their overall household expenditure.

I repeat that the opposition does not oppose the bill. However, it is distinctly unimpressed by the government's lack of drive in seeking effective solutions to reduce the potentially disastrous level of greenhouse gas emissions. The bill gives the government an opportunity to confront the greenhouse gas problem and make a real difference. I am disappointed that the government is not taking full advantage of that opportunity.

Ms LINDELL (Carrum) — It gives me great pleasure to support the Renewable Energy Authority Victoria (Amendment) Bill, which amends the Renewable Energy Authority Victoria Act to change the name of the authority to Sustainable Energy Authority Victoria. In doing so, it fulfils an election commitment of the Bracks government to reform Energy Efficiency Victoria and to set up a sustainable energy authority charged with developing a comprehensive strategy for reducing greenhouse gas emissions and developing renewable energy systems.

The changes in the bill include those necessary to allow for changes in the name, objectives and functions of Energy Efficiency Victoria to reflect its reformed roles

and responsibilities. The bill also provides for changes in the authority's financial delegations to bring it into line with equivalent departmental approvals. The maximum amount of expenditure that can be allocated without ministerial approval will be increased from \$100 000 to \$250 000. The bill also empowers the authority to provide funding of up to \$25 000 in one year through a grants system without the consent of the minister.

The bill gives a clear signal to the community that the Bracks government is serious about enhancing Victoria's capacity to increase its energy efficiency and develop and use renewable sources of energy. Despite the view of the honourable member for Bellarine that the former Kennett government strongly supported Renewable Energy Authority Victoria, funding for the organisation was reduced every year it was in office.

Clause 5 provides new objectives and functions for the authority by replacing sections 5 and 6 of the Renewable Energy Authority Victoria Act. Proposed new section 5 states:

The objectives of the authority are to facilitate energy efficiency and the development and use of renewable energy to achieve environmental and economic benefits for the Victorian community and to contribute to the reduction of greenhouse gas emissions.

This is an important bill. The response to the challenge posed by global warming, which is caused by greenhouse gas emissions, must be led by governments and underpinned throughout industry and the broader community by forward-looking policy objectives. The consequences of global warming for our continent cannot be overstated. The Bureau of Meteorology recently advised that the 1990s was Australia's warmest decade. On average, the mean temperature during the 1990s was almost 1 degree higher than the mean for the years from 1961 to 1990. Five of the years in the 1990s were in turn the warmest on record.

The 1990s had the highest mean temperatures worldwide since instrumental records began in the 1960s, according to the World Meteorological Organisation. The need for action to reduce greenhouse gas emissions internationally has grown over the past 15 years. At the recent World Economic Forum at Davos in Switzerland it was agreed that climate change was the greatest challenge facing the world at the beginning of the new millennium.

The bill signals to industry and the broader community that the intention of the government is to lead Victoria towards a sustainable energy future. Current government policy as outlined in the Greener Cities and

the Brighter Ideas election policies includes a commitment to set emission reduction targets and pursue a comprehensive strategy to achieve them. A Victorian greenhouse strategy will be developed during the year to meet the commitment.

The new Sustainable Energy Authority Victoria (SEAV) will drive reductions in greenhouse emissions to enhance Australia's ability to meet its international obligations with regard to greenhouse emissions as agreed under the Kyoto protocol. Under the protocol, between 2008 and 2012 Australia will be required to limit its emissions to 8 per cent above 1990 levels. Australia's target is considered fair and equitable, reflecting its unique economic and trade circumstances. It is recognised that meeting the target will be a challenge requiring action by all governments, business and industry and the community. It is why the bill is before us today.

A commitment to open and consultative government is the hallmark of the government. The recently released report on greenhouse gas emissions trading — known as the Allen report — is freely available on the Internet. Although he is no longer in the chamber, the honourable member for Doncaster might be interested to know that the address on the web is www.vic.gov.au/greenhouse/emissions.html. I believe the honourable member was having trouble finding the report. If he is still interested he will find it is located at that address.

A summary of the Allen report has been sent to more than 120 industry and environmental representatives involved in the consultation and forming part of the study, as well as to other state and territory governments and, of course, the commonwealth government.

The report, commissioned by the previous government, examines the economic impact of domestic emissions trading and will add to the national debate on greenhouse gases. Its findings will be considered by the new SEAV over the coming months in the development of a comprehensive greenhouse emissions reduction strategy. The report shows significant opportunities for additional reductions, including energy efficiency and establishing carbon sinks via tree planting in most sectors, as outlined by the honourable member for Bellarine.

The establishment of SEAV makes sound environmental and economic sense. Programs such as Energy Efficiency Victoria's Energy Smart Business Cascade program and the Environment Protection Authority's Cleaner Production Partnerships are

delivering economic and environmental gains to businesses in partnership with government through reduction in carbon dioxide emissions by increased energy efficiency. The new SEAV stimulates the development of renewable energy and there will be new employment opportunities in regional Victoria, particularly in areas like Benalla — which members on this side of the house are interested in but which the Liberal Party appears to have no interest in at all.

Up to 50 jobs will be created during the construction stages of the proposed Codrington wind power project, exemplifying the important economic benefits that can be derived by reducing greenhouse gas emissions.

Honourable members interjecting.

Ms LINDELL — I think the honourable member for Doncaster could give us some insight into wind power.

Establishing the SEAV is a major initiative of the government. As I said, it is government policy to reform Energy Efficiency Victoria (EEV) and establish the SEAV as part of a comprehensive strategy for greenhouse gas reduction and the development of renewable energy options.

The election policy of the government states that the SEAV will develop greater consumer awareness of the benefits of sound environment products and establish environmental guidelines for electricity retailers, including annual reporting of greenhouse gas emissions and setting greenhouse gas emission benchmarks apportioned according to market share.

The authority will require electricity retailers to produce greenhouse gas strategies to achieve a reduction in per capita greenhouse gas emissions. It will support the development of carbon trading, which can generate significant additional funds for the planting of new forests paid for by industries that emit greenhouse gases.

It will require all energy companies to disclose as part of their billing information the amount of greenhouse gas produced in supplying energy. Consumers will be advised of the source of their energy — coal, gas, hydro or green power — and the amount of greenhouse gas pollution associated with their own energy use.

It will establish a greenhouse rating scheme for commercial buildings. It will assist government departments to identify and harness cost-effective opportunities for improving energy efficiency, with a target of reducing energy use in Victorian government buildings by 15 per cent by 2005. The authority will

upgrade the Energy Smart Business program to help companies reach world-class standards in energy use, which will reduce costs, improve productivity, and cut greenhouse emissions. It will introduce an Energy Smart Homes program in conjunction with local councils which will implement improved energy efficiency standards for new homes and renovations.

The authority will expand the Green Power program to facilitate the generation of electricity from renewable sources and to stimulate economic growth and jobs in those industries. It will facilitate the further development and use of co-generation in Victorian work places. It will set a target for the consumption of green power and help meet Victoria's greenhouse gas reduction responsibilities by conserving energy use in the development of facilities for the 2006 Commonwealth Games. I emphasise that the establishment of Sustainable Energy Authority Victoria will make significant contributions to the Victorian economy and the government's efforts to reduce greenhouse gas emissions. I commend the bill to the house.

Mr PLOWMAN (Benambra) — It gives me great pleasure to join in the debate on the Renewable Energy Authority Victoria (Amendment) Bill. Although the bill is short and in one way simply shifts the deck chairs by changing the name of Renewable Energy Authority Victoria to Sustainable Energy Authority Victoria — it changes just one word — it fundamentally increases the opportunity for energy interests in Victoria to work on and fund different renewable energy projects right across the state.

The main aim of the bill is to not only provide for the better use of energy but also to ensure a reduction in greenhouse gas emissions by introducing renewable energy systems. If effective action can be taken to reduce the emission of greenhouse gases such as carbon dioxide by reducing our use of combustible fossil fuels, the increased funding of \$17.5 million over the next four years, in addition to the existing budget allocation of approximately \$5 million, will be money well spent.

The honourable member for Carrum said the previous government presided over a continuous reduction of funding in the renewable energy area. That reduction was in public funding because there was an increase of private funding. That makes good sense. I am sorry the honourable member for Carrum is not listening. I suggest it makes good sense. If you can get private investment in an area like this, why put in extra public funds? The honourable member for Carrum explained that 40 people are permanently employed by the authority, which indicates a commendable commitment

by the former government and tends to overturn any concern about a reduction in funds. One can always count the dollars going into something but one really needs to see the outcomes.

Mr Hamilton interjected.

Mr PLOWMAN — I would like to see recorded in *Hansard* the interjection by the Minister for Agriculture that the former government was actually quite good.

Honourable members interjecting.

Mr PLOWMAN — That is what I heard, anyway. I am quite sure that is the way *Hansard* will record your remarks.

I want to touch on two points in the bill. Clause 6 allows the authority to lend or grant up to \$25 000 to a person or a body in one year without the consent of the minister. I do not know why it is necessary to do that without the consent of the minister, but the bill gives that freedom to the authority, which shows some respect for the integrity of the authority. Clause 6 also increases from \$100 000 to \$250 000 the authority's limit for entering into agreements without the consent of the minister. I imagine those agreements would be along the lines of trying to encourage development in the renewable energy industry. I will touch on those two matters later.

One of the authority's most important functions is to monitor and evaluate research and development on energy efficiency and renewable energy. I note that during the debate in the upper house a suggestion was made that the bill did not provide an opportunity for the work undertaken by the new Sustainable Energy Authority to be monitored and also for its effectiveness to be determined. That is an important function of the authority that I will refer to later in my speech.

Proposed new section 26 states:

The members of the Renewable Energy Authority Victoria cease to hold office immediately before the Renewable Energy Authority Victoria (Amendment) Act 2000 comes into operation.

That is disappointing because it appears to be an opportunity for the incoming government to replace all the existing members of the board and authority. As I said before, the authority has done an enormous amount to generate a better understanding in the community of why renewable energy has to be considered, funded and assisted. Yet it appears as if the days of the board members are numbered. I ask the government to give due cognisance to those board members when it replaces the board as proposed by the bill.

Earlier I said I would refer to a few examples of how I believe renewable energy can be promoted and developed in practical terms. As is my wont, I will refer to how this can happen in country areas. Honourable members heard about the public field where the government wants to try to reduce the energy usage in public buildings and so on — and that is highly commendable. However, it is the smaller proposals that make a lot of difference, many of which will be trialled and utilised in country areas.

In a week an expo at Tallangatta will highlight renewable energy, as it has done over the past few expos. It is a dairy expo, but it considers all aspects of the industry. It includes the need to encourage, develop, and seek initiatives in the renewable energy area. I refer to a small development of a guesthouse bed-and-breakfast operation at Waterfall Creek in the Tallangatta Valley. The owners built their premises in an isolated area and were faced with a cost of about \$15 000 to \$20 000 to bring power to their establishment. Instead, they have harnessed the water power from a stream and generate all their electricity 24 hours a day, 12 months of the year, and are doing it for a little more in initial capital cost than if they had brought the power to their farm via Eastern Energy. Not only does it give renewable energy at virtually a nil recurrent rate, but it interests city people who come up to stay at the guesthouse to look at it and see how energy can be sourced on site. Many city people are not aware of the value of water. Some even believe milk comes from a carton. When they visit the country they get a shock when they see milk does not come from a carton or a bottle. More importantly, they see how energy can be generated within a sustainable unit on the Waterfall Creek site.

Mr Doyle — We are just simple city folk.

Mr PLOWMAN — There are plenty of simple folk in all parts of the community who get pleasure in the simple application of renewable energy. Those sorts of examples need to be encouraged.

I refer to the provision of the bill which allows the authority to lend or grant up to \$25 000 to a person. The Tallangatta expo is considering running a competition to seek renewable energy initiatives. A grant given to that body to promote such a competition right across country Victoria — because it is aimed at country Victoria — would be an excellent way of spending public funds to develop initiatives from all sorts of areas.

Other examples of renewable energy initiatives include solar panels to run electric fences because it is much

more costly to take the power to the fences than to set up a solar panel. Instead of building a cattle grid, a farmer in my electorate has developed a solar panel self-operating gate. The gate is operated by the approach of a vehicle and is cheaper, more efficient and can be used for livestock, where a cattle grid cannot. Those sorts of initiatives will enable us to examine renewable energy through totally different eyes. All those aspects are worth looking at in country Victoria.

Another example of where solar panels are ideal is in isolated areas where road lighting is needed in a bad spot, at an intersection, or in particularly fogbound and isolated areas. There are many instances where solar panel lighting in those dangerous spots on country roads is the most practical and economic way to provide lighting.

Mr Hamilton — Even in telephone boxes.

Mr PLOWMAN — Yes, even in telephone boxes. As the Minister for Agriculture points out, some Telstra advertisements alert us to what is available and possible.

North-east Victoria contains many such opportunities for the use of renewable energy. It is not a windy area but the opportunity for wind power generation is available. There are all sorts of opportunities for water power generation on a small scale. When co-generation of electricity was available in Victoria a generator was installed at Mulwala, an increased generation capacity was put on two of the other major dams on the Murray system, and a new wall across the Hume Weir at the narrows at Tallangatta was considered to generate capacity. However, country Victoria just missed out on that opportunity which would have been a wonderful way of servicing that area with an increased generation of green power.

Some 38 per cent of the water that runs into the Murray–Darling Basin is generated from the small area of north-east Victoria. That constitutes a lot of power and a lot of opportunities. It is an area that the government certainly should be considering. Windmills have always been used as a source of energy for water pumping, and more frequently in the wind-free areas solar panels are replacing windmills. We have to be open to new ideas.

When you are faced with a hot water cylinder that either rusts out, starts leaking or degenerates — and I will not use the agricultural colloquialism — why not consider replacing it with solar power? For only a small additional cost it is probably a good means of not only

demonstrating how we can individually use renewable energy but also how we can do it at an affordable rate.

Another function of the authority will be to monitor and evaluate research and development. I hope the Sustainable Energy Authority will look outside the bounds of Victoria because the Albury campus of the Charles Sturt University at Thurgoona has established a whole university complex where every building is designed on an energy sustainable basis. I know the Minister for Agriculture will be interested in that because of his enduring interest in tertiary education.

No airconditioning is required. The complex has circulating water, which cools during the night. The water is held in a pond, and when the building temperature reaches a certain level it is automatically circulated, which means the building stays cool during the heat of the day. The functioning of the window shutters is determined by temperature and the direction of the sun. They are automatically tilted to deflect the sun and exclude the light as the building becomes hotter.

The complex, which has a large student population, has a totally contained sewerage system using the self-composting toilets referred to by the honourable member for Doncaster. The buildings utilise all the water that falls on the campus. The water that falls from the roof is used for drinking, and the grey water is used on the gardens. A ponding system does not allow any water to leave the campus. When complexes such as hospitals and educational facilities are being built, I hope the authority will look across the border to the Charles Sturt University and see it as an example for designers and builders to follow.

I refer to the funding grants of up to \$250 000 provided for in clause 6. Projects such as the Charles Sturt University complex should be funded and allowed to develop by making use of commercial opportunities — and again, they should be seen as examples for others to follow.

I now turn to a project being undertaken in the Upper Murray by Upper Murray Business Incorporated that involves the biomass generation of forest waste. Bob Barker has been working on the project since 1998. He initially looked at residual roundwood as a resource, but he is now looking at all forest residue, including sawdust from the timber mills in the north-east. Forest residue is produced by both hardwoods and softwoods. The system, called pyrolysis, breaks down the wood residue through burning into three separate units — phenols; alcohol, which is used for pharmaceutical

products; and cellulose, which is used for paper making.

The commonwealth biomass taskforce and Melbourne University are heavily involved in the project. They are looking at a pilot program that will use 21 000 tonnes of forestry waste a year. The pilot project is almost certain to develop into a bigger proposal that will have a significant effect on greenhouse gas emissions in north-eastern Victoria.

Country Victoria will lead the way in many areas, from smaller projects generating power through water to larger ones generating power through biomass generation.

Mr CARLI (Coburg) — I am pleased to support the Renewable Energy Authority Victoria (Amendment) Bill. I have had hands-on experience with renewable energy going back to the early 1980s, when I was a project officer with the former Brunswick Electricity Supply. That company not only provided electricity to Brunswick residents but also examined ways of reducing their energy use. That meant informing people about energy efficiency, which involved hands-on issues such as converting their homes to maximise energy efficiency, ensuring that council buildings were energy efficient, and creating a local technology park using renewable energy wind power, solar cells and other forms of energy, not only for educational purposes but also to generate electricity to put back into the grid.

Coming straight from university, I was fortunate to be employed in an innovative organisation that saw itself as playing a proactive role in renewable and sustainable energy matters. The company was a leader in those days. Later I will speak about the attempts by the City of Moreland to continue that tradition of forward thinking on energy conservation and renewable energy.

The name change from Renewable Energy Authority Victoria to Sustainable Energy Authority Victoria is important. That was brought home to me several weeks ago when I attended a presentation of Daimler-Chrysler's Nebus, which was brought from Germany.

Nebus is an important project involving electrically powered vehicles. Energy cells in the vehicle use hydrogen and oxygen from the air to produce water and electricity to drive it. As a result no greenhouse gases such as carbon dioxide, nitrogen oxides and sulphur oxides are produced. The pollutants produced by diesel motors are not present. It is impressive that Daimler-Chrysler is developing a bus system at the

same time as it is developing a car system based on air and hydrogen — renewable energy sources.

The issue that really came home to me was that if you want sustainability you have to work out how the hydrogen you use is produced. At the moment most hydrogen is produced during the cracking process in the production of petrol and diesel. That is not sustainable, because although hydrogen is renewable and available, when it is produced in that form it produces greenhouse gases at an earlier stage than happens while the vehicle is being driven.

The engineers from Daimler–Chrysler were interested in the production of hydrogen that did not involve greenhouse gases, whether from hydro-electricity, which they favoured, or some other sustainable method. The issue was not so much the renewable energy source but sustainability. Sustainability has to be looked at as a cradle-to-grave process. Although the Nebus project is impressive in what it can mean in reducing pollution in cities and improving personal amenity in the form of a quieter ride and so on, there is a need to get the cradle-to-grave process right and look at the creation of renewable energy.

A series of emerging technologies coming on stream will prove important in the move towards the production of more sustainable energy. It is a difficult issue for Victoria, not only because its dependence on brown coal is important to the economy, but also because it produces greenhouse gases and coal is not a renewable source. The solution lies in developing alternatives.

The aim of the Sustainable Energy Authority will be to encourage development of sustainable alternatives, make sustainable energy marketable and build up related industries. It will also be important to ensure that energy retailers purchase alternative electricity. There is currently a debate on the issue of whether a quota should be introduced to force retailers to purchase alternative electricity to help drive the alternative industry and investment in it, which is needed desperately.

The message in the bill is that the authority will be important in driving change and innovation. At the last election Labor flagged a series of initiatives to drive awareness among consumers. Labor wants to provide guidelines to ensure greenhouse targets are met and people are aware of what is happening — that is, where and how electricity is being produced and the consequences of its production.

The authority will have important tasks in Victoria. It will assist the state to meet the commitments Australia made in the Kyoto agreement, in the discussions at the Rio summit and in other environmental forums over the past few years. Victoria is facing major environmental consequences as a result of global warming and pollution due to the use of particular fuels. A government authority is needed to drive change and innovation, carry out monitoring and evaluate research. Those functions are well expressed in the amendment, and I support that.

I am aware of the power exercised by the power retailers, their great desire to sell more electricity and the difficulties that are faced in going down a path of renewable energy. I own a property in central Victoria with some other people. We introduced solar panels and our solar system worked effectively. However, in choosing our power source we had to decide between what then was the State Electricity Commission and the choices other property owners were making. It was a difficult decision to make at that time. Initially it was not an economical decision to choose solar panels, but in the eight or nine years since there has been a real boom in the use of solar panels in central Victoria and an awareness that they are a good, renewable resource.

The price has also dropped. With improvements in technology have come increases in production and demand and a noticeable reduction in the costs of the systems. I was made aware of that when someone stole our inverter. When we replaced it we found a better product at probably a quarter of what we paid eight or nine years ago. The cost of installing a solar system has gone down in the past decade and the technology is better.

There is a need to drive the technology, drive the industry, create the demand and create alternatives. It is the government's role to provide incentives and demonstration packages, to demonstrate that its own buildings are energy efficient in their design and to ensure that consumer goods are rated so that consumers know how much electricity the items they purchase will use. The government will put energy up front.

So far as consumers are concerned a heap of benefits are available, not only a lowering of energy costs but also environmental benefits, which often are not apparent initially.

People's awareness of the long-term effects and consequences on the environment by our irresponsible use of non-renewable energy, particularly hydrocarbons, is increasing. Previous speakers have mentioned the increase in summer temperatures which

may be a consequence of global warming, and that is making people aware of what is happening. That creates an opportunity for governments to show leadership and provide incentives for the use of non-renewable energy.

It is in that context that I refer to the City of Moreland. In the early 1980s Brunswick Electricity Supply, which was an innovator in Victoria and possibly worldwide but which, as I said, no longer exists, initiated some important steps relating to renewable energy. When the supply of electricity was privatised, the energy component of Brunswick Electricity Supply was taken over by Citipower. It is fortunate that it has kept that important resource going, particularly as an educational tool.

The City of Moreland decided to continue the tradition of being an effective voice for renewable and sustainable energy. It used part of the money raised from the sale of Brunswick Electricity Supply to set up a fund to promote and develop renewable energy. Local government money is in great demand, and the City of Moreland is to be commended for putting several million dollars into the project over the long term. It is helping to build a culture of innovation.

With the Minister for Local Government I attended the opening of the renovated municipal buildings in Coburg. The renovations were done with complete thought for energy efficiency in terms of design and architecture. The council built a pergola with solar panels which produce electricity for the building. The panels help to maximise heating and cooling using the sun and air. It is a credit to the council that it decided to use the principal civic building as an example of good energy design.

The City of Moreland also made a conscious decision to purchase some of its electricity from renewable energy sources — I am sure it would buy all of its electricity from those sources if it could. People living in the area know the council does that and it has a symbolic aspect which should not be underestimated. It follows the tradition of the Brunswick Electricity Supply selling solar panels to its customers who were able to pay for them on their electricity accounts. The electricity generated by the panels over and above that used by the customers was deducted from the final bills. It was another way to raise people's awareness but it also had a very practical application.

Now the City of Moreland has a tradition, which I have been part of and supported for close on 20 years. It has considered local government as a major vehicle for

improving the use of renewable energy and driving the process of environmental consciousness.

The new Sustainable Energy Victoria Authority will also have that role. Clause 6 sets out the functions of the authority, which include providing advice and information to consumers about the efficient use of energy, particularly renewable energy; the practical implementation of energy-efficient measures in all parts of the economy; encouraging the viability of the renewable energy industry; monitoring and evaluating research; and informing Parliament about the possible directions we can take.

It is not enough for the state government to do the work alone. It needs to be taken up by responsible companies, consumers as a whole and local government. If we are really serious about meeting the targets set for us in the Kyoto agreement we need to rally around our commitment and do better than the commitment, although we can argue about the target set for Australia and the basis on which it was set.

The City of Moreland also monitors the planting of trees. In the past year it has planted 15 000 trees and this year it intends to plant the same number. It considers its role as a planter of trees in an urban area as improving the habitat for humans and animals and forming part of its commitment to environmental sustainability. If one local government body can do it, all of them should be doing it, as should companies and individuals. It is not the responsibility of one sector of society to search for and try to achieve sustainability; everyone must do that. The authority has a strategic leadership role but it cannot achieve its goal without the cooperation of many other forces in the society.

As I said, I am pleased to support the bill. It is important to focus on sustainability. The example of the Nebus from Daimler–Chrysler highlights what can be done. It is great to be able to just add hydrogen to air and drive buses, without any pollution or greenhouse gases. The big issue is how we get hydrogen. It is not a sustainable prospect to simply use brown coal or crack hydrocarbons in a petrochemical plant to get the hydrogen.

An honourable member interjected.

Mr CARLI — Building the buses is an issue as well. To be fair, when people at a company such as Daimler–Chrysler talk about cradle-to-grave projects, they include the production and recycling of the buses. It is to the credit of the commitment of the Germans to the environment that they can build a product such as a bus and make each component recyclable and ensure

that they monitor the lifespan of the vehicles. I was very impressed when the engineers at Daimler–Chrysler said that they use the same approach to fuel. They said it is not about just hydrogen and oxygen; they acknowledge the need to follow the process back to determine how the hydrogen is produced and that that is crucial to their ability to produce a better, environmentally friendly vehicle.

We can learn a lot from the Germans. They show a level of thought in their engineering and the cycle of production that still has not quite penetrated Australia. That will no doubt be a function of the authority, certainly in the energy area.

Mr VOGELS (Warrnambool) — I wish to contribute to the debate on the Renewable Energy Authority Victoria (Amendment) Bill, which provides for the establishment of the Sustainable Energy Authority Victoria. There is no doubt we need to be looking at alternative forms of energy. Up to now the cost of green power, as it is called, has been beyond what the end users — that is, the consumers — can afford to pay. Current energy costs for a megawatt hour were outlined in the *Australian* of 6 January. They are: hydropower, \$50 to \$100; wind power, \$70 to \$100; solar power, \$150 to \$250; wave power, \$100 to \$200; forestry, \$60 to \$130; crop waste, \$70 to \$130; and landfill gas, \$50 to \$90. They must be compared with coal-fired power, which costs \$10 to \$30 per megawatt hour.

I have had some personal experience in the use of solar power. Television reception at my house at Scotts Creek was non-existent because of the terrain. My house is in a beautiful valley that does not lend itself to TV reception or even using mobile phones. However, on top of the hill behind the house, about a kilometre away, the reception is perfect. We decided to put an aerial up there and beam a signal down to the house, all of which is quite possible. However, we needed about 1 watt of power to run a transformer. At a cost of nearly \$1000 we purchased a solar panel that in theory would keep a 12-volt battery charged all the time to enable it all to happen. It proved a dismal failure, as that expensive solar panel could not keep even that tiny bit of power going for 24 hours a day without our having to regularly recharge the battery. I have told the story to show that we have a long way to go before green power becomes viable.

An article in the *Ecologist* of March–April 1999 headed ‘Making progress towards a fossil free energy future’ states:

Modern cars, after a century of devoted engineering refinement, use only 1 per cent of their renewable energy to

move the driver. An ordinary light bulb converts only 3 per cent of the power-plant fuel into light. The entire US economy is only about 2 per cent energy efficient compared with what the laws of physics permit.

South-western Victoria is leading the way in the search for renewable energy resources. By the end of this year Victoria’s first commercial wind farm could be producing enough electricity for more than 15 000 homes. The \$30 million 14-turbine wind farm at Codrington, just west of Port Fairy, would save up to 80 000 tonnes of greenhouse emissions by replacing coal-fired power in the south-west.

In an article in the *Herald Sun* of 18 July 1999 Felicity Dargan states that waves off the Portland coast will be used to generate power in a project its designers believe will revolutionise the electricity industry. The article goes on:

Group managing director Michael Slonim said federal government funding had been received for the trial, which would start before the year’s end.

‘The unit will produce 20 kilowatts of power, enough to power 20 homes’, he said.

‘Wave energy is not a new concept. People have tried for decades to harness the energy of the ocean’.

‘They have invested millions of dollars, cut into cliff faces and built huge offshore platforms’.

‘Our system of converting wave power into electricity is simple, low cost and non-polluting. It is also modular, so each unit is self-contained, meaning you add more as you need them’.

I have a photograph of a unit with me now. We have a long way to go — but we must keep trying.

Phillip Hopkins, in an article in the *Age* of 13 March, writes about a company that has received \$750 000 to start immediately on a study of the feasibility of using biomass fuels, including wood residues from softwood plantations, in the green triangle region. The green triangle region is also in the south-west of Victoria. Biomass is the name given to a variety of organic materials produced with the energy of the sun and can include a range of products from wood and wood waste to grasses, grains and seeds, agricultural waste, food processing waste, and paper and cardboard.

South-west Victoria is also leading the way in forestry. A key assumption in the scenario is that forestry ecosystems will return to net carbon sinks rather than the net emissions that are occurring today.

Background work on fossil fuels as energy sources suggests that a coordinated international effort could halt net tropical deforestation by shortly after 2025; but

significant policy intervention would be needed to make that a reality. Such a campaign would also require broad exceptions for local people on certain measures, sympathetic approaches to reforestation by commercial plantation owners and strict policing.

The federal government has pledged \$65 million to be spent on finding renewable energy resources so that by 2010 an additional 2 per cent of electricity will be provided by green power. That is to be commended.

I support the bill because it builds on the efforts of the previous state government and the federal government to facilitate the use of energy efficiency and the development and use of renewable energy. I commend it to the house.

Ms BEATTIE (Tullamarine) — I am pleased and excited to join the debate on the Renewable Energy Authority Victoria (Amendment) Bill.

The bill does more than simply change the name of the Renewable Energy Authority Victoria (REAV) to the Sustainable Energy Authority Victoria (SEAV). It provides extra funding and demonstrates the commitment of the Bracks Labor government to making a difference to the impact of greenhouse gas emissions on the environment. That is of importance not only to people in Victoria but to everyone in Australia and the rest of the world.

Australia's response to global warming follows the worldwide trend. The five-year period from 1995 to 1999 was the warmest on record, and all honourable members will understand the need for international action. Until 1998 there was a lack of commitment to measures to counter global warming. Interest was renewed, however, after the Kyoto conventions and protocols emerged and the need for a national greenhouse gas strategy became obvious. The former state government failed dismally in responding adequately to that enormous problem.

We are the custodians of the planet, and its future is in our hands. The Bracks Labor government will put more resources into the SEAV to provide for a range of initiatives designed to achieve greater energy efficiency across every state sector. Those initiatives will not only reduce greenhouse gas emissions and the amount of energy used by householders, businesses and authorities, it will facilitate the development of new sources of renewable energy as alternatives to the fossil fuels on which Victoria relies so heavily. There is a sense of urgency in the government's commitment to renewable energy sources, so the SEAV will focus on facilitation rather than research.

The government is committed to the future of Victoria and will play a strong leadership role. Projects have already begun so that, with education, Victorians will modify their thinking and behaviour in energy use. Rather than simply sprinkling government money on the problem, we must look at the systems that are the root of the problem and become strategic as well as determined in our efforts.

The opposition should wholeheartedly support the leadership role taken by the Bracks Labor government. Sustainable energy should be above politics. Honourable members of the opposition who have suggested that the bill is mere tokenism should understand how the government will, with the assistance of the SEAV, deal with greenhouse gas emissions in the coming years. It must and will make consumers aware of the benefits of sound environmental products and their use.

Much work has been done at both the industry and the retail level on energy-efficient appliances. The REAV, in its annual report, asserts that it has provided approximately 300 000 people with information about energy-efficient appliances. I hope that is translating into sales.

We cannot underestimate the importance of identifying and enlisting the commitment of key nations — particularly the United States of America, which has the largest economy in the world and must come to terms with the issues.

In my previous employment I worked closely with a group whose genesis was in the union movement — particularly the Electrical Trades Union, often ridiculed and vilified in this house by the opposition — called Earth Worker. That group helped to facilitate the development and manufacture of a wind turbine in the Latrobe Valley. The project has the potential to generate both economic growth and jobs for the Latrobe Valley and demonstrates the willingness of the union movement to use its influence for the benefit of the environment and the economy. That movement can also play a role in educating its members in sustainable energy use.

I wish to reinforce the commitments made in the Bracks government election policy. I will refer to a couple of key points, but I will not dwell on them, Mr Acting Speaker, because I know other members wish to speak in the debate. One of the key points of the policy is:

Labor will establish a power industry planning unit which will urgently review the need for future power station development, gas supplies and the opportunity for

coordinated energy conservation programs funded by distribution companies.

...

Labor will promote renewable and non-greenhouse producing energy sources.

The policy also states that the strategy will include 'support for energy efficient transport and urban planning options'.

We should compare those progressive policies with the statements made by my predecessor when he talked about the water shortage — water is one resource that we should certainly try to conserve, because it is one of the world's most precious resources. When talking about water he said he was not a water expert. That is obvious. He also said:

I do know, however, that it doesn't matter how big your dams are or how big your pipeline is — the bottom line is if it doesn't rain it doesn't rain.

I suggest that following the recent Liberal Party conference he is an expert on waste, because he was consigned to the political scrap heap.

It gives me great pleasure to support the bill. Victoria can now go forward with enthusiasm and with a commitment to renewable energy. The Bracks government has taken a leadership role on this issue, and all individuals can contribute to safeguarding our world environment. I support the bill and commend it to the house.

Mr MAUGHAN (Rodney) — I am pleased to contribute to the debate on the Renewable Energy Authority Victoria (Amendment) Bill. The opposition has declared that it will not oppose the bill.

I am one of the 75 per cent of Victorians who want to find out more about how to protect the environment by reducing greenhouse gas emissions. We all share a responsibility in achieving that objective.

Essentially, the bill is about three things: energy efficiency, renewable energy and reducing greenhouse gases. Those aims are set out in clause 5, which states:

The objectives of the Authority are to facilitate energy efficiency and the development and use of renewable energy to achieve environmental and economic benefits for the Victorian community and to contribute to the reduction of greenhouse gas emissions.

I support all those important objectives, as do most people in the house and in the wider community.

Firstly, I wish to speak on the reduction of greenhouse gases. Other speakers in the debate have talked about

the contribution to global warming of greenhouse gases from the discharge from power stations and other activities, so I will not go into that issue in any detail, except to say that we can all make a contribution by reducing our use of electricity, gas and other energy sources. We can do that in our homes simply by using efficient light bulbs that reduce energy usage by up to 75 per cent, by insulating our homes and by other measures to reduce our dependence on energy and thus reduce the generation of greenhouse gases.

We can also reduce our dependence on energy by looking at the design of homes and industrial buildings, installing insulation and taking other measures. I recall a good friend of mine in Tongala who some 20 years ago set out to design a home that was energy efficient by taking account of the prevailing winds and the direction of the sun and installing insulation. He was able to achieve a significant reduction in the use of power in that home merely by good design. We must be more cognisant of the need for good design. For example, we should get rid of large areas of glass. Most people like large areas of glass because they provide views, but they also provide poor insulation in the home: they let the heat out and the sun in. We need to take all those sorts of things into account when designing homes and other buildings.

We can also reduce greenhouse gas emissions by changing the way we drive our motor vehicles. If we rip, tear and bust and accelerate unnecessarily —

Mr Hamilton — Only the young drivers.

Mr MAUGHAN — I hope only the young drivers do that, but I am afraid members of the older age group could also be far more efficient in the way they drive.

I have a friend who runs a large commercial trucking company. He reads his tachographs almost every morning as he eats his cornflakes. He knows the cost in fuel per day of every kilometre per hour over 100 kilometres per hour travelled by his drivers in large vehicles pulling loads of 35 tonnes or more. He receives an economic benefit by minimising excessive speed, but the extra fuel that is used generates greenhouse gases that add to global warming. By ensuring that commercial vehicles operate at reasonable speeds we will reduce the emission of greenhouse gases.

We can also do something to soak up greenhouse gases by planting trees. I wish to pay tribute to the many Landcare groups throughout Australia. The Landcare movement has taken off, and the groups are doing a marvellous job in continuing to plant trees.

There are many examples of tree planting programs in my electorate, but it is a particular pleasure to drive through the Colbinabbin and Corop areas and see the revegetation that is taking place at the top of the Mount Camel range, where private landowners who are part of the local Landcare group have planted large numbers of trees.

Donna and James Wilkins of Turrumbarry needed to remove about 100 trees from their large commercial dairy farm to install a large overhead sprinkler irrigation system; however, in return for that loss they planted 19 000 trees. Together with all the other trees that have been planted in the area, those trees, which are now about 4 feet high, will in time make a significant contribution to the environment by soaking up some of those greenhouse gases that will inevitably be generated.

The bill is also about encouraging the use of alternative renewable energy sources. In Australia, which has so much sunshine, far more effort needs to be put into solar energy research to establish how to more efficiently use the huge amount of energy that is available to our continent every day of the year.

Australia has led the world in the development of solar panels, which are now used extensively to power remote pumps. For example, Telstra uses solar panels to power its telephone exchanges in country Victoria, the Goulburn–Murray Rural Water Authority uses solar panels to power remote control irrigation control and monitoring devices in northern Victoria, and so the list goes on. The use of solar power is increasing as the technology becomes more sophisticated and more efficient.

Solar-powered domestic hot water services are more expensive than electricity-powered units, but they are more efficient over a long period. Governments can and should encourage the manufacturers of solar-powered hot water services. I speak from experience, because there was an excellent manufacturer of commercial solar hot water services in Kyabram, which is in my electorate. The manufacturer was not able to produce them efficiently in Victoria, so he went to Deniliquin, where he had similar sorts of problems — not because the units were no good but because of consumer resistance to their high cost when compared with the cost of electricity-powered units.

If the community and the government are fair dinkum about trying to reduce the level of greenhouse gases and use the abundant solar power that is available to us all, consideration should be given to subsidising the production of solar hot water services and the like, at

least in the initial stages. The technology is available, and they would be used much more widely than they are currently if the cost were more competitive.

As the honourable member for Benambra said, windmills have been used for many years in the farming community, where they are still an important means of pumping water. However, they could be used more efficiently. As honourable members know, in various parts of Australia where the wind blows strongly wind farms are generating electricity that goes into the grid. Sustainable Energy Authority Victoria could do something to encourage further research on and the development of electricity generation using wind power.

The house has not heard much about water power during the debate, but I well remember the hydraulic rams, which used the power generated by water falling down a stream to pump water or generate electricity. More could be done to use water as an alternative power source.

Methane is another important source of alternative power, and two things should be done about that. The first is to reduce the level of methane gas emitted from decaying vegetable material. The methane gas emitted from tips can be tapped into to generate heat, electricity and other forms of energy. That is being done in various parts of Victoria and Australia, and it will increase as time goes on.

The second thing that needs to be done relates to our grazing animals. I have not yet heard anyone mention the huge contribution those animals make to the level of greenhouse gases as they belch carbon monoxide into the atmosphere. They also emit quite a lot of carbon monoxide out the other end, but we cannot do much about that! Much research is currently being done on feeding cattle certain supplements that will reduce their emissions of greenhouse gas through a chemical reaction in the rumen. Sustainable Energy Authority Victoria could encourage significant research such as that into reducing greenhouse gas emissions from grazing animals.

More can be done about generating methane gas from the many waste products out there in the community. I have taken an interest in the subject, because I well remember that in the 1970s a fellow by the name of Coulthard had a pilot plant at Toomuc Valley Road at Pakenham, where he developed a methane gas digester that used the waste from a piggery. Although it was a small-scale development it was nonetheless important, and he went on to win the Lysaght Inventor of the Year award. He subsequently moved to Cranbourne, after

which he built a number of those plants around Australia and South-East Asia. Unfortunately, they were not highly successful. The digesters needed continuous flows of effluent to operate efficiently, so they were not able to cope with the shock loads that came from the piggeries, one in the morning when they were cleaned out and another later in the day. However, the idea was sound.

As I say, I have been interested in the idea for a long time, and in 1986 I gained a Churchill Fellowship that enabled me to undertake a study tour of the United States, Canada and the United Kingdom. One of the things I looked at during the study tour was the generation of methane gas by those digesters. Although I discovered that the technology was well advanced, I did not find one that you could put on a farm, put waste material into and be sure that methane gas would come out the other end.

The technology has now been developed even further. A group at Melbourne University has been working on developing a methane gas digester. A great deal of that work has been done at the school of agriculture, and in particular at the Mount Derrimut research station. As a result, a methane gas generator is now operating successfully on a large commercial piggery at Windermere, just out of Ballarat. It is run by Mr Melville Charles, who has been interested in the idea for many years. The methane gas that is produced not only warms the piggery but is used to generate electricity, which is put into the electricity grid. The effluent also produces a valuable fertiliser, which is used on the rest of the farm. That is an example of how technology has been used to turn a waste material — in this case, piggery effluent — into a useful resource.

I heard one honourable member suggest that the same sort of technology could be used with human effluent. Of course it can: we simply have to get our minds around using it for that purpose. I am sure that, rather than wasting it as we now do, in time we will use human effluent to produce methane gas and turn what is now regarded as waste that needs to be disposed of into a resource from which we can generate electricity for the national grid. There is much that can be done.

My only other point on alternative energy sources relates to ethanol, a fuel in which I have some interest. Much work has been done on producing ethanol, an alternate power source that can be used instead of petroleum-based fuels. In the United States of America an increasing proportion of light aircraft now have motors exclusively powered by ethanol, not by petroleum-based fuels.

Ethanol can be made out of any biomass. In the United States it tends to be made of maize or sorghum or any other cereal grain — anything with bulk. It can be made from residues from timber milling or the dairy industry. At Swinburne University work has been done on the technology of turning biomass into ethanol. In time the work will be of great value. As fossil fuels become scarcer — they are finite and are being used at a rapid rate — alternative energy sources will be desperately needed. The technique is there to do that. The research at Swinburne University has now gone to a comparable university in the United States, the University of Baylor in Texas, which has a relationship with Swinburne. Two of the top researchers from Swinburne, Monty Suffern and Suzi Wizeman, have left Victoria and gone to Baylor University because of the lack of financial support to continue with the work on ethanol.

It is not all bad news: about four years ago the former Minister for Industry, Science and Technology, the Honourable Mark Birrell, was instrumental in providing funding to bring Professor Max Shauck, one of the leading researchers from the Baylor University, to the Avalon airshow to demonstrate the benefits of using ethanol to power light aircraft. Apart from being a professor of chemical engineering Professor Shauck is also a world renowned stunt pilot. He came here with a stunt plane and performed aerobatics at the Avalon airshow to demonstrate that ethanol can be used as an alternative fuel for light aircraft. If we want to do something about developing alternative energy sources the work is going on in Victoria at Swinburne University and the research should be encouraged in our own backyard.

The proposed legislation is important. The community should look at using alternative energy sources to reduce greenhouse emissions and ensure the energy available is used in the most efficient way possible. The opposition is not opposing the bill and I wish it a speedy passage through the house.

Mr ROBINSON (Mitcham) — I support the bill; it is a good piece of legislation. I am indebted to the honourable member for Bellarine for his earlier remarks about the wind generator at Breamlea. Over the summer break I spent a few days there, and I believe it is a delightful part of the world. The wind generator, located a kilometre or two from the township, is a local landmark.

I am struck by the comparison between the wind generator and the honourable member for South Barwon, in whose electorate Breamlea is located. The wind generator produces enough electricity to power 17 homes through the course of a year. One of its side

effects is a loud thumping noise which has the effect of scaring cattle. It is one of the consequences of wind generation that must be dealt with, as country members would appreciate more than most. The honourable member for South Barwon, who lives or holidays nearby in Breamlea, also emits loud booming noises on a repetitious basis. He would also scare cattle. The difference is that he produces very little of value compared to the wind generator at Breamlea. Nevertheless — —

Mr Perton — On a point of order, Mr Acting Speaker; I love an amusing speech more than anyone but I ask the honourable member for Mitcham to get either a new joke writer or a new script writer. A speech on wind generation is in order and in accordance with the provisions of the bill. A speech that constantly makes reference to the honourable member for Bellarine and his speaking on behalf of his constituency is not relevant to the bill.

If the honourable member wants to make passing reference to the honourable member for Bellarine and indicate he has holidayed in his electorate, we would all enjoy that and have a laugh where appropriate, as would the honourable member for Bellarine.

I ask you, Sir, to bring the honourable member to order. Get him to talk about wind generation or get him to sit down.

Mr ROBINSON — On the point of order, I note the comments from the honourable member for Doncaster, who has failed to follow my speech. I talked about the comments of the honourable member for Bellarine, who referred to the honourable member for South Barwon. I am sorry the honourable member for Doncaster does not know the difference between members on his own side.

The ACTING SPEAKER (Mr Lupton) — Order! That has nothing to do with the price of fish. The member for Doncaster raised a point of order in reference to comments on the member for Bellarine. I uphold the point of order and ask the honourable member for Mitcham to come back to the bill.

Mr ROBINSON — I am happy to leave the wind generator at Breamlea at that point.

The legislation is welcome and is a refreshing step in the right direction in the state and around the world to develop sustainable power generation. The bill helps return Victoria to the forefront of ongoing debate. It helps, in small part, to address Australia's lagging role in this area.

We all like to think that as a state and as a nation we are at the forefront of developed countries in helping emerging technologies and in dealing with the damage caused by greenhouse gas emissions. We rightly feel a tinge of embarrassment when the rest of the world chides us about our lack of performance. Over the past few years, Australia has been singled out by other countries for its failure to agree to pursue greenhouse gas reduction targets. That has not done credit to the country or to the state.

Greenhouse gas emission targets have been the subject of extensive discussion and agreement by different nations around the world from time to time — something to which members of this Parliament and, indeed, the federal Parliament need to aspire. In a very small way the bill helps us to get back on the right track.

The bill redresses some of the imbalance that has been allowed to develop in Victoria on the sustainable energy front. Some time ago — I think in 1998 — I posed a question on notice to the then Treasurer about the apparent failure of the then government to insist that the recently privatised electricity distribution companies in the state satisfy greenhouse gas strategies as part of the conditions of their establishment. The question was prompted by the apparent desire of the New South Wales government to insist that its electricity companies pursue such a course of action, but in Victoria no such requirement was placed on electricity distributors. That was disappointing. The then Treasurer did not respond to my question on notice and the absence of greenhouse gas emission strategies for electricity companies was allowed to continue. I would like to think this bill signals to players in the electricity industry, as well as others, that Victoria's new government is far more serious about seeing such plans and strategies adopted.

A number of speakers have referred to the statistical evidence which supports the drive for greater sustainability in energy generation. The issue of greenhouse gas emission has been referred to repeatedly. I note from a recent publication of *Energy Efficiency Victoria News* a simple statistic that the average personal computer necessitates the generation of 620 kilograms of greenhouse pollution per year, which is the equivalent of driving a car 1000 kilometres. Most people would be staggered to learn that it requires that amount of greenhouse gas generation and emission to power a single computer. When one multiplies that over the computers and other electrical equipment in operation in households today, including the rising use of sophisticated air

conditioning, one starts to understand very quickly the enormous output of greenhouse gases from this state.

In her second-reading speech the Minister for Environment and Conservation referred to the good work of Energy Efficiency Victoria — a sentiment I endorse. I for one hope that work will continue and will develop. I note one of the recent features in the latest *Energy Efficiency Victoria News* referred to a rebate being administered by Energy Efficiency Victoria for photovoltaic power systems which people are able to install in their houses. In the instance cited the rebate is \$5280 on a system costing \$17 500.

The article details the decision of Sophie Fraser of Castlemaine to become the first home owner in Victoria to benefit from the new rebate to the extent where she is unlikely to have to pay a power bill ever again on her home. That is a great program. It is hoped that more people will take up the rebate which is administered in Victoria but is made possible through federal government funding. Nevertheless, it signals the way governments can take a lead and encourage people to consider the way their homes and premises are powered and the implications of that for the environment and to choose a more sustainable form of energy production.

I conclude with the observation that any move towards developing and enhancing renewable energy sources in this state will have a disproportionate effect — it will have a greater benefit in regional and rural areas. Most of the job growth attached to the development of sustainable forms of power will benefit people outside the metropolitan area. That is a great thing. We know that for many years the economic prosperity of Victoria has been owed more to people in the country than to people in the city.

Over the years that has tended to be forgotten. However, in years to come, as sustainable power generation becomes more the practice than the exception, it will be country Victorians who will be again showing the way. I am pleased to support the bill and hope it enjoys the support of all honourable members.

Mr SMITH (Glen Waverley) — I am always prepared to take part in a debate where speakers have raised contentious issues. The Renewable Energy Authority Victoria (Amendment) Bill could not be called contentious; it could not be called much at all. It contains two name changes and a whole lot of words. During the debate I have heard government speakers firing cheap shots at the opposition. Anything that will get a discussion going about renewable energy and sustainable energy is good. One wants to see economies

of scale and economies in particular areas. I will support an argument if it is for the betterment of our way of life.

The opposition does not oppose the bill, although it has many reservations. The lead opposition speaker, the honourable member for Doncaster, said during his contribution to the debate that the bill provides for many grants to be made — knowing the way the Labor Party gives away grants they will be made without any audit. The government will be the feel-good government.

During our lifetime we have all seen a change in attitude to the environment. The one I always remember is the change in driving up and down the Hume Freeway. When I first began driving up and down the Hume about 40 years ago there was one helluva mess on either side of the road. Driving up and down the freeway now makes one feel a great deal of pleasure. People take care of their rubbish. If they have junk to throw out they do not throw it out of their cars but take it to the next service station, where they buy the next load of whatever junk food they eat. People are thinking about what to do with their rubbish. That message started to be drawn to people's attention during the time of the Hamer government in Victoria where awareness programs were introduced in schools.

If my family is driving anywhere, my young eight-year-old is careful to ensure that everything is put into little bags. At first this practice was a bit irritating, but in the end one becomes enthusiastic about it. It has become a way of thinking. The Hume Freeway is a good litmus test and to see it today is a pleasure. Occasionally one will see the odd yobbos driving along chucking out bottles, and one hopes they will be picked up for that or some other offence they are no doubt committing.

We are all keen to see savings in electricity and despite the savings on our electricity bills, if it helps the greenhouse effect we will be in favour of it. My water bill was delivered yesterday, and I was pleased to see it was lower than the last one. I usually do not say anything, apart from congratulating those who usually waste water on now seeing the light. However, when one thinks about it, the extra water is probably used on the garden during the hot weather. Obviously one has to use water. It is a resource many honourable members have spoken about.

In the past few years I have realised the value of compost bins. Previously I was in the habit of doing the gardening and putting the rubbish in the big bin and getting rid of it. Tree branches and the like cannot be

put into the bin, but much of our garden rubbish now goes into the compost, together with kitchen waste such as the remains of vegetables and fruit. In the end we magically have jolly good compost for the gardens. That program was probably started by the Hamer government, introduced in schools and advertised on television. I am pleased to support those types of measures. It saves me having to buy extra compost.

Other theories have been proposed. We have not got the full answer on the greenhouse effect because, as many of us know, since the ice age there have been many heating up effects which we call greenhouse heating. That has happened naturally. I have just read a book called *London* by Edward Rutherfurd which relates the history of the United Kingdom from the ice age. It is interesting to note that there were considerable warming effects over the centuries prior to the industrialisation in the 18th and 19th centuries.

We are told we are the victims of the non-thoughtful use of resources such as petroleum and coal, and the way in which our society has developed. At the same time no thought was given to how we wasted those resources and the effect on the planet. Perhaps that wastage has increased the heating up of the world compared to what it was in the 1700s and 1800s. However, scientists are not 100 per cent sure that the heating would not have occurred anyway, or if it has been helped along by the misuse of resources.

I refer to the recent cleaning of the outside of Parliament House. If the building had been cleaned in the 1920s or 1930s, with all the coal gas that was burnt by the electricity authorities, the building would have got dirty quickly again. However, it has not; it has stayed clean. London is another place where I have seen a similar example. When I was in London three years ago I got the shock of my life to see buildings such as Buckingham Palace, Westminster Abbey and the Houses of Parliament clean. What a difference it made from my earlier visit some years before. People were saying the buildings have not got dirty again, which means there is not the same amount of pollutants in the air. The white stone buildings would be the first buildings to show the effects of air pollution. From an aesthetic viewpoint there has been an improvement.

We need to get the message about improving our use of fossil fuels across to the public. The programs that have been introduced into schools are doing a jolly good job. The message is important to make our world a better place to live. As honourable members have mentioned, research into wind power, water power and the like will lead to cheaper natural resources as responsible members of the community pursue their use. In turn,

that will probably give us a better and cleaner society in which to live.

Government members have fired some cheap shots at the opposition. The Honourable Gavin Jennings, a member for Melbourne in another place, said the former coalition government had done a good job so far as he was concerned, and he has obviously read up and would not be making such comments if it was not true. However, the honourable member for Tullamarine fired some cheap shots at Bernie Finn, the former member for Tullamarine, as did the honourable member for Mitcham. That is all part of politics. However, I cannot see where such speeches will be used. No self-respecting journalist would use such rubbish.

Government members should be giving a positive message to people about their future plans for organisations that are trying to lead the way in renewable energy programs. Victorians need to be given a better understanding of such plans and a general feeling of joie de vivre. That should be the message the government is pushing rather than having cheap shots at the opposition for what it did or did not do when in government. That is a lot of hogwash. Parliament should be ensuring that the education programs continue and that the process of awarding grants is accountable so people can see that they are awarded to research organisations whose work will help increase their standard of living and enable them to lead better lives.

In my opinion the greenhouse effect would probably have happened anyway. There is much research to say it has been aided and abetted by society not taking care of resources. However, one should not become depressed. How we explain why Victoria has had three or four of the hottest summers on record and how that is overcome is the measure of how cleverly resources are used. Let us have a positive debate rather than the negative speeches of government members. While the opposition does not oppose the bill it supports anything that will produce a more positive attitude than that shown by the government.

Mr HARDMAN (Seymour) — I am pleased to make a positive contribution to the debate. The purpose of the bill is to change the name of the Renewable Energy Authority Victoria to the Sustainable Energy Authority Victoria. The bill recognises that many good initiatives have been planned. However, the government must move on and reduce greenhouse gas emissions, global warming and climate change. The bill will assist the government to produce a better future for everyone in the long term.

My constituents in the Seymour electorate have a great interest in renewable energy. I recently visited friends who are building a mud brick house. They eventually hope to live without traditional power connections. They sacrifice many of life's comforts to live that way. We ate our evening meal by the light of a gas lantern because the solar panels are not yet operating. They are concerned that the goods and services tax will increase the price of solar panels but they are keen to take advantage of the \$5000 rebate to enable them to purchase a bigger and better solar system so that they have less reliance on generators.

In country Victoria people speak about the importance of public transport and in future years the government must address the challenge of providing an effective and efficient public transport system. Some areas in the Seymour electorate are poorly serviced by public transport. The government is trying to improve public transport with the provision of bus services from Heathcote to Bendigo and other routes. Residents in the Hume corridor can use public transport to commute to the city. I use public transport to travel to Parliament House and again as I travel about the city during sitting weeks. A problem occurs for commuters because the trains cease running at around 6.30 p.m.

The bill addresses global warming and climate change. Greenhouse gases include carbon dioxide, methane and nitrous oxide that trap heat and help keep the surface of the earth warm. The scientific evidence suggests that the concentration of greenhouse gases in the atmosphere has significantly increased since the industrial revolution and is continuing to increase. It is of concern that for five separate years in the 1990s Victoria has had record temperatures.

The bill recognises that the community's role is to bring about sustainable energy use. The government must set an example and be a good role model on how to conserve energy.

It must do that not just through legislation but also through the way it conducts business. Previous speakers have mentioned the impact of cars, for example. I recall that former Premier Hamer introduced a one-to-three ratio in the purchasing of four cylinder cars. Perhaps the government should consider running larger cars on gas instead of petrol. Perhaps the government should be looking at ways of reducing the amount of energy used in public buildings and the amount of waste in government departments.

Industry plays a major role in energy efficiency. Today it is possible to buy a refrigerator based on its energy rating. People of my generation and those who are

younger would be aware through education programs run in schools of the importance of greenhouse emissions and the need to care for the environment. Individuals can assist in the process through careful waste management and sensible recycling practices, such as composting.

I have listed some good things but obviously Victoria has environmental problems because it uses brown coal to generate most of its electric power. Most drivers travel alone rather than with others because it is more convenient. A lot of energy is wasted when people leave unnecessary lights burning in their homes. As a society we are building more freeways and tollways instead of public transport networks. The Bracks government is positively improving the situation through the development of new, high-speed rail links between regional centres and Melbourne.

The bill facilitates energy efficiency and the development of renewable energy. The key focus of the Renewable Energy Authority Victoria was research. The bill provides for the Sustainable Energy Authority Victoria to focus in addition on contributing to a reduction in greenhouse gas emissions as a major policy objective. I commend the bill to the house.

Mr JASPER (Murray Valley) — I join the debate on the Renewable Energy Authority Victoria (Amendment) Bill and note the comments made in the second-reading speech concerning the establishment of Sustainable Energy Authority Victoria. It states, in part, that the objective of the authority will be:

... to 'facilitate energy efficiency and the development and use of renewable energy to achieve environmental and economic benefits for the Victorian economy and contribute to the reduction of greenhouse gas emissions'.

There is no doubt there is a greater recognition by Victorians and Australians of the need to be conscious of the greenhouse effects across the continent and to reduce the production of greenhouse gases.

The honourable member for Seymour spoke about trains in country Victoria. I have been a champion of the retention of trains in the country for many years. Honourable members who have been in this place for some time will remember that in the early 1990s there was an attempt to remove all trains in country Victoria and return to other forms of transport, such as buses. That would have increased greenhouse gas emissions and I am delighted that trains have been retained. I am particularly pleased at the prospect of a more efficient service and extension of the rail network servicing country areas. I applaud the actions being taken by the

new government to extend the public transport services in country Victoria.

I recall in the 1980s there was pressure from the government of the day to promote the development of solar-generated electricity to replace electricity generated in the Latrobe Valley. The government sought to have a city or town take up the development of solar energy as a project. There was a bit of competition to see who would be awarded the new project. I pressed for the selection of the then City of Wangaratta but the former City of Shepparton won the challenge, and throughout the 1980s it was known as the solar city. It is unfortunate it was not developed to the greatest extent possible at that time because Shepparton could by now have had all its power generated by solar energy and would not have to rely on traditional power sources.

Many individuals, companies and organisations are examining alternative forms of generating energy supply and reducing their reliance on electricity provided by the five electricity companies that operate in Victoria. The move to develop hydro-electric power is not new. Such proposals have been in the pipeline and over a long period of time have been developed in Australia and throughout the world. Hydro-electric power is currently being produced both on the upper reaches of the Kiewa River in north-eastern Victoria and using the flows out of the dams and reservoirs in country areas.

I particularly highlight the production of hydro-electricity in the Snowy Mountains area. There is a lot of talk about the increase in the flow for the Snowy River, and there is no doubt that if government is looking to increase the flow down the Snowy River it should look at harnessing the flow into the hydro-electric scheme.

I understand that every 1 per cent of water diverted from the Snowy Mountains hydro-electric scheme represents a loss of production equivalent to approximately \$250 million in hydro-electric power. I repeat it again for the house to get the picture quite clearly: every 1 per cent of water that goes down into the Snowy Mountains hydro-electric system produces about \$250 million in hydro-electric power generation. If that were to be diverted down through the Snowy River it would mean a loss of hydro-electricity production unless there were some method of harnessing that water before it was delivered to the Snowy River. The government should take on board that issue.

As a country member of Parliament I strongly support the City Link development on the basis that it will hook up all the freeways around Melbourne and ensure more efficient movement of transport. Those who criticise City Link and the charges it imposes should take account of the reduction in the greenhouse effect because of the reduced need for public transport to use a system which results in slow movement through the city. In particular trucks which use diesel energy will benefit from the reduction in travel time afforded by City Link, and that will also reduce greenhouse effects.

Eco-recycling also contributes to the reduction of the greenhouse effect. Municipalities and everyone involved in recycling recognise that a lot of the rubbish generated by people in their general living which ordinarily might be thrown out as rubbish must be reused. Recycling is an important program in the elimination of the greenhouse effect.

The encouragement of the planting of trees on farms across country Victoria is making an important contribution to the reduction of the greenhouse effect over the long term. Farmers are often criticised for what they do and how they operate, but the farming community in my electorate of Murray Valley is very much aware of its responsibility to look at recycling and energy reduction in all its forms and to replace trees — often by tens of thousands — that may have been removed.

The bill is important, but it is also important that the government understands that it must strongly support energy alternatives and reduce the greenhouse effect through financial support. I will be interested to see how the bill proceeds and whether it is possible to get back to promoting solar energy, the production of further hydro-electricity and wind power. I mention wind power because it is being developed in south-western Victoria by a company called Pacific Hydro Limited, which presently has investments in New Zealand. One of its alternative sources for energy production is using the wind to generate electricity. It is an important avenue that should be developed and considered in the context of the bill.

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

Mr SEITZ (Keilor) — I support the Renewable Energy Authority Victoria (Amendment) Bill. I am pleased that the opposition is also supporting the bill because it deserves that support. Renewable energy should be of interest to all of us. I hope the debate on the bill and the change in the name of the authority will be part of an education process that helps the community to realise not only that the non-renewable

fossil fuels we use to generate energy are being depleted at a rapid rate but that as a society we are contributing to the greenhouse effect. Australia's small population is responsible for emitting a large amount of carbon dioxide into the atmosphere, which is of some concern. So far we have had the luxury of using cheap fossil fuels, and for many years governments and authorities have encouraged us to have all-electric homes. Nobody told us about the smoke and pollution and other damage being caused by the coal-fired electricity generators in the Yallourn Valley.

I am pleased that the minister has introduced the bill to further develop and strengthen the renamed Renewable Energy Authority Victoria so it can address the relevant issues.

People in this country have a responsibility to educate future generations. Firstly, we must emphasise the need to conserve non-renewable energy sources and explain the consequences associated with burning fossil fuels, including the greenhouse effect. Secondly, we must further promote and expand the use of renewable energy sources. In particular, wind farms and solar energy should be made affordable and state instrumentalities and the commercial world should be encouraged to use them.

Recently I had the pleasure of visiting a hobby farm. Instead of spending some \$15 000 on having power poles erected and electricity cables linked to their house, my friends have installed a solar energy plant. State and federal governments should give farmers more encouragement to use solar energy, the cost of which, given the developments in technology, is competitive with the cost of other energy sources. Solar energy produces clean and renewable power for the farm house I visited. My friends use a washing machine, a television set, an electric iron — all the usual household appliances — as they would if the farm were connected to a conventional power supply.

We often hear that certain areas of the state or the country are not suitable for producing solar energy. My sister, who lives in outback Western Australia, says that although it is okay for heating water, solar energy is no good for anything else where she lives. The hobby farm that my friends live on is at Little River. If solar energy is suitable for use there — they have no shortage of electricity throughout the whole year — it can be recommended for use elsewhere.

My friends say that if governments promoted the use of solar energy, many other hobby farmers in the area would use it. Much of the nearby acreage has been sold off, and those allotments do not have reticulated water,

gas, electricity or other services. Solar energy can provide all the power they need. My friends are living on the farm permanently because they have retired. It is not a weekend place, so it cannot be said that they need electricity only two days of the week. They have all the usual comforts of a home connected to a mains power supply, which is a significant step for people using renewable energy.

That sort of message should be brought home to young people who are building homes, as they are in my electorate. Even if they used solar power to meet only a fraction of their needs, such as heating water and heating their homes in winter, electricity production would be reduced by many kilowatts. A number of issues can be addressed simply and easily. The development of solar power in Australia is well advanced. However, it does not seem that the advances in technology have been taken far enough. Past governments have not encouraged inventors to develop their ideas and make them economically viable. As honourable members know, inventions are often taken overseas, where they are sold, patented, put into mass production and made available to people at an economically viable price.

The bill is a step in the right direction. Even if only small savings are made in the use of fossil fuels, which in turn will reduce the level of carbon dioxide emissions, society in general and this part of the world in particular will have gone a long way towards reducing the greenhouse effect.

I wish the bill a speedy passage and congratulate the minister on bringing it in so quickly. It will further develop our response to an important factor in our lives.

Mr LUPTON (Knox) — I rise to make a brief contribution to the debate on the Renewable Energy Authority Victoria (Amendment) Bill. One of the important aspects of the bill is that it changes the name of the authority from the Renewable Energy Authority Victoria to the Sustainable Energy Authority Victoria. That change has a lot of connotations.

Dick Hamer was probably the first Victorian Premier to realise the importance of greenhouse gas emissions and their effects on the environment. When he introduced the organisation called Keep Australia Beautiful under the leadership of Dame Phyllis Frost a lot of people thought it was a bit strange or yuppie — although the word 'yuppie' was not yet around. Things have developed a lot since then. We now realise that Australia, indeed the whole world, must be concerned with the effects on the environment of global warming.

Increases in greenhouse emissions have occurred largely because of changes in our lifestyle and have, in turn, changed the way we live because they have changed our climate. Airconditioning is common in Australian houses and almost mandatory in our cars, and there are computers everywhere. Almost everything we do adds further to greenhouse emissions and in turn increases global warming. I read recently that the breaking off of an immense Antarctic Ocean iceberg comparable in size to Tasmania has been attributed to global warming; and indeed it is true that our atmosphere is getting progressively warmer.

This chamber, for example, is uncomfortably hot, and has been since Christmas. Jokes have been made about all the hot air generated in the house, but greenhouse emissions are no doubt a better explanation. Who knows what the real reason is? It is certainly very uncomfortable in here.

It is only in the past decade and a half that ordinary people around the world have become concerned about greenhouse emissions and global warming. There is no doubt they have had a dramatic effect on our climate. The constant burning of rainforest overseas must be affecting the climate in those countries and is probably having a flow-on effect all around the earth's environment. It will eventually have an effect on us, too.

When I was working for the State Electricity Commission it was considered great publicity to publish photographs of Yallourn, Morwell and Hazelwood power stations with enormous clouds of smoke billowing out of the smokestacks. The more smoke they produced, the harder the power stations were thought to be working. It was not until the early 1980s that people started to realise the damaging effects the smoke was having on the atmosphere. Publicity photos taken by the SEC in more recent times showed no smoke at all coming out of smokestacks; and smokestack emissions are now controlled in such a way that they are virtually invisible. When I worked at the Newport power station video monitors were mounted on the chimneys to enable the emissions to be continually monitored and controlled because the detrimental effect on the surrounding area had been understood.

Australia has a lot to answer for. It has persistently lagged behind world best practice in control of greenhouse gas emissions. Australians have put up a lot of arguments about looking after employment and so on, but the damage done is permanent or long term. If we do not look ahead to future generations we will be in a big mess.

The bill provides for expenditure of \$17.5 million over four years on top of the existing \$5 million a year. That is very good; but it is imperative that the government commit itself further to greenhouse reductions, energy efficiencies and renewable energy sources.

Renewable energy is energy such as solar power, water power and wind power that does not come from hydrocarbons. We do not have any control over those renewable sources — unless we stuff up the environment really badly. Solar energy and wind energy, and wind farms in particular, can be affected by the way we as legislators and as a community control damage to the environment.

The more comfortable our lifestyle becomes, the more we damage the environment, and a lot of that damage is permanent. The honourable member for Rodney spoke of programs in his electorate designed to turn the effects of greenhouse gas emissions around. In my electorate too large-scale planting of trees is under way. That is another way of reducing greenhouse emissions.

I say again that I am very concerned about the destruction of rainforests overseas. That destruction must have a serious detrimental effect on those countries and, in turn, on the world as a whole. Destruction of rainforest is a short-sighted approach governed by the pursuit of a quick buck.

The bill is quite small. It changes the name of an organisation and takes some steps towards looking after future generations. We must change our lifestyles, however, and that is going to be difficult.

The honourable member for Mitcham commented on the use of computers and discussed the amount of greenhouse emissions from computers going into the environment. The figures he quoted are quite startling.

When one considers the number of computers in this place and throughout business in Victoria one realises that the figures he quoted multiplied by thousands and thousands will cause an enormous problem.

An article about energy use I read recently says that the electricity or fuel used to heat water in your home can generate up to 5 tonnes of greenhouse gas emissions and cost up to \$400 a year and that heating your home can generate up to 15 tonnes of greenhouse gas emissions and cost around \$1000 a year.

Most people in this place would think they were hard done by if they had cold water or no heating in their houses. When I was a kid no-one had central heating in their homes. We were lucky if we had a radiator, which of course was powered by electricity and throwing

emissions into the air. The fact is that we were burning fossil fuel to run a radiator that provided inadequate heating. Now we heat the whole of a 12 or 18 or 20-square house despite the fact that the people live in only one-quarter of it. We are not giving useful thought to our future, and we are not conserving energy. The more we go about upgrading our lifestyles the more we will continue to damage the atmosphere. Anything that will reduce greenhouse emissions will be good for Australia and the rest of the world.

Greenhouse gas emission targets need to be achieved at a national level. Although the target for 2012 is that greenhouse gas emissions should not exceed 109 per cent of the 1990 levels, the amount of emissions already exceeds that level nationally. That is an absolute disgrace. The fact that we are not looking to future generations is an indictment of our society. We should be taking a good, hard look at ourselves and trying to reduce greenhouse gas emissions to a sustainable level to avoid creating a problem for my kids, my grandchildren and your grandchildren, Mr Acting Speaker.

The bill is a step in the right direction. I hope additional funding and a change in the thoughts of the members of the government in Canberra will improve the control of greenhouse emissions so that we can live in a more comfortable society in the future.

Mr LONEY (Geelong North) — I welcome the opportunity to make a few remarks about the Renewable Energy Authority Victoria (Amendment) Bill, which I regard as important. I am pleased that as part of the government's policies a renewed focus on renewable energy and greenhouse emissions has come to Victoria.

The matters now being considered in the house are very important. To date, I have been disappointed by the comments of opposition members. They have missed the point of the bill, but I will refer to that later. Firstly, I wish to comment on what will be achieved by the bill and what has been initiated by the government in its few short months in office.

The return of shopfronts to advise people on energy efficiency is a welcome move. Some months ago the first regional office opened in Geelong and is now operating. It has been tremendously well set up and is a great office that provides valuable advice. I visited the office when we were making purchases for our home and benefited from its good advice. It provides a service to both the consumers of appliances and architects and builders about the best way to go about building houses to make them energy efficient. The return of such

offices to Victoria is welcome, because previously we saw a downgrading of the availability of that sort of advice to the general community.

The lead speaker for the opposition and other opposition members have completely missed the mark when speaking on the bill. Although they, particularly the lead speaker, pride themselves on having expert and current knowledge of information technology, the debate has shown an appalling ignorance of energy technology.

The general thrust of the debate has centred around the old furphy that renewable and sustainable energy is about the future. It is not; it is with us right now. It is available in Australia and throughout the rest of the world at a reasonable price. I will refer to some of the actions undertaken by other countries later. It is a pity that the lead speaker for the opposition and other opposition members are ignorant of such matters.

Many things are going on in energy efficiency around the world, but Victoria has been held back because of the general attitude of the previous government. Under the previous government energy policy did not address energy issues; it merely addressed the sale of the energy industry in Victoria. The application of renewable energies has been galloping ahead around the rest of the world. For example, in the European Union it has been mandated that a million photo voltaic cells must be in place in residential areas by the end of 2005.

They have looked at that source of energy replacement and said that rather than being a cost disadvantage it will be a great achievement and produce many benefits for the European Community. Among the benefits of adopting that new technology and using the energy source is the estimate that as a result of those 1 million photovoltaic cells being installed more than 900 000 new jobs will be created over and above the jobs that will be lost in the traditional sectors of energy production.

They are the sorts of things we could have been doing in Victoria if we had been at the forefront of the developments in technology instead of unfortunately lagging behind — and that is not the only area in which that is happening. Honourable members have heard a lot of talk about greenhouse gases throughout the debate. The Howard government went to Kyoto and argued that this country be allowed to increase its greenhouse gas emissions. Australia was held up to ridicule by the rest of the world as a result of the actions of the lead speaker's party.

The greenhouse effect gives rise to many issues, but Victoria has been left behind in the debate on how best to address them. I will give the house a state-by-state comparison of progress in the area. Although Victoria has neglected to address the need for a carbon trading regime, over the past few years New South Wales has charged ahead to the point where it has created a market for carbon trading. Western Australia and other states are also charging ahead of us, yet the house has heard no mention of that in the debate. Victoria's record on greenhouse issues puts it behind the rest of the international community and a large part of Australia. That should be addressed immediately.

However, Victoria is leading the world in some areas — for example, in the development of ceramic cell technology. Victoria needs to push ahead with research and development in areas such as that. I hope the government will address those issues over the course of its term, because there are great benefits to be had. However, we cannot disregard the fact that organisations like Siemens, which wishes to invest and build factories in Australia to develop new technology, disregarded Victoria because of the former government's lack of interest and decided instead to set up in New South Wales.

Victoria has been left behind, and the bill marks the start of restoring the state to its rightful position. However, there is a long way to go and a lot of rebuilding to be done. The government is about redressing the neglect the state has suffered, and the bill will be a major instrument to that end. Although this is a bill of great substance, it is also symbolic of the difference in attitude between two governments — one that wants to get on with tackling greenhouse problems, establishing renewable sources of energy and carbon trading regimes, and one that for seven years neglected those things.

Mr MULDER (Polwarth) — The Renewable Energy Authority Victoria (Amendment) Bill provides for the establishment of Sustainable Energy Authority Victoria by amending the Renewable Energy Authority of Victoria Act. The government claims it is an important step in implementing its commitment to reforming Energy Efficiency Victoria and establishing a sustainable energy authority that pursues a comprehensive strategy of reducing greenhouse gas emissions and developing renewable energy systems.

The aim of the bill is to ensure that Victoria's energy is used efficiently and that the state reduces its greenhouse gas emissions. Honourable members would have to go a long way before they found a Victorian who is not committed to reducing greenhouse gases. Recently, I

was delighted to take both the Minister for Environment and Conservation and the shadow minister on a tour through my electorate to view the Otways and the magnificent environment in that part of Victoria. Given what this wonderful state has to offer, it is commendable that the government is prepared to support a fund that will assist research and development into the reduction of greenhouse gas emissions, which affect every Victorian.

Global warming and weather pattern changes are of concern to all Victorians. We are constantly hearing about parts of the ice shelf in the Arctic and Antarctic breaking away to form icebergs, sea levels rising and patterns of dry weather in parts of the state. We are concerned about the impact those things will have on our day-to-day lives.

It has been stated that up to 75 per cent of the jobs created by the identification and generation of renewable energy resources will be located in rural and regional Victoria. It is therefore understandable that rural and regional Victorians would embrace the opportunity to work in an industry that has the ability to limit the production of greenhouse gases and protect the environment. Unfortunately, the problem that currently faces some of the state's more environmentally friendly energy resources is the cost factor.

Over a number of years wind, wave, and solar energy generation has proved expensive, which puts those sources of energy out of the reach of most Victorians and makes it difficult for either the government or the private sector to develop them. However, one renewable source of energy which affects a great many people in rural and regional Victoria and which has not been discussed at length in the debate is wood. A wood merchant in my area cuts the sugar gum plantations on a number of properties. Sugar gums have shorter regrowth periods than other species and provide shelter for stock. Not many people see sugar gum plantations as a source of renewable energy. However, the many uses to which the sugar gums can be put mean they are important to rural and regional Victoria.

I note the government's commitment to establish another wind farm in the south-west of the state. Wind farms, as honourable members know, provide environmentally friendly sources of energy. However, they are expensive, and planning issues often arise when applications are made to establish wind farms given their impact on the surrounding landscape. Some people find that wind farms do not add to the overall appeal of the landscape and are somewhat reluctant to accept their presence.

However, as members of the community and as politicians we must support such developments, which provide sources of energy that produce little if any greenhouse gases. The production of electricity using the energy generated by the waves along our coastline is also being considered. That will be the cause of significant debate. I am not sure how the Minister for Environment and Conservation will go when faced with a marine park on the one hand and a wave energy farm alongside it on the other.

Ms Garbutt interjected.

Mr MULDER — If it is in the Otways we would have a good look at it. I would be happy to tour the Otways with the minister and the shadow minister, whom I recently accompanied on a visit to that beautiful part of world, along with some other members of the Environment and Natural Resources Committee. You do not have to scratch too far to find where my allegiances lie in that part of the world!

Members of the committee also looked at the use of solar energy, which early on in the piece was cast as the saviour of our fossil fuel-based industries. Some people argued that it would replace coal as a source of power. The honourable member for Warrnambool, who is a colleague of mine and a great local member, has made 17 speeches since he was elected to Parliament, which is a fantastic effort for a new member. The honourable member for Warrnambool spoke about his attempts to use solar energy to improve television reception and about having to continually recharge a 12-volt battery because the available solar energy did not meet the requirements.

One of the major issues being considered in the bill is renewable energies. Before looking at that issue, strategies for better use of current resources need examining. From my apartment at night I look out and all I see is lights burning across the city. Heavens above! What is being done about better and correct use of existing resources?

Recently a Japanese exchange student who stayed at my house asked, 'How do you get home at night with no lights on?'. She could not understand that the stars shine brightly where I live.

The use of current resources needs to be looked at closely. We are looking at renewing resources but no-one is speaking about using existing resources. We must start to look at that now.

An honourable member interjected.

Mr MULDER — I know government members cannot see in the dark, but a torch and a candle might help them on their way. Give them a chance, as they are new at the job.

How much could you save in a normal household? The area where I live is currently experiencing a dry period; two 10 000-gallon water tanks are three-quarters full and people around us are getting water carted in. It is the old story: the lights go off when they are not needed; the dishwasher is used only when full; and the kids have 2-minute showers — I tell them, 'Any longer and I will come and pull you out'. Management of water resources must be considered.

Members have spoken about the use of airconditioners. Has anyone thought of installing a ceiling fan in the house to circulate air and not worrying about whether the temperature was 21 degrees or 22 degrees every minute of one's life? If people lived that way, with natural fresh air and natural cooling in the home, we could forget about the flu vaccine!

The establishment of the authority is positive in that it might identify some renewable energy resources and it might contribute to Victorians holding their heads high because of their contribution to the reduction of greenhouse gases. I commend the bill to the house.

Ms GARBUTT (Minister for Environment and Conservation) — I thank all honourable members for their contributions. It seems that we are in furious agreement over the bill and it is supported by all sides of the house.

The debate, however, masks hypocrisy or just ignorance on the part of the opposition. The honourable member for Geelong North spoiled the party by pointing out a few home truths such as the fact that under the previous government Victoria was left behind in this area.

New South Wales took the running with the establishment of the Sustainable Energy Development Authority, the creation of jobs, the reduction of greenhouse emissions and the involvement in carbon trading markets. Victoria is now playing catch-up. No wonder the opposition is seeking bipartisan agreement — it wants to raise its credibility. For seven years it did nothing — —

Honourable members interjecting.

Ms GARBUTT — Look at a few key facts. With great fanfare and many glossy magazines the previous government, as was its wont, promised \$15 million a year for its greenhouse action program. In last year's

budget it delivered \$5.5 million — announced as a great achievement instead of a broken promise. In fact it was welshing on its promises.

A report from the parliamentary Public Accounts and Estimates Committee commenting on the record of the previous government noted that only the then Department of Justice had done anything about the national greenhouse strategy requirements but:

... other departments and agencies have made little or no progress. The committee notes that at present there is no whole-of-government approach in Victoria.

So the previous government was letting us down — claiming something and delivering nothing!

The greatest opportunity for the government was the sell-off of the SEC. At that stage it would have been easy to build in a requirement that the new owners invest in alternative energy, sustainable energy options and so on. What did the previous government do? Nothing of the sort. It sold the facilities and did nothing at all about alternative energy, about sustainable energy options or anything else the opposition members are now coming in with hands on hearts claiming that they support. What did it deliver? Absolutely nothing. Victoria is still trying to catch up.

Mr Perton interjected.

Ms GARBUTT — Look in the mirror!

The shadow minister has asked me what presentations I am making on greenhouse emissions. How am I presenting the policy to ministerial conferences? I am not the minister in charge of greenhouse matters in the government! The opposition has not even noticed it is the Minister for Energy and Resources. He should have had a clue because the bill was introduced in the upper house where the lead minister is — —

Mr Perton interjected.

Ms GARBUTT — I could call a point of order and request the withdrawal of unparliamentary language but I will not. Don't tempt me!

The ACTING SPEAKER (Mr Savage) — Order! I ask the honourable member for Doncaster to refrain from interjecting across the table.

Ms GARBUTT — So the shadow minister has — —

Mr Perton interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Doncaster is defying the Chair. He will remain silent.

Ms GARBUTT — Not only has the shadow minister the wrong policy but he has the wrong minister.

I shall address some of the issues raised during the debate. One issue concerns a perceived downgrading of the research and development function of the current act. Now is the time for action. The old research and development function has produced the technologies in renewable energies; we must now implement them. Victoria has had seven years of doing nothing; this government is determined to take action. The government will deliver, unlike the previous government.

The second comment was about the ability of the authority to offer grants without ministerial approval. The authority will report to the Parliament. If the opposition were alert, that would be a good, accountable procedure. The government can say without fear of contradiction that it is an open and accountable procedure. The shadow minister can have a look.

The third comment worth noting was about board members and how only two of the existing board members will remain when the new authority comes into operation. It is appropriate for a new authority to have new members. It will be a transparent and open process, something that has not been seen in this place for seven years.

A further comment was that it is a small bill. The government has a major commitment in this area that it will implement, in stark contrast to the previous government. This important bill implements a major promise by the Bracks government to establish the Sustainable Energy Authority Victoria which will tackle greenhouse emissions and act as an important job creator. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr PERTON (Doncaster) — I ask the minister about the cost of changing the business name of the authority from Renewable Energy Authority Victoria to

Sustainable Energy Authority Victoria. The committee would be grateful if the minister could provide an assessment of the cost.

Ms GARBUTT (Minister for Environment and Conservation) — The change in name to Sustainable Energy Authority Victoria, for which there is a budget allocation of \$17.5 million over four years, is important. That substantial allocation — much more than the previous government ever allocated — will tackle Victoria's greenhouse gas emissions and create jobs. If there is a minor detail about how much a change of name costs I can happily provide that to the honourable member for Doncaster at a later stage. There are more than sufficient funds to produce both those outcomes — far more than the previous government ever allocated, or even promised.

Clause agreed to.

Clause 2

Mr PERTON (Doncaster) — I ask the minister why the bill comes into operation on 1 July 2000.

Ms GARBUTT (Minister for Environment and Conservation) — The commencement date will allow time to appoint new members to the authority and links the legislative establishment of the Sustainable Energy Authority Victoria with the start of the 2000–01 financial year.

Mr PERTON (Doncaster) — I ask the minister what open and transparent process will be undertaken in order to select and appoint the new members of the authority. What advertising will the government do?

Ms GARBUTT (Minister for Environment and Conservation) — It will be an open and transparent process, which will involve public advertising. I understand why the shadow minister is asking this question — there have been no open and transparent processes for the past seven years. He does not know how to do it. The government will certainly show him!

Clause agreed to; clauses 3 and 4 agreed to.

Clause 5

Mr PERTON (Doncaster) — The minister indicated that the research and development function has been taken away from the authority. Will she outline the practical effect of the changes to the functions of the authority?

Ms GARBUTT (Minister for Environment and Conservation) — The greater focus of the authority will be on the facilitation of energy efficiency and the

development and use of renewable energy rather than research into those issues, which was a key objective of the 1990 act. We have moved on 10 years since then.

Clause agreed to.

Clause 6

Mr PERTON (Doncaster) — I note the minister's comments in her closing speech on the second-reading debate about the power in the authority to lend or grant more than \$25 000 to a person or body in any period of 12 months. Will the list of persons and/or bodies who are given those grants be provided to the Parliament, or will it be provided in the annual report? What criteria will be set for the authority to lend that money to any person or body? The same questions apply in precise terms to the larger amount of money referred to in proposed new subclause (b).

Ms GARBUTT (Minister for Environment and Conservation) — I advise the committee that the authority will be reporting in an annual report to Parliament, while matters of that sort will be covered.

Mr LONEY (Geelong North) — Will the arrangements put in place for those funds be more transparent than the arrangements and ministerial practices that were in place when the previous government transferred the Herman Research Laboratories to the private sector?

Ms GARBUTT (Minister for Environment and Conservation) — The answer is a hearty yes. I suppose we have all got our L-plates on because the previous government made no such comment. It was a secretive government out of which honourable members and the public could not get any information. It was simply a closed shop. It ruled from the top and believed nobody else should have any information. That is why it is now in opposition.

Mr PERTON (Doncaster) — Does the minister's previous answer mean that there is an undertaking to the committee that all loans and grants to people and bodies under that clause will be provided to honourable members in the annual report?

Ms GARBUTT (Minister for Environment and Conservation) — The grants or loans will relate to the objectives and the functions of the authority, which will be reported in the annual report.

Clause agreed to; clauses 7 to 9 agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

**CORPORATIONS (VICTORIA)
(AMENDMENT) BILL**

Second reading

**Debate resumed from 15 March; motion of
Mr HAERMEYER (Minister for Police and Emergency
Services).**

The ACTING SPEAKER (Mr Savage) — Order!
I am advised that as the required statement of intention has been made pursuant to section 85 of the Constitution Act the second reading of this bill requires to be passed by an absolute majority.

Dr DEAN (Berwick) — I do not anticipate that my colleagues from both sides of the house will come flooding in to listen to this debate. It is not what I would call one of the most exciting bills, but it is important. The only people who would say this is an enjoyable bill would be lawyers, and only half of them would want to get involved in the nitty-gritty.

However, the bill gives me the opportunity to raise, as I do frequently in this house, my favourite topic, which is the difference between competitive and cooperative federalism and the way this country can and should operate if the Council of Australian Governments is operating well and on a permanent basis, and if there is cooperation between all the premiers and the Prime Minister on national issues. When dealing with such legislation we can see that when a federation operates properly, and cooperation is the name of the game, enormous strides can be made. Over time one of the shining examples of how this country has matured and federalism has operated in a cooperative way is this legislation and the entire Corporations Law.

I regret to say I am old enough to remember uniform companies law, as it was then known, which was legislation individual to each state and at the time was considered modern legislation because it was uniform. To show just how modern we were as a nation and how much of a federation we were, the catch phrase of the day was that we had uniform legislation. Basically, that meant each state enacted its own law and it could change it according to its own desires. However, each state tried to agree with the other members of the federation to produce similar legislation.

As we have progressed and as Australia has had to struggle in the international market, as competition has

forced it to be as efficient as possible as a nation and not just as separate states, new processes have been invented to bring us closer together as one nation. The Corporations Law is a great example of that.

All the ministers concerned with corporation law got together and said, ‘Why don’t we have one template act that can be enacted by the commonwealth? Why don’t we all agree that, even though it is a state matter rather than a commonwealth matter, whenever the commonwealth act is amended it automatically becomes a nationwide amendment to state legislation?’. Thus the corporations code was given birth.

When I was practising in company law it was called the Corporations Code of Victoria. Lawyers were proud of the code because the law they practised was based on it. It was refined again and became the commonwealth Corporations Act. The legislation had the same title in every state, the only difference being that the name of the state that owned the legislation appeared in the title in brackets.

That is how far we have come. To all intents and purposes the commonwealth enacts legislation that covers the entire country. Many people find that confusing, and understandably so. Because a change to the commonwealth act affects every state, they ask why the state acts are not described as commonwealth legislation? The reason is that under the constitution the state rather than the commonwealth has that particular power. Each state must divest the rights it has to the commonwealth to enable it to make the enactments. People may say they have read the constitution — —

Mr Robinson interjected.

Dr DEAN — I am sure you have; I am sure everyone has. I have no doubt that as soon as the honourable member for Mitcham and others go home at night the first thing they think of is having a little read of their commonwealth constitutions before they go to sleep!

Mr Lenders — Especially section 51.

Dr DEAN — Section 51 is a real hit. I like to go over that again and again. The section contains a subsection on corporation law. You might say to yourself, ‘Surely the commonwealth has a corporations power. Why is it going through the routine of ensuring the states all agree when effectively it is state legislation? Why doesn’t it enact its own legislation and say, “To hell with it.”?’.

I see the Minister for Education is leaving the chamber. I have lost my audience already. The minister laughed

when I said the Corporations Act was an act for lawyers! The High Court has interpreted the corporations power as not giving the commonwealth nuts-and-bolts powers over corporations. However, it gives the commonwealth external power over the activities of corporations. As an example, the Trade Practices Act, which is a commonwealth act, relies on the corporations power for its bite. However, control over the internal operations of a company and matters of that sort are not part of the federal government's jurisdiction.

I know it sounds complicated. It is one of those things about federation and the splitting of powers that the average person finds difficult to understand. I was going to say 'the average lay person', as though lawyers were here and everyone else was there. That is not so. These days everyone else is here and lawyers are there! However, those people who do not have a running knowledge of the law would say, 'This is crazy. Why should we go through this routine?'.

One of the great things about federation is that by cooperating the various jurisdictions have found a way around the problem, saying in effect, 'The states have this power and the commonwealth does not. Of course the commonwealth should exercise the powers that cover the nation. Therefore the states will give it to them by way of agreement'. That is an example of another agreement that works well.

For most people who read it the Corporations (Victoria) (Amendment) Bill is gobbledegook. However, the bill must be enacted because under section 7 of Victoria's act the commonwealth is given permission to enact a new provision in the Corporations Act that will affect everyone. When the commonwealth uses that power it must do so in each state's jurisdiction.

Victoria has a special provision called section 85 of the Constitution Act, which means that if a government wants to alter the jurisdiction of the Supreme Court it must go through a certain routine. A government must first give notice, setting out why it wants to make the alteration. That must then be noted by the Presiding Officer, because altering the jurisdiction of the Supreme Court is an important step. Governments must go through that little ceremony so that everyone is aware that the Supreme Court's jurisdiction is being altered.

Other states do not have that provision. The difficulty in this case is that in wanting to amend the Corporations Law the commonwealth government introduced a bill that automatically made alterations in every state. However, when it came to Victoria it involved a change in the Supreme Court's jurisdiction. The

commonwealth ran up against section 85, which says that a government can do so only if it goes through that special routine — and it had not done so.

The Victorian government must now rectify the situation by enacting the Corporations (Victoria) (Amendment) Bill, which gives the appropriate section 85 notice to enable the commonwealth act to properly make the change. Everyone is now probably more confused than they were when I began, but at least I tried!

It should be acknowledged section 85 statements have become a wonderful political football. Speakers on both sides have on many occasions spoken about the use of the statements, arguing that it is the other side that has interfered the most with the jurisdiction of the Supreme Court.

At the moment the wonderful thing for the opposition parties is that they have got the ball in their court because on a proportional basis the number of section 85 statements that have been made to this time — —

The ACTING SPEAKER (Ms Davies) — Order! I remind the shadow Attorney-General that it is discourteous for him to keep turning away. I ask him to address his remarks through the Chair.

Dr DEAN — My apologies, Madam Acting Speaker, I certainly would not want to be discourteous to the Chair in any way. May I say it is much more pleasant to look in this direction than the other. I hope you will not mind if from time to time I glance at my colleagues because I like to get their response to what I am saying.

The government has found the need to enact more legislation affecting the jurisdiction of the Supreme Court than the former government did in the same period, so all that political stuff, if I may call it that, which was aimed at the Kennett government because supposedly it had no respect for the Supreme Court has now been reversed. However, the opposition does not consider this to be an unnecessary use of section 85. A change to the jurisdiction of the Supreme Court is needed to enable this reform to take place and a uniform agreement to be put in place, and it is happy for that to be done.

In short the changes in the bill will ensure a new generation of takeover litigation. Takeover litigation is the most expensive and complicated to come before any court because such enormous amounts of money are at stake and every tiny legal point is considered. Honourable members can be assured that because

corporation takeovers are complicated events, legislation dealing with them will also be complicated.

The legislation moves the system on from a situation where days, weeks and months are spent before a court, with all the procedures a court requires, arguing over takeover bids up to the time the takeover finishes. The legislation provides for what will happen up to the time the bid period ends and only after that will there be access to the courts. The existing corporations and securities panel will handle takeovers. It is a specialist panel that knows the takeovers area well. I am not suggesting that the commercial division of the Supreme Court does not have incredibly specialised and skilled — —

Mr Lenders interjected.

Dr DEAN — I wish I could hear the interjection, but I am so busy looking at you, Madam Acting Speaker, I cannot hear it as I should.

It is better for the panel to handle these matters because it will be more efficient, take less time and cost less money, and it is in the interests of Australia's emerging commercial competitiveness. If days and weeks and millions of dollars are spent fighting over takeovers Australia's position in the market will be lost. Corporations have to remain competitive and if they have to spend money fighting over whether or not there is going to be a merger they will end up having to add that to the cost of their products and services.

Mr Smith — What about Alan Fels?

Dr DEAN — He is a good man. The change is important. It was all agreed to by all attorneys-general. It was done through the fabulous Corporations Law cooperative process. However, there was a need to sort out the Victorian section 85 problem, and that has been done.

I will just raise one more point before I let everybody off the hook of having to go deeper into these complicated matters. Following the *re Wakim* decision — it has been a massive blow to cooperation — in which the High Court of Australia held that under the federal constitution it is not possible for the states to confer law on federal courts — even if they want to accept it they cannot — all law that was being decided on in federal courts on a federal basis, such as the Corporations Law, must be decided on in state courts, because the Corporations Act is now a state act. As honourable members can imagine, that has caused great trauma. This bill is an example of a change which it is hoped will relieve the Supreme Court of

some of that burden by providing for matters to go the panel, and that is good.

As I have said in this house previously, bandaid legislation has been necessary to fix the problem caused by the decision in *re Wakim* so that decisions of federal courts in which those courts were exercising delegated state power will not be invalid. No-one knows whether it will work or not and there are many who say that it will not. A number of people think that a constitutional amendment is needed to remedy the situation. It is really sad to have a situation in which federal and state courts cannot cooperate because the constitution written by our forefathers at Federation says it cannot happen.

My solution, which I have explained previously but which has not yet got a run, is that the Federal Court and the supreme courts of the states should become one court. When I propose that solution everybody falls off his or her chair. That would be a fabulous step because the states could enable it to happen. Under the decision in *re Wakim* the federal government can give power to the states. A court would be set up by agreement. It would have state power and federal power would then be devolved on to it. The result would be a fabulous superior court, possibly called the Court of Australia, which would operate at that level, because currently the Federal Court and the Supreme Court operate on essentially the same level.

The other day I was contacted by a newspaper reporter who wanted to know whether I would comment on whether the salaries of Federal Court judges were slightly higher than those of Supreme Court judges.

The fact is that they are on an even basis and the only difference between them is state and federal powers. One has to ask whether the normal person walking along the street gives one iota —

An Honourable Member — A tinker's!

Dr DEAN — A tinker's — is that the right word? I think I can say that and get away with it. Do they give a tinker's whether the law they must face up to is a federal or a state law. It is a law and it goes to a court and why should they get caught up in this enormous jurisdictional problem. I think it would be a fabulous change; it would be very exciting. It would involve enormous cooperation and it would get over *Wakim* for ever. Enough of that as it is not what the bill is about, but I could not resist the opportunity! One day we might get a creative Attorney-General who would do such a thing. That would be wonderful.

An Honourable Member — The next coalition government.

Dr DEAN — It would take litigation in Australia into the new millennium — the big stride.

An Honourable Member — On the superhighway!

Dr DEAN — I don't think there is much hope of that.

The ACTING SPEAKER (Ms Davies) — Order! I suggest the honourable member come back to the bill.

Dr DEAN — This is a necessary piece of legislation. The opposition supports it and wishes it God speed.

Mr ROBINSON (Mitcham) — The Corporations Law of Victoria is an extraordinarily complex matter. I do not intend to delve into those complexities to the same extent as the honourable member for Berwick. He gave the house an excellent theoretical exposition on the bill. If there were gold medals in theoretical expositions, he would qualify for one!

The bill deals with important aspects of corporations law. The essential point is that, regardless of what station in life you occupy, if you delve into business activities which are within the province of corporations law you are bound to comply with the intentions and ethical standards that law attempts to achieve, and that is no easy matter. It means that people from all walks of life must comply with corporations law, whether they be running BHP or a family company operating a milk bar, or whether they be someone like John Elliott who is trying to explain what happened to \$1.2 million with Water Wheel Holdings.

It is fitting that from time to time the government amends the corporations law. The bill is an important step in assisting the smooth transactions of businesses involved in takeovers, which are currently a very real feature of life in the corporate world. It seems that every day there is more and more discussion of takeovers at a higher and higher level. An article in the *Age* of 9 March focused on the prospective takeover of the Colonial State Bank by the Commonwealth Bank. It serves to illustrate the onus upon directors to ensure there is compliance with ethical standards during takeover periods. The article concerned the ongoing practice of Colonial to provide senior executives involved in its share plan with options. The report detailed the 7.7 million options which had been issued since mid-December when talks with the Commonwealth and other potential buyers were understood to have already commenced.

One of the concerns with such behaviour is that it defies belief in that the executives who were being rewarded

with the options under that plan would not benefit enormously when news of the prospective takeover became public. Corporations are required to report discussions about mergers, and those discussions properly come into the public realm, but if options have been issued prior to that report in the knowledge that those discussions are taking place the likely result is that the valuation of those options and the share price of the company increases.

The ACTING SPEAKER (Ms Davies) — Order! I ask honourable members to keep the tone down a little. I am having trouble hearing the speaker. The honourable member for Mitcham, continuing — with a silent audience, please.

Mr ROBINSON — The lesson from the article in the *Age* about the Commonwealth Bank and Colonial is that corporate regulators and parliaments need to be vigilant in observing and responding to the behaviour of the corporate sector, especially when takeovers are involved.

The principal agency for monitoring and enforcing the Corporations Law is the Australian Securities and Investments Commission. It has a difficult time, although at times it is fair to say it does not make life easy for itself. Last year a local businessman in the Mitcham electorate contacted me. He was distressed to discover that someone totally unknown to him had fraudulently registered himself with ASIC as a director of his company and had then chosen fraudulently to alter the principal place of business of the company. My constituent was naturally distressed at finding that out through various avenues. It had happened some time previously and he requested that the commission investigate the matter and correct the record, properly indicating to the commission that he and his wife had never authorised the fraudulent activities.

While ASIC went about investigating the matter, a second bogus director replaced the first bogus director. That caused considerable further distress to the people involved. We made some inquiries on behalf of the constituent and discovered that on the day those individuals were pulling that scam they had also attempted the same fraudulent action on another four companies.

That raises all sorts of questions about how ASIC as the key regulator in the country manages its job. No-one doubts that it is not an easy job, but in that instance a legitimate director of a small business who had been in operation for a long time found that someone was effectively hijacking that business through manipulation of the company records, and it was taking

an inordinate time for the corporate regulator to respond.

Thankfully, the commission has responded, albeit slowly, to correct the difficulty. For the benefit of the house I comment on a couple of things the corporate regulator has done to try to prevent such fraudulent activity. Firstly, the regulator says that the new tax system bill in the federal Parliament, which introduces Australian business numbers (ABNs) to replace Australian company numbers (ACNs), will result in all businesses being required to apply for new numbers and that will act as a check on the identity of the directors on the record. That is one mechanism that will help to eradicate the practice.

Secondly, the regulator says that the federal corporate law economic reform program, known as CLERP 7, will involve a change of practice so that the current corporate register details immediately after any update will be forwarded to the pre-existing directors to ensure that they are aware of any changes. As a third step the regulator has advised that it either has established or will shortly be establishing a free company alert service through the Internet, which is a real-time facility from which anyone can make inquiries about company director details.

Those steps are to be welcomed. They will be of enormous benefit and will remove much of the present anxiety among genuine directors of companies who are concerned that under the pre-existing arrangements anyone could simply lodge paperwork and get himself or herself onto an official company register for purposes that can only be deemed to be highly questionable. That is a welcome move although, as I said, it is not before time.

The bill effectively assists in bringing into being what will be known as the Takeovers Panel, which will replace the court system as a refuge for legal disputes during takeovers. As I said, takeovers are now par for the course. Not too long ago we saw one involving AMP and GIO that was particularly messy.

Mr Lenders — And very expensive.

Mr ROBINSON — And very expensive, as the honourable member for Dandenong North points out.

AMP made an offer for GIO, the board of which resisted the offer and took legal action. The takeover succeeded but in a very inefficient manner, and subsequently AMP discovered, along with some members of the GIO board it might be said, that GIO's net value was far less than anyone had anticipated. More than \$1 billion has been wiped off GIO's value

and AMP's balance sheet as a result of that ill-timed and some might say ill-considered move.

The origins of the Takeovers Panel that will be accessible to companies by virtue of the bill go back some considerable time. I note an article in the *Age* of 11 May last year by Stephen Bartholomeusz, who I think all members will agree is a reasonably well-informed commentator on such matters. He refers to a decision by the federal government last Easter to formally bring into being an organisation known as the Takeovers Panel. A number of appointments to that panel were made, including Ross Adler, Elizabeth Alexander, Dennis Byrne and Brett Heading. Those appointments had been made to the earlier incarnation of that body and a number of new members were also appointed.

The problem for the federal government and the members who had been appointed to that panel was that they did not have much work from the time of their appointment. Stephen Bartholomeusz goes on to comment that the legislation that established the panel was not quite in place. It has taken considerable legislative action in the federal government and the various state parliaments to get around to formally enabling the panel to get up and running.

The government welcomes the passage of the bill and hopes it will enjoy the support of both sides of the house. As the honourable member for Berwick said, it will allow corporate activity in this country to be conducted in a far more civilised and efficient manner. I support the legislation.

Mrs FYFFE (Evelyn) — I rise to support the Corporations (Victoria) (Amendment) Bill. It arises from Victoria's obligations under the corporations agreement to ensure a consistent scheme for the regulation of corporations and securities throughout Australia.

Certainty and uniformity across Australia are important. We are a trading nation and over recent decades many countries have invested in our industries. It is essential for the future of this country that we continue to encourage those investments.

Takeovers and mergers can provide for better efficiencies and economies of scale resulting in the improved ability of corporations to compete in world markets. The purpose of the bill is to give effect to sections 659B and 659C of the commonwealth's Corporate Law Economic Reform Program (CLERP) Act so that a takeover bid for a corporation cannot be frustrated by proceedings in this state. The legislation

introduces a new level of responsibility and supervision in a complex area.

The CLERP legislation is a form of shield for directors. It provides a so-called business judgment rule so that directors will have the protection of the law even if a business decision results in a loss of funds for investors — providing, of course, the decision was honest, informed and rational.

The bill is small but, like all proposed legislation, important. Government must facilitate, not impede, the development of the state's economy.

An editorial in the *Australian Financial Review* of 13 March says:

It is unfortunate when investors lose money in a float or other capital raising. But unless they can prove that somebody else was at fault, it is only fair that the losses should remain with the investors.

Until now, the law has not worked that way. It has sometimes been possible to shift the losses associated with bad investments to the directors who signed off on the original offer document. All that was needed was a mistake in the prospectus, even if the mistake was not made by the directors.

Such loss shifting can be legitimate if directors fail to act with good faith or if they intentionally mislead the investing public. But the mere fact that an investment goes bad is insufficient reason for the law to intervene. Investors should be just as free to lose money as they are to make money.

If a company sets out with the best of intentions to raise capital and if the directors do everything that could reasonably be expected of them, the investment risk should remain with the investors ...

Proposed section 56A will give effect to the intentions of the commonwealth and Victoria to standardise the Corporations Law provisions. Proposed section 56B addresses certain provisions of section 85 of the Constitution Act that will no longer be available to prevent the operation of legislation. It is necessary to ensure a holistic approach is adopted with legislation in support of the commonwealth's intentions. That good philosophical approach is taken in the bill.

The Corporations Law should be common across all Australian jurisdictions and should be clear, plain and easily implemented so that financial bids and takeovers cannot be frustrated by actions in jurisdictions such as the Victorian Supreme Court.

More cynical people than I would probably wonder why we are dealing with this legislation on its own and ponder why it was not included in an omnibus bill; in fact, the very cynical might be forgiven for thinking the Attorney-General is indulging in a little CV building.

In 1995, because of my need to understand changes being made to the responsibilities and liabilities of company directors at the time, I took the Australian Institute of Directors company directors' course. Before the new legislation came through many directors had been getting away with decisions that deliberately lost shareholders' funds. That is now not possible, and directors are held responsible. Being less than completely aware of the business of a company is no longer an excuse. Directors of companies must be completely aware of the financial affairs of the company and cannot use ignorance as an excuse. However, when an honest, well-informed decision is made and a mistake is still made in a prospectus leading to an investor losing money, it is important that the investor supports the risk — the same risk he or she takes in making money.

The bill is a small bill. It disturbs me that it was not part of an earlier omnibus bill and that we need to debate it tonight; it could have happened a lot more quickly. I support the bill and am pleased to have been given the time to speak on it.

Mr LENDERS (Dandenong North) — I rise to briefly speak on the Corporations (Victoria) (Amendment) Bill. The honourable member for Berwick in his succinct speech clearly outlined the complex and detailed nature of the bill and explained where it fits into the legislative framework. His speech reminded me of my days as a law student.

The long and the short of the bill is that it is a Victorian enactment of a code that has been in place for some time in all jurisdictions to deal with certain events, such as the Bell Resources–Elders joint takeover bid, which are now almost ancient history except for the participants in them, such as John Elliott. The importation of money that occurred during that takeover added more to Australia's foreign debt than most other imports and exports. The bill follows the regulatory regime that has been in place for a long time to deal with charlatans like John Elliott and to create a sensible regulatory environment for the Corporations Law.

The bill is a weighty tome of 158 words, and I hope I can keep my remarks to no more than that. A few points should be made when discussing this bill. The honourable member for Berwick has no problem with section 85 of the Constitution Act being invoked in the bill.

The only other comment I wish to make about takeovers, legislation and the regulation thereof is that the federal regulatory authority should be looking at the

current takeover occurring in Victoria: the National Party has taken over the Liberal Party's branch office in Benalla without as much as a whimper. Ultimately, the regulatory authority might need to go into the fine print to establish whether some insider trading has taken place. I imagine all will be revealed in due course. The meeting of the Liberal Party administrative committee on Friday would have been interesting, given that the Leader of the Liberal Party could not find the proxy and had to be touted for in a parliamentary bar to find a proxy for him. As I said, no doubt all will be revealed in the future by the relevant regulatory authority.

The bill deserves to be passed expeditiously. I believe my remarks have not gone much beyond 158 words.

Mr WILSON (Bennettswood) — As has been said by previous speakers on this side of the house, the opposition supports the Corporations (Victoria) (Amendment) Bill.

The bill is an enabling piece of legislation to give effect in Victoria to relevant sections of the commonwealth's Corporate Law Economic Reform Program Act, which I believe took effect on 13 March. The bill should not be considered to be part of the Bracks government's legislative program. It has nothing to do with the government's policy program; it is simply a must-do piece of legislation to keep Victoria in line with federal law. The necessary consultation between the commonwealth and state governments has taken place.

As the parliamentary session continues one wonders when we will finally see the Bracks government's legislative program — that is, when we will see legislation that was not initiated by the former Kennett government or legislation that merely involves housekeeping matters.

I presume all the states and territories have enacted provisions similar to section 7 of the Victorian Corporations Law. This side of the house recognises the need for uniformity in the Corporations Law throughout Australia. Opposition members are aware that the federal legislation and the enabling Victorian legislation has the support of the business community both in Victoria and throughout Australia, because it seeks uniformity in this important area.

The legislation complies with Victoria's obligations under the national approach to the Corporations Law and allows Victoria to have an effective and consistent scheme for the regulation of corporations and securities. I note that proposed section 56B provides that section 85 of the Constitution Act will not prevent the operation of the bill. I was not in this place during the

previous two Parliaments, but I am aware that during that time the Labor Party bleated regularly about variations to section 85 being included in the legislation of the Kennett government. I have been told and have read that the Honourable Theo Theophanous in another place and the Attorney-General when he was in opposition bleated about it regularly.

I say to the Bracks Labor government: welcome to the reality of government! I am advised that since the government has come to office the reality has hit home, and about one-third of the legislation going through this Parliament has varied section 85 of the Constitution Act. That is another example of the gulf between the rhetoric of the Labor Party when in opposition and its actions when in government.

Mr McINTOSH (Kew) — The Corporations (Victoria) (Amendment) Bill includes a variation to section 85 of the Constitution Act because of an amendment made to the Corporations Law by the operation of the federal Corporate Law Economic Reform Program Act.

The bill is very much a belts-and-braces response. Despite the fact that pursuant to a corporate agreement between all of the states that a law passed by the commonwealth Parliament will also be the law of each state, the matter before us involves a thick act that contains a specific provision dealing with takeover panels.

Other honourable members have spoken about the takeover panels established under the commonwealth legislation. They were intended to prevent the circumvention of takeover bids by way of applications made in the Supreme Court for delaying purposes. Under part A the commonwealth act provides for takeover panels that will deal with all the takeover matters during the currency of a bid until the takeover is successful or the offer is withdrawn.

I refer to another aspect of the commonwealth Corporate Law Economic Reform Program (CLERP) Act. In his second-reading speech on the bill on 3 December 1998 the federal Minister for Financial Services and Regulation made a number of observations about corporate fundraising. He said:

This bill will improve the fundraising provisions of the Corporations Law to facilitate more efficient capital raising by Australian businesses.

He went on to say that the bill would introduce:

... short-form prospectuses for retail investors, with technical information contained in separate documents available on request.

He also said:

It is also clear that uncertainty over liability for the content of prospectuses has added to the complexity and expense of fundraising and has detracted from the prime function of a prospectus to disclose relevant information to investors.

Importantly, he says:

The government will clarify the potential liability of parties for prospectuses by providing that their liability is governed solely under the Corporations Law.

Under the previous operation of the Corporations Law directors' and promoters' responsibilities were clearly set out. However, provisions in the Trade Practices Act — section 52 among others — and the Fair Trading Act were also applicable. Aggrieved shareholders or persons relying on a prospectus could invoke the common law to take directors or promoters of fundraising to the Supreme Court. However, the intention of the legislation was clearly to exclude the common law, the Trade Practices Act and the Fair Trading Act from its operation.

The legislation was designed to exclude those forms of liability so that directors' liability for company prospectuses would be governed solely by the Corporations Law. The bill does not repeal any section; instead, it limits the ability of someone to bring a case to the Supreme Court.

I was given a copy of the Corporate Law Economic Reform Program Act, which was passed in November last year, only moments ago. As honourable members can see, it is a substantial tome.

Mr Wynne interjected.

Mr McIntosh — No, I have not read the document. I apologise for not having read it to find the particular clause. However, I have been advised about it.

I will refer to an editorial on that matter that appeared in the *Australian Financial Review* of 13 March. My belief is that the provision relating to directors' liabilities being governed solely by the Corporations Law has now passed to the commonwealth Parliament. I ask the minister to clarify that aspect. Perhaps he has read the act.

The article in the *Australian Financial Review* states:

This situation —

that is, the directors' liabilities for prospectuses —

did not come about through government policy aimed at getting tough with directors. It arose because the process of

offering investment products to the public has been governed by overlapping laws — the Corporations Law, the Trade Practices Act, and the states' fair trading acts.

The Trade Practices Act was never designed to apply specifically to the process of raising capital. Nor were its state equivalents in the fair trading acts. The Trade Practices Act has an economy-wide goal of consumer protection and it achieves that by imposing strict liability on people who are best placed to prevent harmful products being offered to consumers. In its place, the Trade Practices Act is a good law.

...

Under CLERP, liability for misleading and deceptive conduct in capital raising will be dealt with exclusively by the Corporations Law, which determines how much information must be disclosed to investors and when directors should properly be safe from liability.

It is my hypothesis — and I have not seen the provision so I cannot guarantee it — that under the commonwealth act directors' liability is now solely governed by the Corporations Law, thereby excluding actions being brought under the Trade Practices Act, which is still in existence, the state Fair Trading Act, which is still in existence, and the common law.

That leads to the following conundrum: notwithstanding the corporations agreement between the states and the commonwealth, under which the law made in Canberra will be the law in Victoria, honourable members are debating an enabling bill, or a belts-and-braces bill. That is because under section 85, which is unique to Victoria, Parliament has to pass a special bill relating only to takeover panels and not the entire act passed by the commonwealth.

The minister may care to turn his mind to whether the bill goes far enough or whether we may have to come back in a few months to pass another bill relating to directors' liabilities as they are affected by the Corporations Law.

The bill is a classic variation of the jurisdiction of the Supreme Court. Section 85(5) of the Constitution Act states that:

A provision of an act, other than a provision which directly repeals or directly amends any part of this section, is not to be taken to repeal, alter or vary this section unless —

and it goes through the formal process to be followed as part of a section 85 statement.

The bill tampers with the jurisdiction of the Supreme Court. Accordingly, the minister may like to turn his mind to whether we will be coming back in two or three months to take on board amendments to the Constitution Act.

Mr HAERMEYER (Minister for Police and Emergency Services) — I thank the honourable members for Berwick, Mitcham, Evelyn, Dandenong North, Bennettswood and Kew for their contributions to the debate on the bill. It is a short but important piece of legislation that ensures the national corporations legislation cannot be compromised by the Victorian act. The debate has been conducted in a good bipartisan spirit.

The matter raised by the honourable member for Kew at the end of the debate is not within the parameters of the legislation and he might take up the issue with the Minister for Small Business in another place. Again I thank all members for their contributions to the debate on the bill.

The ACTING SPEAKER (Ms Davies) — Order! As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The time being 10.00 p.m. I am required by sessional orders to interrupt the business of the house.

Water: private rights

Mr STEGGALL (Swan Hill) — The issue I wish to raise is with the Minister for Environment and Conservation, and it concerns the rights over water in irrigation areas and the reforms introduced by the former government being continued by the current government. The problem arises from a change of land use in catchment areas from grazing to irrigated agricultural use.

There is a need to clarify who has the right to water in a waterway. For many years the definition of a waterway has been acceptable in Victoria. Now it is under challenge because of the new land use.

The process was begun some time ago with the Baxter report, followed by the Hill report on issues concerning waterways and later the Heeps report.

I call on the minister to release the reports to assist us to settle the issues of private rights in catchment areas. A division is developing among the community, the catchment authorities and the downhill farmers, and the issue of whether private water rights exist must be resolved. The opposition believes such rights exist and they fit under the cap, but the matter needs to be settled so that development and investment can continue.

It is an issue not only for the Murray–Goulburn catchment areas but also for the catchment areas of the Pyrenees–Glenelg–Wimmera district.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! There is too much audible conversation.

Mr STEGGALL — I ask the minister to release those reports so that honourable members in northern Victorian particularly and throughout western Victoria will be able to participate in the resolution of that issue. There is a genuine bipartisan desire to achieve an acceptable and proper outcome. The aims have been achieved with salinity plans, Landcare, and the Sharing the Murray procedures where we went through bulk entitlements on the Murray. I ask the minister to produce those reports so the process can take place with respect to private rights for water in our catchment areas.

Member for South Barwon: conduct

Mr LONEY (Geelong North) — I raise with the Minister for Local Government political interference in the internal affairs of a local council. Members of the government believe councils are a democratically elected, independent tier of government entitled to be respected as such. They are in control of their own destinies and determine their own procedures.

Unfortunately the previous government had a much different view. It had an authoritarian view of local government — that is, local government is subservient to state government; it should simply carry out the bidding of the state government of the day; it should do what it is told and keep quiet; effectively, it is there to be dictated to or sacked. Since the change in

government, some opposition members cannot get out of that mindset.

Recently the honourable member for South Barwon has on a number of occasions attempted to exert his influence over the City of Greater Geelong. In the lead-up to the mayoral elections the honourable member for South Barwon attempted to bully councillors into supporting his preferred mayoral candidate and tried to bully councillors into pulling out of the mayoral race. Articles appeared in the *Geelong Advertiser* under the headlines, 'MP tells councillor to get out of mayoral race', and 'Paterson hits out at mayoral favourite'. More recently he has attempted to dictate council procedures and practices. When he could not get his way he threatened the council with the minister. He forgot he was no longer in government!

The honourable member for South Barwon has called for action from the Minister for Local Government, and I support that call. I want the Minister for Local Government to take action against this blatant political interference in the affairs of local government in Geelong.

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

Eastern Freeway: Tullamarine link

Mr LEIGH (Mordialloc) — Last week at a gathering of the Property Council of Victoria the Minister for Transport said in answer to a question from the floor that he was seriously contemplating constructing the freeway underpass between the Tullamarine and Eastern freeways — the \$700 million tunnel the Labor Party ridiculed when the opposition was in government. It was very interesting that in answer to a question the minister said the government will consider undertaking that project with the private sector. The opposition should not be surprised.

I seek clarification from the minister tonight. I will make this article, which appeared in the *Herald Sun* of 23 May 1992, available to the house. It says:

The state government yesterday launched Melbourne's two biggest private road projects — the western bypass and Domain Tunnel.

The manufacturing and industry development minister, Mr White, yesterday called for expressions of interest from the private sector to build and operate the freeways —

including the Domain Tunnel. Mr White said the work would begin:

... and he revealed motorists could pay a toll, which would be collected in an unusual way —

that is, electronic devices! The concept originated with the Labor Party.

After some prompting, the Premier will open the Domain Tunnel on 16 April, which is terrific — and good work by the former coalition government. In answer to the Property Council of Victoria, the minister replied, 'Oh, I'm going to build it with the private sector'. I would be surprised if anyone is prepared to trust the Labor Party after the way it has behaved over the past few years!

There are two ways the minister can do this, and one is by shadow toll. Remembering that the 3-cent petrol levy collects a little under \$200 million a year, if the minister is to do it that way he will not have any other money to spend on roads for some years, or is this about City Link being able to expand its operations to another tunnel that is tolled? The minister either told fibs to the property council or he is seriously contemplating the introduction of tolls.

One must remember that this is the minister who, in opposition, broke every law in the book to try to embarrass the government and wreck projects. He even went up on the Bolte Bridge, which resulted in the death of somebody the next day, which he obviously thought was a joke.

Honourable members interjecting.

Mr LEIGH — He thought it was a joke. He helped cause it. Let the minister answer: will he introduce a tolling mechanism on the new road? The opposition would be very interested to know whether this is the latest backflip by the Bracks Labor government and the three Independents who support it. I suspect the minister is now about to implement tolling projects for which he criticised the former government. I will be very interested in reading all his former speeches.

Linton Fire Trust

Mr TREZISE (Geelong) — I refer the Minister for Police and Emergency Services to the Linton fire trust fund. This house — especially members from the Geelong region — will never forget the five Geelong West Fire Brigade volunteers who tragically lost their lives at Linton in December 1998.

Following the tragedy, the community of Geelong and wider Victoria responded in unison in their support for the families of the firefighters — Armstrong, Davidson, Evans, Thomas and Vredeveltdt. As part of the community support approximately \$700 000 was raised for the families of the firefighters. At the present time almost half of the \$700 000 remains in a trust fund and

is unable to be distributed to the families because of a federal tax deductibility issue.

The federal government, through its Taxation Laws Amendment Bill (No. 10), provides for taxation deductibility for donations made to the Linton Fire Trust. The trustees to this fund have legal advice that it would be imprudent to distribute the remainder of the trust fund until the federal Parliament passes the bill. Therefore, the only barrier to the families receiving the money now is the passage of the legislation by the federal government. Therefore, one would expect the federal government would at least ensure its passage is given priority. But, in what has been a disgraceful example of procrastination, the federal government has yet to pass the legislation. The federal government first listed the legislation for debate in October 1999.

Mr Perton — On a point of order, Madam Deputy Speaker, this is a serious and sensitive matter not only for the community of Geelong but for the whole community. It is shameful for the honourable member to turn this into a political diatribe.

The DEPUTY SPEAKER — Order! What is the point of order?

Mr Perton — It relates to a matter on the adjournment debate, Madam Deputy Speaker, if you will let me proceed. The adjournment debate is restricted to raising matters that are within the administrative jurisdiction of the minister. The honourable member is raising the failure of the federal Parliament to pass legislation. That is well beyond the scope of the adjournment debate and well beyond the administrative responsibility of the minister.

Mr Haermeyer — On the point of order, Madam Deputy Speaker, the honourable member for Geelong seems to be raising an issue about the Linton fires. Issues relating to the Country Fire Authority come under the auspices of my portfolio. The honourable member raises the lack of action on the part of the federal government in facilitating the disbursement of the funds raised for the families of the victims of that fire. It is not inappropriate for the honourable member to ask me to urge the federal government to speed its legislation along. It is not an inappropriate matter to raise on the adjournment debate.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. I understood the honourable member for Geelong to be asking the Minister for Police and Emergency Services to take action to try to ensure the money is disbursed.

Mr TREZISE — As I was saying, the federal government listed this for debate in October 1999. As late as last Wednesday it was also scheduled for debate and again dropped off the bills list. I ask the minister to contact the federal Treasurer, the minister responsible for the bill, forthwith and demand that the federal government debate the Taxation Laws Amendment Bill (No. 10) and give it immediate priority through the federal Parliament.

Ambulance services: Torquay

Mr PATERSON (South Barwon) — I raise with the Minister for Health the late arrival of an ambulance in Torquay. I also ask the minister to speed up a review being conducted by Rural Ambulance Victoria into ambulance services for the Surf Coast Shire and to ask for a permanent ambulance service to be located in Torquay.

On 22 February Mrs Dini De Vries called an ambulance for her injured husband, who had slipped on the porch and gravely injured himself. I have been advised by the Bureau of Emergency Services Telecommunications that they logged the call on 22 February at 8.32 p.m. As no ambulance had arrived, Mrs De Vries phoned again at 8.53 p.m. Again that call is logged with Telstra asking where the ambulance was. At 9.00 p.m. the ambulance finally arrived. The ambulance was the volunteer or casual ambulance stationed at Anglesea. There was a MICA ambulance available at Geelong but apparently the call as logged was considered to be a code 2 call and, therefore, the ambulance was called from Anglesea rather than from Geelong.

I ask the Minister for Health to investigate the appropriateness of that decision and, beyond that, to support the location of a permanent ambulance service in the Torquay area, with a view to locating it at the Surf Coast community health centre in Torquay.

Neighbourhood houses: Seymour

Mr HARDMAN (Seymour) — I ask the Minister for Community Services to investigate whether she can increase Department of Human Services allocated funds to neighbourhood houses in my electorate to assist those extremely valuable and grassroots community organisations to continue to do their fantastic work. In the Seymour electorate there are a number of community houses, including Kinglake, Wallan, Kilmore, Broadford, Pyalong, Heathcote, Avenel, Seymour, Yea and Healesville. All the neighbourhood and community houses do fantastic work in their communities. Much of this work is

voluntary and in some cases such as Avenel all the work done by community members is voluntary. Given this great work, which needs to be encouraged, I ask that some action be taken to financially support their necessary function in the community.

As the minister would be aware from her visit to my electorate a year ago, the neighbourhood house at Seymour does a fantastic job. One of its major contributions to the community is an adult literacy course at which it picks up a number of early school leavers. Broadford and Kinglake run forklift driving courses where local people are able to get a ticket to prove they have completed the course so they can obtain a job. Healesville Living and Learning Centre provides a comprehensive program which includes a number of personal development and information technology courses which teach people skills to help them get jobs. The Kinglake and district neighbourhood house also does wonderful work providing a number of courses. It also provides a place for new community members to get to know one another. Due to the lack of services in the community it provides advice on community issues such as advocacy.

I ask the minister to investigate the possibility of providing extra funding which would offer encouragement to the marvellous people who work in those establishments to continue to provide excellent cost-effective services to their communities.

SES: paging service

Mr MAUGHAN (Rodney) — I refer the Minister for Police and Emergency Services to the issue of pagers for State Emergency Service volunteers at Rochester. As the minister will be aware, Victorian SES volunteers provide vital services to the community in times of flood, fire, road accidents, drownings, storms and other emergencies. They spend a great deal of time training and fundraising to purchase vital equipment and vehicles.

They are charged with a wide area of responsibilities such as road accident and flood rescue, storm damage, ground search and rescue and drownings. To successfully carry out those responsibilities requires a fast, effective call-out system. The Rochester State Emergency Service is currently using the Telstra paging service. The purchase of pagers and the running costs are entirely met from the unit budget. I point out that it costs \$9000 to keep the doors open and the government grant is \$5770 per annum.

The Telstra service is satisfactory but it will close down on 30 June — that is, in less than three months.

Unfortunately, none of the alternatives provides a satisfactory service. Other paging services are based on the unreliable CDMA system, which has poor reception in and around Rochester.

The SMS messaging technology in the current telephone network is unable to cope with simultaneous actuation of a number of mobile phones, and not all members own mobile phones. The operating procedures require that a response to a road accident call is made within 3 minutes and that the vehicle be on the road within 8 minutes. A simultaneous call-out of all members is vital.

As any call could be a life and death situation I ask the Minister for Police and Emergency Services for two things. Firstly, will he approach the commonwealth to see if it is possible to keep open the Telstra paging network for emergency services until a suitable alternative is available? Secondly, if that is not possible will he investigate the possibility of the Victorian government funding a statewide emergency call-out system, thus relieving the volunteer organisations of having to find the money in addition to their volunteer and fundraising work?

Dispute resolution centres

Mr WYNNE (Richmond) — I refer the attention of the Attorney-General to people's access to affordable justice. I remind the house of the continued advocacy by the Attorney-General of a return to a just and equitable level of legal aid funding and his advocacy for the continued autonomy and funding of community legal centres. I refer him to the dispute settlement centres, which are a key to delivering alternative dispute resolution services. Under the former government the role of the centres was significantly undermined and their activities curtailed.

Seven community-based centres were closed and in my view funding arrangements were substantially altered to their detriment. The centres are an important forum for a cheap and accessible form of dispute resolution rather than litigation with its concomitant cost and delay through the court system.

The centres play an important role in resolving neighbourhood disputes over fencing, between family members and between sporting clubs and organisations. I ask the Attorney-General to act to ensure that the community has continued access to low-cost dispute resolution mechanisms.

Newcomb and District Community Health Centre

Mr SPRY (Bellarine) — On behalf of my constituents in Newcomb, Whittington, St Albans, Moolap and Leopold I refer the Minister for Health to delays to progress on construction of the Newcomb and District Community Health Centre caused by militant industrial action which at worst will threaten completion and at best will delay completion for months. The project was a priority of the former government and as the local member I was closely involved. Therefore, the expectations of residents were justifiably high.

In June 1999 the *Doneraile Times* announced that Barwon Health had recently released its top-of-the-market concept plans for the new community health centre in Newcomb. The project was to go to tender in mid-July and was expected to cost some \$3.9 million. A detailed list of the services to be provided included district nursing, adult dental and denture services, school dental services comprising a total of six chairs, and drug treatment services.

Despite uncertainty and delays when the Labor government came to power — and after a further eight months — the Minister for Health turned the first sod. An article in the *Geelong Advertiser* of 10 February reports the Minister for Health as having said:

The key thing is this area in the past has had a shortfall of resources and we are keen to build up those services. Relating to drugs and alcohol there must be a greater range of services available.

Today the minister announced new detox beds for Geelong but I suggest that the Newcomb facility is of equal importance. Unfortunately, the builder of that facility is the meat in the sandwich and after a further delay he is reaching the stage where he doubts that the building will be completed on time if at all.

On behalf of anxious residents in my electorate I ask the Minister for Health to take action and use what his leader described in September 1999 as a mature relationship with the union movement to ensure that public works projects such as the Newcomb facility that are so vital to public health are not threatened any further by militant union action or Rambo tactics so that the beneficiaries — ordinary Victorians in need — are not disadvantaged as a consequence.

Chelsea Heights Community Centre

Ms LINDELL (Carrum) — I ask the Minister for Community Services to intervene in a matter

concerning the plight of the Chelsea Heights Community Centre. I ask her to advise what action she is taking to ensure that the services and programs offered by the centre are enhanced.

Honourable members may be interested to know of the fine services provided by community centres and neighbourhood houses across Victoria. In my electorate the Chelsea Heights Community Centre offers a range of programs, including Take-A-Break occasional care, a seniors group, a play group, Tai Bo exercises for men and women, a walking group, St John Ambulance training, line dancing, children's art classes, a counselling service, resumé writing, floristry, massage and a whole range of individual art and craft courses. The centre is a mecca for the Chelsea Heights community.

At the moment there is no funding available for coordination of the activities offered to the community. I seek to know from the minister what action the Bracks government is taking to ensure that community agencies such as the Chelsea Heights Community Centre are supported in their vital roles.

Workcover: premiums

Mr CLARK (Box Hill) — I ask the Minister for Workcover to make public any economic impact assessments carried out by his government of the effect on jobs in Victoria of the government's proposal to raise Workcover premiums to 2.18 per cent.

In 1999 budget paper no. 2, chapter 8, the Department of Treasury and Finance estimated payroll tax cuts totalling \$300 million would result in long-term additional jobs of 18 000. By similar reasoning it would seem to follow that an additional burden on payrolls of some \$150 million, for example, through Workcover premium increases would result in the long-term loss of some 9000 jobs.

In those circumstances the public is entitled to know what assessment the government has carried out — —

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

Responses

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Geelong raised the issue of the disbursement of funds of about \$700 000 that were raised to assist the families of the five courageous firefighters who died tragically during the Linton fires in late 1998.

The trustees of the fund have been advised it would not be prudent for them to disburse the funds until a piece of federal legislation known as the Taxation Laws (Amendment) Bill No. 10 has been carried. I understand they are acting on legal advice. That piece of legislation has been sitting on the table in the federal Parliament since October last year. That is an extremely unfortunate situation because whether the federal government knows it or not, it is holding up the disbursement of the money to the families who so richly deserve it.

The death of the firefighters touched everybody greatly and the community dug deeply to contribute to the funds. I commend the honourable member for Geelong for taking up this issue because it is important and needs a bit of a hurry along. Together with the honourable member for Geelong and most members of the community I want to see the money distributed to the people for whom it was intended as quickly as possible.

I will take up this issue as a matter of urgency tomorrow and urge the federal government to immediately debate and have carried the piece of federal tax legislation that is causing the hold-up in the disbursement of the funds.

The honourable member for Rodney raised a matter similar to one raised last week by the honourable member for Ballarat East, who raised it in the context of the Country Fire Authority's access to paging services for emergency responses. The honourable member for Rodney has raised a similar matter in the context of the State Emergency Service volunteers at Rochester. I thank him for raising the matter with me in advance because it is an important issue and has been of concern to the state's emergency services, particularly the SES and the CFA, both of which are predominantly volunteer services that rely on the paging network as part of their turnout mechanism.

When there is an emergency the central phone number — the 000 number or the emergency number in any given area — is called and immediately the pagers of the designated response units are activated. As the honourable member for Rodney has noted, in an emergency situation it is absolutely essential that that notification go out as quickly as possible because a delay of half a minute or a minute can be a life-and-death matter.

Telstra has traditionally provided that service with few complaints. Generally it has been a good service. It is a service that Telstra has advised will expire on 30 June.

That is an unacceptable situation because it leaves Victoria's emergency services high and dry.

Telstra has referred the emergency services to Link Telecommunications Pty Ltd, which will continue to run a paging service. Emergency services advise me that that is an unacceptable alternative because, despite the fact that Telstra has recently announced an expanded coverage for Link, Link will still not cover all the areas currently serviced by the Telstra network. As I said, that will leave a lot of our rural communities in particular high and dry; communities that rely on the service of the State Emergency Service and the Country Fire Authority. Link provides fairly poor coverage in rural areas.

I have written to the federal communications minister asking him to intervene to ensure the extension of the service for at least another two years to enable alternatives to be put in place, or at least to enable Link to get its house in order to offer the same coverage in rural areas as Telstra currently does. The federal minister needs to intervene because Telstra is an organisation that has benefited from a large contribution from the public purse. It is a huge organisation that was built up by the taxpayer dollars that were poured into it. Telstra has a public service obligation which I would like the federal minister to ensure it exercises.

If that does not occur, the state government has already looked at alternatives, but they are fairly expensive because it may entail the setting up of a special in-house, statewide emergency call-out system for our emergency services. I have already raised the matter with the federal minister and I take on board the suggestions made by the honourable member for Rodney. This is an extremely important issue and I shall treat it accordingly.

Ms CAMPBELL (Minister for Community Services) — It is with pleasure that I am able to respond to the issues raised by the honourable members for Seymour and Carrum. One of the many groups within community services that was delighted with the election of the Bracks government was the neighbourhood house sector. For many years it had languished waiting for action by — —

Honourable members interjecting.

Ms CAMPBELL — The sector was waiting ever so patiently for the Minister for Community Services in the previous government to pull out the Spice report, which was considered to be another one of the locked documents in the Department of Human Services. The

Spice report was one of those which gathered a considerable amount of dust on the desk of the ex-minister. The fact is that the Labor Party in opposition listened, learnt and decided to lead once in government. It is now in government and delighted to be able to announce to neighbourhood houses additional funding based on what is required to fund the Neighbourhood House Coordination program.

The government has committed \$6.5 million over the next four years to provide additional coordination hours for neighbourhood or community houses. The department currently funds 264 neighbourhood houses for between 10 and 40 hours per week of coordination activity. About half of those are funded at less than 20 hours per week and about two-thirds are funded at just 10 hours per week. A sizeable number of the other houses currently receive no funding at all.

It is important that the honourable members for Seymour and Carrum alert their neighbourhood houses to look at the newspapers this weekend for advertisements calling for submissions from neighbourhood houses for the additional funding that is available.

Mr Leigh — On a point of order, Madam Deputy Speaker, I seek clarification on whether the minister is referring to the fact that the other 68 community centres will get funding or whether it will be just the 2 in Labor electorates?

The DEPUTY SPEAKER — Order! There is no point of order.

Ms CAMPBELL — Of course there isn't, Madam Deputy Speaker. There never is when that member speaks!

The funds will be available throughout the state. I note that the honourable member for Swan Hill is keen to be part of the Bracks government's neighbourhood house funding. I alert him to the fact that his neighbourhood houses may care to enjoy the fruits offered by the Bracks Labor government, something that was unavailable when the previous government was in office.

The Department of Human Services (DHS) has worked closely with the Association of Neighbourhood Houses and Learning Centres (ANHLC), and we have recently established the neighbourhood advisory group to confirm the funding parameters. Letters will be sent to local councils to ensure that where they are contributing to neighbourhood houses — —

Mr Leigh interjected.

The DEPUTY SPEAKER — Order! The member for Mordialloc.

Ms CAMPBELL — I am proud to announce that we are providing the funding initiative in conjunction with local councils. Where councils — —

Mr McArthur interjected.

The DEPUTY SPEAKER — Order! The member for Monbulk is out of his place, and I ask him to cease interjecting.

Ms CAMPBELL — Consideration will be given to those neighbourhood houses and community centres which have been funded by local councils, because in the past they have been shown to be successful as a result of that local government involvement.

There is also excellent news about the service agreement on the new financial arrangements, which is that there will be a three-year funding agreement. Many neighbourhood houses have part-time workers who work considerably longer than the time for which they are paid. The three-year funding agreement recognises the importance of their contributions and will provide some consistency for coordinators.

Also, the \$500 000 available in the current financial year will be allocated to support the development of information technology training and the purchase of minor equipment such as faxes and modems, so that all neighbourhood houses can be networked and linked by the latest technology. Funds will be directed to areas that have not been networked by alternative sources of funding — such as through adult community and further education or commonwealth infrastructure grants — according to guidelines to be developed between DHS and the ANHLC.

I suggest that the Chelsea Heights community centre, whose programs were so eloquently described by the honourable member for Carrum, as well as the Wallan, Kilmore, Broadford, Pyalong, Heathcote, Avenel, Seymour, Yea, Kinglake and District and Healesville neighbourhood houses be alerted to the advertisements that will appear in this weekend's papers.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Swan Hill referred to the ability of farmers to construct farm dams on waterways. That eventually gets down to the definition of 'waterway', which has been a central issue. I am considering three reports: the original Baxter report of two years ago, the Bill Hill committee report, and the David Heeps report from the Wimmera. Clearly there is a need for further public consultation and the

consideration of possible options, for which I will be providing shortly.

Mr CAMERON (Minister for Local Government) — The honourable member for Geelong North raised an important matter concerning the City of Greater Geelong council. It appears the honourable member for South Barwon has been trying to dictate what happens with the council. Honourable members will appreciate that that is typical of the leftovers from the Kennett regime. They are great believers in dictatorship rather than in working in partnership with local councils.

The honourable member for Geelong North referred to some recent articles about the tenor of the approach taken by the honourable member for South Barwon. One of the articles that appeared in the *Geelong Advertiser* in late March is headed “‘Bullying’ in council concern”. The honourable member for South Barwon wanted to take up an issue because the council had decided to defer consideration of it on its own motion. One might ask whether it is for the local council — that is, the locally elected people — to determine when it deals with matters on its agenda or —

Mr Leigh — On a point of order, Madam Deputy Speaker, I know that on a number of occasions you have referred to standing order 108 when a member of Parliament has been impugned in some way. I refer you to the standing order, which states that:

... all imputations of improper motives and all personal reflections on members shall be deemed disorderly.

It seems to me that the honourable member for Geelong North got very close to that. It now appears —

Mr Hulls interjected.

Mr Leigh — We’ll get to you a little later, son, as you know.

Mr Batchelor interjected.

Mr Leigh — We’ll get to you even later.

Mr Batchelor — You’re the biggest slime bag around.

Mr Leigh — Nunagate! The man who cheats on votes calls me a slime. You are a crook!

Mr Batchelor interjected.

Mr Leigh — You’ll be in jail before long, so don’t worry about it!

The minister is impugning the honourable member for South Barwon. I direct your attention to that fact and ask you to ensure that the minister does not do so.

The DEPUTY SPEAKER — Order! I do not uphold the point of order, but the point is taken that the Minister for Local Government should be aware of standing order 108.

Mr CAMERON — I am sorry to disappoint the opposition, but the member for South Barwon even puts such things in writing. The *Geelong Advertiser* reports him as saying ‘the minister should order the council to reconvene’. He followed that up with a letter in similar terms.

Madam Deputy Speaker, having been a member of a local council, you will know that under the Local Government Act the Minister for Local Government has limited powers and cannot order a council to reconvene or tell them what to discuss. His is the approach of someone who is left over from the Kennett regime, the members of which believed they could dictate what they wanted to councils, which would get the sack if they did not do what they were told. If he thinks the council should be sacked, he should have the guts to come out and say so bluntly. I can tell you, Madam Deputy Speaker, that that will not occur.

He has only recently woken up after seven years, which is probably why he is known in the Geelong area as Rip van Paterson. But many Liberals down there have already woken up, which I understand is why some Liberal forces appear to be mounting against him. They have looked at his performances in the past two elections and have noticed that his vote has been going down. They are worried that if the trend continues they will lose the seat. I understand that is why the honourable member for Bellarine is mounting a challenge against the honourable member for South Barwon. No doubt there will be —

Mr Perton — On a point of order on the question of relevance, Madam Deputy Speaker, the matter raised by the honourable member for Geelong North related to comments made by the honourable member for South Barwon about a council and the request for action by the honourable member for Geelong North. Matters relating to party politics have nothing at all to do with it.

The DEPUTY SPEAKER — Order! I uphold the point of order and ask the minister to return to the matter raised.

Mr CAMERON — We want to make sure the councils in the Geelong area can go about their business.

The honourable member for Box Hill raised in a rather rapid manner a matter concerning Workcover.

A government member interjected.

Mr CAMERON — Yes, that was ‘rapid’ not ‘rabid’. I hope Hansard has got that. The honourable member wants a crystal ball to be produced and rubbed and some predictions given. He gave the game away when he referred to an old report and some old predictions by the former government that premiums were going to go down and everything would be rosy. He is wrong, wrong, wrong! Those predictions were far from the mark. Indeed, in the past financial year there was a loss of \$176 million — totally against every prediction the former government made.

I appreciate that the matter is sensitive for the honourable member for Box Hill because he was the parliamentary secretary in the last term of the Kennett government. No doubt he has his reputation to protect — a reputation that is in tatters. Just look at the balance sheet: 68 per cent of businesses in Victoria have payrolls of under \$100 000.

Imagine, Madam Deputy Speaker, that you are a grocer and are paying the average premium rate. Your payroll is \$100 000. Under the government’s proposed changes the premium will go up by \$237 — less than \$2 a week for each person, and in return your workers will have access to common-law rights if they are seriously injured.

The honourable member for Box Hill can threaten to block the legislation, but he is wrong. He will come under pressure in his party. The National Party certainly agrees with Labor and, as we have seen today, the Liberal Party is now too scared to stand in Benalla. I can assume, therefore, that the Liberals support Labor’s legislation.

Mr BATCHELOR (Minister for Transport) — I wish to respond to a policy matter raised by the honourable member for Mordialloc, but before doing so I have to say the outburst by the member for Mordialloc tonight was one of the most despicable outbursts I have ever heard.

Mr Leigh — On a point of order, Madam Deputy Speaker, he can’t go around calling people names.

The DEPUTY SPEAKER — Order! There is no point of order.

Mr Hulls — Sit down, you sensitive little wuss!

The DEPUTY SPEAKER — Order! The Minister for Transport, continuing his response.

Mr BATCHELOR — During the honourable member for Mordialloc’s adjournment contribution — —

Mr Leigh — I called you a crook.

Mr BATCHELOR — He went beyond all the bounds that are tolerable in this chamber. I have never asked him to withdraw or apologise for any of the filth that flows from his mouth — —

Mr Leigh — What did you do — —

Mr BATCHELOR — And I am not about to do so now.

Mr Leigh interjected.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc!

Mr BATCHELOR — Tonight he has come into this house and tried to use the tragic death of a member of Melbourne’s public to make cheap political points. The member for Mordialloc has come into this house and made false allegations against me.

Mr Leigh — You deserve it all.

Mr BATCHELOR — He said that I caused the death of an individual.

Mr Leigh interjected.

Mr BATCHELOR — That is absolutely false.

Mr Hulls — That is outrageous! Outrageous!

Mr BATCHELOR — It is outrageous. He did that when the Leader of the Opposition was in this chamber. The Leader of the Opposition was in here and did nothing to call him to order. He did nothing, so the Leader of the Opposition is part and parcel of this outrageous slur.

Mr Leigh interjected.

Mr BATCHELOR — There are occasions in this Parliament when the debate degenerates, and tonight I have seen it sink to depths it has never sunk to before.

Mr Leigh interjected.

Mr BATCHELOR — To take the tragic death of an individual — —

Mr Leigh — You broke the law.

Mr BATCHELOR — And to try to exploit that politically in this chamber, with no regard for what impact it might have on his grieving family and friends — —

Mr Leigh — You encouraged me.

Mr BATCHELOR — It defies belief. The fact that he can sit here tonight and interject when we try to bring some respect and decorum into this chamber just reveals what a tragic and isolated fool this man is.

An Opposition Member — Tell us about something important.

Mr BATCHELOR — In this house there is only one politician who dwells in the gutter. He wallows in slime and filth and is beneath contempt. Every morning when the member for Mordialloc looks in the mirror to shave he sees who that politician is.

He asked me a question arising from a report I made to the Property Council of Australia. I was asked a question that related to the Eastern Freeway. I was asked whether I should take the money set aside for the extension of the Eastern Freeway between Springvale Road and Ringwood and use it for other purposes. In particular the question made reference to building a connection at the city end, not the Ringwood end, by building a connection or extension to the Eastern Freeway.

The question was put in the context that the previous government had considered such a proposal — to build a tunnel that would connect the Eastern Freeway at the city end through to the Tullamarine Freeway.

There were negotiations and discussions with Transurban about how that would occur and the route it should take. At a property council luncheon I said the Bracks government had given a commitment to extend the Eastern Freeway at the Ringwood end and that it would honour that commitment. The government will not take money from the Ringwood end and divert it to other projects. The government gave a commitment to extend the Eastern Freeway from Springvale Road to Ringwood prior to the election, and it will do that.

It should be remembered that the previous Kennett government had no intention of doing that, because it did not include sufficient money in the forward budget estimates for that purpose. There is insufficient money

in the forward budget estimates to do even the land route option. The previous government was prepared to try to mislead the electorate by making promises it knew it could not implement.

I advised the property council that the Bracks government would honour its election commitments, that the commitments are genuine and that the government would do everything it could to address the issues at the Ringwood end. The government also acknowledged that there was a genuine problem at the city end involving traffic congestion, particularly during the morning peak hour.

I told the property council that the problem affects both the drivers of commuter vehicles and the residents of inner Melbourne, who experience large numbers of vehicles coming off the Eastern Freeway. I predicted that the problem of traffic congestion and the impact it would have on city residents would get worse before it got better. The issue does not involve only the communities at the city end of the freeway — in Fitzroy and Collingwood — because cars also feed their way through East Melbourne, North Melbourne, Carlton, Parkville and other destinations in the west and north-west of Melbourne. Inner city residents have a basic right to expect that their residential precincts will not be used as traffic sewers, and the commuters using the freeway have a right to expect that expensive freeway work will deliver benefits to them and economic benefits to the community.

The residents of the inner suburbs and the commuters coming off the freeway have found that they have a problem in common, which deserves proper and thorough examination. The issue involves not only the increasing traffic congestion but also the need to improve public transport networks not just at the city end of the freeway but right throughout the inner suburbs. We need to take a commonsense and balanced approach to ensuring the mobility of the residents of our great city. We need to get daily commuters into public transport, but the public transport has to be there to do that.

We must ensure that the freeways work and that they also deliver benefits to the freight vehicle drivers and the commuters who are not travelling to central city destinations. Many drivers who come off the end of the Eastern Freeway wish to go places other than the central business district and those inner suburbs. We must consider where vehicles are going and how best we can provide the mobility and access they need.

The Labor Party has a policy commitment to examine those issues and to look for solutions, which is in stark

contrast to the policies of the Liberal Party both in government and in opposition. The government is looking at solutions that are based on an integrated, commonsense, balanced approach to dealing with all of the issues, not just one of them. Labor cares about the residents of both the inner suburbs and the outer suburbs. It cares about people's mobility and access so that they can move about this fine city.

The government wants to work with the residents through a consultative process to try to find solutions. It wants to work with the communities of the inner suburbs and the inner ring around the central business district. It wants to consult with both the workers in the central business district and the visitors to the area, and it wants to consult with the people commuting from the outer suburbs not only to the inner suburbs but also to other places. We need a balanced, integrated approach.

The government has given a commitment that it will look for the solutions through an extensive and thorough examination of all the issues. The issues are complex, and it will take some time to work through them. The local councils and local residents are interested in providing assistance.

Mr Leigh interjected.

Mr BATCHELOR — The only ones who will try to sabotage and undermine the process will be the members of the Liberal Party, led by the honourable member for Mordialloc.

Solutions will have to be provided in conjunction with the private sector, and that should come as no surprise. Modern governments do not have day-labour forces, and they do not build things; instead, they engage with the private sector, which carries out the works following the completion of an open and accountable tender process. Modern governments would not wish to do it any other way.

Mr Leigh interjected.

Mr BATCHELOR — The honourable member for Mordialloc prefers a different system, in which the government of the day directs the public infrastructure work on major projects to its mates. The government wants to work with the private sector to deliver contracts that are based on competition. There is nothing wrong with that.

Mr Leigh interjected.

Mr BATCHELOR — That is why the honourable member for Mordialloc objects. He hates a competitive private sector working with a Labor government. That

combination will underpin the economic growth of the Victorian community. The Liberal Party finds that sort of dynamic cooperation abhorrent. It will be shocked by what the government will be able to achieve working with the private sector.

The government has given a commitment to look at the problems at the city end of the Eastern Freeway. It does not approach that task with any preconceived ideas, other than the knowledge that the problems in the area are worsening and that the only solution to them is an integrated, balanced approach, which the government will undertake to follow through on.

Mr HULLS (Attorney-General) — It has been a difficult day for opposition members, given the resignation of the honourable member for Benalla and the blue they are having over his seat. I have some good news for them: the government is expanding the alternative dispute resolution process in this state, which the honourable member for Richmond raised for my attention. As a result I am more than happy to give them some brochures to help them resolve the crisis in the opposition parties.

As part of the Bracks government's commitment to providing all Victorians with genuine access to justice, it is determined to enhance the alternative dispute resolution services provided throughout Victoria. An increase in the number and quality of alternative dispute mechanisms will not only reduce the burden on the courts but also give more people the opportunity to have their legal problems considered in a low-cost and informal environment.

To that end I have asked my department to undertake a comprehensive review of the current alternative dispute resolution mechanisms at all levels of the court system and to provide options for expanding community-based alternative dispute resolution services. The Dispute Settlement Centre of Victoria is a key agency in the delivery of those services. As the honourable member for Richmond said, under the previous government the role of the dispute settlement centre was undermined and its services were curtailed. Seven community-based centres were closed and funding arrangements for the dispute settlement centre were substantially altered, to its detriment.

One of the primary tasks of the review is to redefine the role of the dispute settlement centre, with particular emphasis on enhancing its educative and preventive responsibilities. The government believes that establishing strong ties with the community is of primary importance. The dispute settlement centre has recently published a new brochure that contains

information about alternative dispute resolution and the assistance the centre can provide in a range of areas. The government supports the widespread distribution of that brochure and recognises the commendable work the centre does.

The government believes the review will be important in expanding the dispute resolution process into the regional and remote parts of Victoria. It is the government's intention to establish comprehensive alternative dispute resolution services in those areas. The government will ensure there is community consultation on the introduction of those services.

It is important that any party to a dispute who is looking for a cheaper alternative to court litigation has access to the dispute resolution services which are currently available and which will be expanded under the Bracks government. That is why I recommend to the opposition parties that they get on board and use the dispute resolution centre to resolve the conflict that exists between them — 'Don't mention the war!' — over the Benalla by-election. The Liberal Party has been rolled by the National Party: it has waved the white flag and decided not to contest Benalla, showing a total lack of commitment to rural and regional Victoria.

I undertake to convey the issues raised by the honourable members for South Barwon and Bellarine to the Minister for Health, who will advise them accordingly.

The SPEAKER — Order! The house stands adjourned.

House adjourned 11.12 p.m.