

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**30 May 2000**

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**FIFTY-FOURTH PARLIAMENT — FIRST SESSION**

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<sup>1</sup> Resigned 3 November 1999

<sup>2</sup> Elected 11 December 1999

<sup>3</sup> Resigned 12 April 2000

<sup>4</sup> Elected 13 May 2000



# CONTENTS

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**TUESDAY, 30 MAY 2000**

## QUESTIONS WITHOUT NOTICE

<i>Bionic ear</i> .....	1929
<i>Premier and Treasurer: overseas visit</i> .....	1929
<i>Health care networks: chief executive officers</i> .....	1929
<i>Hospitals: additional beds</i> .....	1930
<i>Premier: union fines</i> .....	1930
<i>Docklands: Charles Grimes Bridge</i> .....	1931
<i>Forests: mid-Murray management plan</i> .....	1931
<i>Aged care: rehabilitation services</i> .....	1932
<i>City Link: contract</i> .....	1932
<i>Water: farm dams</i> .....	1933

## PETITIONS

<i>Somerville secondary college</i> .....	1933
<i>Churchill Hotel-Motel</i> .....	1933

## PAPERS .....

## ROYAL ASSENT .....

## BUSINESS OF THE HOUSE

<i>Program</i> .....	1934
<i>Photographing of proceedings</i> .....	1972

## MEMBERS STATEMENTS

<i>Scottish and Welsh parliaments</i> .....	1935
<i>Springvale Secondary College</i> .....	1935
<i>Melbourne Food and Wine Festival</i> .....	1936
<i>Youth: Vibe section, Ballarat Courier</i> .....	1936
<i>Royal Exhibition Building: Australian flag</i> .....	1936
<i>Visak Festival</i> .....	1937
<i>Lord's Prayer</i> .....	1937
<i>Melton: Arbor Day</i> .....	1937
<i>Frankston City Band</i> .....	1937
<i>Ballarat Region Multicultural Council</i> .....	1938
<i>Banyule: community volunteers</i> .....	1938

## EMERGENCY MANAGEMENT (AMENDMENT) BILL

<i>Second reading</i> .....	1938
<i>Remaining stages</i> .....	1951

## CONTROL OF WEAPONS (AMENDMENT) BILL

<i>Second reading</i> .....	1951
<i>Remaining stages</i> .....	1961

## ADOPTION (AMENDMENT) BILL

<i>Second reading</i> .....	1961
<i>Remaining stages</i> .....	1965

## AGRICULTURAL AND VETERINARY CHEMICALS

### (CONTROL OF USE) (AMENDMENT) BILL

<i>Second reading</i> .....	1966
<i>Remaining stages</i> .....	1972

## BUSINESS REGISTRATION ACTS (AMENDMENT)

### BILL

<i>Second reading</i> .....	1972
<i>Remaining stages</i> .....	1976

## APPROPRIATION (2000/2001) BILL

<i>Second reading</i> .....	1976
-----------------------------	------

## ADJOURNMENT

<i>Great Ocean Road: helicopter emergency service</i> .....	1980
<i>Eastern ring-road</i> .....	1981
<i>Aquaculture: mussels</i> .....	1981
<i>HACC: ethnic meals</i> .....	1982
<i>Forests: regional agreements</i> .....	1982
<i>Workcover: farm accidents</i> .....	1983
<i>Greater Geelong: electoral review</i> .....	1983
<i>Manifold Street, Camperdown: speed limit</i> .....	1984
<i>Electoral roll</i> .....	1984
<i>Schools: Education Times</i> .....	1985
<i>GST: green coffee beans</i> .....	1985
<i>Responses</i> .....	1986



**Tuesday, 30 May 2000**

**The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.04 p.m. and read the prayer.**

**QUESTIONS WITHOUT NOTICE**

**Bionic ear**

**Dr NAPHTHINE** (Leader of the Opposition) — I refer the Premier to the former coalition's \$20 million plan to ensure that all Victorian children who could benefit from bionic ear technology would receive an implant and note that funding for that world-first plan does not appear in this year's budget, nor in the forward estimates. Will the Premier now embrace the bionic ear plan in this term of government to give hearing-impaired children the ability to experience the all-important world of sound?

**Mr BRACKS** (Premier) — I not only endorse but also applaud the achievements made possible by the development of the bionic ear, and acknowledge its international reputation. As the Leader of the Opposition would know, over \$300 million is allocated to the science, technology and innovation initiative, part of which is contestable and will be going towards such initiatives in the future.

**Premier and Treasurer: overseas visit**

**Mr STENSHOLT** (Burwood) — I refer the Premier to the government's commitment to grow the whole of Victoria and ask him to inform the house of the latest actions by the Victorian government to promote Victoria internationally as a place to invest in.

**Mr BRACKS** (Premier) — I thank the honourable member for Burwood for his question and his interest in investment and growth in the Victorian economy. Honourable members would be aware that the Treasurer and I will be travelling overseas on 28 June for that very purpose. The reason for the visit is to promote Victoria to investors and the financial markets in the United Kingdom, the United States — going into North America — and Europe.

As honourable members would be aware also, the tour of financial markets was pursued by the previous Premier and Treasurer. That tradition is supported and will be continued by the present government. In particular the Treasurer and Minister for State and Regional Development and I will meet with Moody's Investors Service and Standard and Poor's to explain the fiscal and financial position of the state and the financial position in ongoing years. We will be meeting

with major investment institutions such as Morgan Stanley and Deutsche Bank as well as the global heads of leading infrastructure investment companies such as ABN, AMRO and Macquarie.

Honourable members would be aware of the significant investments in Victoria by German and other international companies. Meetings will be held with representatives of Bosch, Siemens and other companies as part of the international visit. The minister and I will ensure those visits to Frankfurt reinforce investments in Victoria and seek further investments.

In the United Kingdom I will be addressing a key business conference organised by the Centre of Global Finance to promote Australia as the financial capital of the Asia-Pacific region. As a first for Australia Premier Carr of New South Wales and I will be making a joint presentation to promote the economic and financial credentials of Victoria and New South Wales — Melbourne, Sydney and the wider states — to key financial market leaders in the United Kingdom and Europe.

This is another example of enormous opportunities afforded by economically responsible and socially progressive governments to promote each other's states and to promote Australia as the centre for investment and growth in the Asia-Pacific region.

Honourable members would be aware that Victoria is hosting the Asia-Pacific summit of the World Economic Forum. It is the first time the summit is being held outside of Asia, and it will be held in Melbourne between 11 and 13 September this year. On Thursday and Friday of this week the Victorian government will host 16 senior business journalists from overseas to brief them in preparation for the summit. It is a great opportunity to showcase Victoria's leading-edge technology. The senior journalists will visit the Monash Institute of Reproduction and Development and other key institutions in Victoria.

I thank the honourable member for Burwood for his question and his continuing interest. The tour of the financial markets and the World Economic Forum are key events in the Victorian calendar for promoting Victoria. I will be proud, along with the Treasurer, to take the good news about Victoria's economic position to the markets in both the middle of the year and later this year.

**Health care networks: chief executive officers**

**Mr DOYLE** (Malvern) — I refer the Minister for Health to advertisements placed in last weekend's newspapers seeking 12 new chief executive officers for

metropolitan health services and I ask: what is the total cost to taxpayers of paying out the existing CEOs and hiring 12 new CEOs?

**Mr THWAITES** (Minister for Health) — The shadow minister has again demonstrated his complete lack of understanding and knowledge of the system. He has assumed that people will need to be paid out, and that assumption is not justified. As the government has indicated, it is proceeding down the track of the Duckett report which found that under the previous government Victoria's hospitals were bankrupted by this lot. The Duckett report found that two hospitals are technically bankrupt. If it were not for the actions taken by the government the hospital system would be under threat of falling over. The government has been prepared to do the right thing — to put an extra \$176 million into hospitals to ensure that they will be managed so that they can be responsive to their local communities. Instead of raising questions based on wrong assumptions —

*Honourable members interjecting.*

**Mr Doyle** — On a point of order, Mr Speaker, I ask about relevance. I am delighted the minister is citing the Duckett report. However, given that that report does not mention cost, I am simply asking what it will cost to get rid of the existing CEOs and hire 12 new ones. It is a very simple question.

**The SPEAKER** — Order! The Minister for Agriculture! I do not uphold the point of order and I will not allow the honourable member for Malvern to repeat his question. In asking the minister to answer the question, I remind him of the need to be succinct and I will not allow him to make a ministerial statement on health issues.

**Mr THWAITES** — At the commencement of my answer I stated clearly that the question is based on an incorrect assumption.

### **Hospitals: additional beds**

**Mr LIM** (Clayton) — I refer the Minister for Health to the government's commitment to improve Victoria's public health system and I ask: will the minister inform the house of the latest government action to improve funding for intensive care beds?

**Mr THWAITES** (Minister for Health) — Through the recently announced winter bed strategy the government has clearly demonstrated its commitment to the public hospital system. It is a \$60 million strategy to open another 360 beds across the hospital sector. If we are to be properly prepared for winter we also need

sufficient intensive care beds and services. Today I am pleased to announce that the government is putting in an extra \$1.4 million into additional intensive care services across Melbourne's major hospitals. The money will be —

**Mr Doyle** interjected.

**Mr THWAITES** — The shadow minister is complaining. When the government is spending more money and putting more beds into the system, the failed shadow minister who presided over the system that is now bankrupted and that had record numbers of ambulance bypasses is complaining!

The funding will be shared among the Alfred, Royal Melbourne Hospital, the Austin and Repatriation Medical Centre, St Vincent's Hospital, Monash Medical Centre, Western Hospital, Frankston Hospital, Dandenong Hospital, Northern Hospital, Box Hill Hospital and Maroondah Hospital.

The hospitals are getting additional funds on top of the \$60 million of extra funds. It will provide up to 10 beds across the system during winter when demand on intensive care beds is most serious. Members on the other side seem to be questioning whether that is enough. The fact is that the opposition in government closed beds year after year.

*Honourable members interjecting.*

**Mr THWAITES** — This is the first government for a decade that has been prepared to open beds. It is about time the opposition stopped whingeing and complaining —

**The SPEAKER** — Order! I remind the minister that he must not debate across the table but through the Chair.

**Mr THWAITES** — It is very important that our hospitals have sufficient intensive care services. They are very expensive services. There are not a great number of beds. At times during peaks in winter last year only one or two beds were available across the whole city.

The strategy provides that at various times hospital management at their discretion will be able to open up the 10 beds to meet the extra demand in winter.

### **Premier: union fines**

**Dr NAPHTHINE** (Leader of the Opposition) — I refer the Premier to the decision by Justice Ron Merkel and the \$20 000 individual fines imposed on union

leaders Dean Mighell and Craig Johnston and their public statements that they will refuse to pay the fines imposed by the court. Will the Premier publicly support the actions of the Sheriff in executing the court's decision?

*Honourable members interjecting.*

**Mr BRACKS** (Premier) — Sorry, I thought I was answering the question!

I am on the record, I think on radio, as are the Attorney-General and the Minister for Industrial Relations, as saying that the court has decided that the fines should be paid, so the answer is yes. Now the Leader of the Opposition has answered the question and I have answered the question. On the wider point of whether the government will interfere with the judicial process, of course it will not.

On a related point of whether I think the federal Workplace Relations Act is working well, the answer is no I do not. One must ask why the federal Minister for Employment, Workplace Relations and Small Business has such a divisive instrument as the Workplace Relations Act? The federal government needs an act that resolves conflicts, not encourages them. In this case, the fines should be paid. The law has decided and that is the way it should be. However, an act is in place that does not work in the interests of all Australians.

### **Docklands: Charles Grimes Bridge**

**Mr MILDENHALL** (Footscray) — I refer the Minister for Transport to the former government's decision to relocate the Charles Grimes Bridge and I ask whether the new bridge was built in the right place?

*Honourable members interjecting.*

**Mr BATCHELOR** (Minister for Transport) — You know it was not!

As strange as it may sound, the previous Kennett government allowed the new Charles Grimes Bridge to be built in the wrong spot, partly on neighbouring land already leased to somebody else!

*Honourable members interjecting.*

**Mr BATCHELOR** — Don't blush, you know it's true. You did it!

As part of the Docklands project the previous government decided to make a number of significant changes to the road network in and around the precinct. The works included the reconstruction of the Charles Grimes Bridge over the Yarra so the bridge would no

longer connect with Footscray Road but with the circuit road around the Colonial Stadium, sometimes called the north-south road. I am advised by my department that a contract for the works was awarded to Walter Constructions in April 1999 and that works commenced shortly thereafter.

I am advised that in June it became apparent that the contractor was proceeding with a non-conforming design for the construction of the new bridge as it encroached on neighbouring land, not by a little bit but by the huge amount of 2.7 metres over a length of 32 metres.

*Honourable members interjecting.*

**Mr BATCHELOR** — The opposition may laugh, but the land was already leased to a private company — Schwartz-Hart. I am advised that despite efforts by Vicroads to require the contractor to comply with the original design, it was ultimately decided that that could not be achieved because it would cause unacceptable delays and additional costs. Therefore the previous government decided that the most expedient solution was to acquire the land involved in the non-conforming design.

Vicroads negotiated a commercial settlement of \$80 000 to acquire the leasehold enabling the contractor access to the site to complete the construction of the new Charles Grimes Bridge. The total estimated cost of the land acquisition is estimated at about \$270 000, and Vicroads will take steps to recover that and other related costs from the contractor.

Honourable members would also be aware of a second serious matter to come before the Parliament relating to the road infrastructure network around the Docklands precinct. In March the Minister for Planning advised that the previous government had misled the Parliament and the public about the new infrastructure it incorrectly claimed would be paid for by the developers.

The Bracks government will do everything in its power to minimise the additional costs to the state and to taxpayers. I have written to Vicroads requesting that it take all necessary steps to protect the interests of the state and to recover the costs in relation to the matter. This is another example of a costly mess left by the previous Kennett government.

### **Forests: mid-Murray management plan**

**Mr STEGGALL** (Swan Hill) — I ask the Minister for Environment and Conservation why her department is implementing the draft mid-Murray forest

management plan before consulting with country communities and local sawmilling businesses and without the minister signing off on any changes.

**Ms GARBUTT** (Minister for Environment and Conservation) — The forest management process includes public consultation, and I will ensure that is being carried out.

**Aged care: rehabilitation services**

**Mr ROBINSON** (Mitcham) — I refer the minister for Aged Care to the government's commitment to improve services for all Victorians. What is the government doing to assist frail, old and chronically ill persons who are suffering from trauma and injury to receive additional services?

**Ms PIKE** (Minister for Aged Care) — The government went to the last election with a commitment to provide better services for older Victorians. That means also providing services that are based in the community. The announcement I am pleased to make today is just one of a raft of initiatives that form part of the government's policies for older Victorians, which it is now implementing.

The initiative will provide an additional \$4.2 million to community rehabilitation centres, not only to expand services but also to establish new services in places such as Mildura, where they have not existed in the past. Country Victoria is a clear winner from the initiative. For example, Mildura will receive \$736 000 to establish a community rehabilitation clinic. Areas such as the Hume and Gippsland regions — the Gippsland region includes the Wonthaggi and District Hospital and the West Gippsland Health care Group, to name only a couple — will also receive additional funds.

The government will also expand services in the metropolitan region. This morning the honourable member for Mitcham and I had the privilege of attending the Peter James Centre, where we met with staff and supporters of its community rehabilitation clinic. The Angliss Health Services, the Caulfield General Medical Centre, Bundoora Extended Care Centre and the Broadmeadows Health Service will all receive additional funds.

The \$4.2 million will provide at least 6200 occasions of service per year. That will mean that chronically ill older people will be able to access services such as physiotherapy, occupational and speech therapy, and counselling. That will assist people who are recovering from illnesses and injuries — people who really need to get back on their feet — to enjoy a high quality of life.

The initiative is one of a raft of initiatives to assist older Victorians and will result in better services and better access to services for people, wherever they live.

**City Link: contract**

**Dr NAPHTHINE** (Leader of the Opposition) — I refer to advice given to the Minister for Transport by the head of the Melbourne City Link Authority, Mr Richard Parker, and by senior departmental officers, that the settlement of \$10 million to parties involved in the Western Link exempting the state from any further legal involvement was appropriate. Will the Premier inform the house why his government then employed Frank Costigan, QC, another Labor mate, who re-examined the decision and came to the same conclusion, and was paid over \$48 000 for 24 days' work?

**Mr BRACKS** (Premier) — The simple answer is: to fix up their mess!

*Honourable members interjecting.*

**Mr BRACKS** — That is the answer: to fix up your mess!

**Dr Naphtine** interjected.

**The SPEAKER** — Order! I ask the Leader of the Opposition to cease interjecting. He has asked his question and he should afford the Premier the opportunity of answering.

**Mr BRACKS** — If this was such a — —

**Dr Naphtine** interjected.

**Mr BRACKS** — Sorry? You asked the same question again. If this was such a great deal why did not the then government, the now opposition, reveal it before the election? If it was so magnificent, if it was above board — —

**An honourable member** interjected.

**Mr BRACKS** — Sorry? The reality is that this is a matter the previous government wished to hide on the eve of the last election. It did not disclose it during the election campaign. It is a contractual obligation which quite rightly — a mess was left by the last government — this government had to seek advice on to ensure that taxpayers' exposure was minimal. If it were not for the non-disclosure of the last government, if it had come clean with its own advice on the matter, this problem would not exist today.

### Water: farm dams

**Mr HELPER** (Ripon) — I refer the Minister for Conservation and Environment to the government's commitment to grow the whole of the state. Will the minister inform the house of the government's latest action to further promote consultation with stakeholders in respect to farm dams?

**Ms GARBUTT** (Minister for Environment and Conservation) — I thank the honourable member for his question and his interest in such a major issue, which affects his electorate and many other electorates across the state, including many that are now held by members on this side.

On 30 April I released a discussion paper on the issue entitled 'Sustainable water resources management and farm dams'. I have been seeking submissions from the community on the issue because it has been divisive and controversial.

The paper outlines the issue and several possible options for overcoming the problems with the current approach to irrigation dams on farms. It includes the issue of farms being built off waterways as well as on waterways, and the exact definition of a waterway. The conclusion that everyone seems to have settled on is that the current definition of a waterway under the Water Act is inadequate and is causing problems.

The resolution of the issue is absolutely fundamental to ensuring that both upper catchment and lower catchment farmers have access to water and that their water rights are respected and met in a fair and open manner. That needs to be balanced with the health of the rivers and the need to ensure that they have adequate environmental flows of sufficient quality.

I am pleased that the Victorian Farmers Federation has welcomed the discussion paper, saying that it 'represents the next steps in the development of Victoria's water policy', and that 'it is an important step to resolving longstanding issues regarding waterway determination and farm dams'.

I am pleased that the shadow minister for water resources has also welcomed the release of the paper and has gone so far as to encourage members of the community to participate in the consultative process — not that he knows a lot about consultative processes, having been a member of the previous government.

However, today I am pleased to announce the establishment of the statewide review committee for farm dams. The review committee will facilitate public debate on the management of irrigation dams across the

state and provide me with considered options on future directions on the issue.

The committee will be chaired by the chief executive of the Murray–Darling Basin Commission, Mr Don Blackmore. He has enormous knowledge and experience in dealing with a range of complex water issues through his role on the commission and will provide significant leadership. The other members of the review committee will include Tim Fisher from the Australian Conservation Foundation; Peter Walsh, president of the Victorian Farmers Federation; Christine Forster, chair of the Victorian Catchment Management Council; Sylvia Davey, chief executive officer of West Gippsland Water; and Peter Sutherland from my department.

The committee, with the support of catchment management authorities, will conduct regional panel hearings as part of the public consultative process. Obviously public participation will be the cornerstone of any future direction the government takes on the management of irrigation dams.

To ensure there is adequate time for all interested members of the community to participate, I have extended the review period and have asked the committee to report to me by 31 October after submissions close on 30 September.

### PETITIONS

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

#### Somerville secondary college

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

The humble petition of the undersigned citizens of the state of Victoria generally, and the Somerville district particularly, sheweth that the government is called upon to suspend its sale of the land in Somerville acquired as a site for a secondary college, and to put in place all processes required for the development of a secondary college on that site.

Your petitioners therefore pray that the government immediately follow our request.

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

**By Mr COOPER (Mornington) (394 signatures)**

#### Churchill Hotel–Motel

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

The humble petition of the undersigned citizens of Churchill and district in the state of Victoria sheweth considering the following circumstances that:

The La Trobe shire already has the highest number of gaming machines per capita in regional Victoria.

Our region has one of the highest rates of unemployment and a high proportion of citizens of low socioeconomic background and that gaming machines increase the risk of further damage to the social fabric of our community.

For those members of the community who wish to enjoy the use of gaming machines, ample opportunity exists in other towns in close proximity to Churchill.

Your petitioners therefore pray that the Premier of Victoria through the responsible minister facilitate the immediate removal of all gaming machines from the Churchill Hotel-Motel.

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

**By Mr HAMILTON (Morwell) (914 signatures)**

**Ordered that petition presented by honourable member for Mornington be considered next day on motion of Mr COOPER (Mornington).**

## PAPERS

### Laid on table by Clerk:

Anti-Cancer Council — Report for the year 1999

Audit Victoria — Report for the period ended 31 December 1999

Auditor-General — Performance Audit Report No 64 — Building Control in Victoria: Setting sound foundations — Ordered to be printed

*Constitution Act Amendment Act 1958* — Report on the General Election, 18 September 1999 (two papers)

*Financial Management Act 1994* — Report from the Minister for Health that he had received the Report for the period 1 December 1998 to 30 June 1999 of the Podiatrists Registration Board of Victoria

*Legal Practice Act 1996* — Practitioner Remuneration Order pursuant to s 113

Medical Practitioners Board (incorporating the report of the Intern Training Accreditation Committee) — Report for the year ended 30 September 1999

*Parliamentary Committees Act 1968*:

Response of the Attorney-General on the action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee Final Report *Inquiry into the Right to Silence*

Response of the Attorney-General on the action taken with respect to the recommendations made by the Law

Reform Committee report *Criminal Liability for Self-induced Intoxication*

Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee report *Technology and the Law*

*Planning and Environment Act 1987* — Notice of approval of amendment to the Victorian Planning Provisions — No VC9

Victoria Law Foundation — Report for the year 1998–99.

**The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:**

*Education Acts (Amendment) Act 2000* — Remaining provisions on 24 May 2000 (*Gazette S71, 24 May 2000*).

## ROYAL ASSENT

### Message read advising royal assent to:

**Accident Compensation (Common Law and Benefits) Bill**

**Health Practitioner Acts (Amendment) Bill**

**Planning and Environment (Amendment) Bill**

**Superannuation Acts (Amendment) Bill**

**Transport (Amendment) Bill**

**Witness Protection (Amendment) Bill**

## BUSINESS OF THE HOUSE

### Program

**Mr BATCHELOR (Minister for Transport) — I move:**

That, pursuant to sessional order no. 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 1 June 2000:

Emergency Management (Amendment) Bill

Control of Weapons (Amendment) Bill

Equal Opportunity (Gender Identity and Sexual Orientation) Bill

Adoption (Amendment) Bill

Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill

Business Registration Acts (Amendment) Bill

Environment Protection (Enforcement and Penalties) Bill

Appropriation (2000/2001) Bill

National Parks (Amendment) Bill

Appropriation (Parliament 2000/2001) Bill

**Mr McARTHUR** (Monbulk) — While the opposition does not oppose the government business program it again points out that during the past two weeks an extraordinary number of bills have been introduced, some of which are contentious and of great moment, that both require and deserve significant debate. The house is operating under reduced hours this week as a result of a special ceremony to be held tomorrow to mark Reconciliation Week.

The requirement on all honourable members to debate 10 bills in that limited time is onerous. That number of bills is more than the number the house debated in three weeks at the commencement of the autumn sessional period, and there is 3½ hours less in which to do so. It is a tough task that will require all honourable members to be careful about the time they use. They will be required to make choices — in many cases difficult choices — about the bills on which they wish to speak, and that is an unreasonable dilemma for honourable members to face.

Given the number and significance of bills to be debated, all honourable members should be given the opportunity to contribute. The only way to achieve that is for the house to sit an additional week. I am not sure whether ministers had holidays planned or overseas flights booked or whatever, but unfortunately the government is not prepared to do that.

I hope the government's program for the spring sessional period is better managed and more ordered. The opposition expects all honourable members to have an opportunity to debate matters of significance to them and their electorates. The opposition puts the government on notice that it will expect a more orderly introduction of bills into the house in the next session.

The government has given notice only in the past two weeks of seven bills that will lay over until the spring session. Together with the private member's bill introduced in the name of the honourable member for Mildura, the house will have eight bills to debate at the commencement of the next session.

The sitting program and commencement date for that session are not yet available and the opposition is not aware of whether the government intends to sit for one or two weeks in the initial stages. If the government plans to sit for two weeks there will be only four bills for debate during each week.

I urge the Leader of the House to carefully consider those issues when the house is in recess to ensure that legislation is prepared, drafted and ready for introduction during the early stages of the spring

sessional period so as to guarantee that the house will not again face the problem it now faces in the final two weeks of the session. If that occurs the opposition's assistance cannot be taken for granted, and its attitude on how bills are dealt with may be substantially different from the cooperative attitude it has shown over the past two weeks.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Scottish and Welsh parliaments

**Ms BURKE** (Pahran) — The new Scottish Parliament was elected on 6 May 1999 and the new building was opened early this year. The Welsh Parliament, otherwise known as the National Assembly, was opened on 12 May last year.

It is a longstanding tradition between commonwealth parliamentary countries that gifts be given in recognition of the Westminster fellowship of parliamentarians. In the case of the Victorian Parliament the dispatch boxes in this chamber and the royal canopy with the unicorn and the Crown in the upper house were given by the United Kingdom chapter of the Commonwealth Parliamentary Association.

The population of Scotland is 5.19 million, not dissimilar to that of Victoria. Its Parliament has 129 members with 73 in the lower house and 56 in the upper house. The portfolios of the Scottish Parliament — health, education, training, local government and housing, the traditional social problems for which the state has responsibility — are similar to those of the Victorian Parliament. I believe it is correct for the Victorian Parliament to give a gift to both the Scottish and Welsh parliaments in recognition of the Westminster system of government.

### Springvale Secondary College

**Mr HOLDING** (Springvale) — I congratulate Springvale Secondary College on the opening of its new administration area and Victorian certificate of education (VCE) and careers centre. It is a terrific school which underscores the diversity and vitality of the Springvale area. Well over 90 per cent of the students come from non-English-speaking backgrounds: about 30 per cent are Vietnamese, 21 per cent are Cambodian and there is a growing Chinese community. Last year the school had a VCE pass rate of 96 per cent and a top VCE score of 99.93. On several occasions I have visited the school and had an

opportunity to see first hand the tremendous facilities and educational environment the college provides for its students.

Recently, on behalf of the Minister for Education, I had the honour of officially opening the new building works. The college buildings are also used on Saturdays by the Victorian School of Languages and on Sundays by the Cambodian–Chinese association. Those facilities are community assets. I particularly congratulate the principal Neil Bates and the school council, including its president Lucky Mendis, and all the staff and students of Springvale Secondary College. I wish them every success in the coming year.

### Melbourne Food and Wine Festival

**Mrs FYFFE** (Evelyn) — Today I congratulate the four latest Melbourne Food and Wine Festival legends who were recognised during this year's very successful festival. Every year the festival announces new legends and the four people honoured this year have each had long and distinguished involvement in the food and wine industries of Victoria. Claude Forell, Richard Thomas, Roy Moorfield and Dr John Nieuwenhuysen have all contributed to the wine and food industries and should be congratulated for the contribution their work has made to regional Victoria.

Claude Forell was the founding editor of the *Age Good Food Guide* and is currently its co-editor. He is also a former editor of the 'Epicure' section of the *Age*.

Richard Thomas is a master cheese maker who was instrumental in creating the Gippsland Blue Cheese Company and Yarra Valley Dairy. He also helped to set up the King Island Dairy for brie-style cheese production and was co-founder of the Milawa cheese company.

Roy Moorfield has been a driving force behind the Victorian wine industry. He held the first great Victorian wine exposition in 1979 and was instrumental in 116 vineyards being represented by the Victorian stand at Wine Australia 1998.

Dr John Nieuwenhuysen was the chairman of the Victorian state inquiry on liquor control. His 1986 report led to the amendments to the Liquor Control Act that allowed restaurants and cafes to serve alcohol without food. His report led to many new restaurants and bars being established in Melbourne, which added to our city's reputation as one of the great food and wine destinations. I congratulate them all.

### Youth: Vibe section, Ballarat Courier

**Ms OVERINGTON** (Ballarat West) — I direct the attention of the house to a youth newspaper initiative of a section in the Ballarat *Courier* called the 'Vibe'. The project gives young people a regular voice in Ballarat's daily newspaper. Last week I was pleased to see a report from a young contributor commenting on the recent Premier's women's summit. Ms Natalie Duke reported on the tremendous experience the Ballarat summit provided for Victorian woman of all ages, including young Ballarat women and stated:

The day was a very successful one, with a lot of organisation behind it. It was a great learning opportunity for me, and I'm sure for the many other women who attended.

That fantastic youth initiative gives young people an insight into the workings of a daily newspaper and provides an opportunity for young people to gain experience as journalists and photographers and in other areas of production. I praise the young people who have been involved with the 'Vibe' project. I also recognise the commitment of the editor of the Ballarat *Courier* Stuart Howie and his staff to a vehicle for youth in the pages of the newspaper. It is tremendous that each Thursday two pages of the Ballarat *Courier* are dedicated to providing the youth of Ballarat with a chance to have their say on all sorts of issues. The 'Vibe' also includes features, interviews, short fiction and music reviews.

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

### Royal Exhibition Building: Australian flag

**Mr MAUGHAN** (Rodney) — I direct the attention of the house to the Australian flag which is flying from the dome of the Royal Exhibition Building in Carlton. Members of the house would know that the Royal Exhibition Building was extensively restored during the term of the previous government and that the ghastly black building that was in front of it was removed. The magnificent dome of the Royal Exhibition Building can be viewed from most parts of Melbourne and the Australian flag should be flown proudly from the flagpole at the top. Sadly, that it is not the case. Over time I have observed that the flag is worn and tatty and as far as I am aware it is never taken down. Today when I came past the Royal Exhibition Building I noticed that the flag is not only worn and tatty but is also torn and has a hole in it. It is a disgrace and it is outrageous.

I direct the matter to the attention of the relevant minister, who I understand is the Premier as he is in

charge of protocol matters, so that the flag can be replaced as a matter of urgency. The flag has never been properly secured but flies loosely. I call on the Premier to ensure that a brand new flag is provided to the Royal Exhibition Building and that it is properly secured so it can fly proud and free in the future.

### Visak Festival

**Mr LIM** (Clayton) — During the past two weeks Buddhists in Australia and all over the world have been celebrating the Visak Festival. Many honourable members would have attended celebrations of the festival at a Buddhist temple in their electorates. It is the most significant event in the Buddhist calendar. It is the triple celebration of the Lord Buddha's birthday, the day he attained enlightenment and his passing. The festival is usually held on the day of the full moon in May and this year, the 2544th Buddhist year, it fell on 17 May.

It is pleasing to note that Buddhism is the fastest growing religion in Australia — be it the Hinyana sect practiced by Cambodians, Laotians, Thais, Burmese and Sri Lankans, or the Mahayana sect followed by Chinese, Vietnamese, Japanese, Korean, Mongolian and Tibetan Buddhists. They all preach peace, love, tolerance, mutual respect and self-salvation towards nirvana and away from the cycle of karma. Buddhism is a way of life, not a religion, for its practitioners.

I am exceptionally blessed to have five Buddhist temples in my electorate — one Chinese, two Vietnamese, one Cambodian and one Sri Lankan. They play an important role in providing spiritual and communal leadership to their respective communities. On the occasion of this Visak celebration I pay special tribute to those temples and wish all members of this house the five Buddhist blessings: long life, good health, happiness, wealth and wisdom.

### Lord's Prayer

**Mrs ELLIOTT** (Mooroolbark) — On Friday, 26 May, as part of a motion supported by all members to enable the Aboriginal reconciliation week debate to take place in the house tomorrow, it was proposed that the Lord's Prayer not be read by the Speaker. The Lord's Prayer is an almost universal prayer; it is unequivocal, non-denominational and not religion specific. Its language embraces the concept of reconciliation. Many members, religious or not, make it a personal discipline to be present in the house for prayers at the start of the parliamentary day. It is a tradition of this house. If we do not honour and observe our own traditions, we are less likely to honour and observe those of others.

**Honourable Members** — Hear, hear!

**Mrs ELLIOTT** — It is appropriate that this decision has been reversed and the Lord's Prayer will now be read by you, Mr Speaker, prior to question time tomorrow.

### Melton: Arbor Day

**Mr NARDELLA** (Melton) — I congratulate the Melton community for all the work it did for Arbor Day. The community planted 550 trees and maintained the Melton adventure playground at Navan Park. The 57 volunteers were from Lions, the State Emergency Services, Keilor Leos, local residents, the Melton Adventure Playground Group, the Melton council, the Melton Environment Group and local Australian Labor Party members. On the Friday before Arbor Day 85 students from grades 5 and 6 at St Dominic's Catholic School and 15 students from grades 3 and 4 at Coburn Primary School planted trees.

I especially thank the members of the Melton Environment Group — Helena Medjumurac, Kellie Kendrick, Tanya Bonnici, Kelly Malloy and Serena Todoroz — for organising the event.

The adventure playground is a focus of the new Melton Environment Group. The residents care for and are prepared to work hard to improve their environment and they see their achievements every day when they pass the playground. It is fantastic that they involved young people in planting trees and maintaining their community facilities. The young people worked extremely hard for the community and we and they felt it the next day! I thank them for their commitment and the work they did on Arbor Day.

### Frankston City Band

**Ms McCALL** (Frankston) — All honourable members are aware of what a cold and dismal evening it was last night but, like all the loyal local members of Parliament in this chamber, I made a constituent visit. At the annual general meeting of the Frankston City Band, I was delighted to witness the retirement after 35 years of Lloyd Worland who has been a Frankston institution as a member of the Frankston City Band, its bandmaster, its president and its drum major through many successful years when the band won national and state competitions.

I also pay tribute to Eric Scrimshaw who takes over the arduous task of being the new leader of the Frankston City Band, and to Keith Albiston who, owing to ill health, will have to stand down as the current

bandmaster, but has been part of that wonderful institution.

Those of us who live in Frankston and take part in Frankston events are aware of the magnificent and resplendent uniforms worn by the Frankston City Band on Anzac Day and other formal occasions in the City of Frankston. The band is a tribute to our local community, and its struggle for funds from the Frankston City Council and from successive governments over the past 50 years is not something we should be very proud of. I intend to work hard to support the Frankston City Band through its next 50 years, and also — —

*Honourable members interjecting.*

**Ms McCALL** — I intend to be around for the next 50 years and to see that the local community continues to be supported by the band!

### **Ballarat Region Multicultural Council**

**Mr HOWARD** (Ballarat East) — Yesterday, along with my colleague the honourable member for Ballarat West, I attended a function at which we were able to present cheques to seven cultural groups that operate in Ballarat. They are: the Ballarat Croatian Association, the Ballarat Dutch 50-plus Club, the Filipino Australian Association of Ballarat, the Ballarat Italian Association, the Circolo Pensionati Italiani Di Ballarat, the Grampians Non-English-Speaking Background Support Group, and the Ballarat Region Multicultural Council.

We were able to commend the representatives of each of those groups for the valuable work they do in supporting the members of their particular communities of interest and for sharing their cultures with the people of Ballarat, thereby making Ballarat a much better community.

I particularly commend Mr Sundrum Siviamalai and his committee who have recently established the Ballarat Region Multicultural Council which is an overarching group with the aim of promoting multiculturalism in Ballarat. The group will be officially launched when the Minister assisting the Premier on Multicultural Affairs is able to attend in August. Many activities will be held by the group throughout the Ballarat region to help to celebrate multiculturalism in Ballarat.

**The SPEAKER** — Order! The honourable member's time has expired. The honourable member for Ivanhoe has 25 seconds.

### **Banyule: community volunteers**

**Mr LANGDON** (Ivanhoe) — Last Sunday week I attended a function in the City of Banyule for all the volunteers within that city. The function was very well attended by more than 150 people from within the city. I commend all the volunteers in the City of Banyule for their community work.

**The SPEAKER** — Order! The time set down for members statements has expired.

## **EMERGENCY MANAGEMENT (AMENDMENT) BILL**

*Second reading*

**Debate resumed from 4 May; motion of  
Mr HAERMEYER (Minister for Police and Emergency Services).**

**Mr RYAN** (Leader of the National Party) — I am delighted to say that I have got my voice back this week, so I am back in business.

The Emergency Management (Amendment) Bill reflects a policy enunciated by the Labor government before the last election and published under the title 'Labor's community protection action plan'. That plan talks about appointing, within the Department of Justice, an Emergency Services Commissioner to establish and monitor performance standards for Victoria's emergency services. The plan states that the Emergency Services Commissioner will oversee the more effective utilisation of the common resources of the Metropolitan Fire and Emergency Services Board, the Country Fire Authority and the State Emergency Service. The document contains various commentaries about the legislation then envisaged, which has become the bill before the house.

To put the bill in context I will refer to the principal act, the Emergency Management Act, because it is important legislation for Victoria's fortunes. The opening clause sets out its purpose, which is to provide for the organisation of emergency management in Victoria. Section 4A of the act sets out its objective. Briefly, the section provides that a coordinated operational response in emergency management should have regard to three principal elements: firstly, prevention, which is the elimination or reduction of the incidence or severity of emergencies and the mitigation of their effects; secondly, response, which is the combating of emergencies and provision of rescue and immediate relief services; and thirdly, recovery, which is the assisting of persons and communities affected by

emergencies to achieve a proper and effective level of functioning.

Section 5 of the act refers to the Coordinator in Chief of Emergency Management and the Deputy Coordinator in Chief of Emergency Management. It states that for the purposes of the act the minister is the Coordinator in Chief of Emergency Management. The section also states that in effect the coordinator in chief is obliged to appoint a Deputy Coordinator in Chief of Emergency Management, who must be the Chief Commissioner of Police.

Section 6 sets out the role of the coordinator in chief: to ensure that adequate emergency management measures are taken by government agencies and that there be a coordination of the activities of government agencies carrying out their statutory functions, powers, duties and responsibilities in taking such measures.

Section 8 establishes the Victoria Emergency Management Council, which will advise the coordinator in chief on all matters, including the coordination of activities of government and non-government agencies relating to the prevention of and response and recovery from emergencies. Further, section 8 stipulates that the council will comprise the coordinator in chief as the chairman and representatives of each of the agencies referred to in subsection (1) that the coordinator in chief considers should be represented. In the case of a government agency a person is nominated by the responsible minister, and in the case of a non-government agency by the agency itself.

Section 10 deals with the preparation and review of a state emergency response plan, Displan:

... for the coordinated response to emergencies by all agencies having roles or responsibilities in relation to the response to emergencies.

I will now refer to the bill, which seeks to amend the principal act. Its purposes are set out in clause 1. They are to establish the position of Emergency Services Commissioner, which is in accord with the policy to which I have already referred, and to provide for the Emergency Services Commissioner to be the person responsible for the preparation and monitoring of standards for emergency service organisations.

Clause 4 inserts definitions into the principal act. It states:

'Commissioner' means the person who, for the time being, is employed as Emergency Services Commissioner under the Public Sector Management and Employment Act 1998;

'emergency services agency' means any of the following—

- (a) the Country Fire Authority established under the Country Fire Authority Act 1958;
- (b) the Metropolitan Fire and Emergency Services Board established under the Metropolitan Fire Brigades Act 1958;
- (c) the Victoria State Emergency Service established under the Victoria State Emergency Service Act 1987;
- (d) any other prescribed agency.

I ask the minister why no particular reference is made to the brigades that come under the control of the Department of Natural Resources and Environment. It may be that it is intended for them to fall within the term 'any other prescribed agency' under paragraph (d), but given that those brigades have a significant responsibility in that they look after about 30 per cent of country Victoria, I would have thought it appropriate for specific reference to be made to them in the definitions. I raise that matter with the minister.

Clause 5 amends section 8(2) of the principal act. In essence, the chairman of the Victoria Emergency Management Council, which is defined in the principal act, can now be either the coordinator in chief or, as a result of this simple amendment, his or her nominee.

Secondly, clause 5(3) inserts in section 8 of the principal act a further provision that the person appointed from time to time as the commissioner is to be the executive officer of the Victoria Emergency Management Council.

Clause 6 contains the essence or operative part of the bill. Proposed section 21B establishes the office of Emergency Services Commissioner, and proposed section 21C sets out the five functions and powers of the commissioner:

- (a) to establish and monitor standards for the prevention and management of emergencies to be adopted by all emergency services agencies;
- (b) to advise, make recommendations and report to the Minister on any issue in relation to emergency management;
- (c) to encourage and facilitate cooperation between all agencies to achieve the most effective utilisation of all services;
- (d) to act as the Executive Officer of the council;

That proposed amendment is, as I have already remarked, the one that appears in clause 5.

- (e) any other function conferred on the commissioner by or under this or any other Act.

Neither the National Party nor the Liberal Party opposes the legislation as a matter of principle. Rather, both parties seek better cooperation between emergency services entities and believe it to be a laudable aim — as pursued by the previous government.

My electorate has many examples of co-location of emergency services providers, and those arrangements are to the great benefit of all concerned. As you will be aware, Madam Acting Speaker, people often belong to two or all three of the emergency services, especially in country areas. Some people have a role to play across the board and in a variety of circumstances. Further, it is to the benefit of all concerned that the general administrative functions of the co-located entities be performed in such a way that sharing of resources becomes a real possibility.

A new facility developed in Maffra springs to mind as an example — although it is a slight departure from the legislation before us now. The ambulance and fire stations at Maffra are successfully co-located. Other examples abound of emergency services providers being co-located in that way around the state. The opposition parties, as I said, support co-location of such services.

Proposed section 21D sets out the responsibilities of the commissioner in the preparation of standards. Proposed subsection (1) provides that:

The Commissioner must arrange for the preparation and review from time to time of standards which are reasonably necessary for the prevention and management of emergencies and which all emergency services agencies are to adopt and to use their best endeavours to comply with.

Proposed subsection (2) states:

The Commissioner must consult with the emergency services agencies before arranging for the preparation or review of the standards.

Proposed subsection (3) states:

The Commissioner must ensure that the manner in which any standard is prepared or reviewed is reasonable.

Proposed section 21E imposes an ongoing obligation on the commissioner to monitor those standards, and proposed section 21F gives the commissioner power to require from any agency information needed to perform his or her allocated tasks properly. Proposed section 21F also requires such agencies to provide the information within 28 days. Although an extension can be given, the agency is obliged to respond within the specified period.

On the face of it, however, no enforcement measures appear to be provided for. There is no mention of what should occur if an agency does not respond in time. Even though it is unlikely that such a circumstance would arise, I bring that matter to the minister's attention and seek his comment.

Proposed section 21G deals with secrecy obligations and contains the usual provisions on access to information by the commissioner — namely, that certain constraints shall not apply to public servants or agencies of whom requests for information are made by the commissioner. Concomitant with that is the obligation on the commissioner or any other person that information revealed in those circumstances is not to be divulged.

Proposed section 21H deals with the delegation of powers, and proposed section 21I requires the commissioner to submit an annual report as part of the annual report of the Department of Justice made under part 7 of the Financial Management Act.

Clause 7 amends the Country Fire Authority Act and, in effect, obliges the authority to comply with the standards of the commissioner and to report on compliance with those standards.

On the face of it there does not appear to be any indication of to whom the report must be made — to the Parliament, the minister or anyone else. Although there is reference to the Emergency Management Act 1986, that might be clarified by the minister, as might the reporting provisions that apply in subsequent sections to the Metropolitan Fire Brigade and the State Emergency Service.

In essence those are the provisions of the legislation. Opposition parties have a lingering concern on a few matters. I raise them by way of comment and for the further consideration of the Minister for Police and Emergency Services. The legislation represents an instance where, although the Emergency Services Commissioner will be reporting to the minister and although the bill on its face does not provide a mechanism whereby there can be directions by the minister to the Emergency Services Commissioner, it is fair to say it is implicit in the operation of the legislation that that capacity would exist to some degree. There will inevitably be an interaction between the Emergency Services Commissioner and the minister of the day.

That in turn brings into play some ongoing concerns of mine that are echoed particularly in country communities, regarding the relationship between the

government and the responsible minister and emergency services agencies in at least some respects. I refer, for example, to the fact that the second-reading speech, when describing the role and obligation of the Emergency Services Commissioner, states:

In particular an emphasis on the utilisation of common resources such as training, finance and administrative services and systems as well as buildings and equipment could lead to improved and more effective services for all Victorians.

The opposition supports that general principle. The area of concern is that matters such as training could prospectively be interfered with against the wishes of an agency such as the Country Fire Authority (CFA). There has been an ongoing dispute with the United Firefighters Union (UFU) regarding training. That has been the subject of considerable comment and debate around the state. We would certainly not like to see the situation where somehow, through the mechanism of the amending legislation and the establishment of the position of the Emergency Services Commissioner, that could lead to a potential conflict between the United Firefighters Union and volunteer members of the Country Fire Authority. The opposition wants an assurance from the government that no such likelihood will eventuate.

Similarly there has been ongoing discussion in the chamber and in country Victoria about the position of community support facilitators. That is of particular concern to the United Firefighters Union. Standards will be struck and monitored by the Emergency Services Commissioner. Opposition members do not want the situation to arise whereby there will be interference with the hands-on operation of the CFA that could see the important work of the community support facilitators interrupted by the operation of legislation.

In the same vein, the second-reading speech refers to the commissioner's responsibility to develop and establish standard models of fire cover in Victoria so areas of similar risk and hazard profiles will operate to a similar standard of fire cover. Opposition members do not want to see, by accident or design, any enhancement of the push by the United Firefighters Union to make its way into the manning of the outer metropolitan brigades which it so keenly wants to see as its own.

The Country Fire Authority does important work in those areas, and does it well. Over the past couple of years there has been much discussion of training issues and ensuring accreditation is applied to the operations of the CFA to enable it to deliver appropriate standards of safety and capacity in firefighting. The legislation

should not be regarded as giving the UFU a better opening to extend its influence in those outer metropolitan zones it is so keen to impinge upon.

With those comments, having raised those issues for the consideration of the minister, I state that opposition members do not oppose the legislation. We support the general principle, which would see a better and more effective and efficient use of the resources devoted to the work of those agencies nominated in the legislation. The agencies are icons in Victoria at large and country Victoria in particular. Therefore any initiative to advance the important work they do is supported by this side of the house. We have those lingering concerns to which I have referred; otherwise I wish the legislation speedy passage. I do not oppose the bill.

**Mr WYNNE** (Richmond) — I support the Emergency Management (Amendment) Bill and thank the honourable member for Gippsland South for his contribution and support of the bill. The bill arises from the report of a 1994 parliamentary inquiry of the Public Bodies Review Committee into the Metropolitan Fire Brigades Board. I want to draw the attention of the house to three recommendations arising from the bipartisan work of the committee.

Recommendation 2.1 of the committee was that one standard model of fire cover be developed for Victoria as a matter of urgency. Recommendation 2.2 was that, following the development of standards of fire cover, related standards be established for the location of buildings, selection of equipment and identification of manpower, resources and training — obviously sensible recommendations. Recommendation 2.4 is the essence of the Emergency Management (Amendment) Bill. The committee recommended that performance monitoring standards be established, reviewed and maintained through a common reporting system by the Minister for Police and Emergency Services. The bill seeks to address recommendation 2.4 as proposed by the committee in 1994.

As the honourable member for Gippsland indicated, the Emergency Management (Amendment) Bill implements Labor's election commitment to establish an emergency services commissioner. The objective of the bill is to establish the office of the Emergency Services Commissioner, who shall establish and monitor performance standards for emergency services.

The Emergency Services Commissioner will also oversee the more effective utilisation of common resources of the Metropolitan Fire and Emergency Services Board, the Country Fire Authority and the State Emergency Services of Victoria.

The proposed role of the commissioner, in part, will be to advise, make recommendations and report to the minister on matters relating to emergency management; establish and monitor performance standards for emergency services organisations; encourage cooperation and the effective utilisation of resources; and act as executive officer of the Victorian Emergency Management Council. The commissioner will develop and publish standard models of fire cover in the state of Victoria so that areas of similar risk and hazard profiles will operate to a similar standard of fire cover.

The bill is an important measure because it brings the level of coherence recommended by the inquiry into the Metropolitan Fire Brigade Board in 1984, implements one of the key recommendations by bringing a level of coordination to the board, and provides for exposure to the community by publishing the information on the performance of respective services.

A number of clauses are important to an understanding of the bill. Clause 4 provides for the insertion of a new definition of 'commissioner' and 'emergency services agencies'. The commissioner is the Emergency Services Commissioner and the agencies, as I indicated, are the Country Fire Authority, the Metropolitan and Emergency Services Board and the Victorian State Emergency Services. It is not proposed that any other services be included in the ambit of the bill.

As indicated by the honourable member for Gippsland South, clause 5 amends the Emergency Management Act 1986 to enable the coordinator in chief of the Emergency Management Council to appoint a nominee to act in his or her stead as chairperson of the Victoria Emergency Management Council; and specifies that the commissioner will be the executive officer of the council.

The Victorian Emergency Management Council, which meets on a regular basis to coordinate emergency services, is chaired by the Minister for Police and Emergency Services. Importantly, it includes a range of key government agencies, among them representatives of the emergency services telecommunications centre, the Bureau of Meteorology, the Country Fire Authority, the Department of Human Services, the Department of Natural Resources and Environment, the departments of the Premier and Cabinet and the Treasury, the Metropolitan Ambulance Service, medical Displan and the Metropolitan Fire and Emergency Services Board. The local government authority, the Municipal Association of Victoria, plays a critical role particularly on fire-related matters and it is pleasing to note that it is also a major player in the council, as are the Victorian police and State Emergency Services.

Emergency services play a fundamental role in the life of residents of metropolitan Melbourne who depend on those services. Members of rural and regional Victorian communities have suffered the ravages of and tragic deaths in bushfires. The loss of life in the Lynton bushfires cannot be forgotten. Emergency services personnel put their lives on the line for the community. The bill is an important manifestation of the government's commitment to emergency services. I commend the bill to the house.

**Mr SMITH** (Glen Waverley) — While in some ways echoing the words of the Leader of the National Party in his summing up of the bill, I direct the attention of the house to some of the concerns of people in country areas, particularly members of the Country Fire Authority (CFA).

On the face of it the bill appears to carry out the laudable motivation of improving firefighting services. When the minister is not inhibited in his interference in the work of the police, why would he not be inhibited in his interference in the work of the fire brigade? Appointing a commissioner sounds laudable but is the aim — as many in the country have mentioned — to extend the boundaries of the Metropolitan Fire Brigade?

The volunteer CFA force was set up before World War 2 to look after the interests of country people. Those volunteers jealously guard their ground and, as the leader of the National Party said, they are not only dedicated to fighting fires but are also community spirited in both ambulance and State Emergency Services duties. They have built up a lifetime of tradition in the service. I seek an assurance from the minister in his summing up that there is no hidden agenda to extend the boundaries of the MFB or to increase the participation of unionised labour in the country areas currently covered by the CFA. Those are concerns of country people.

Following the recent incident of the minister interfering with the appointment of the Deputy Commissioner of Police, it is known that he is not inhibited in his interference. I hope the same interference does not take place in fire services through the commissioner. If the minister gives his assurance that that is not the case *Hansard* will record where the minister stands on that role.

It is tempting for ministers to become involved in such matters. During the 1982–83 bushfires, there was a lot of newspaper criticism of the then Labor Minister for Police and Emergency Services Race Matthews.

There was controversy in the newspapers over his role in the management of the bush fires. It is tempting for ministers to overstep their roles in such an area, especially when an enormous amount of publicity surrounds such decisions. Smart people take advice from the professionals, who use their good offices to ensure that in the event of a major tragedy every resource is made available. While the position of the minister is paramount, the bill appoints a professional to the role of running and coordinating the service. I wish to place this important point on the record because if I did not I would not be doing my duty as a former member of the former Public Accounts and Estimates Committee. I want the minister to give a guarantee that he will not interfere in the important new role of the commissioner. On the face of it, the opposition can see merit in the role.

I would like the minister's assurance that ministerial briefings will be wide-ranging and open. The former government made full facilities available to the opposition of the day, and during the election campaign the Labor Party talked about open government. Therefore I request that as much information as possible be made available to the opposition, because it is needed.

As the Leader of the National Party said, the opposition does not oppose the bill, which has a great deal of merit. Provided I get the assurances from the minister, I will feel secure that the bill is doing the right thing, particularly by the members of the Country Fire Authority.

**Mr LANGUILLER** (Sunshine) — I am happy to support the bill. I commend the government and, indeed, the Minister for Police and Emergency Services on its introduction. During the election campaign the Labor Party said it would manage resources in the most effective and efficient way, and this bill is a step in the right direction. Both the government and the minister are getting on with the job of making sure that the best possible emergency services are delivered to Victorians, fulfilling its pre-election promises.

The bill sets up the Office of the Emergency Services Commissioner, who will establish and monitor performance standards with emergency services organisations, ensuring services are well monitored and service delivery is improved.

I represent the electorate of Sunshine which incorporates the City of Brimbank. The honourable members for Keilor and Melton in particular would recall that, on its election, the Bracks government and the minister took swift action to standardise emergency

services in metropolitan Melbourne and across the state to provide uniform response times so that communities were not disadvantaged by where they were situated or on any social, economic, cultural or political basis. The establishment of the Office of Emergency Services Commissioner will bring about uniformity of service, ensuring that response times in the event of an emergency are the same throughout the state. I am confident that my constituents in the electorate of Sunshine and the City of Brimbank would be happy with the way the Labor government is getting on with the job.

Planning, prevention and recovery strategies, which are important in the context of services being provided, have been put in place. Concerns about personnel have been raised with me, and I believe they go to the heart of the matter — that is, ensuring good services can be delivered in the event of an emergency. A strategy has been put in place to attract non-English-speaking background personnel to the various agencies.

To cite a parallel example, the police force has tried to do the same thing. Unfortunately in the past emergency services in the western suburbs have not been successful in retaining officers from non-English-speaking backgrounds and the community welcomes such initiatives by the government and the minister.

The bill has the support of the Liberal Party, the National Party and the Independents. I commend it to the house and wish it a speedy passage.

**Mr KILGOUR** (Shepparton) — I am pleased to make a contribution to the Emergency Management (Amendment) Bill, which I hope will go a long way towards providing better emergency services than currently exist. That is not to say there is anything wrong with the emergency services, including the service with which I have been involved throughout my life — that is, the Country Fire Authority, and particularly my local branch.

The establishment of the Office of the Emergency Services Commissioner should result in a coming together of emergency services because there will be somebody to guide the way and oversee a more effective utilisation of resources.

For a long time I have seen the combining of emergency services in country Victoria as a possibility and I fully support whatever can be done to ensure they are housed together. For instance, the Country Fire Authority (CFA) and the State Emergency Service (SES) benefit greatly from having their vehicles housed

at the same stations. In some country towns the personnel of both services are often the same people — they put on white overalls to go to one service and orange overalls to go to the other. Whenever the sirens ring and the calls go out they are on the backs of the trucks and off to whatever emergency has arisen.

I hope the minister will direct the new commissioner to look into a situation which exists in both my electorate and the electorate of Rodney, and which may also exist in another one or two electorates — that is, the existence in the City of Greater Shepparton of the excellent search and rescue squad in addition to the State Emergency Service presence. Although the minister may not have come across the issue yet, I am sure the squad will try to contact him in the near future. The search and rescue squad originated at Echuca–Moama, where it provided divers to assist with drownings in the Murray River, and so on. Subsequently it extended its operations into other areas, including Shepparton, where a group of tremendously dedicated people provides diving services and emergency assistance at road accidents.

A stretch of road in the area includes a bend formerly known as the Nalinga Hills turn, which was notorious as a sharp turn where trucks often turned over. It has now been turned into a nice bend known as Baxter's Bend, because the former Minister for Roads and Ports in another place, the Honourable Bill Baxter, provided money for the upgrading of the road. One summer evening I came across a truck that had just turned over at the bend. The driver was trapped inside. Within 20 minutes of the call going out to the emergency services the search and rescue squad from Shepparton was on hand. From speaking to the people involved in the incident it came to my notice that because the squads are not part of the SES they cannot use lights and sirens when rushing to attend accidents. Furthermore, if their vehicles are hit by other vehicles at accident scenes the squads could be liable to be sued for having vehicles stationary on public highways.

I ask the minister to request that the commissioner look into the issue to ensure that search and rescue squads, which are manned by volunteers, are not placed in the vulnerable position of being subject to litigation in the event of such a situation occurring.

Some years ago the then head of the State Emergency Service, Rhys Maggs, came to Shepparton and did an excellent job of sitting down with search and rescue squad members to try to get them to consider amalgamation with the SES. However, that did not happen and I would be pleased if the new commissioner would look into the issue so that

Shepparton's emergency services personnel are under the auspices of the state when attending accidents.

The commissioner will need to be a special person who understands the vulnerabilities of people and the problems that exist between volunteers and career firefighters. I have attended fire stations where the yellow line exists — that is, the volunteers do not walk over the yellow line to one side and the career firefighters do not walk over the line to the other. In the past bad feelings have existed at some fire stations between volunteer and career firefighters.

I have tremendous respect for the volunteers who dedicate themselves to training and to keeping the community safe. Although volunteers cannot be treated as career firefighters, who are paid good wages and work full-time, rural Victoria would be absolutely lost without the magnificent work carried out at fire stations by CFA volunteers. They understand the need for proper training. I have seen them on Sunday mornings testing their radios and equipment and training, right on schedule. I have been fortunate to have attended the CFA training area at Ballan and I understand what sort of training volunteers undertake. They understand that in future they will need to be fully accredited and tested.

The newly established Emergency Services Commissioner will play an important role in bringing together volunteer and career firefighters. However, I am not sure what the relationship will be between the bureaucrats and the trained officers. The commissioner will need to understand that he will be looked on as somebody who may be required to stand over trained officers who have been through the full training and who understand better than anyone how the services operate. I hope the commissioner treads lightly in the first instance in an effort to win people over.

I hope the minister says to the commissioner, 'You have three months in which to go out and learn what it is all about'. Obviously the commissioner will have some idea of how emergency services work, but I am sure the people in rural Victoria who are involved with the CFA would like the commissioner to talk with them. The commissioner will need to be a good listener. He or she will need to listen to career firefighters, CFA volunteers and SES personnel to gain a full understanding of what the emergency services provide before there is any major change; and if the commissioner sees a need for change I hope consultation takes place to ensure the changes will result in better services.

If the commissioner does the right thing he will have the full support of the volunteers and the CFA. I understand my colleague the honourable member for Knox will talk about his discussions with the CFA.

While there may be some concerns in CFA ranks I hope before long the commissioner will give CFA personnel an opportunity to understand that he or she will be there to listen, to find out what is going on, and most importantly to find out what can be done to provide better emergency services.

I wish the commissioner all the best. I hope the appointment results in better emergency services. Although they already operate well and Victoria is proud of its volunteers, particularly CFA volunteers, I am sure the change will lead to better services and a situation in which all involved will be happier working for the betterment of the state.

**Mr STENSHOLT** (Burwood) — I support the Emergency Management (Amendment) Bill. Firstly, I commend Victoria's emergency services on the excellent job they do. The members of my local fire station in Burwood do an excellent job. Victoria's emergency services are led ably by the Minister for Police and Emergency Services. He is seen by emergency services personnel as being there for them and as being as much on the ball as a minister as he was in his former opposition role. The bill promotes good governance in Victoria. Honourable members have heard that phrase before, but its truth will be demonstrated again with the establishment of the Emergency Services Commissioner.

The changes in the bill were a Labor election commitment and that commitment is being implemented, as are all the other election commitments. It is another area in which the government is getting on with the job and doing what it said it would do.

**Ms Allan** interjected.

**Mr STENSHOLT** — That is right. It is not a matter of having to say, 'Sorry, we cannot do it'; instead the government is taking a can-do approach and doing what it promised. The bill is another example of that approach.

The proposition for common standards — it was referred to by previous speakers, including the Leader of the National Party and the honourable members for Richmond and Sunshine as well as the honourable member for Shepparton, who supports the legislation — goes back to the 1994 parliamentary joint committee report that was eloquently espoused by the honourable member for Richmond. The previous

government did not take up the recommendation, but Labor included it in its policy and went to the people with it.

The bill fulfils Labor's promise. It proposes central oversighting of and a central point of leadership advice for the emergency services. In terms of good governance and sensible management it will provide the new commissioner with power to develop similar procedures and standards in each service for the handling of risks and emergencies. That action will ensure that the same standards of fire cover apply in areas with similar risk and hazard profiles — something everyone wants. My constituents in the Burwood electorate appreciated the quick response of the fire brigade the night before last in attending a fire at a block of flats. The firemen were able to limit the damage to only one room and prevent the fire from spreading to other flats.

The idea of standards is particularly important where there are contiguous areas that are covered by different authorities, such as when the Country Fire Authority and the Metropolitan Fire and Emergency Services Board operate in adjacent areas. The standards will cover both the suppression and recovery phases in relation to fires. Although suppression is vital — all honourable members have seen photographs and television pictures of the absolute despair on people's faces after they have lost their homes and possessions — it is also important that attention is paid to post-emergency trauma.

The new commissioner will be the executive officer of the Victoria Emergency Management Council. The council will have access to ministers, departments and all other areas of state administration in ensuring the recovery phase goes properly and that people's needs are attended to in a timely manner.

I commend the bill as another example of good governance and of governing for all Victorians.

**Mr LUPTON** (Knox) — In speaking on the Emergency Management (Amendment) Bill I will raise some of my concerns about it.

The purposes of the bill are defined in clause 1(a) as follows:

- (i) to establish the position of Emergency Services Commissioner; and
- (ii) to provide for the Emergency Services Commissioner to be the person responsible for the preparation and monitoring of standards for emergency services organisations ...

The remainder of clause 1 provides:

- (b) to make other minor amendments to the Emergency Management Act 1986;
- (c) to make consequential amendments to the Country Fire Authority Act 1958, the Metropolitan Fire Brigades Act 1958 and the Victoria State Emergency Service Act 1987.

Clause 4, the definitions clause, defines 'emergency services agency' as follows:

- (a) the Country Fire Authority established under the Country Fire Authority Act 1958;
- (b) the Metropolitan Fire and Emergency Services Board established under the Metropolitan Fire Brigades Act 1958;
- (c) the Victoria State Emergency Service established under the Victoria State Emergency Service Act 1987;
- (d) and any other prescribed agency.

The second-reading speech states, in part:

While Victoria undoubtedly had three fine firefighting organisations in the Metropolitan Fire Brigade, the Country Fire Authority and the Department of Natural Resources and Environment ...

I understand that the Department of Natural Resources and Environment looks after 30 per cent of the state's fires, particularly in country Victoria. My concern is that although the DNRE is mentioned in the second-reading speech — and the Leader of the National Party made mention of it — it is not covered in the proposed legislation, unless it is covered by the words 'any other prescribed agency'.

I should have thought that a fire service that controlled 30 per cent of Victoria's fire brigades would be covered. Perhaps I am incorrect and it is covered under the term 'any other prescribed agency'. However, as it was referred to in the second-reading speech I should have thought the bill would address that important point.

The Metropolitan Fire Brigade (MFB) currently covers some 50 per cent of the metropolitan area while the Country Fire Authority (CFA) covers 60–65 per cent and the Department of Natural Resources and Environment (DNRE) covers 30 per cent of Victoria. Apart from some 280 officers, the members of the CFA are all volunteers. They sacrifice their lives in some cases and surrender hours of their own time and family life to provide an irreplaceable service to Victoria. Along with the honourable member for Shepparton I cannot speak highly enough of the Country Fire Authority and its volunteers.

I turn now to the State Emergency Service. I am fortunate that the headquarters of the Knox SES, comprising dedicated volunteers and four trucks, is in my electorate. I am advised that the Knox SES originally had the idea of the orange-coloured overalls that are now the standard for all Victorian and possibly Australian SES units. The Knox SES has raised enormous sums of money to purchase trucks and equipment, and that sets it up as one of the best units in the state. It is supported by the City of Knox to ensure that it meets the needs of its citizens.

I return now to the fire brigades. For some 27 years I have been involved with the CFA in the City of Knox. I am advised that the MFB has a response time of 7.7 minutes and the CFA of 8 minutes. One of the tasks of the new commissioner will be to standardise response times in Victoria. It will be an interesting exercise and a huge challenge, particularly in outback Victoria because a fire may be 10 or 15 minutes drive from the nearest fire station.

The electorate of Knox is fortunate in being serviced by seven brigades — Boronia, The Basin, Bayswater, Ferntree Gully, Upper Ferntree Gully, Scoresby and Rowville — comprising 29 vehicles and more than 300 volunteers. As I said, my praise and thanks to those people know no bounds. To spend their weekends training and giving up or disrupting their family lives to put their own lives on the line for other people is a great commitment.

At one stage the Knox City Council was the only municipality to provide the volunteer brigades with pagers. I recall that when the concept of pagers was first mooted the then chairman of the CFA said the brigades must have sirens, not pagers. He insisted that all the sirens be tested every Sunday morning at around 9.30 a.m. — taking some 1½ hours for all the brigades to be tested — and on a Tuesday night a similar situation occurred. I recall him lecturing the Knox City Council and saying the pagers would not work and were a stupid idea. Technology has moved on and the sirens are now not tested at all — Boronia does not have one — and pagers are used. The City of Knox was prepared to donate the pagers and it continues to support the brigade.

The commissioner's task will be difficult and interesting. The honourable member for Shepparton ably explained the situation when he spoke about the difference between the volunteers and the permanent staff and the ongoing battle between the two groups. He referred to the yellow line that some people could not cross.

During the briefing of the opposition it was advised that the commission would employ 15 staff. I wonder about the cost and for how long those 15 staff will be adequately employed or whether their roles will be short term and their numbers reduced to 2 or 3 when the major problems are ironed out.

My concern is the money, as \$500 000 is probably a conservative estimate of the cost. Who will fund it and will it come out of somebody else's budget? I am concerned that I do not know where the funding will come from.

I also make mention of the Country Fire Authority, which is a wonderful organisation. I have written to the Minister for Police and Emergency Services about the CFA and at times I have been rather critical of him about the community support facilitators (CSF). Regretfully I have not received any correspondence from the minister but about 20 minutes ago I received a briefing about the CSFs.

A proposal put forward for consideration would involve splitting the role of the CSFs. I am advised that it would provide an administrative support person for one or two brigades and a community education person to be spread over two or three brigades. That is probably a step in the right direction. It will address the matters raised by the United Firefighters Union (UFU) and will allow those brigades currently without a CSF to utilise the services of an administration person or a community educator. The CSF has proved to be an effective tool in the electorate of Knox because there is no doubt that in today's busy world the officers of the various brigades are having great difficulty in keeping up with administrative requirements. The concept of prevention being better than cure comes home in areas such as Knox, The Basin and the Dandenongs where CSFs educate the schoolchildren and the community to be prepared for the fire season. I understand workshops have already been held on the proposal. It looks like being a great step forward.

The new commissioner will have a great task, as it is a very interesting role. I am concerned that the Department of Natural Resources and Environment is not mentioned in the bill and I am concerned about where the money will come from to fund the costs of 15-odd staff.

**Ms ALLAN** (Bendigo East) — I am pleased to speak on the Emergency Management (Amendment) Bill which establishes the office of the Emergency Services Commissioner. As the member for Burwood said, it is another bill in the area of good governance

introduced to this Parliament by the Bracks Labor government.

The role of the Emergency Services Commissioner is to establish and monitor performance standards for the emergency services organisations. Many members have spoken about the important role of the Country Fire Authority. I echo the many statements about the CFA's wonderful contribution to all Victorians and in particular the role it plays in country Victoria, the service it provides, the contribution it makes, the community linkages forged by the CFA to the life of a community, and the role of the volunteers. However, we should not forget that the bill also covers the State Emergency Service, another important organisation that is also part of local communities and relies on its volunteers who do a tremendous job.

The member for Knox mentioned the firefighters from the Department of Natural Resources and Environment. They are covered under clause 4(d) of the bill as 'any other prescribed agency' under the definition of 'emergency services agency'.

One of the biggest roles of emergency services in country Victoria, particularly in my area of central Victoria, is the fighting of bushfires. They need to be on constant alert particularly during the hot summer months but also in the cooler months when monitoring of revegetation and adequate service provision is necessary. Unfortunately, for many of us in country Victoria bushfires are a fact of life. We must be constantly on our toes and that is where the important role of the volunteers during that season comes in. They are not just giving their time at the coalface when the fires are blazing away, they are also behind the services maintaining vehicles and keeping an eye on what is happening in the environment.

The member for Burwood also noted that the bill implements the commitment of the Bracks Labor government to establishing the Emergency Services Commissioner. It is another bill that implements the policy commitments made by Labor in the last election campaign.

One of the roles of the Emergency Service Commissioner is to develop standard models of fire cover so that areas of similar risk and hazard profiles operate to a similar standard of fire cover. That excellent initiative is designed to share the experiences of people in country Victoria with people in other areas which are similarly prone to bushfires. People in central Victoria must live with the fact of bushfires and it is beneficial to learn from the experiences of others. We should be striving to learn more and share our

experiences. I take up the point raised by the member for Shepparton about the Emergency Services Commissioner needing to talk to many people but to listen more in the early part of his appointment. The important thing will be the sharing of experiences across country Victoria.

The bill encourages cooperation among services and the effective utilisation of resources and it sets standards across all emergency services. The Department of Natural Resources and Environment firefighters will be involved in coordination and cooperation through the Victorian Emergency Management Council. When talking to him about cooperation, the member for Narracan related an incident that he experienced when he was a volunteer with the CFA in a Dandenong bushfire. The CFA volunteers were fighting alongside members of the Metropolitan Fire Brigade but their hoses were not compatible and could not be connected to the trucks.

**Mr Cooper** interjected.

**Ms ALLAN** — The Emergency Services Commissioner will be able to address the issue of compatibility across services so that when they are at the frontline together they can share resources.

The bill is a fine measure. The Emergency Services Commissioner will provide a wealth of support to our emergency services. We in country Victoria appreciate the positive impact the legislation will have. I commend the bill to the house.

**Mr COOPER** (Mornington) — I will make a brief contribution to the Emergency Management (Amendment) Bill from the perspective of having had a long involvement with the Country Fire Authority over several decades as a volunteer firefighter and officer. I also have a continuing relationship with the fire brigades in my area. The Minister for Police and Emergency Services and I were members of the former Public Bodies Review Committee when it investigated the fire services in this state. We looked particularly at the Metropolitan Fire Brigade but also at the operations of the Country Fire Authority at that time.

The member for Bendigo East commented on the member for Narracan telling her about some of the difficulties with cooperation at the borders. She mentioned the hoses not being compatible — it was not the hoses which were not compatible, it was the couplings. As I said to the minister by way of a comment over the table, some things never change and it appears that no matter what we do in this state the demands of one fire service about equipment standards

will be pitted against those of another and it may be a continuing debate for some years to come.

However, in its report to this house the Public Bodies Review Committee recommended that the issues that cause concern at the boundaries of the CFA and Metropolitan Fire Brigade areas be addressed. Those issues are about standards of equipment — not only of couplings but also of the vehicles. For members who have an interest in the legislation and in seeing a greater level of cooperation between organisations and a greater level of service given to people in this state I recommend they go to the library or the Papers Office and get a copy of the Public Bodies Review Committee's report of 1994 or 1995 into the Metropolitan Fire Brigade. They will find it quite interesting reading.

I have some concerns about the bill, but I will be placated with some assurances from the Minister for Police and Emergency Services.

I understand that the Country Fire Authority and other emergency service organisations have not put up any objections to the bill, but some organisations still need to be reassured. I refer in particular to the Urban Fire Brigades Association and the Rural Fire Brigades Association. Those two organisations speak for, represent, and are respected by all of the volunteer firefighters in this state. They have some concerns about what can be loosely expressed as the separation of political power — something the minister would understand.

We often hear comments about letting the police get on with the job, and that there should not be any political interference in police operations. That view has been respected over many decades by all sides of politics in this state, and should also be applied to the operations of the Country Fire Authority.

Victorians are prone to say that they are proud of the Country Fire Authority. It is renowned and respected throughout the world. Many other areas in Australia and overseas have tried to copy what we have in Victoria with the CFA. The reason it is such a good organisation and so well respected is because it has been allowed, since its modern formation in 1944, to get on with the job without political interference. As a result, Victoria's Country Fire Authority is a world-class firefighting authority.

The volunteers who make up the Country Fire Authority are its backbone. Although there is a nucleus of permanent firefighters, the CFA and its work would fall to the ground but for the tremendous dedication and

work of all of its volunteers around the state. The last thing the Minister for Police and Emergency Services and this government should want — certainly the last thing honourable members on this side of the house would want — would be to see the morale of the volunteers in any way substantially diminished. Currently that morale is under question.

The current situation of community support facilitators, which has been referred to by other speakers from this side of the house, needs to be clarified by the minister as a matter of urgency. Throughout the Country Fire Authority and the other organisations that represent the volunteers there is a big question about whether the government will interfere in the operations of the community support facilitators by giving way to the unfortunate and unprincipled demands of the United Firefighters Union.

The Minister for Police and Emergency Services needs to clarify the position. Honourable members who represent country areas — that includes the minister, because CFA brigades operate in his electorate — need to understand that it will not take much to damage the morale and to raise concerns not only among the firefighters but also among the important people in the auxiliaries who support the firefighters. I speak to those people regularly in my electorate and outside it. They are saying, 'We don't know whether we are really appreciated by the government'. It would be easy to knock those people off their perches.

It is important that the minister — in this debate and elsewhere — give some assurances that the brigades will not be put to one side and that their best interests will not be damaged by allowing the intrusion of a union — which has only its own survival in mind — interfering in the operations of the community support facilitators.

I note that the bill provides that the Minister for Police and Emergency Services can, through the Essential Services Commissioner, give directions on operational issues to the Country Fire Authority and become involved in operational issues.

It may not be the intention of the minister to do that, and it may not be the intention of the legislation to provide for that, but this side of the house seeks an assurance from the minister that those sorts of things will not occur during the operation of the legislation.

Coordination between emergency services is an important issue. Anything that can be done to improve the coordination of emergency services at times of major incidents should be supported. However, we do

not want to see the introduction of legislation that opens the door for other things to occur that are not in the best interests of the emergency service organisations such as the Country Fire Authority, or more specifically the volunteer firefighters of the CFA.

The minister knows only too well from his work as a member of the Public Bodies Review Committee how important volunteer firefighters are to Victoria. I do not have to convince him of that; I know he understands that point and is supportive of them. However, the opposition seeks some assurances from him that the legislation will not open doors for him or other future ministers to interfere politically with the operations of the CFA in any way whatsoever. I seek that assurance from the minister and look forward to his response.

**Mr HAERMEYER** (Minister for Police and Emergency Services) — I thank the honourable members for Gippsland South, Richmond, Glen Waverley, Sunshine, Shepparton, Burwood, Knox, Bendigo East and Mornington for their contributions to the debate on the Emergency Management (Amendment) Bill.

I acknowledge particularly the spirit in which the Liberal and National parties have approached the debate, because I believe the future of Victoria's emergency services should not come within the normal cut and thrust of political acrimony. All honourable members respect the work of the Country Fire Authority and State Emergency Service, particularly the work done by their volunteers.

Victoria has the strongest volunteer emergency services structure of any state in Australia, if not the world. That structure stands Victoria in good stead and supplements the work done by the many emergency services career officers. However, the volunteer situation is volatile, and at the end of the day the service, support, dedication and commitment given by volunteers must not be taken for granted; it must be respected, treasured and held dear.

I understand the difficulties faced by volunteers in the SES and the CFA. The pressures of working nowadays make it increasingly difficult for people to have the time available to volunteer their services to those organisations. Many businesses are making it more difficult for people to be available to attend call-outs and other obligations involved in serving in those organisations. As a result, in some areas the SES and the CFA are having difficulty attracting volunteers, which is of concern.

The bill gives effect to the recommendations of the Public Bodies Review Committee of 1994, of which I was a member and which was chaired by the honourable member for Mornington. The work of that all-party committee was encouraging, and the recommendations set out in its report, except one, were unanimous. Some of those critical recommendations are picked up in the bill, including the recommendation to implement standard models of fire cover.

The honourable member for Knox suggested that it may not be difficult to implement a standard model across Victoria. However, it needs to be understood that we are not talking about one standard for the entire state, rather we are talking about many standard models of fire cover. In other words, we are implementing common standards for areas with similar hazard and risk so that similar responses can be made. The standard that operates in an area of the western suburbs where there may be a high concentration of petrochemical plants will be different from the standard that operates in other suburbs or in rural or semi-rural locations. A common standard of fire cover means a person living in a street that is covered by the CFA has a right to expect the same standard of fire cover as a person living in a street that is covered by the Metropolitan Fire and Emergency Services Board and vice versa.

The bill does not provide that the Emergency Services Commissioner should tell organisations how to deliver their services; rather he or she will put forward the expected standards of delivery. It will be up to the organisations to oversee how those standards are met. The process involves outcomes rather than inputs and will ensure that the same standards will apply in areas of comparable hazard and risk regardless of which side of the CFA–MFB interface the hazards or risks are on.

In the past those world-class organisations have set their own standards, so apples-with-apples comparisons could not be made about their performance. The role of the Emergency Services Commissioner will involve taking away that method of self-assessment and putting forward the emergency services standards the community has a right to expect will be met. The emergency services will be obligated to meet those standards, and the process will be monitored by the Emergency Services Commissioner.

It also deals with a number of issues already touched on such as co-location of facilities. Co-location, which was also recommended in the report of the Public Bodies Review Committee, is about common utilisation of buildings and resources and allows some efficiencies in terms of capital cost. Its real benefit, however, is the

greater capacity for day-to-day cooperation among emergency services, especially in their use of common training facilities.

The commissioner also has a role in enhancing the coordination and co-utilisation of common resources. That is an important function, because agencies have a tendency to want their own toys and to apply their own standards. The legislation is designed to ensure that the agencies will look after the whole of the state and submit to some overall coordination, thereby avoiding the application by different agencies of differing standards. The effect will be that an agency will not go out and buy a new toy for itself just because it wants one — whether or not another agency already has one. Co-utilisation of resources is important.

In an operational environment the Country Fire Authority volunteers and the Metropolitan Fire Brigade career firefighters have usually cooperated admirably. There have been a few instances in recent times, however, where that has not been the case. A few coordination issues have arisen, issues that common standards of fire cover will resolve. I expect that the commissioner, with the cooperation of both agencies, will ensure that such incidents are not repeated.

There is already considerable operational coordination between all the emergency services agencies these days. When an emergency occurs there is usually more than one agency responding. A simple road accident will often attract the SES, one of the fire authorities — or even both — the ambulance service and the police. The emergency management function the commissioner already performs will be enhanced when the responsibilities of Emergency Services Commissioner are taken up.

As honourable members will be aware, I have appointed as commissioner Mr Bruce Esplin, who has previously performed the functions of the emergency commissioner in his role as head of the emergency management policy arm of the Department of Justice. His appointment has been enthusiastically welcomed by all of the agencies, including some that are outside the Department of Justice such as the Department of Natural Resources and Environment. The CFA, the SES, the Metropolitan Fire and Emergency Services Board, the DNRE and the Metropolitan Ambulance Service have all welcomed both the proposed legislation and the appointment of Mr Esplin as the new Emergency Services Commissioner.

The honourable member for Mornington raised the matter of the non-inclusion of volunteer associations. I can inform him that the bill has been discussed with

those agencies, as has the appointment of Mr Esplin, and I have received favourable comments from them on both scores.

On the matter of the separation of powers, I believe the bill removes the minister one step from some operational issues. The previous government, in legislation it brought in last year, gave the minister the power to direct both the CFA and the Metropolitan Fire and Emergency Services Board. This bill, on the other hand, puts a step between the minister and the authorities and leaves much of the operational coordination responsibility to the Emergency Services Commissioner. In other words, rather than enhancing my power to direct operational matters, or the power of any other person fulfilling the role of minister, the bill puts a bit of distance between the minister and the direction of operations. I have not employed that power to direct so far. I believe it is a power ministers should use very sparingly — doubly so when the matter is operational.

The Leader of the National Party asked why no reference is made in the bill to the Department of Natural Resources and Environment. As the honourable member for Bendigo East pointed out, the DNRE can be included under the reference made to ‘any other prescribed agency’. This is the first time legislation of this sort has been introduced, so the government has decided — for the time being, at least — to specify only the agencies that are under the auspices of the Minister for Police and Emergency Services. It may well be that after further discussion with the Emergency Services Commissioner and other ministers it will be regarded as desirable for other agencies to be brought under the legislation. The commissioner has already advised me that he receives full cooperation from the DNRE in any case.

I believe the legislation has the capacity to grow, and if the inclusion of other agencies is deemed necessary and is recommended by the commissioner, I will look favourably upon the idea.

The issue was also raised by the Leader of the National Party in terms of how the bill is to be enforced. Ultimately under the legislation the organisations have a statutory obligation. If they do not comply with that, the power of direction of the minister may be used, if the minister deems fit, on recommendation of the Emergency Services Commissioner.

The honourable member also asked, in relation to clause 7 which inserts sections 6B and 6C into the Country Fire Authority Act, to whom the report was to be made, and applied that question across the three

agencies. That could have been expressed a little more clearly: the report is to be made to the Emergency Services Commissioner.

The legislation tries to bring greater coordination to the emergency services structure. The government does not wish to try to merge any of those agencies. It is not our view that that is necessary, but that better coordination and setting of standards external to the agencies are required. The government does not support the Queensland model, under which an emergency services board has been set up as an umbrella organisation across the agencies. The agencies do a great job, but there is a need for a minimalist approach in coordination and integration of their work in certain circumstances.

I thank all honourable members for their contributions to debate on the bill. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## CONTROL OF WEAPONS (AMENDMENT) BILL

*Second reading*

**Debate resumed from 4 May; motion of Mr HAERMEYER (Minister for Police and Emergency Services).**

**Mr RYAN** (Leader of the National Party) — It is my pleasure to join the debate on the Control of Weapons (Amendment) Bill. The National and Liberal parties support the legislation. On Saturday night my son Julian and I saw the film *Gladiator*. I assure the house that in 180 AD a control of weapons act was not in place in the city of Rome! If people want to see a bit of the artistry on display which is probably related to some of the equipment referred to in the act and the regulations, they will find the film is not a bad show.

**Ms Allan** interjected.

**Mr RYAN** — It is interesting to look at the history of the development of the legislation. I wondered whether I would touch on this issue, but since the interjection has been made I mention that the first public proposal for what is provided in the legislation can be found in a newspaper article dated 19 March 1999. The then Leader of the Labor Party, the

honourable member for Broadmeadows, announced the proposed laws under the heading 'Labor's anti-crime plan'. Soon after announcing an apparent tightening of knife laws — I am not sure whether because of knives or swords, stabbing or falling on — he ceased to be the leader of the Labor Party, and the current leader, the honourable member for Williamstown, took up the role. To his credit the honourable member for Broadmeadows, like Lazarus, has risen.

Labor's community protection plan, produced in the course of the lead-up to the last election, proposed some amendments to the act, which were circulated in the form of a consultation paper. Before following the evolutionary stages of the legislation I point out the interesting differences between the bill before the house and what was proposed at that stage. Although some additions are made to the existing legislation, the Control of Weapons Act, this is largely an instance of the three-card trick. Albeit with a few additions — a few names of headings changed in a couple of places — the bill is the same product.

In the discussion paper, on which comment was sought by 5 April, there is no mention of prohibited or controlled weapons. The discussion paper proceeded on the notion of prescribed weapons, regulated weapons and dangerous articles, as is contained in the bill before the house. The table of proposals that accompanied the discussion paper and the draft legislation then circulated again made no reference to the notion of prohibited or controlled weapons but rather retained the definitions that appear in the law as it stands regarding prescribed and regulated weapons.

Further, the first cabinet draft of the bill, which bears the date 15 March, also makes no reference to the notion of prohibited or controlled weapons, and retains the old terminology. Between 15 March and 4 May, when the present bill was read a second time, the changes were made to introduce the notion of prohibited and controlled weapons.

I stand to be corrected by the minister, but I cannot help but think that somebody decided along the line that since much noise had been made about tightening up the use of knives an amendment had best be made to the bill to give the word 'knife' greater emphasis in the hierarchy of things than it enjoys in the existing regulations. Nevertheless the house has before it the Control of Weapons (Amendment) Bill, which is now to be examined.

I move to the content of the bill. Its purpose is stated as follows:

to make miscellaneous amendments to the Control of Weapons Act 1990, to make a consequential amendment to the Vagrancy Act 1966 and for other purposes.

The principal act needs to be read in conjunction with the regulations because they are pivotal to understanding how the legislation is to take effect. The current regulations include extensive definitions of the notions of prescribed and regulated weapons. Some of those are exotic. Bearing in mind that what appear in the regulations as prescribed weapons will now be termed prohibited weapons and that what appear as regulated weapons will be termed controlled weapons, I believe a quick examination of what the respective categories contain is necessary.

Under the current regulations, the prescribed weapons referred to are a flick knife; a dagger; a knuckle knife; a ballistic knife; goods designed to include a concealed knife or sword blade; a butterfly knife; a knuckle-duster; a blow gun; hand-held battery-operated articles commonly known as laser pointers; darts designed to be projected from a blow gun; a hunting sling or slingshot; a catapult — and a few of those are featured in *Gladiator*; a shanghai; a dart projector; an article designed or adapted to discharge capsicum spray; a crossbow; an extendable baton; and various other pieces of equipment. The bill provides that that selection of prescribed weapons will be regarded as prohibited weapons.

There is a wonderful selection of regulated weapons including a crossbow of a form other than that described as a prescribed weapon; a baton or cudgel; knives of various sorts such as double-end knives; a scythe or sickle; articles consisting of a chain, rope or cord; sticks or rods; articles designed to be attached to or worn on the hands or feet which have claws attached; articles which consist of two sticks, rods or batons joined by a cord, rope or chain including the martial arts weapon known as a nunchaku — how many nuns can a nunchaku chuck, I wonder?

Other articles referred to are a sword or bayonet; throwing stars; articles consisting of a handle and an edged blade; imitation firearms and pistols; and spear guns.

Interestingly, there is an all-encompassing definition of knives in section 5 in the category of regulated weapons:

- (x) knives, other than prescribed weapons or those knives already prescribed as regulated weapons under paragraphs (f) and (g).

An all-encompassing definition of knives was inserted by the previous government under statutory rule

no. 193 of 1994. It was intended to pick up the various items that did not come under the specific definitions of knives as otherwise contained in the regulations.

It is intended that the names of the categories will change so that the first category, which was 'prescribed', will now be termed 'prohibited'; and that which was 'regulated' will now be termed 'controlled'.

Clause 4(a) substitutes the definition of body armour by adding that it will comprise whatever might be prescribed by the regulations to be body armour. It will be a double act in describing what body armour constitutes.

Clause 5 inserts a definition of 'controlled weapon'. Under the current regulations a controlled weapon was the equivalent of a regulated weapon, but now it will be:

- a) a knife, other than a knife that is a prohibited weapon; or
- b) an article that is prescribed by the regulations to be a controlled weapon;

It provides further:

'prohibited weapon' means an article that is prescribed by the regulations to be a prohibited weapon.

Why was not the same simplistic definition given to a controlled weapon? It would mean an article prescribed by the regulations as a controlled weapon. The headings in the regulations and the act could be changed by deleting the word 'regulated' and inserting the word 'controlled'. I suspect it is because the intention was to get the word 'knife' up in lights.

For consideration of the minister I mention in passing the following: given the categories will change from proscribed to prohibited and regulated to controlled, it will be necessary on the immediate proclamation of the act to ensure the regulations are in place contemporaneously. Otherwise the act will have a description of the weapons that does not fit with the regulations remaining in force. That might lead to confusion, particularly given concerns rightly expressed by the government about the use of knives and the part they play in attacks. It will be imperative to ensure an appropriate contemporaneous change to the regulations.

Clause 6 introduces a new section 5 relating to prohibited weapons. This section substantially mirrors the existing legislation with the addition of a further aspect of prohibition. It will not now be possible for a person to display or advertise for sale prohibited weapons without having the appropriate exemption under proposed section 8B or the approval under

proposed section 8C. The additional aspect of restriction is added to the matters relating to prohibited weapons.

The bill provides for changes in terminology, that is 'prohibited' instead of 'prescribed'. It will become an offence to sell to someone who does not have an exemption under proposed section 8B or an approval under proposed section 8C. Sellers must have both the exemption and the approval. Penalties will increase from the present \$6000 to \$12 000 for breach of the provisions. That is a significant increase. In addition, the vendor must not sell unless there is the reasonable belief that the purchaser has an exemption under proposed section 8B or approval under proposed section 8C. The bill tightens slightly the provisions because of the addition of the prohibition against displaying or advertising without the exemption or approval being apparent.

Proposed new section 5A provides for the identification of persons purchasing prohibited weapons. A seller must seek the identity of the purchaser and must not sell without that identity being established, and a purchaser must not purchase on the basis of producing false evidence. Various penalties apply, broadly about \$2000 in each instance, if the provisions are breached. For the purpose of achieving identification, the purchaser must produce a passport, driver's licence or other document in one of the prescribed categories, if that document bears a photograph of the purchaser, or two documents in the prescribed categories but each in a different category. The obligations on purchasers are a welcome addition to the legislation and will enhance the capacity to ensure that those sorts of materials are not sold to persons not properly entitled to buy them.

Proposed section 5B inserts requirements for recording sales of prohibited weapons. It requires a seller to keep appropriate records as prescribed in the regulations. The records must be kept for three years and the police may inspect those records as and when they wish so long as they do so on a reasonable basis.

Clause 7 refers to controlled weapons, which are currently described as regulated weapons, and the bill broadens what constitutes a lawful excuse for possessing one of those weapons. With due respect to the minister, there was probably some confusion in the reporting of his comments on that point. In an article dated 21 March the *Herald Sun* reported that the minister had said the legislation would introduce a \$1000 fine for carrying a knife without an appropriate reason for doing so. Under the existing legislation the fine is \$6000 if one is caught carrying a knife without lawful excuse. I am sure it was an error on the part of

the reporter covering the minister's announcement, because it is an important aspect of the legislation and I commend the government for taking those tough measures.

A provision regarding whether a person has a lawful excuse for carrying or using a controlled weapon is included in proposed section 6(2)(4) in clause 7, which states:

In considering whether a person has a lawful excuse to possess, carry or use a controlled weapon, the court must have regard to the circumstances, such as time and location, of the incident.

It is a welcome addition to the legislation. I understand instances have arisen where there has been difficulty in interpreting the terms of the current legislation which is not as specific as the proposed subsection.

Section 8 of the principal act, which refers to the application of section 130 of the Magistrates' Court Act and describes what constitutes a lawful excuse, is retained. The Magistrates' Court Act makes it clear that the evidentiary burden falls on a defendant who may wish to introduce such an excuse for the purpose of maintaining a defence. Section 130(1) provides that if an act or subordinate instrument creates an offence and provides any exception, exemption, proviso, excuse or qualification, regardless of whether it accompanies the description of the offence, and the defendant wishes to rely on the exception, exemption or proviso, excuse or qualification, in effect the defendant must bring to the court the circumstances which constitute that lawful excuse.

Now any defendant wishing to make a lawful excuse will have the benefit of the generalist provision in section 130 of the Magistrates' Court Act, which is retained in the bill, while also being subject to the extra qualifications in the amendment.

Clause 8, which will amend section 8A of the principal act, relates to restrictions imposed on persons bringing body armour into or causing body armour to be brought into Victoria, manufacturing, selling or purchasing body armour, or possessing or using body armour, and provides that they can only do so if they are subject to one of the exemptions under section 8B or one of the approvals under proposed section 8C.

In passing I note that the terminology of section 8A of the act reflects precisely the terminology of section 5 of the act prior to its being amended by this bill. Section 5 refers to prohibited weapons. I wonder why the government has seen fit to amend the section in the bill to bring in the additional stipulation that persons

cannot display or advertise for sale prohibited weapons. The section now under consideration, which deals with body armour, has precisely the same wording as existing section 5 which deals with prohibited weapons, yet the government has not seen fit to add the further restriction provided by the words 'upon display or advertising for sale' to this section. For the sake of consistency it might have been wise for the restriction to have been added.

Clause 9 contains one of the pivotal aspects of the proposed legislation because it inserts proposed section 8B, which deals with exemptions for prohibited weapons and body armour. Proposed section 8B provides:

The Governor in Council may, by Order published in the Government Gazette —

- (a) exempt from any provision of section 5 or 8A (as the case requires) —
  - (i) a class of persons or class of prohibited weapons or body armour; or
  - (ii) a corrections officer, military officer or police officer (by name or description of office); and
- (b) specify conditions and limitations to which an exemption under paragraph (a) is subject.

In essence, the provision enables the Governor in Council to make exemptions for classes of people to hold prohibited weapons or classes of prohibited weapons. On the other hand, proposed section 8C provides for approvals for prohibited weapons and body armour to be issued by the Chief Commissioner of Police in certain circumstances. They are important and will be crucial to the proper operation of the legislation. It is therefore important to consider them in the context of the bill.

Firstly, proposed section 8C(1) enables the Chief Commissioner of Police to grant an approval to a person to do anything that is otherwise prohibited under proposed new section 5 or proposed section 8A. Secondly, the Chief Commissioner cannot grant an approval under the section to a prohibited person — that is, where a prohibited person as defined in the Firearms Act is brought in. It relates to persons who are serving terms of imprisonment for serious offences or persons who are the subject of domestic violence intervention orders or supervised community-based orders. Those people will be excluded from obtaining approval. The Chief Commissioner of Police will also not be able to provide an approval to a corrections officer, military officer or police officer in connection with their official duties. Those matters are

accommodated by the exemption provisions contained in proposed section 8B.

Subsection (3) of proposed section 8C provides that the application for approval must be in the appropriate form, must contain the appropriate information as required by the chief commissioner and must be accompanied by a prescribed fee. It is intended to ensure there is full cost recovery from persons who are applying for approvals. Under subsection (4), prior to issuing an approval the chief commissioner must have regard to the guidelines issued by the minister under proposed section 8D. Under subsection (5) the chief commissioner may grant approvals subject to certain qualifications and is also entitled to vary or revoke an approval at any time. Under subsection (6) of proposed section 8C the approval has to be in writing and is subject to the usual sorts of aspects that apply to approvals being given by the chief commissioner.

Under proposed section 8C(7) the chief commissioner may refuse to grant an approval to an applicant who is under the age of 18 years, or may impose conditions or limitations on an approval granted to an applicant who is under that age. Those are relatively important provisions because they will ensure that persons who are looking to acquire prohibited weapons or, heaven forbid, body armour and who are younger than 18 will have to seek approval from the Chief Commissioner of Police and will be subject to the constraints prescribed by paragraph (b) of the proposed section.

Proposed section 8D contains provisions relating to ministerial guidelines. They are specific: the guidelines must be published in the *Government Gazette*. The guidelines must be all-encompassing and include prohibitions or restrictions on the granting of approvals to applicants who are under the age of 18 years.

Proposed section 8E deals with offences regarding exemptions and approvals. In essence, people who breach either will be subject to a fine of up to \$1000. Under proposed section 8F the Chief Commissioner of Police is required to report on applications for approval within 30 days after the end of each financial year. The reporting process is to occur in relation to the actual applications for approval as opposed to the approvals themselves. I wonder why that is so and what the minister has in mind in requesting that applications for approval as opposed to approvals themselves be the subject of the report.

I move to clause 10, which deals with the important issue of the return of seized weapons or items. In essence, if over a period of three months no charge is laid on a person from whom items have been seized,

the items must be returned. Furthermore, if a decision is made within that time frame not to charge the individual from whom the items have been seized, again the goods are to be returned, and the police have to give notice to such person of his or her right to have the goods returned. Proposed new subsection (5) of section 9 of the principal act requires that if a person who is given notice under proposed new subsection (4) — that is, that the goods can be collected — does not apply within seven days after the receipt of the notice for the return of the prohibited weapon, controlled weapon, dangerous article or body armour, as the case may be, the items are to be forfeited to the Crown.

It seems to be a prospectively harsh provision in that it opens issues such as whether the notice was or was not received. It is not too hard to imagine what would happen to someone from whom one of these items was taken if that person happened to be on holidays when the letter arrived and the seven days expired but he or she had done nothing about it. When the person came back on the eighth day he or she would find that his or her rights were gone. For all sorts of examples that one can readily contemplate, seven days is perhaps too harsh and the provision should be revisited.

Proposed new subsection 6 states that any person who makes an application for the return of the goods has to turn up at a police station, or from wherever it is being collected, and collect it himself or herself. Further, it states that if the person who is doing the collecting is younger than 18 years of age that person must be accompanied by an adult. Again, one cannot help but wonder at the notion of a 16-year-old boy prospectively turning up at a police station to pick up his nunchaku and having to make sure he has mum or dad with him. I suppose some people have an interest in those things to this degree and the provision will be in place for that reason.

The transitional provisions and consequential amendments in the bill are built around the notion I referred to earlier — that is, that the current regulations include a wide variety of weapons categorised as either prescribed or regulated that will become prohibited or controlled, as the case may be. It is largely window dressing, but I applaud the government for introducing additional measures that will constrain the capacity of people to acquire and sell those weapons, particularly in the context of persons who are younger than 18 years of age and who are prohibited persons in terms of the definition the Firearms Act has incorporated since its inception in 1996.

With those comments I indicate again the support by the National and Liberal parties for the legislation. I wish the bill a speedy passage.

**Mr WYNNE** (Richmond) — I thank the Leader of the National Party for his contribution to the debate and welcome the support of the National and Liberal parties for this important piece of legislation. The bill honours another election promise of the Bracks government and is clear evidence of its commitment to restrict the availability of weapons in the community by ensuring tighter control over the sale of prohibited weapons.

The bill further restricts the sale, display and marketing of the most dangerous category of weapons, it severely restricts the sale of weapons to persons under the age of 18 years, it moves the administration of body armour from the act to the regulations, and the Leader of the National Party has given the house an extensive overview of that particular provision. The bill provides for the levying of an administrative fee to cover the costs of processing exemptions and approvals and extends the concept of prohibited persons from the Firearms Act into the Control of Weapons Act.

If one wanders around any of the major disposal stores anywhere in the city, or in my electorate of Richmond, one will find a vast array of weapons on display. It is a frightening experience to see the display of extraordinary weapons that are available and it is hard to imagine what one would do with them. The honourable member for Tullamarine showed me some pictures that she had obtained from a colleague in the customs service. The collection of flick-knives, daggers, samurai swords and the like that had been confiscated at the international barrier leads one to wonder why anybody would have much interest in them. Perhaps they are appreciated as collection items, but certainly their potential use is a frightening thought. To see such weapons openly displayed to the public, and to young people in particular, is serious reason for us to pause and reflect on the bill.

Clause 6 substitutes proposed new section 5, which refers to ‘prohibited weapons’ instead of ‘prescribed weapons’. It will make it an offence to sell a prohibited weapon to a person who has neither an exemption nor an approval. The amendments strengthen the range of circumstances in which an exemption is required before a prohibited weapon can be displayed for sale, sold or marketed.

Proposed section 5A importantly requires that a seller of prohibited weapons must ensure that a purchaser proves his or her identity. Failing to require

identification will be an offence, as will providing false evidence of identity.

Proposed section 5B requires traders of prohibited weapons to maintain records of each purchase for at least three years. This will provide significant assistance to the police by creating an audit trail for the sale of prohibited weapons by traders to members of the community. A police member will be able to view the record at any reasonable time.

Clause 10 also provides for a procedure for the return of weapons seized by the police. It is noteworthy that if the person requesting return of the weapon is under 18 years of age that person must be accompanied by a parent or guardian if it is to be returned to that person. That will ensure a greater degree of parental knowledge and responsibility for the behaviour of children.

The bill will increase the penalties for offences involving prohibited weapons and will further restrict the sale, display and marketing of the most dangerous categories of weapons.

The bill also incorporates the ‘prohibited person’ definition from the Firearms Act. This removes the problems facing police who are attempting to screen higher risk individuals from the weapons approval system. The basic presumption under the Firearms Act is that a person subject to an intervention order is a prohibited person who is not allowed to have firearms.

To have access to firearms such persons will now need to actively seek court rulings to overturn that status. The legislation places responsibility for determining whether it is appropriate for such individuals to have access to firearms. Courts are expected to take circumstances such as potential risks to family members and the community in general into account in deliberating on that matter.

I turn now to prohibited and controlled weapons. Rather than the previously confusing title of ‘prescribed weapons’ the bill renames the most dangerous category of weapons as ‘prohibited weapons’. Weapons such as flick-knives and knuckledusters, which clearly have an offensive purpose, come into that category. All knives unless already classified as prohibited weapons now become controlled weapons.

The prohibited persons provision refers to who should or should not possess weapons. A prohibited person is described in the Firearms Act and is based on the principle firmly held in our community that dangerous weapons should not be in the hands of people who have already demonstrated their lack of responsibility in meeting appropriate community standards of behaviour

to possess such weapons. Such persons are defined in the Firearms Act and include persons who have served terms of imprisonment for indictable offences, assaults or drug-related offences, persons who are the subject of domestic violence intervention orders or persons who have been found guilty by a court of indictable offences.

The legislation delivers on an election commitment of the Bracks Labor government. It restricts the availability of weapons in the community and ensures the maintenance of tighter controls over the sale of prohibited weapons. I welcome the bipartisan approach to the bill and wish it a speedy passage.

**Mr KILGOUR** (Shepparton) — I am happy to comment briefly on the bill. Most Victorians will be pleased with any legislation that supports public safety and makes the streets safer. When one has travelled, as I have, around the world with the Drugs and Crime Prevention Committee, spoken to police both in Australia and other parts of the world and seen the array of weapons that has caused massive damage to both people and property, one certainly understands the need for legislation to restrict the sale of those weapons.

The Control of Weapons (Amendment) Bill renames the most dangerous category of weapons as ‘prohibited weapons’ and the second category as ‘controlled weapons’. The opposition is also pleased with the increased penalties for people found in possession of those weapons.

I refer to one particular issue on behalf of land-holders in country Victoria, although I understand that the Minister for Police and Emergency Services has already examined it. As an example, the public needs an assurance that some gung-ho law officers will not turn up at country saleyards and ask farmers to empty their pockets to ensure that the rabbit knives they are carrying will not be used in the wrong way. Farmers should not be troubled if, when using knives in their daily work, they come into town with those knives still in their possession.

Some farmers wear sheaths to carry small dagger-type knives they use for various tasks, including animal husbandry and the cutting of bands on hay bales. It may well be that a farmer comes into the saleyards and finds that he still has the knife in his possession. I would be concerned if it were decided to pursue the issue by searching that farmer. That is not the intention of the bill, which is to define categories of weapons.

As I said, I was pleased to see the restriction of the sale of such weapons to ensure that people under the age of

18 have no opportunity to purchase them. The word ‘intent’ is used in the bill. If a flick-knife or knuckleduster were found in a boy’s bag on a train, one could very well believe he could use the weapon against a person or property, and the police would have every right to confiscate it, particularly if the boy was under 18 and had no reason for having it in his possession.

The increase in penalties is good because people will realise that if they flout the law it will cost them dearly financially or, if necessary, subject them to a jail sentence. As the minister stated in his second-reading speech:

The proposed amendments will ensure that the context in which a weapon is discovered in public is relevant in determining whether an excuse is indeed lawful — for example, it will be deemed not to be a lawful excuse for a person to be found with a fishing knife outside a night club at 2.00 a.m.

However, the same fishing knife may be in a young fellow’s fishing box as he rides his bike to the pier to do some fishing. The government must ensure that boys in a situation such as that are not frightened into not carrying knives needed for necessary and legitimate purposes.

While the current legislation covers many of the issues, the public will welcome a bill that lessens the number of weapons on the street. I hope people realise they cannot maraud the streets at night, travel on public transport or wait in parks and other places while carrying controlled weapons. If they possess those sorts of weapons they should be treated accordingly with the full strength of the law. I welcome the bill and hope Victoria will be a safer place as a result. I wish it a speedy passage.

**Mr LIM** (Clayton) — The bill is important and fulfils the Bracks government’s commitment to provide a safer and more secure Victoria. It amends Victoria’s weapons laws to combat the increase in the use of weapons in the community. I cannot see any reason why a person would want to possess any of the weapons referred to earlier by the shadow Minister for Police and Emergency Services.

Because of the personal experience of my two sons and my having trained in martial arts, I believe if people want to protect themselves and cannot do so without carrying weapons they are not worth protecting. Having said that, it is important to reflect on the context of the bill and how it came about. During the mid-1990s a growing number of incidents occurred, one of which I vividly recall with horror. A group of young people

armed with weapons chased each other in Richmond and one of them was killed with a knife.

I have had much to do with young people who are not necessarily part of gangs but who have gung-ho and macho attitudes. They believe they are more secure if they carry weapons. However, at times the temptation to use the weapons in emotional circumstances gets out of control.

When considering the bill it is important to note that the government has gone out of its way to redefine important terminology about offending weapons and to clarify their new status. A range of weapons formerly defined 'prescribed weapons' will now be defined 'prohibited weapons'. They include flick knives, daggers, knuckle knives, swordsticks, knuckle-dusters and blow guns. The bill provides that the group of weapons formerly defined 'regulated weapons' will now be 'controlled weapons'. They include exotic weapons from the Orient — that is, martial arts weapons such as Sai, throwing stars, Kama and Kasari-fundo. It is important that the bill redefine these weapons.

However, as stated in the second-reading speech, the main thrust of the bill is to:

... further restrict the sale, display and marketing of the most dangerous category of weapons;

severely restrict the sale of weapons to those under 18 years of age;

move the administration of body armour from the act to the regulations;

provide for the levying of an administrative fee to cover the costs of processing exemptions and approvals; and

extend the concept of prohibited persons from the Firearms Act 1996 into the Control of Weapons Act.

That is significant but it is equally important that the bill lists people who will not be eligible for exemptions or approvals under the act. The Minister for Police and Emergency Services' second-reading speech states that they include:

... persons serving a term of imprisonment for serious offences; or

persons the subject of a domestic violence intervention order or a supervised community-based order.

That second category is significant, given that too often we hear of and see tragedy strike because of offensive weapons being used in the spur of the moment. Of equal importance are the provisions of the bill requiring the recording of the details of those offensive weapons at the time of sale, and that purchasers justify their

entitlement to purchase those weapons and prove their identity.

I commend the minister for having the foresight to introduce the bill to the Parliament. It is a big step towards providing for a safer and more secure community.

**Mr SMITH** (Glen Waverley) — Any right-minded citizen would have to support any measures introduced by any government to more tightly control the use of weapons. All honourable members who have spoken so far have said that the bill is such a measure. However, it is a measure with very few teeth. In a window-dressing exercise, the government is reclassifying weapons from various classes as prohibited weapons. The penalties have gone up and that is good.

I noticed that the lawyers were arguing about how many days the police will have to return a prohibited weapon after they have told a person that they are not pursuing a prosecution. My argument is if a person has possession of a prohibited weapon and it is taken away by the police that should be the end of it.

The member for Clayton talked about dangerous martial arts weapons. It is against the law to have such weapons and if people are caught in possession of them by police who were only present because trouble was brewing or had occurred, they can consider themselves very lucky to have such a benevolent government that gives them their weapons back. If I had my way the weapons would be destroyed. It seems ludicrous to go to the trouble of prohibiting a weapon only to give it back in any circumstance. If it is prohibited, why give it back? Knowing they could get them back would be a greater incentive to the elements who carry prohibited weapons. There would be less of an incentive to carry the weapons in the first place if they were not returned after being confiscated by police.

I will leave it to the bureaucrats to take that one on board and see if they can tighten up that area. The lawyers like to argue very carefully that within the law the police have so many days and so forth but the bottom line is we are trying to send a message to the community that we do not want prohibited weapons. We should be tough and confiscate such weapons when people are caught with them. A person who has a nunchaku because he is a member of a martial arts club will not be causing trouble. I have never heard of those places having trouble when conducting their lawful business. It is only in cases involving people who — to use the analogy of most members before me — stand outside nightclubs with prohibited weapons that the

police can choose whether to pursue the case or let it go.

The confiscation of illegal weapons would provide a greater incentive to the types of people who carry them — they are only illegal in that particular case — not to carry weapons.

I have spoken to many police officers on the beat. Another issue is that there is nothing in the bill that will change the police standing operating procedures (SOPs). The current police SOPs are pretty tight; they cover the commonsense application of the law by law enforcement officers. The bill does not change the regulations to make them any tighter.

Those people will know they will receive a higher penalty — a higher fine or perhaps a prison term, depending on the seriousness of the situation — if they are apprehended and taken into custody by the police and that any prohibited weapons will be confiscated. Although it is only window dressing, as I said, the opposition supports anything that sends a message to the criminal element that the law will crack down heavily on them if they are caught carrying knives.

On the separation of powers, I will not let the minister get away with this again. I notice that clause 9, which inserts new section 8B, 'Exemptions for prohibited weapons and body armour', provides that the exemption that was given in the past by the Chief Commissioner of Police will be an order of the Governor in Council. I do not know whether this is yet another attempt by the Minister for Police and Emergency Services to pursue his interference in the running of the Victoria Police, but it certainly leaves it open for conjecture that now the only approvals that the chief commissioner can approve are under new section 8C 'Approvals for prohibited weapons and body armour'. New subsection (3) provides that:

An application for approval must be —

- (a) in the form approved by the Chief Commissioner; and
- (b) contain the information required by the chief commissioner; and
- (c) be accompanied by the prescribed fee.

It again whittles away — ever so subtly, ever so slowly — the powers of the Chief Commissioner of Police. Whatever reasons the minister might put up, I do not know whether it is again an inference in the separation of powers.

I am sure the adviser in the box will now give the honourable member for Gisborne a good response to

that question. It is good that the advisers are in the box, to be able to advise government members — whether they are supposed to be impartial is another thing. That is the subject of another debate for another time.

Finally, any measure introduced by any government that will send a message to the criminal element that they will not get away with carrying prohibited weapons can only do good. I hope the government's public relations machine can whip up enough publicity to send the message out to those people that it is not worth their while; that the police are now armed with another set of powers.

Hopefully those new powers will be translated into common sense standard operating procedures — as they usually are — by the police command so that the criminal element will know it is not worth carrying prohibited weapons, or any other type of weapons, that will cause offence and damage to the general community.

**Ms DUNCAN** (Gisborne) — It is with great pleasure that I speak on the Control of Weapons (Amendment) Bill. As honourable members have said, this important bill delivers a government commitment to further control weapons in our society.

Until now the definition of prohibited persons under the Firearms Act did not apply to the control of weapons, and we had the bizarre scenario of someone who was prohibited from obtaining a firearm under the Firearms Act still being able to obtain a dangerous weapon. One of the benefits of the bill is that it applies the definition of prohibited persons in the Firearms Act to the Control of Weapons Act, which is an excellent addition.

The bill transfers responsibility for the granting of exemptions for the possession of prohibited weapons from the Governor in Council to the Chief Commissioner of Police. That clearly contradicts the suggestion made by the honourable member for Glen Waverley that the powers of the chief commissioner will be eroded. In fact, the opposite is true. The bill simply reflects the fact that the Chief Commissioner of Police makes recommendations to the Governor in Council about which people should be regarded as prohibited persons. The provision simply cuts out the middleman and allows the Chief Commissioner of Police to make such declarations.

Dare I say it, from a woman's point of view that provision will be of tremendous benefit. We know from the number of intervention orders before the courts that many people are in fear of and need protection against certain individuals, and one definition of a prohibited

person is someone who is subject to an intervention order. The bill will provide for further protection to the community by deeming that persons prohibited from obtaining firearms licences will also be persons who are prohibited from obtaining weapons under the Control of Weapons Act. That significant feature of the bill will allow for a weapons approval system that will enable the police to more effectively screen high-risk individuals. That is a major improvement to the Control of Weapons Act. No similar provisions exist in the laws of most other states. Those provisions will give enormous peace of mind to the many people who are concerned about certain persons prohibited under the Firearms Act.

The bill is terrific legislation. It provides for more consistency in the law and assists the police in controlling a major problem. I commend it to the house.

**Mr MAXFIELD** (Narracan) — It is with pleasure that I speak on the Control of Weapons (Amendment) Bill. A safe society is extremely important. My eldest child is about to turn 15 years of age and often wants to go out in the evening to see a film, visit his mates or wander off to McDonalds or wherever. As a parent I take a personal interest in the issue of weapons control, even though my family lives in a country town, because the issue affects not only the people of metropolitan Melbourne but also the people of regional centres.

A safe society is important in enabling our young people and older people to feel comfortable when walking the streets. Feeling safe and secure in our environment is something we have always regarded as important. The policing of weapons and the enforcement of weapons law on the streets are important elements of Labor's policy. Great regulations and laws may be introduced to protect society but if there are not enough police officers on the streets to enforce them the situation will not improve. If the police were not checking whether drivers were speeding many more drivers would speed. The Bracks Labor government is following through on its promise to increase the number of police officers on our streets.

In many places, and particularly in Gippsland, there have not been enough police officers to patrol the streets. In the past the police have responded to separate incidents but have not been able to carry out the sorts of patrols necessary to provide the level of protection our society requires.

Why are youths carrying knives? They say it is to protect themselves because they do not feel safe. Unfortunately, it often becomes an ego thing for kids and youths to carry knives for protection. They say,

'Look what I've got. I've got a bigger knife than you'. I will quote from the *Herald Sun* of 22 March:

An older and wiser Footscray street identity said things had changed since he was a teenager.

Sentee, an amiable 27-year-old who bears a stab scar on his neck thanks to an incident with an angry drunk and a screwdriver, said the knife explosion was spurred by youths trying to outdo each other with weapons.

Youth worker Les Twentyman added: 'It's almost like a Crocodile Dundee situation. It's like a competition to see who's got the bigger knife and who can use it better. Kids are carrying knives not because they want to commit crime but because they don't feel safe'.

That desire to outdo each other is certainly something the youth workers are discovering on the streets. The article continues:

Chief Commissioner Neil Comrie said he strongly supported the crackdown on the sale of and possession of knives.

'The knife is the weapon of choice for many criminals and can lead to the same devastating results as a gun', he said.

It is important to understand that while we have a ban on people carrying hand guns around — and rightly so — some knives can easily maim and kill, too. They are not just a status symbol for youths to carry around, they are deadly weapons. Our ability to proscribe knives is therefore very important, as is the power to ban certain people from carrying them.

I strongly support the bill and believe that, along with the increase in police numbers, it will go some way towards delivering a safer society.

**Mr HAERMEYER** (Minister for Police and Emergency Services) — I thank the Leader of the National Party and the honourable members for Richmond, Shepparton, Clayton, Glen Waverley, Gisborne and Narracan for their contributions to the debate. I once again commend members of the opposition for their responsible and cooperative approach to this important piece of public safety legislation.

Knives are a growing issue in our community. As the honourable member for Narracan has said, more and more young people are arming themselves with knives, often simply for reasons of self-defence. That is a culture we must turn around.

Knives are more difficult to regulate than firearms because they have a variety of legal and useful purposes. Nevertheless, almost any knife can be used as a weapon, so the government has sought to bring all knives under the heading of controlled weapons. The previous government, through regulation, brought

knives under the heading of regulated weapons; but a number of magistrates held the view that that was ultra vires and that the law was therefore unenforceable. The regulations applied, as I understand it, to the possession of knives but not necessarily to the carriage of knives. The bill provides that possessing and carrying any knife not classified under the stricter category of prohibited weapons must be in accordance with the circumstances in which it is being carried.

A number of honourable members have provided examples to illustrate that point. The chef carrying a chef's knife to work, the person going home after buying a bread and butter knife and the person sitting at an outdoor cafe at the top of Bourke Street with a knife in his hand all have perfectly legal reasons to be in possession of a knife. On the other hand, a person standing outside the Metro night club at 2.00 a.m. with a knife shoved down the inside of his boot will have some explaining to do to a police officer who asks why the knife is there.

**Ms Campbell** interjected.

**Mr HAERMEYER** — As the Minister for Community Services says, 'Don't do it'.

Bringing all knives under the heading of regulated weapons makes a lot of sense. It gives the police a lot more power to address the issue of the possession of knives.

The bill takes on the sale and marketing of knives. The Leader of the National Party alluded to a demonstration given last year by the former Leader of the Opposition and me. When I went out to purchase the knives used in that demonstration I found to my horror a disposal shop that could show me a titanium knife. I asked the shopkeeper, 'Why would I want a knife like that?' The shopkeeper said, 'You stick it down your boot and it won't set off an airport metal detector'. That sort of irresponsible marketing of knives by disposal stores needs to be cracked down on. I believe most of them are responsible, but they all need to take their responsibilities seriously and impress them upon their sometimes quite young staff.

The bill brings some accountability to people selling knives, so that people who are prohibited persons cannot purchase certain knives and people who do not have appropriate exemptions cannot purchase them. Exemption certificates must be recorded before those knives can be purchased.

Another issue raised by the Leader of the National Party concerns the need for the new regulations that will accompany the legislation to be proclaimed

simultaneously with the legislation. Certainly there will have to be a review of the schedules, and the government will need to look carefully at the question of which knives should come under which headings, but the legislation and the new regulations will be proclaimed simultaneously.

Finally, fines relating to some categories of offences will be increased.

I again thank all honourable members for their contributions to the debate.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## ADOPTION (AMENDMENT) BILL

*Second reading*

**Debate resumed from 3 May; motion of Ms CAMPBELL (Minister for Community Services).**

**Mrs ELLIOTT** (Mooroolbark) — The opposition supports the Adoption (Amendment) Bill. Adoption is sometimes an emotional issue for people. The purpose of adoption is to give a child who cannot live with his or her family of birth a secure and loving home with parents who will care for that child until he or she reaches adulthood.

The bill has two purposes: one is to give effect to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, ratified by Australia in December 1998; and the other is to give effect to bilateral agreements on the adoption of children between Australia and a prescribed country — in this case, China.

When the Kennett government was in power the then Minister for Youth and Community Services, now the Leader of the Opposition, pursued the bilateral agreement with China with great vigour. The current Minister for Community Services was able to announce in January this year that the bilateral agreement had been successfully completed.

When thinking about adoption I go back in my mind to people I know who have adopted children. I remember from years ago some adopted children from within Australia, but very few Australian children are available for adoption now. Last year only 30 Australian children

were adopted in Victoria. The reasons for that are not hard to determine.

Society has totally changed its attitude to single parents, particularly single mothers. The days when girls who became pregnant were hidden away, sometimes not seeing their babies after they were born, with the child being adopted as speedily as possible, have long gone. Now single mothers are supported in keeping their children. State and national governments support them with various forms of pension. There is no stigma attached to single parenthood, with the result that with the exception of some children with special needs few children are available for adoption. That leaves parents who are for whatever reason unable to have their own children — due to infertility or for other reasons — with few options in adopting Australian children.

The obvious alternative is to adopt children from overseas. Many families want to do that. The family of a judge of the Court of Appeal, although they had natural children of their own, adopted a Vietnamese boy, who is now an adult and a friend of my younger son. He is representing an Australian company in Vietnam. That is one example of a successful intercountry adoption. The new head of the federal Office of the Status of Women adopted a Vietnamese child and brought him up with her natural children. That, too, has been a successful adoption.

However, the Hague convention and the bilateral agreement with China exist for good reasons. Children are not commodities. They are not there to satisfy the wishes of adults who wish to have a child, although adoption in part satisfies that need. The adoption legislation and bilateral agreements exist to ensure that children are not trafficked, sold into slavery, abducted or given to inappropriate families just to satisfy the needs of those families.

The bill is considered in that the needs of the child are absolutely its central purpose. The adoption of a child can take place only where there is an agreement with a country in which there is a central authority that will assess the adopting family and cooperate with the agency in the country from which the child is being adopted. The representative of that central agency in Victoria is the Secretary of the Department of Human Services. Each state and territory in Australia has a central authority for the purposes of intercountry adoption.

Intercountry adoption remains a matter of last resort for a child and can occur only if there is no suitable family within that country. In the case of China, with its one-child policy, many children — girls — are

available for adoption. I was amazed to read the figures on Chinese children, mainly girls, adopted each year. About 4000 children go to couples in the United States of America, and 200 a year go to each of 11 other countries — Canada, Britain, France, Spain, Ireland, Belgium, Holland, Denmark, Sweden, Norway and Finland — and now Australia as well.

I went back through the newspaper reports at the time the agreement was signed with China. It was interesting to read the different attitudes the newspapers took. The *Herald Sun* was in favour of such adoption, saying it would answer the needs of childless adults in Victoria. A feminist columnist in another paper said that in a way it endorsed China's one-child policy and that perhaps we should think again about that. I do not agree with that. If a child can be found a good home with loving parents, the agreement is right and proper — as long as the needs of the child are safeguarded.

How are those needs safeguarded? In so far as the child is old enough to agree, his or her agreement must be sought and that must be only after counselling. That counselling must take place for at least 28 days before the adoption is signed. The child must give written consent, although not in a legal form, if that is appropriate depending on the child's age.

The adopting adults must be assessed in their country of origin by the central authority to ensure they are fit and proper people, and the child, once adopted, must have all the rights of an Australian child, to which he or she is entitled. I was speaking recently to a magistrate who deals with intercountry adoptions. She said that sometimes she sends the orders back to the country from which the child is coming to ensure the conditions are being complied with because sometimes she has felt that they had not been observed as far as we would wish in Australia. The children's wishes and feelings must be taken into account and explained to them so far as that is possible. Obviously that is not possible in the case of babies. The parents must also be assessed as being the right and proper people.

Sadly, arrangements have to be made for the breakdown of an adoption order. The category of people who can give opinions about the breakdown and discharge of an adoption order has been widened. Anybody involved in the care of the child — that is, birth parents, adoptive parents, other relatives, the secretary of the department and legal representatives can give an opinion on whether an adoption order should be discharged.

Agencies arranging intercountry adoptions can be given a licence for up to three years. That is appropriate to

ensure the agency is discharging its duties in a manner that conforms with the law.

The act will be amended to allow for increased access by the child to birth parents or other relatives in the country of origin after the adoption orders are made. Access will be available only with the agreement of the adoptive parents but as the child grows older those questions often asked by children — who am I and where do I come from? — may need to be answered. In intercountry adoption, access to birth parents may be necessary for a sense of personal identity.

Many members will have read the sad story of Kartya Wunderle, whose adoptive mother Nola faced the fact that as Kartya grew older she felt different from her adoptive family. She is of Taiwanese origin and as she came to adolescence she began to exhibit behaviour that indicated she was confused, worried and uncertain about her identity. Her mother and father tried to deal with that as they would with their natural-born children, but finally the adoptive mother decided the only way to help her daughter was to find her birth mother in Taiwan. She set out on what became a personal odyssey. Through an Australian journalist living in Taiwan Nola was able to track down Kartya's mother whose husband had sold the child to a baby dealer and made the arrangements illegally. That is how Kartya came to be in Australia. The article I read ended on a hopeful note — that Kartya had been reunited with her birth mother and her birth sister, but was maintaining contact with her adoptive parents. Her adoptive mother was hopeful it would work out well and that Kartya would regain the sense of identity she seemed to have lost. I refer to such matters in direct terms only because the adoptive mother made them public.

For three and a half years my daughter lived in Romania. As it is one of the countries with which Australia has a bilateral agreement, many Australian families are adopting Romanian children and there is an enormous need for children to be adopted into loving families. During and after the period of the Ceausescu regime, many children from rural villages were abandoned as Ceausescu forced families into the cities to work. The children ended up in the most awful conditions in orphanages. A staff member of a former minister adopted a Romanian baby and the child has the most happy and loving home imaginable.

Australia has bilateral agreements with Chile, China, Colombia, Ethiopia, Fiji, Guatemala, Hong Kong, India, Korea, the Philippines, Poland, Romania, Sri Lanka, Thailand and Taiwan. In most cases the children from those countries and the countries that are signatories to the Hague convention will adapt well to

their new situations. They will contribute to this country and fulfil the needs of parents who are unable to have children or who want to augment their families by adoption. They will bring talents, backgrounds and vivacity to the new life in Australia.

I know the minister agrees that the rights of the child are paramount. We cannot simply satisfy the needs of parents for children without also considering the children. If carried out within the framework of the bill, intercountry adoption is a happy solution to the needs at one end and the other.

I congratulate the minister and the government on introducing the Adoption (Amendment) Bill. It closes the circle in many ways. Much of the work was done by the former Kennett government and completed by the current government. Many parents and children will have reason to be grateful for it.

Some members in the upper house spoke about the frustration of parents experiencing delays in the completion of adoption orders. One can empathise with people who are impatient to get their baby or child. However, if the delay is due to the need for a thorough investigation and to fulfil the conditions of the act, it is for the good. At the end of the day they will have a child of whom they can be proud, and who will be proud of them.

**Mr VINEY** (Frankston East) — I thank the honourable member for Mooroolbark for her contribution. It is important to recognise the Adoption (Amendment) Bill has bipartisan support. As noted by the shadow minister it started under the previous government and will be concluded under the current government. It shows that in this place agreement on legislation is often possible.

The bill makes a number of important reforms in adoption. In particular it inserts new provisions into the Adoption Act that are necessary as part of the ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

Currently Victoria is operating under commonwealth regulations and the bill will incorporate the provisions of the convention into Victorian law.

That forms the substantial part of the bill along with provisions dealing with bilateral arrangements. The provisions were developed to allow an intercountry adoption program with the People's Republic of China.

The provisions dealing with the Hague convention and bilateral arrangements protect children and parents in

the complex process of intercountry adoption. The provisions will help to ensure that children are appropriately placed with families and will stop, as much as is possible, the international trade in children which the honourable member for Mooroolbark quite correctly noted as unacceptable.

It ensures that a child can be adopted by a family from another country and then travel to that country with the adoptive family. It also ensures that children adopted in the country of origin are recognised in the receiving country and that an adopted child has the same rights and privileges as a child born in the receiving country.

Sometimes when one reads such obviously fair and humane legislation it is hard to understand why such provisions are necessary — they seem so appropriate. Unfortunately, international experience tells us that this sort of legislation is necessary.

In the short time available to me I also wish to note the important provisions of the bill relating to the wishes of a child. While the current act provides that a court shall not grant an adoption order unless the wishes and feelings of the child have been ascertained and due consideration has been given to them, the bill clarifies and strengthens those provisions through proposed section 14 in clause 12, which requires counselling and sets a 28-day period before the adoption order is granted.

My final comment relates to the all-too-common occurrence of adoption in Victoria as an unreported consequence of the drug problem affecting our state. Society must tackle that issue. Unfortunately family breakdowns and the deaths of drug addicted persons are causing significant strain on adoption and care of children.

Governments must tackle the problem with new and progressive initiatives that stop tragic and unnecessary deaths. I note that today the Minister for Health gave notice that he will introduce a bill on the matter this week. I urge all honourable members to give bipartisan support to that bill. It has at its core the intent of trying to reduce the deaths and consequent downstream impact of the drug issue so that this kind of legislation will be less necessary in the future. I commend the bill to the house.

**Mr DIXON** (Dromana) — In an ideal world this bill would not be needed but because of the reality of social and economic inequity there are countries where children cannot be brought up by their birth families. Not only are their own families unable to support them but the country into which they are born cannot find

other families able to give the love and support necessary. The United Nations Convention on the Rights of the Child says that every child is entitled to a family. In the case of overseas adoption it is far better for a child to be brought up in a family situation in another country than in an institution in the country of his or her birth.

Good friends of mine Basil and Mary Natoli have adopted three Filipino children. It was not something they went into lightly. They brought their three children into Australia from the Philippines and are giving them all the love and support that any parent could give a child, including all the material things they need. I pay tribute to the Natolis because not only are they bringing up their children as Australians living in the inner suburbs of Melbourne but they recognise that the children are still Filipino and the Philippines is the country of their birth. On a few occasions they have taken the children back to the Philippines to help them develop an awareness and a love of their culture. They also involve them in various activities available through the Filipino community in Melbourne. It is a wonderful example of providing the best possible family life, recognising that those children have been born overseas.

Adopting children from overseas is not a cheap exercise. It costs families \$10 000 to \$30 000 in some cases to go through the adoption process. However the money goes to agencies; it does not go to either lawyers or the birth parents so there is not a situation of child trafficking or baby buying. At all times the welfare of the child is the object of the exercise — that must always be kept in mind.

In conclusion I was given by my friends Basil and Mary Natoli a beautiful poem called *Legacy of an Adopted Child*. There is not time to read the entire poem, which points to the emotions and the enigma of overseas adoption, but one verse sums up the feeling of the issue:

One gave you a nationality  
The other gave you a name.  
One gave you the seed of talent  
The other gave you aim.

I wish the bill a speedy passage.

**The ACTING SPEAKER (Mr Phillips)** — Order! I thank the honourable member for Dromana. That brought a tear to my eye.

**Mr HARDMAN** (Seymour) — It is a pleasure to speak on the Adoption (Amendment) Bill. The bill amends sections of the Adoption Act arising from the

Hague Convention and Australia's bilateral agreements and recognises those prescribed between several countries. As an adoptive parent, adoption processes and associated issues in general are dear to my heart.

As with birth parents who relinquish their children, those who choose to adopt also go through a great soul-searching process before doing so. Rules need to be in place to protect the rights and responsibilities of all individuals involved. By strengthening the current provisions in the act the government is putting in place safeguards to prevent the abduction, sale of and trafficking in children, which is most important. The bill ensures that children have the same rights and privileges in their receiving countries that they had in their countries of origin.

I was one of the lucky people who was chosen in 1998 to be an adoptive parent. I think between 20 and 30 children were adopted in that year. Infertile couples feel a heightened need to have families of their own after going through a long process in comparison to others in a similar situation and forever wondering whether they will ever be able to have their own children. Through this legislation such people will be able to benefit by adopting children from China. Chinese babies will be available for couples who are infertile and would like to expand their families.

It is fantastic that counselling and information on the effects of adoption will be given to adopted children according to their age and understanding. In Victoria there will be long counselling and briefing sessions about adoption processes and how they will affect the children and the parents. All individuals will be protected by that process. I congratulate the government for ensuring that will happen.

The day Gail and I found out we were going to be the parents of our adopted child, Lachlan, was without doubt the happiest and most fulfilling of my life. The proposed legislation will ensure that more people will enjoy the feelings I had in the knowledge that everything involved in their child's adoption was aboveboard and that the rights of the child have been protected. In the long term that will protect the rights of the adoptive parents. I congratulate all those involved in putting the bill together. I commend it to the house.

**The ACTING SPEAKER (Mr Phillips)** — Order! I thank the honourable member for Seymour; clearly he has some emotional involvement with the subject of the bill.

**Ms CAMPBELL** (Minister for Community Services) — I thank the opposition for its support for

the bill. I also thank the honourable members for Mooroolbark, Frankston, Dromana and Seymour for their contributions to the debate. The bill is very much about the rights of the child. As a result of the bill many children from China will receive the benefits of family life here in Australia and many couples will be able to enjoy parenthood.

The Hague convention aims to ensure that intercountry adoptions are made in the best interests of the child and to prevent the abduction, sale and trafficking of children between convention countries. The bill establishes a system of cooperation among the contracting states to ensure that certain safeguards are respected in relation to adoptions. Those safeguards have been emphasised by honourable members who contributed to the debate.

I will re-emphasise other points that have been made. The amendments contained in the bill strengthen section 14 of the principal act, which deals with the wishes of the child, by ensuring that the child is counselled and informed of the effects of the adoption order depending on the age and maturity of the child, and that that occurs at least 28 days prior to adoption. Furthermore, the amendments ensure that the counsellor is independent of both relinquishing and adoptive parents. It is critical that that be the case.

As a result of the work done by the government — I acknowledge the work done by the previous minister and the department in this regard — the bill amends section 15 of the principal act to provide that approval must be given to any agency that becomes involved in the adoption process. I am pleased that the bill also strengthens section 19, which relates to interested persons.

In summing up, it is good to have bipartisan support. I congratulate those who have worked for many years on bringing the Hague convention and the bilateral arrangements with China to fruition. I trust that as a result of the bill many children will be able to enjoy a happy and fulfilling family life in Australia.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

**Sitting suspended 6.32 p.m. until 8.02 p.m.**

**AGRICULTURAL AND VETERINARY  
CHEMICALS (CONTROL OF USE)  
(AMENDMENT) BILL**

*Second reading*

**Debate resumed from 11 May; motion of  
Mr HAMILTON (Minister for Agriculture).**

**Mr STEGGALL** (Swan Hill) — The Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill might be seen as a small and relatively insignificant piece of legislation unless one understands what it means and what impact the disease dealt with in the legislation has had in other countries, particularly countries throughout Europe. Over the past four and a half years orders have existed in Australia placing bans on the use of mammalian material in the feeding of animals. The proposed legislation moves into that field.

The intention of the bill is to further implement the national agreement on mammalian material, which bans the feeding of mammalian material to ruminants — that is, the national agreement. At present a minister's control order under the Livestock Disease Control Act is in place which prohibits the feeding of stock foods containing mammalian material to ruminants and places restrictions on the manufacturing and selling of such stock foods based on appropriate labelling. The bill seeks to amend the act to implement provisions of the national agreement that cannot be implemented at present under the act. Those provisions relate to the labelling of animal material in the production process where mammalian material may be an ingredient that could potentially enter the food chain and become stock food.

**An honourable member** interjected.

**Mr STEGGALL** — It is well and truly covered. The legislation opens up an area that has so far been under control in Australia. It is fortunate there have not been any outbreaks of bovine spongiform encephalopathy (BSE) in this country. The disease has been restricted mainly to Britain and Europe, where it has created havoc.

The proposed legislation aims to ensure that stock food made of mammalian material — meal derived from the rendering down of animals — will not be able to be sold without appropriate labelling. Australian law already provides that such products cannot be used in stock food, and the legislation will force companies to label products so that no mistakes will be made.

I have some issues to raise with the Minister for Agriculture. He and I have not been getting along too well over the past few hours because he let me down badly on an agreement that we had entered about the Dairy Bill while it is between here and another place. However, we will resolve to fix that.

Earlier today I asked the minister's department to provide advice as to the actual wording in the legislation, because although the bill is designed to force people to label mammalian products it uses the words 'material of an animal origin'. That is causing confusion in some Australian industries.

The definition of the derivation of animal meal needs clarification — that is, the products broken down from animals or birds such as porcine meals from pigs, avian from hens, turkeys, ducks and broilers, bovine from cattle, ovine from sheep and goats, equine from horses and fish meals, which are self-explanatory. Under the legislation any mammal broken down, rendered and made into a meal must be properly labelled.

That material has caused the problems with BSE throughout Europe and particularly in Britain. Australia had earlier taken steps to ensure its industry had the best protection and did not slip up as the British did in the 90s.

Although the bill is referred to as agricultural and veterinary chemicals legislation, it is really about the food we produce and eat and the protection of Australia's food base from diseases that now affect Europe where 55 humans have died from diseases believed to be transmitted from beef to humans. Two deaths have also occurred in France and one in Ireland. No-one has yet died from the disease in Australia, and the opposition hopes the country's strong quarantine and food safety regulations will protect it from such an outbreak.

An outbreak of BSE occurred in Britain in 1996 and since then some £3.5 billion has been spent in trying to correct it. By no means has Britain arrived at the final answer; it suffers from a poor food regulatory process, as was referred to last week during debate on the Dairy Bill.

The former Kennett government made clear the separation of responsibility with regard to food production and food safety operations, the latter being the responsibility of the Minister for Health. When the outbreak of BSE occurred in Britain and thousands of animals were identified and destroyed the public wanted to know who was the responsible minister. Fear

spread throughout Britain and overnight people ceased eating meat.

The British Minister of Agriculture, Fisheries and Food admitted that he was responsible for food safety in the production of meat in Britain. Since 1995 or 1996 there has been a complete breakdown in the confidence of regulation for food safety in Britain. That led the Blair government to set up an organisation called the Food Standards Agency to take responsibility for protecting the interests of consumers in food safety. We are trying to ensure that we protect our herds and people from the disease and that has led to the bill being introduced. Eventually the British Prime Minister directed his health ministers to be responsible for the safety of food. The Food Standards Agency operates in a similar way to our Australia New Zealand Food Authority (ANZFA) in looking after the interests of consumers.

In the past few years Britain has been on an interesting journey. With due respect, although the Minister for Agriculture is still responsible for food production he should not be responsible for food safety. That is not a reflection on the minister because no agriculture minister in Australia should have that responsibility. The perception in this country is that our health interests are being looked after by the health ministers and not the ministers who are most interested in getting the most productive methods of producing the various foods we eat and export.

In Britain the meat hygiene service has been taken from the responsibility of the Ministry of Agriculture, Fisheries and Food and has become an agent of the Food Standards Agency. Through that agency it is responsible to the ministers for health. Unfortunately the Victorian Meat Authority is still more closely connected with its production base and the Minister for Agriculture than with the Minister for Health.

This small bill does not create much interest in Victoria because until now we have maintained a clean and well-controlled industry for most of our food products. Our producers and meat and food processing companies work very hard to ensure that we produce safe food. More than any other country in the world we are exporters of food. Other countries export their surplus food but in many cases we export the bulk of our production. Any new food production in Australia or Victoria has to be for the export market. Therefore, there is no choice in food safety — it is a must.

There is a fascinating twist to all this. A nation and its scientists identified the cause of bovine spongiform encephalopathy and took steps to correct the problem. Some four years later science has moved on and we

find that there is a range of possibilities. In Britain it is being argued that BSE-affected beef may never have posed a risk to human health. A professor who was in Melbourne just a few weeks ago is taking part in the argument. Now the scientists are saying that studies suggest that it would be extremely unlikely that the disease over which Britain has torn itself apart — and about which France is doing the same thing — would pass from cow to cow, let alone from cow to human.

Again we get into the conflicting interests of agriculture and health. The minister responsible for agriculture in Britain has offered Professor Alan Ebringer, a professor of immunology at Kings College in London, £250 000 to further his research into the source of BSE and its interaction with the public. There have been 55 deaths from the disease in Britain and there are other theories about its cause. The principle Professor Ebringer is examining suggests that BSE is similar to an auto-immune disease. We are familiar with auto-immune diseases, which are caused by the body attacking itself — that is, one's immune cells react to one's body as if it were foreign and seek to eradicate it. Professor Ebringer's theories are given some credence when we understand that one of the people who died in Britain from Creutzfeldt–Jakob disease, the human variant of BSE, was a vegetarian. Scientists around the world are divided on the cause of that terrible disease.

BSE does not exist in Australia or America. It is increasingly prevalent in France, but Britain is seeing less of it although they have had a few cases of it this year. In the past week the French government has admitted that it is baffled by the continuing spread of BSE. The number of cases is rising and the French agriculture minister has suggested that there may be a mysterious third way of transmitting the disease. That has led to some new theories being put forward. A *BBC News* release states that:

Until recently, French officials were confidently predicting that BSE would be eradicated by 2001.

Surprisingly however the number of cases in the first 14 weeks of 2000 is higher than expected — 14 compared to a total of 30 for 1999.

No-one has been able to explain the trend.

The bill is welcome. It is an insurance measure and forms part of what we have been doing in this nation because we do not know any other way of stopping the disease from spreading. We need to address the problem and attack the disease. On the knowledge we have today from around the world the legislation needs to be put in place. Many people are horrified to think that we feed animal meal to animals but it is a fact of

life and has been for many years — but it is one of the reasons for the problems in Britain.

The opposition supports the bill but I make the point that this is not an open-and-shut case. The theories and science in Australia are being challenged around the world and the legislation should be regarded in that light. However, any government which did not take the action this and other governments around Australia are taking would be derelict in its duty to its people.

I leave the Minister for Agriculture with one final message: he and his government must ensure that we separate the areas of production of our food base from the health of our consumers and considerations of food safety. We must remember the perception of Britain where the people lost all confidence in the regulatory process — it is vital that we do not follow suit in Australia. The previous government made the first attempts to break the nexus between safety and production. While all production has a safety base and quality assurance programs, that is not what the consumers of Victoria perceive to be a watchdog for their interests. That is considered to be the responsibility of the Minister for Health and I hope that will continue.

I support the bill. The opposition trusts that it will continue to prevent the development of the disease in our nation and that our scientists and those of the rest of the world will find a solution to the problem.

**Mr HOWARD** (Ballarat East) — I am pleased to speak on the Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill not just because of my parliamentary responsibilities in the Department of Natural Resources and Environment but also because I am a beef producer. I have a fine developing herd of cattle on my small farm to the north of Ballarat. I am building it up to have 20 breeding cows. As I left my property this morning I noticed that one of my heifers may be about to calve at any time. I will be a bit nervous in Parliament this week because I will not be there to assist with the birth if required. Instead I must meet my responsibilities to the Parliament while the session continues. I trust that my next-door neighbour will be able to attend to matters if necessary.

I am pleased that none of my cows could be described as mad. Some of them do not always do what I want. Occasionally they hop across one of my fences into my plantation of native trees and I get a bit distressed about that. I do not quite get mad. Fortunately my experience in that area leads me to have a little more understanding of the bill.

As honourable members know, the Australian beef industry, along with all our agricultural industries, is significant. We are fortunate that because Australia is an island continent we have been able to protect our herds of cattle, our flocks of sheep — that is, our agricultural animals — from most diseases that have been of tremendous concern in other continents. That recognition has been very valuable in ensuring that our agricultural industries are able to develop and continue to prosper. We have gone to great lengths to ensure that the appropriate quarantine provisions are put in place to protect our animals. The National Animal Health Laboratory in Geelong, which specialises in animal diseases, is doing work to further ensure that we are able to protect our herds in future.

The bill relates to bovine spongiform encephalopathy, otherwise known as mad cow disease. The shadow Minister for Agriculture told the house about how much concern the disease has caused across Europe in recent years. Although the disease is not well understood it is vitally important that we do everything possible to ensure that our herds of cattle are protected so that the disease does not develop in Australia. Following that, we need to ensure the wellbeing of the people of our state and country by further ensuring that mad cow disease does not infect the human population.

The bill attempts to ensure that the legislation conforms to the regulations set up through the Agricultural and Resource Management Council of Australia and New Zealand (ARMCANZ). That body has considered how Australia and New Zealand can protect their herds of cattle and has established a range of practices. Those practices were basically introduced across Australia in September 1996 and orders were introduced into this Parliament to ensure that Victorian farmers protect their cattle from being fed any mammalian material that could be sources of contaminants.

The bill further enforces the 1996 order by inserting it in the Veterinary and Agricultural Chemicals (Control of Use) Act to further protect our cattle from the chances of being infected. In order to ensure that ruminants are not fed mammalian material — that is, blood and bone or other bone meal-type materials that may be a source of contamination — the bill also provides that any products that come out of rendering works and therefore contain any form of mammalian materials are appropriately labelled so that any purchaser of those materials will be able to easily identify whether they contain mammalian material, or dead animal material. Therefore, they will be able to ensure that those materials are not put into feed for cattle or any other ruminant — sheep, goats and cattle are our key forms of ruminants. The legislation will

help to ensure that there is no chance of any mistakes being made by which any dead animal material can be fed to any ruminants.

I am very pleased to be able to commend the bill to the house. As honourable members have heard, it is a very simple and straightforward measure which simply attempts to ensure that there is no chance of mad cow disease being spread into our cattle population — or at least to limit the chances, within our understanding of how the disease can be transferred. Therefore it will help to ensure that our agricultural industries are protected into the future and so I am happy to commend the bill to the house.

**Mr VOGELS** (Warrnambool) — I support the Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill, which provides for the labelling of certain feeds and meals of animal origin. The value of agriculture to Victoria and Australia is in the order of tens of billions of dollars, and that should not be put at risk. If Australia had an outbreak of BSE, or mad cow disease, as happened in Europe in 1996, the consequences would be devastating. No-one would want to contemplate them.

The bill will remove the possibility of stock feed containing mammalian material being fed to ruminants by providing for regulations that are in line with national and international requirements. To achieve that goal the bill provides for stock feed containing mammalian material to be appropriately labelled at the point of manufacture. That is crucial to ensuring that end users can be 100 per cent confident of the products they are using.

The bill also regulates the labelling of mammalian material in the production process to remove the possibility of it becoming an ingredient in stock feed and thus entering the food chain. A lot of mammalian material that leaves the rendering plant does not go into stock feed, but if all mammalian material is labelled correctly stock feed manufacturers will have adequate information to enable them to comply with the requirements, and it will not hinder anyone who wants to use the material for other purposes.

At present, material obtained from fish and poultry, as well as pigs and horses, is exempted from having to be labelled, and I wonder whether it would have been wise to have included them in the bill. That material often ends up in the stock feed fed to ruminants, so it would be an advantage for the product to be clearly labelled.

The initiative has the support of the industry. It will reinforce Australia's favourable reputation in animal

health and ensure that the regulations are in line with those of Australia's major international trading partners. I commend the bill to the house.

**Mr MAXFIELD** (Narracan) — I support the Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill. It is a pleasure to follow other speakers from this side of the house who have spoken about the animals on their home properties. I also have animals at home and have experienced helping my cows give birth to their calves, some of my cows dying and other aspects of rural life. The joys of that lifestyle have enriched the upbringing of my family, and I would not give it up for anything. I am pleased that more members on this side of the house now represent rural areas than was the case before the last election.

The bill deals with the labelling of feed or meals of animal origin and is intended to protect the Australian beef industry and consumers from mad cow disease. The decision of the Agriculture and Resource Management Council of Australia and New Zealand to place a ban on the feeding of mammalian material to ruminants is in line with both national and international requirements. The ban uses big words, but we have all heard about mad cow disease and in essence the bill will ensure that what happened in Great Britain will not happen here. We are all aware of the deaths that occurred in the United Kingdom and the damage done to the reputation of the nation as a whole and to its farmers, who were tragically affected by the disease, as well as to the families who lost their loved ones to the disease.

The neurological condition associated with mad cow disease can affect not only cattle but also humans, so we have to be exceptionally careful to ensure that the disease cannot occur in Australia. The disease comes about as a result of animal products being used in stock feed for cows. Although some people once said it would not matter if cows were fed meat, we now know that can have tragic results. In Australia we need to ensure that products are appropriately labelled to ensure that animal products cannot be fed to cows inadvertently or accidentally. Unless we put regulatory controls in place to ensure that products are labelled accurately, mistakes may be made and people may accidentally mix feeds together.

The labelling provisions are important. We must be vigilant about compliance with the provisions so that it is not possible for feeds to be mixed up after products leave the rendering plant. We are incredibly proud of Australia's reputation as a clean, green producer of foods. We can be exceptionally proud of what that policy has achieved for Australia, but we must not drop

our guard. We should support the regulations that will be introduced with the proposed legislation because they will protect the reputation of Australian farmers.

We cannot afford to have deaths occur in Australia as a result of the disease, to have Australia's reputation damaged or to put at risk the livelihood of Australia's farmers, who have served this country so well over a long period.

**Mr PLOWMAN** (Benambra) — I will enjoy the opportunity to speak on the Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill because, although small, it is a significant piece of legislation.

I was somewhat amused by the 20-cow herd of the honourable member for Ballarat East and by the heifer about to have a calf.

**Mr Hamilton** — That joke has just about had its run, I think.

**Mr PLOWMAN** — The honourable member for Narracan noted the concern registered in Britain at the onset of mad cow disease, or BSE, but he seriously underemphasised the point. BSE not only cost the United Kingdom £3.6 billion but, in effect, cost it its beef industry. It will take Britain a long time to get back to the prominence it enjoyed in beef production prior to the onset of mad cow disease. It is absolutely essential, therefore, that we in Australia do everything in our power to see it never occurs here.

The Australian beef industry has its roots in Great Britain and, although it is an industry of great significance and one of which we can be immensely proud, is founded on British breeds. Therefore the British beef industry is — or was — of immense significance to Australia, but that is no reason to downplay the importance of the proposed legislation.

The honourable member for Narracan described the labelling process, and I fully concur with his estimation of the importance of labelling. The bill has its origins back in 1996 when the Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) placed a ban on the feeding of mammalian material to livestock on the recommendation of the World Health Organisation. The scare was on then, and the ban was important. It prohibited the feeding of any soft feed containing mammalian material.

But the order imposed at that time was intended only for a short period sufficient to allow for the introduction of effective regulations under the Agricultural and Veterinary Chemicals Act. As the honourable member

for Narracan has explained, the act not only empowers the regulations for the banning of that material, it prohibits — most importantly — the sale of any livestock feed that contains mammalian material unless it is appropriately labelled.

Labelling must occur at the time of processing of the material, otherwise the material can possibly be used as fertiliser. That fertiliser and/or urea can then be introduced inappropriately into a feed lot mix. Labelling must be carried out at the time of processing in a rendering plant. It is most important that labelling is effective from that moment on.

I have had some small involvement in the feeding of livestock in a beef feed lot where there were more than 1000 head of cattle at any one time. People in the feed lot business do everything on a cost basis. Urea can be used to increase the intake of nutrient, usually protein, or various sorts of meat and fish meal products can be used instead. Those products synthesise the protein the livestock would normally get from green grass.

The dairy industry, like the beef lot industry, uses a lot of processed feeds, so for it too the material must be appropriately identified as soon as it is processed.

The legislation is part of a national program and a national requirement, thereby reducing the introduction costs. Additional costs would be incurred if the legislation were introduced state by state. That sort of thing has happened in the past. Programs like this one have been introduced by individual states, each doing it a bit differently. The cost of then ensuring harmony between the states has almost invariably meant increased costs overall. That this is a nationally driven project means that not only will it be more efficient but also it will certainly be much more cost effective.

In conclusion, although this is a small bill, if it is effective across Australia it will reduce enormously the chance of introducing into Australia a disease such as mad cow disease. The bill is therefore appropriate. I commend the Minister for Agriculture on introducing the bill, and commend the bill to the house.

**Ms DUNCAN** (Gisborne) — It gives me great pleasure to speak on the Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill. I agree almost entirely with the honourable member for Benambra, and I think that is a first. It is a small bill with a long name. Essentially it tidies the existing regulations and puts legislation in place so that orders do not have to be made every six months.

In addition the bill requires that material be labelled at the point at which it leaves the rendering plant so that

the public can be assured of its content when it leaves the plant, and it may be mixed with other ingredients and used for stockfeed or used for fertilisers or pet food. That is an important addition. Food manufacturers will have adequate information to enable them to comply with the labelling requirements already imposed by the Agricultural and Veterinary Chemicals (Control of Use) Act.

The bill is extremely important for the industry in maintaining consumer confidence in our agricultural products, thus ensuring Australia's reputation is kept intact. In Britain mad cow disease basically dried up an industry overnight; consumers changed their eating habits immediately. Honourable members want to ensure that nothing like that happens in Australia. The provisions of the bill will form part of a national program to ensure that it is known what material goes into feed and that Australia's clean, green reputation is preserved. I commend the bill to the house.

**Mr MAUGHAN** (Rodney) — I wish to make a brief contribution to the debate on the Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill for a couple of reasons. As the honourable member for Gisborne pointed out, it is a small but important piece of legislation, providing greater protection for Australian consumers and ensuring that Australian producers of livestock products have guaranteed quality assurance when marketing the products in other parts of the world.

I am pleased to speak on the bill because my electorate of Rodney has a large number of farmers who rely on prepared stockfeeds — the pig industry on the one hand and the dairy and beef cattle industries on the other. The dairy industry in particular is using increasing amounts of prepared feed. Last week in debate on the Dairy Bill the tremendous productivity of the dairying industry was mentioned, particularly in northern Victoria. Much of that productivity has come about through improved genetics and better irrigation practices, but better feeding, including supplementary feeding using prepared rations, has also contributed.

In the electorate of Rodney and adjoining areas a large number of mills produce prepared feed in which, among the ingredients of basically grain-based rations, the protein comes from either vegetable protein such as soya bean and sunflower meal or fish or meat meal, which is the subject of the legislation before the house.

The legislation essentially ensures that any mammalian-based products are properly rendered and labelled so that stockfeed manufacturers know precisely what they are including in their meal and so Victoria

can avoid the sorts of problems that were evident in Britain a number of years ago with the occurrence of mad cow disease. That was traced to the fact that the meat meal was not properly rendered. Only a small number of animals were affected, but the consequences for the British beef industry in particular were enormous.

I have a number of farming friends in the United Kingdom, and I keep in close touch with them. I know people who were put out of business forever because of the effects of mad cow disease, which shut the door on British-produced beef not just in the British market but also in overseas markets.

Mad cow disease also had consequences for the Australian market. At that stage my son was involved in the beef industry, selling beef to Japan. The Japanese were using the occurrence of mad cow disease in the United Kingdom as a lever to beat down the price of Australian beef being sold in Japan.

Even though a relatively small number of cattle were affected by the so-called mad cow disease, that had disastrous consequences for not only the United Kingdom industry but also the Australian industry. Therefore I strongly support any legislation that tightens requirements and ensures stockfeed manufacturers know the source of raw materials and have an assurance that those raw materials have been properly handled.

The bill amends the Agricultural and Veterinary Chemicals (Control of Use) Act 1992. I well remember that legislation being debated in this Parliament. Again I had a particular interest in the bill on that occasion because of my personal interest in the stockfeed industry. The honourable member for Benambra talked about his involvement in the cattle lot feeding industry. In my former life I also had some involvement in lot feeding beef cattle but more particularly pigs. About 5000 pigs were fed using prepared feed.

**Mr McArthur** — Name them!

**Mr MAUGHAN** — I could name them all — 762, 972, 973 and my favourite sow, Flossie, but I will not go into that tonight. As the honourable member for Gisborne pointed out, it is a small but important piece of legislation.

**Mr Plowman** interjected.

**Mr MAUGHAN** — We did not breed Babe, but I know of him.

**The ACTING SPEAKER (Mr Kilgour)** — Order!  
The honourable member should ignore interjections.

**Mr MAUGHAN** — They are getting me wound up. I promised I would not speak for too long. I wind up simply by saying it is important legislation that further provides assurances and guarantees for those involved in our agricultural industries, particularly those using and selling livestock feed. I wish the bill speedy passage.

**Mr HAMILTON** (Minister for Agriculture) — I thank the honourable members for Swan Hill, Ballarat East, Warrnambool, Narracan, Benambra, Gisborne and Rodney. Despite having a severe cold, the honourable member for Rodney made a good contribution. Perhaps he would have spoken longer if not for that. I thank those honourable members for their contributions and for displaying a good knowledge of the topic. The important bill before the house simply tidies what was a regulatory process, legislating it as an act of Parliament.

The honourable member for Swan Hill raised some concerns about the definition of animal meals. Page 2 of the explanatory memorandum to the bill states, in part:

Provision is made to prescribe exempt meals. This will enable exemptions to be prescribed for meals that are not intended to be within the ambit of the current prohibition, such as fish and poultry meals. However, it will allow sufficient flexibility to adjust to the changing requirements of the national ban over some meals following demands from the European Community and other markets.

I suspect that that explanation, given that it is part of the explanatory memorandum to the bill and what will eventually be the act, may cover the honourable member's concerns. I guarantee him that I shall ask my department to seek advice and to ensure his concerns are addressed.

If necessary the government will address those concerns with a further amendment. I have noted the concern and have responded to it in terms of the memorandum. If that is not adequate, I assure the honourable member I will ensure it gets back to him, despite the minor problems we have had.

Again I thank honourable members for their contributions and their interest in and support for the legislation.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## BUSINESS OF THE HOUSE

### Photographing of proceedings

**The ACTING SPEAKER (Mr Kilgour)** — Order!  
I wish to advise the house that the Speaker has approved still photographs to be taken from the gallery tomorrow morning during the Aboriginal reconciliation address. No additional lighting will be used.

## BUSINESS REGISTRATION ACTS (AMENDMENT) BILL

*Second reading*

**Debate resumed from 23 May; motion of Mr HAERMAYER (Minister for Police and Emergency Services).**

**Dr DEAN** (Berwick) — The Business Registration Acts (Amendment) Bill was under the close eye of the shadow minister for small business and consumer affairs in the upper house, the Honourable Bill Forwood. As his spokesman in the lower house I have the opportunity and pleasure of responding to the bill.

A number of technical amendments were not referred to in the second-reading speech, perhaps because they are technical. It is a good idea to make mention in a second-reading speech of such a large number of amendments. I will not spend a great deal of time on them, unless my colleagues on the other side of the house particularly want to hear debate on clause 3 through to clause 53.

An interesting change made by the bill is the change in name — from the Office of Fair Trading and Business Affairs to Consumer and Business Affairs Victoria. We ought to pause on that because it creates a demarcation between the opposition parties and the government that goes beyond the change of title. The government is committed to changing the words, and the change will cost between \$500 000 and \$1 million as it flows through the various requirements of stationery and so forth. The government is obviously incredibly committed to a change in name if it will pay \$1 million to bring it about. Why is the change of name so important to the government?

The Attorney-General farms out various jobs to his parliamentary secretary — thank God I am not in that

position — and as parliamentary secretary I was also given various tasks. One was to concentrate — —

**Mr Hulls** interjected.

**Dr DEAN** — A tipstaff does a very important job, as you know. I am sorry to hear the Attorney-General only makes his parliamentary secretary a tipstaff. As Parliamentary Secretary, Justice I was certainly given a number of other functions. One of them was to concentrate on the Office of Fair Trading and Business Affairs as part of the portfolio of the then Attorney-General.

The current Attorney-General has jettisoned that important legal area, which is now the responsibility of a minister in the upper house. I am sure he was of the view that given the size of his portfolio it was probably too great a task to carry. I understand it is an important area.

One of the tasks I had was to try to change the image of the office from that of a bogymen. Whenever businesses contacted the Office of Fair Trading and Business Affairs or were contacted by it the reaction was that they were in trouble with the regulator, or policeman. In government we tried to say to business, ‘You ought to be trading fairly, and if you trade fairly, you will not have problems with the office of fair trading’.

Consequently one of the delights I had was to travel around regional Victoria to promote the fair trading awards, one of which was the regional fair trading award. It was given to promote fair trading and to say, ‘Well done!’ to traders who traded fairly. Special categories were designed for businesses particularly prone to consumer problems. There was a special category for the estate agent industry and one for the second-hand car market.

There is a real feeling, certainly on the government benches, that most business operators do not have ethics or go about a process of fair trading. For some reason many people think small business operators are not human beings with consciences. The former government found that 90 per cent of businesses were trying to do the fair thing by their customers, and its task was to prove to them that if they traded fairly it would will show up in the bottom line. Customer loyalty is one of their greatest assets, and if they treat their customers fairly and respond to their criticisms fairly they will make more money. I travelled the country with that important message.

Unfortunately, this government has returned to a consumer focus dating back to the old days where the

department is seen as the bogymen and business is the enemy. The focus is on bad businesses that treat consumers badly. There is no doubt that bad businesses exist, that they treat consumers badly and that a strong arm is needed to deal with that. The government is taking an unimaginative and uncreative approach when it should have an up-market, creative approach. That is the difference between the political parties, and probably always will be. We could argue that point around the mulberry bush for years and years.

The bill contains a couple of other important points. Along with the protection of data legislation — a privacy act — which has been introduced in the federal Parliament, and the Electronics Transactions (Victoria) Bill, which has been debated in this Parliament, the bill is a wake-up call that electronic commerce and information technology must now be used. It is no good saying that the bill points the way to the future and that the future is with IT — the present is with IT! This is a bill for the present. The future probably holds things way beyond the electronic transactions bills; in a way we are just catching up with where we are now.

The law and IT is an interesting concept. In the past the law has always been a traditional occupation that has taken time to adopt new procedures, but the world is moving so fast that it is not waiting for the law. People in the law, being sensible people, are quickly realising that they have to play catch-up and become involved in the electronic transfer of data. If there is one profession in which IT is important, it is the law. What does IT do? Effectively it gets rid of paper.

**Ms Barker** — I’m not sure about that!

**Dr DEAN** — That’s right, it’s silly. No profession is more paper-based than the legal profession. It is about the paper tiger and the paper trail. What was the name of the movie?

**Mr Honeywood** — *The Paper Chase*.

**Dr DEAN** — Yes, *The Paper Chase*. The legal profession will benefit from IT more than any other. That is why the faster the legal profession grabs hold of the concepts and moves with them the better off it will be.

The bill deals with the electronic registration of business name signatures. Some 60 000 applications for business names are made a year. Everybody who starts a business must think of a business name. It is not like the indefeasible title in the registration of land but the registration of a name that allows others to see what is there. Registration also ensures that an identical name cannot be registered. Decisions relating to any

infringement of goodwill must go to common law. So long as a business name is not a re-run of somebody else's business name it can be registered. That creates an enormous amount of paper and effort that could be saved by the use of electronic means.

It is difficult for the legal profession to take this step. The signature on the piece of paper has been the heart of so many legal cases — forgery cases are some of the most exotic cases in the whole of the legal repertoire! The fact that it was your signature — signed by you at a certain time and done knowingly having read the papers and so forth — has been the basis of a massive amount of law and tradition in the law. It is a big step for legal people, who are ultimately conservative, to move away from the hallowed piece of paper with a signature on it to an email signature and an email cheque. Courts must be satisfied that an email signature is the correct one and not a forgery. Electronic mechanisms are now such that the courts can be satisfied of that. It is terribly important to acknowledge what a milestone in the law this is.

That is not the only area where the changes are taking place. Electronic registration of affidavits and a number of other changes will result from the move. The change from having to physically register a document at the registry office to being able to use a fax to do so was a giant step forward. Years ago when I was still at the bar no-one thought of using a fax for that purpose. I remember getting up in the Practice Court and saying, 'Please, your Honour, look at this fax. It is all I have; I do not have the original. Please look at it'. His Honour would say, 'I am not interested in a fax. A fax is a modern contraption. I do not know whether it is the original. Where is the original?'. The step forward in permitting the use of faxes was big enough, but to go from that to being able to ask a judge to look at a screen that has on it electronic signatures, the mechanisms and safeguards for which are such that the signatures are appropriate, is an important step.

The delivery of online government services, which is referred to in the second-reading speech, was an initiative of the previous government. It was a Stockdale first. I am pleased to see that the government is carrying on that tradition. As honourable members have said many times in this chamber, because of its importance in our lives information technology (IT) requires a separate ministry through which its processes can be regulated by a specific minister. It is a tragedy that the new Labor government has not followed the previous coalition's lead in that regard. As has been heard in the house many times before, there should be a minister for IT and not just a minister responsible for IT. The difference that Stockdale made — —

**Mrs Maddigan** interjected.

**The ACTING SPEAKER (Mr Nardella)** — Order! The honourable member for Essendon is out of her place and should know better.

**Dr DEAN** — So were the comments, Mr Acting Speaker. I wish government members would change their view. However, the bill is taking us forward and I wish it plain sailing.

**Mr WYNNE (Richmond)** — I support the Business Registration Acts (Amendment) Bill. In doing so I thank the honourable member for Berwick for his contribution. I wish to take up a couple of matters he has raised.

The first matter he raised was the cost of the name change of the agency from the Office of Fair Trading and Business Affairs to Consumer and Business Affairs Victoria. It is important to acknowledge the change because it provides an appropriate balance and shows the importance the government accords to both consumer affairs and small business. Obviously there are costs involved in a name change, but clearly — —

**An honourable member** interjected.

**Mr WYNNE** — The honourable member opposite interjects to ask how much. I am not sure how much, but the honourable member for Berwick indicated that it is a significant sum — some thousands of dollars. As to letterheads and so forth, the existing letterheads will be run out over time as the change is phased in.

The name change shows that the Bracks government is committed to consumer affairs, to access to justice and to small business. I remind honourable members opposite that the government will in the next financial year instigate significant tax cuts for small business — namely, \$400 million over the next three years — demonstrating its clear recognition of the importance of small business as a key economic generator.

In his contribution the honourable member for Berwick also referred to the significance of emerging technologies and the law. That is no better illustrated than with the recent matter to which the Attorney-General sought to refer — namely, access being available on the Internet to information about criminal offences, and the recent instance of a Supreme Court case being aborted on the basis of the potential for jurors to get access to information that could have prejudiced the outcome of the case. The honourable member for Berwick is right — the law will have to come to terms with the emerging technologies. The house should give due credit to the Attorney-General,

who has strongly advocated the need for the Internet site to be closed down for the sake of proper judicial practice in the state.

The bill retains the need for original documentation to be signed manually in certain circumstances — for example, where a form is required to be signed by a number of parties. The need for such a requirement is self-evident. The bill will allow for electronic lodgement where a document is digitally signed and lodged and no hard copy paper document is signed. It will also remove the requirement for a manual signature on electronically lodged business name renewals and will enable the minister to delegate to the director the power to register a business name or an incorporated association's name, which would otherwise be debarred under the ministerial direction.

The bill also provides that documents lodged by electronic transmission do not need to comply with regulations that prescribe requirements for paper documents. It will enable the Registrar of Incorporated Associations to wind up an incorporated association that has failed to become registered or incorporated as a prescribed body corporate within the time specified. The bill will amend the Business Names Act and the Associations Incorporation Act to enable the registrar to approve the design and layout of forms to facilitate rapid changes to forms in response to changes in technology. That is important, because in a fast moving area such as technology, particularly e-commerce, it is important to provide for flexibility. Finally, the bill will make some miscellaneous amendments to the Business Names Act to increase penalties for trading under unregistered business names.

It is important to understand that the bill will be beneficial to not only small business but to business generally. Given rapid changes in information technology it is important to take the load off small businesses and provide them with rapid access to the various documents they require for legal purposes, for registration, for changing company ownership, and so forth. It should be acknowledged that through the bill the government is enhancing the important early work undertaken by the former government in the area of changes to information technology in relation to small business.

It is important for imposts on small business to be lifted, and one of the most significant of those imposts will be the introduction of the goods and services tax (GST) on 1 July. The massive changes will affect the capacity of small businesses to respond to the demands of the GST. In that context any initiatives the Bracks government can put into place to assist small business

should be welcomed on both sides of the house. The bill is intended to enable businesses to conduct transactions electronically without creating new obligations for them or imposing additional costs on them.

As e-commerce becomes more common in the future the ability to provide electronic service delivery will become more important for both consumers and government agencies. The bill is important in that policy context. I commend it to the house.

**Mr HULLS** (Attorney-General) — I thank the shadow Attorney-General and the honourable member for Richmond for their important contributions to debate on the Business Registration Acts (Amendment) Bill.

As was indicated by the honourable member for Richmond, it is a bill for small business because the Bracks government is a government for small business. The change of name of the relevant agency demonstrates there will be a far greater focus on consumer affairs than existed formerly in the Office of Fair Trading and Business Affairs. It is important for there to be an appropriate consumer focus and for far too long consumers have been left out of debates on small business issues. The Minister for Small Business in the upper house, the Honourable Marsha Thomson, who is also the Minister for Consumer Affairs, is to be congratulated on this particular initiative.

I will touch on the issue raised by the shadow Attorney-General about information technology (IT) and the law. The bill deals with IT and allows persons to lodge documents by three means: firstly, by sending a hard copy by mail or in person; secondly, by faxing or emailing the document as an attachment; and thirdly, by lodging the document electronically. The lodgement of documents can also be done via an agent.

The bill will make miscellaneous amendments to the business registration acts. It will also amend the Fair Trading Act and other acts to reflect the changes in name — from Office of Fair Trading and Business Affairs to Consumer and Business Affairs Victoria, and from Director of Fair Trading to Director of Consumer and Business Affairs.

A valid point was made about IT and electronic transactions. The law is being challenged to keep up with changes in IT, and the example cited by the honourable member for Richmond is a perfect example of where the law will have to catch up. If it cannot do so there is a real chance that certain aspects of the judicial system could be undermined.

The honourable member referred to Crimenet, which has already been credited with causing the aborting of a criminal trial. The government has had to take action in relation to the matter. It was an unfortunate incident and I hope it will not be repeated in Victoria. I wrote to the director of Crimenet advising him that if the company posts any material concerning any person facing trial in Victoria the company faces the possibility of having serious sanctions brought against it. Victoria's Director of Public Prosecutions has taken the same view. The credibility of the criminal justice and jury systems cannot be allowed to be undermined by Crimenet.

However, Victoria's justice system has to adapt to emerging technologies. In the case cited stiff action has to be taken to protect the credibility of the criminal justice system. The matter has been placed on the agenda of a 27 July meeting of Australian attorneys-general in Brisbane because it requires a national approach. The Internet knows no state boundaries and action by the commonwealth and all states will be required to address Crimenet and similar web sites.

In the meantime, it is incumbent on the director of Crimenet to ensure his company acts as a good corporate citizen and withdraws its site pending the outcome of a national response. Failure to do so could well result in sanctions being brought against the company. It has been put on notice in no uncertain terms that the Victorian state government at least will not tolerate its criminal justice and jury system potentially being undermined. The Director of Public Prosecutions has the same concerns.

The company wrote to me today indicating that it is prepared to take off the site details of any person facing an appeal in Victoria. That does not address the issue at all because it is people who are facing trial that should be protected from any prejudice. Tomorrow I will write to Crimenet advising that that action is not good enough and informing it that no information relating to any person facing trial or appeal in Victoria should be placed on the Internet. The company seems to be indicating that the onus is on the judicial system to supply the company with details of people facing trial. It is a reverse onus situation and that is not the way the system operates in Victoria. I repeat, Crimenet should act as a good corporate citizen and remove the information or face potential action by the Victorian Director of Public Prosecutions.

The matter is an example of IT dragging the justice system along with it. Victorians are being challenged to ensure that their legal system can keep up with current and future IT developments.

I thank all honourable members who have spoken on this important bill. It is good legislation. It is business friendly, it will assist small business and it will ensure there is a far greater emphasis and focus on consumers. I congratulate the minister in the upper house, the Honourable Marsha Thomson, on introducing the bill.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## APPROPRIATION (2000/2001) BILL

*Second reading*

**Debate resumed from 26 May; motion of Mr BRACKS (then Treasurer).**

**Mr McINTOSH (Kew)** — Please excuse my voice; I am suffering from the same laryngitis suffered by the Leader of the National Party last week. I thank him for his contribution to my speech tonight!

I am reminded by the Attorney-General that on the last occasion the bill was before the house and I had commenced my contribution I raised the bizarre circumstance of a joint prison to be shared between Hawthorn and Kew that was perhaps a culmination of all the alfresco dining one may enjoy in either Kew or Hawthorn, close to amenities including schools and public transport. The only thing that neither Kew nor Hawthorn has is an appropriate police station!

When I commenced my contribution last Friday I referred to the budget forward estimates released by the government that indicated a prison would be built in either Kew or Hawthorn. I was astounded to discover that the Premier said it was not a prison but a police station. Although I had made the natural assumption it was a prison when the budget papers referred to a Melbourne assessment centre in Kew and Hawthorn, I should have read 'police station'!

During an adjournment debate last year I asked the minister what was happening about the Kew police station and received the response that he would shortly make an announcement. My constituents and I are still waiting for that announcement. About a month later the minister attended the launch of the Boroondara council's safety program. During his speech he reiterated that an announcement would shortly be made about the Kew police station.

During the course of a debate last November mention was made of a public meeting the Minister for Police and Emergency Services had attended in the time that he was the shadow minister. He indicated emphatically that he had had discussions with a gentleman named Mr Sloban who had organised that meeting. Mr Sloban is the president of the local Kew association; he holds no other form of elected office, does not represent any other forum and is not a member of Parliament or a City of Boroondara councillor.

In conversation with Mr Sloban recently he bragged to me that he knew something that I did not know about a police station in my electorate. Mr Sloban said he had been informed about the proposal for the Kew police station.

Will the Minister for Police and Emergency Services confirm whether a new police station will be built at Kew? I was told that the Hawthorn police station will be closed and that a new police station will be built in Kew to replace the Dickensian building currently housing it and to service both Hawthorn and Kew. The area will be much larger and more modern and the Nunawading traffic operations group will be moved to Kew.

That proposal is acceptable to me and my constituents. However, I cannot understand why for the past six months the people of Kew and I as their elected representative have been told that an announcement will be made shortly. I hope the Minister for Police and Emergency Services will shed some light on the matter.

I turn now to traffic and the reduction of the maximum speed limit to 50 kilometres an hour in local streets. I live in a narrow street that runs between Cotham Road and High Street, and traffic is an issue with that sort of rat run. The speed of traffic even at 60 kilometres an hour is excessive. An article in the *Age* refers to both Walpole and Pakington streets as being used as rat runs and also mentions Princess Street, which is a major arterial road.

The real issue is not just reducing the speed limit to 50 kilometres per hour; it is the enforcement mechanisms. For example, will there be speed humps? This government must address the form of enforcement mechanism and indicate what it will do about speeding in the small streets in Kew and elsewhere. It is a matter of concern to local members. With the members for Hawthorn, Burwood and Box Hill I met with the members of the council of the City of Boroondara to discuss traffic issues, including speeding, in the local area. I imagine the City of Boroondara will need a substantial amount of assistance, as will other

municipalities, to enforce the law and ensure that local communities are better off. There is more to doing that than the government merely making an announcement that it will do something — it needs to adopt a mechanism for enforcing that aspect of the law.

The single biggest industry in my electorate is education. Over recent months some discussion has been conducted in this house about the Kew Primary School. It is an example of a significant problem in my electorate which will need to be addressed by the government at some time. There is a need for some direction about enrolments, particularly at the primary level. Currently Kew Primary School has more than 350 students. It is a very old building — the original building was built in the 1920s, but the school dates back to the 1880s. It is on a little over 1 or 2 hectares but in the past financial year there has been a unique opportunity for the school — the sort of opportunity that comes around only once in a century. There was a nursing home next door to Kew Primary School and this and the previous government extensively discussed an opportunity to acquire a large slab of land which would enable Kew Primary School to expand.

Representations were made to the Minister for Education through the school council. I made representations by way of correspondence and I raised the matter during an adjournment debate. Despite those recommendations it took a telephone call from a member of the local community to the Premier during a talkback radio program to secure a meeting with the minister. I was not present at that meeting but my view of it is that the proposal by members of the Kew community was paid lip-service. Unfortunately, there was no appropriation of money to purchase the land.

What will be done and what course of action will the government adopt for dealing with schools in the Kew community which have a greater demand than the area provides? The government must recognise that Kew is a growing area. Demand for medium-density housing creates a demand for primary school placements. The great irony is that the development in Kew will probably include 40 medium-density townhouses. A large number of children will live in them and they will all want to attend Kew Primary School. The solution to the overall problem is not for the government to dismiss the issue.

The previous government addressed a number of local concerns in Kew. I was very pleased to see the member for Burwood, perhaps speaking on behalf of the government, reiterate the government's commitment to funding those projects, including the noise attenuation fences on the Eastern Freeway at the northern border of

the Kew electorate. It is one of the biggest single issues in Kew and the government has said it will maintain that \$4 million funding. We are pleased about that. The contracts have been let and I understand that if construction has not yet commenced it will do so in the near future. However, there is an issue about whether 68 decibels will be an appropriate level in Kew. Kew residents, particularly those living along the northern border, cast their eyes up to marginal seats such as Mitcham, along the Eastern Freeway, and Doncaster — which is not held by the Labor Party — and see the massive noise attenuation fences which reduce the noise to 63 decibels.

It is an issue of equity and justice between various areas. The people of Kew consider they are being treated differently from the people at the other end of the Eastern Freeway, and the government must grapple with that issue. I have spoken to representatives of the local Kew community, who take the view that unless they are treated equally with other people further along the freeway there may be a lot of yelling and screaming.

I see the member for Burwood has re-entered the chamber. I was pleased to see that this government has agreed to maintain the funding to ensure that the no. 109 tram line will be extended to Box Hill. That move is very popular in the Kew area. We do not have a train service but we have two principal tram services and an extension to Box Hill will be most welcome.

St George's Hospital is an exemplary hospital for the aged, and with the changes in the health care networks the alignment with St Vincent's hospital is welcome. We expect the necessary development of those two hospitals. One would expect that the grand plans St George's Hospital has to use the land behind it for a greater purpose can be adopted by this government. I will not go into that in any further detail.

In conclusion, I began this speech last week before I became very croaky, but I started by saying that the government had inherited a great legacy from the previous government. That fact is demonstrated in the most cogent terms, and when the government talks about growing the whole of Victoria I hope it includes my electorate. The legacy the government inherited was a reduction in unemployment of nearly 12 per cent — it was down to 6.8 per cent at the time of the last election. The previous government created 300 000 jobs. More people are employed in Victoria now than at any time in its history — 2.2 million people are in jobs.

The previous government inherited a budget deficit of \$2 billion and that has been exhausted. The government

debt of \$32 billion has been reduced to some \$6 billion. That represents a reduction each year of \$1 billion in interest payments alone. That \$1 billion can be spent on other areas and services. The government cannot just deliver money to its mates and use people like the member for Burwood as its spokesman for the local area — it must do something constructive.

Business investment and confidence had never been as high as they were when the government came into office. One would hope that the government can translate that into real services in cogent terms for all Victorians and that the people of Kew can share in it.

**Mr INGRAM** (Gippsland East) — Overall the budget was very positive for regional and rural Victoria. That fact is borne out by the media coverage after the election and particularly by an article by the Victorian Farmers Federation, which had nothing but praise for the budget. It stated:

The Bracks budget begins to address many of the inequities between metropolitan and rural Victoria.

*Honourable members interjecting.*

**Mr INGRAM** — I am being encouraged to go a bit further. The government also committed additional funds for regional infrastructure — \$170 million was committed to the Regional Infrastructure Development Fund.

The article ends:

Overall, this is an intelligent and fiscally sound first budget by the Bracks government.

That article, written by Peter Walsh, the president of the Victorian Farmers Federation, contains some positives for regional and rural Victoria, particularly in my area.

An amount of \$3.1 million was allocated to upgrade the Princes Highway East via the Bruthen arterial road link. Allocations were also made for the completion of a project started by the former government — that is, the East Gippsland Institute of TAFE, which is a very good project in tertiary education.

An allocation of \$12 million was made for the start of the restoration of environmental flows to the Snowy River. As many honourable members would be aware, the bulk of that money will be spent in northern Victoria to fund irrigation infrastructure improvements, with \$9 million being set aside for one pipeline in Swan Hill — the Woorinen project. I am sure the honourable member for Swan Hill will be pleased that money has been set aside for that project.

An additional \$2 million has been set aside to investigate further efficiencies. Part of that funding for the restoration of the Snowy River was \$1.3 million allocated to the trial of the Snowy River rehabilitation plan. That was first brought up a number of years ago by the Department of Natural Resources and Environment and the Snowy River Improvement Trust. At the time, I was a member of a panel that was considering how to get full benefits when environmental flows are finally released into the Snowy River. It is interesting to note that it was actually recognised in the Snowy River water inquiry final report that that would have an impact when flows in the river below Jindabyne reached 25 per cent plus 5 per cent contingency flow.

The trial is a first — it has not been done anywhere else in the world on a river the size of the Snowy River. It involves the creation of a series of pile fields and the reinstatement of debris to artificially reinvigorate the river bed to re-form the original pool sequences in the lower Snowy River flood plain. It will take a number of years to get the project up and running and will then take a further number of years to conduct the trials to prove its effectiveness and to show that it will achieve the desired result, and also to allow the water release rules to be set to achieve the right outcomes.

**An Honourable Member** — By Christmas.

**Mr INGRAM** — It is suggested, by interjection, that it will be achieved by Christmas.

I want to put to rest a few misconceptions about the Snowy River project. One thing that has been said fairly frequently is that the Snowy River water inquiry recommended a level of flows. That inquiry never recommended any flows; it put up a number of different flow regimes and assessed the costs and benefits. The recommendations that have been bandied about are the recommendations of the commissioner. It was outside the terms of reference of the inquiry, and it was only in the commissioner's prelude to the final report that he actually identified a particular flow level.

I now deal with a number of things: one is the comparison of the Snowy River flow with that of the Murray River. In particular, the flow at the mouth of the Snowy River is often compared to the flow at the mouth of the Murray River. The flow in the Snowy is often recognised as being 50 per cent and the flow in the Murray is often recognised as being 21 per cent. That comparison is inaccurate because one figure represents a mean flow and the other represents a mean annual flow. So the 21 per cent flow in the Murray

River is equivalent to a 30 per cent flow in the Snowy River.

The budget allocates \$2 million to assist with the restoration of the Gippsland Lakes and to help address recurring algal blooms. That money will be spent in assisting the irrigation areas, the Macalister and Thomson river areas, and to implement the nutrient reduction plan. That is a positive step because the area has suffered a loss in tourism through the increase in algal blooms due to increased nutrient levels in the river. It is obvious that not all those nutrients come from the agricultural farmlands; additional nutrients come into the lakes as a result of manufacturing and an increase in sedimentation. However, it is a start to the process, which is positive.

Another allegation the Deputy Leader of the Opposition bandied about during the first couple of days after the tabling of the budget was his claim that the advisers to the Independents were million-dollar men. I would like to correct that comment. The line item in the budget papers is probably poorly written, but it states that funding will be provided for the staff of the Independent MPs and the additional requirements of the ministerial officers, which means that most of that money will be spent on the staff of the Department of Premier and Cabinet.

That issue was addressed by the government in response to an opposition question. The accurate figure for the amount being spent on advisers, which includes the three advisers out in the chookhouse, was given as \$320 000.

**Mr Hulls** interjected.

**Mr INGRAM** — Not a dollar more.

I also raise another issue concerning the Snowy River. On 23 May in response to a question I asked him the Attorney-General referred to the advice given to the government relating to section 100 of the constitution and the Snowy Mountains hydro-electric scheme. He said:

One opinion from a senior and respected Queen's Counsel is that aspects of both phases may be open to constitutional challenge. Therefore, it is possible that some landowners may be able to pursue claims for compensation.

It is interesting to note that that issue was also raised a number of years ago. I will quote from the debates that appeared in *Hansard* in 1949. The Honourable I. A. Swinburne is reported as having said:

I am unable to say whether the rights of all the people affected have been properly protected. It has been said that sufficient

water will run down the Snowy River to meet the needs of all the people in the rich valley to be served. Although that may be the case, one hopes that the people in the Orbost area will feel happier in relation to this Snowy River project than they are at present.

I will also refer to a number of other quotes from *Hansard* of 1949. Colonel Kent Hughes said:

I believe we have certain riparian rights on the lower reaches of the river and we can claim compensation. I hope that the federal government will recognise that Victoria should get due consideration and that we will get it at the final conference.

It is interesting that in a debate in 1958 the then member for Benambra, Mr Mitchell, said:

Secondly, a point that I think escapes the majority is that, unless this bill is made as perfect as possible, we may find that in years to come, because we have not been meticulously careful, some person — like Mr James in the celebrated dried fruits case — may easily stop the whole scheme. We have also seen what the Privy Council's decision in the Hughes and Vale case did to the transport situation. We must be very careful that the Snowy Mountains hydro-electric scheme is not upset at a later date because the original act was not as perfect as it should have been.

That is interesting because the legal advice I have received puts some serious question marks on the 1949 and 1958 aspects of the Snowy Mountains hydro-electric scheme.

Another issue raised by a federal minister is that diverting water from the Snowy River would seriously affect the Murray–Darling Basin. I refer honourable members to a paper entitled 'Managing Australia's inland waters' prepared by an independent working group for consideration by the Prime Minister's Science and Engineering Council. It says of the Murray geological basin:

This area hosts most of the Murray–Darling Basin's irrigation industry and a large proportion of its cropping and sheep farming. Its climatic and geologic setting has created a natural salt trap, and the Murray River is the only outlet for both water and salt. It is an incompatible setting for European-style agricultural settlement, especially irrigation.

That paper is based on fairly recent work and the article is adamant that some of the activities undertaken in the Murray–Darling Basin are completely incompatible with best practice.

It has also been pointed out that a major cause of the problems of the Murray–Darling Basin is irrigation-induced dryland salinity. That problem is not really related to environmental flows but has more to do with where the water is and how it is sent down.

A recent *Weekly Times* article addresses the question of what it will cost this country to fix some of the environmental damage we are causing. Groups like the National Farmers Federation and the Australian Conservation Foundation have, according to the article, banded together to announce that unless the federal government finds \$6.5 billion each year over the next decade the environmental problems we have caused will not be halted. Those problems have nothing to do with diverting waters back into the Snowy River. Rather, they concern the decline in the quality of a lot of our inland systems. A plan for improvement put up by the National Farmers Federation last year was vetoed by the federal government, which apparently does not believe environmental degradation is a sufficiently serious problem to warrant funding.

Water efficiency savings are another important budgetary matter, and an amount of \$30 million appears in the budget for further irrigation efficiency work in the Victorian half of the basin.

**Debate interrupted pursuant to sessional orders.**

**The DEPUTY SPEAKER** — Order! The honourable member for Gippsland East will have the call when the debate is resumed.

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! Under sessional orders the time for the adjournment of the house has arrived.

### Great Ocean Road: helicopter emergency service

**Ms BURKE (Pahran)** — I raise with the Minister for Local Government a request by the North West Municipalities Association for assistance in securing the services of a helicopter emergency service along the Great Ocean Road.

The North West Municipalities Association is made up of the shires and rural cities of Ararat, Mildura, Hindmarsh, Buloke, Swan Hill, Gannawarra, Horsham, Northern Grampians, Pyrenees, Yarriambiack and Wimmera. Representatives of each of the municipalities attended on the day, with the exception of Mildura, which often cannot provide a representative because of the distance involved, although its support is as strong as anyone else's.

No helicopter emergency service is available along the Great Ocean Road to assist patients or undertake rescues, and the reason seems to be a lack of

communication between the Minister for Police and Emergency Services and the Minister for Health. It seems that neither minister is accepting responsibility, and some confusion has resulted. The association requests that the Minister for Local Government clarify the question of which minister is in charge of helicopter emergency services and which minister is therefore able to help.

The Great Ocean Road is one of Victoria's most popular tourist areas and is also an important area of rural production, yet because of the distances involved it has no effective access to trauma services. Anyone who has driven along the roads in that area knows how important a speedy delivery service would be to the survival of seriously ill patients. At the moment there is no such service.

The local communities have written to the Minister for Police and Emergency Services and he has referred the matter to the Department of Human Services — evidently because he is not prepared at present to take the broader view. Meanwhile, the Department of Human Services seems to feel that it is an emergency services matter. Residents of the communities concerned do not care who is in charge; they just want a service. There are 82 such services throughout Victoria, and this one was to have been the 83rd. However, funding was not provided in the budget, apparently because the helicopter was sold and the whole program went up for review.

I ask the Minister for Local Government to attend to the needs of the north-western municipalities and assist them by providing a service they desperately need.

### **Eastern ring-road**

**Mr ROBINSON** (Mitcham) — I seek from the Minister for Transport urgent clarification of state government policy regarding future road construction in the north-eastern suburbs of Melbourne.

The issue is important. Over the past two and a half years I have received various representations from differing groups showing concern that at some point in the future a freeway might be built through the area commonly referred to as the green wedge between Greensborough and Ringwood. Such a project, which I would not support, would be enormous and hugely expensive and destructive. It would have to go through the Yarra Valley.

I seek that clarification because of recent statements made by the federal member for Deakin, Mr Phil Barresi, who is very keen to talk up the project. Mr Barresi is the federal member who has been talking

up the Scoresby freeway for the past four and a half years and who has failed in that time to deliver a single cent of federal government money for it.

He is now promoting an outer ring-road for the north-eastern suburbs. His newsletter, recently distributed throughout the Deakin electorate, refers to the federal government's 'commitment to developing a ring-road around Melbourne'. Madam Deputy Speaker, you cannot have a ring-road around Melbourne without part of it going through the green wedge. That would be the missing link.

I do not believe a six-lane or eight-lane freeway through the green wedge is needed. That would cause enormous destruction. No reservation exists. There is no demonstrated demand, and there is no appreciation of the impact such a project would have on the Yarra Valley. It could not be built without a great deal of damage to state parks in the area, particularly around Warrandyte and Park Orchards. The federal member for Deakin is hopelessly out of touch on this issue, as he is on many other issues. I seek urgent clarification from the minister so the issue can be put to bed once and for all.

### **Aquaculture: mussels**

**Mr SPRY** (Bellarine) — I raise with the Attorney-General for reference to the Minister for Energy and Resources in another place the plight of the mussel industry in Port Phillip Bay and allegations of cutbacks in funding and effort within the fisheries division of the Department of Natural Resources and Environment. After 15 years or more the industry is still in its infancy. The 20-odd growers still persevering are showing great resolve, but they need the support and encouragement of the government. The last thing they need is an indifferent government with little understanding of the significance and potential of the aquaculture industry in Victoria.

Victorian waters are considered to be among the most pristine in the world. Therefore the product that comes out of Port Phillip Bay is highly sought after worldwide. It is said mussels grow three times faster in Port Phillip Bay than almost anywhere else in the world, and they are sweet. In 1996 and 1997 they were described at a Hong Kong seafood contest as the best in the world. If honourable members want further evidence of their appeal, they should attend the Good Friday seafood feast in Queenscliff in aid of the Royal Children's Hospital Good Friday Appeal, as did the Minister for Health and his family. The crowd around the mussel tent demonstrated the quality of the Port

Phillip Bay Australian blue mussel; it is no doubt second to none.

What concerns me is that the minister and the Bracks government seem unaware of the potential of that product and unprepared to offer support to the industry. One typical grower in my area — not the biggest by a long shot — is Mr Warwick McKenzie of Clifton Springs. He has \$150 000 to \$200 000 invested in his 3.5-hectare farm at Clifton Springs and tells me the demand for product is unlimited. He is operating on an annual licence and has little long-term security. I ask the minister whether she will address the issues I have raised by providing long-term leases. Will she assure Port Phillip Bay mussel growers that they have government support and that the industry has a long-term future in Port Phillip Bay?

### **HACC: ethnic meals**

**Mr LEIGHTON** (Preston) — I raise with the Minister for Aged Care the matter of home and community care (HACC) food services and in particular ethnic meals. I draw her attention to a report entitled 'My mother cooked this for me', which was the report of the Delivered Authentic Meals project undertaken by the North East Migrant Resource Centre.

I ask that the minister raise the matter of ethnic meals and the report with service providers and local councils. The North East Migrant Resource Centre undertook the project with funding from the Department of Human Services and the Victorian Health Promotion Foundation. It was successfully launched by the minister on 18 May in my electorate. The project arose in response to the need for ethnic elderly people to receive nutritious, affordable and culturally acceptable meals.

In my electorate 57 per of people were born overseas or, as in my case, have a parent born overseas. Preston and the City of Darebin have an ageing demographic. It is clear that HACC meals are no longer satisfactory if they are the typical meat-and-three-veg. Meals need to be far more culturally appropriate than that.

Three different ethnic cuisines were piloted — Vietnamese, Greek and Macedonian. The interesting result of the project was that ethnic meals were taken up not only by members of each of those ethnic communities but also by Anglo members of the community; people of one ethnic background took up the meals originating from another ethnic background. That shows the demand for diverse meals. The project was successful because of the authenticity of the cuisine.

In asking the minister to raise the report with service providers at the local government level, I acknowledge her contribution in Preston the next day at a Municipal Association of Victoria conference. It was pointed out to her that under the previous government association representatives had not got to meet many ministers. I ask the minister to raise the report with other local councils. The report provides a successful model. My congratulations go to the migrant resource centre for undertaking the project.

### **Forests: regional agreements**

**Mr INGRAM** (Gippsland East) — I direct to the attention of the Minister for Environment and Conservation concerns regarding the implementation of the outcomes announced in the recently signed regional forest agreements (RFAs). It is now over two months since the Gippsland and western regional forest agreements were signed off. During the RFA process a number of important undertakings were made by the government that have yet to be addressed. I call on the minister to implement the outcomes of the recently signed RFAs.

Some of the issues that need to be addressed are as follows: assistance guidelines for workers affected by the RFAs; retraining packages for workers who need to be retrained due to changing job structures; the provision of employment and training officers to assist displaced timber workers; the establishment of a process involving sawmillers, workers and contractors to address the reduction of wood flows from RFAs because of the increase in reserves; a process to ensure regions affected by the RFAs receive the assistance agreed to under the agreements; the processing of the review of harvesting arrangements that was announced with the introduction of the RFAs and was designed to address the concerns of contractors and their crews who have suffered because of the decreasing quality of the timber reserves, with some better timber being within the reserve area; the reviewing of licence conditions to ensure that community concerns are included; job security issues; and forest industry structural adjustment package funding arrangements.

A prioritised program is needed to implement the initiatives arising from the process, in particular measures that would lessen the social and economic impacts relating to loss of harvesting. I call on the minister to implement the outcomes of the regional forest agreements.

### Workcover: farm accidents

**Mr DELAHUNTY** (Wimmera) — On behalf of farmers and farming communities I ask the Minister for Workcover to investigate programs, initiatives and support services that might reduce the incidence of farm accidents. Last year, based on Workcover figures, there were 15 deaths on Victorian farms and 4 of them were of children.

However, Workcover claims do not provide a complete picture because many farmers are self-employed. Better figures have come from the work done by the Murray Plains division of general practitioners. Their area stretches from Swan Hill to Deniliquin and Echuca to just north of Bendigo. There are 57 general practitioners and 15 hospitals in the region. Details have been recorded for the past two years of every farm injury and illness suffered by patients.

When the figures for the region are extrapolated across all Victorian farms it can be estimated that there are about 7500 farm injuries each year in Victoria. The Murray Plains figures show that 17.5 per cent of all farm injuries are to people under 20 years of age, 35 per cent of injuries are cuts and lacerations, 30 per cent of injuries are to arms, hands and fingers, and 10 per cent of injuries are to eyes. The biggest causes of death and injury on the farm are machinery and motorbike accidents.

Farming should not be dangerous. Other industries such as mining have higher levels of risk, but their safety performance is far better than is the case with farming.

I recently attended the dinner in Melbourne at which the Minister for Workcover presented awards to individuals and companies for their contributions to workplace health and safety. Hamilton farmer Michael Blake received an award for a business with 30 or fewer employees. Mr Blake has integrated safety map principles into his various quality assurance and husbandry programs at his farm, Bally Glunin Park, where the policy is 'work safe, stay safe, make it safe'. Mr Blake's commitment demonstrates that it is possible for the farming industry to put in place a comprehensive health and safety management program as other more structured industries do.

The previous government provided various prevention and support services such as a regional safety program, displays at rural shows and field days, and the Farm Safety Alliance — a joint program involving Workcover, the Victorian Farmers Federation and the government. Another initiative to reduce farm accidents was making subsidies available for farmers to take part

in the ROPS program — a tractor rollover protection scheme.

Will the minister continue the good work of the previous government, Workcover and the farming community in reducing farm accidents and deaths?

### Greater Geelong: electoral review

**Mr LONEY** (Geelong North) — I raise with the Minister for Local Government an article in today's *Age* entitled 'Kennett city council "cure" failed'. The article quotes the chief executive officer of the City of Melbourne saying that the new system does not work:

The Kennett government's restructuring of Melbourne City Council has failed to produce its promised, new strategic focus, the city's chief executive Michael Malouf said yesterday.

In a blunt admission, Mr Malouf said the council had not made the system of mixed ward and city-wide councillors work well enough.

The article states further:

Under the mixed electoral system, where some councillors represent local wards and others represent the entire municipality, there was confusion and allegedly unequal workloads. 'We have not made this system work as well as we would like. It has not produced, generally speaking, a more strategic, city-wide focus', Mr Malouf said.

His thoughts have been echoed by a number of people in the City of Greater Geelong where Mr Malouf was the chief executive officer before taking up his appointment in Melbourne. Indeed the current chief executive officer of the City of Greater Geelong recently made statements supporting a review of the Geelong council structure, saying that in his view the council should be expanded to more than 20 councillors to get the workload out.

Great support exists in the Geelong community for change, with many organisations supporting a return to broad-based councillors. The only support now existing in Geelong for the mixed system is from reactionaries and local government Luddites.

I ask the minister to clarify for the people of Geelong how a restructure might occur in Geelong, what the timetable would be and how we can go about allowing the community back into local government decision making in the city of Geelong — and, given Mr Malouf's remarks, the city of Melbourne. I ask the minister to address the issue as a matter of — —

**Dr Napthine** interjected.

**The DEPUTY SPEAKER** — Order! The Leader of the Opposition!

**Mr LONEY** — And to ensure the Luddites — —

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

### **Manifold Street, Camperdown: speed limit**

**Mr MULDER** (Polwarth) — I call on the Minister for Transport to support a funding application from the Corangamite shire for works required in Manifold Street, Camperdown.

For some time the concerned citizens of Camperdown have had grave concerns about the 60-kilometres-an-hour speed limit in the main street. The major issue relates to B-double trucks carrying cattle travelling along the main street of Camperdown, which is a major route for freight throughout the area.

On Christmas Eve last year the worst fears of the townspeople came to fruition when a six-year-old Camperdown girl was killed as a result of a vehicle in which she was a passenger being clipped by a passing truck.

I note the minister has announced reduced speed limits in residential areas to 50 kilometres an hour to reduce deaths. However, in country towns such as Camperdown greater risks exist in the main street where elderly and young people constantly run the gauntlet of passing traffic. Manifold Street is a wide street, with Little Manifold Street running parallel to it. Both streets are separated by Finlay Avenue, the avenue of elm trees.

As a result of the accident, the Camperdown community, supported by the Corangamite shire, has had Vicroads conduct a study into traffic movement in the main street. The resulting proposals have received wide community acceptance and include: reduction to a 50-kilometre-an-hour speed zone between Brooke Street and Leaur Street; modifications to line marking to provide wider parking and a manoeuvring lane; conversion of Little Manifold Street to one-way traffic; introduction of angle parking to Little Manifold Street; the removal of median parking along the Princes Highway; introduction of traffic lights at the Leaur Street intersection; and the provision of a roundabout at the Brooke Street intersection.

Apart from the above work requiring state government funding the Camperdown road safety council has taken up the issue of education with the slogan 'Camperdown cares'. Bumper stickers and banners have been

developed and are being distributed. I commend the work of Senior Sergeant Bob Watson of the Camperdown police station and Paul Younis of Corangamite shire for their commitment to Camperdown's road safety council and their diligent pursuit of improved road safety conditions for the citizens of Camperdown.

An article in the *Camperdown Chronicle* of 14 January quotes Bob Watson:

'We have held grave concern about the safety of Manifold Street for several years. The speed of traffic, particularly heavy transport vehicles using the road is the main problem', Senior Sergeant Watson said.

'At least 20 cars and trucks get booked for speeding along that stretch of the highway every week — most of which are travelling around 20 kph over the speed limit'.

That is, the vehicles are travelling at 80 kilometres an hour through the middle of a township. The article continues:

He said excessive speeds affected the ability of vehicles to avoid collisions — —

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

### **Electoral roll**

**Mr HOLDING** (Springvale) — I raise a matter for the Attorney-General. Under The Constitution Act Amendment Act 1958 arrangements are provided for the maintenance of a joint electoral roll with the commonwealth. In particular sections 55 to 86 lay out a range of provisions determining how the roll is to be compiled, to whom it can be made available and in what form and what circumstances.

The Attorney-General would be aware of a report in today's *Australian Financial Review* that the Australian Electoral Commission (AEC) provided the roll in electronic format to assist the Australian Taxation Office with the goods and services tax advertising campaign. Serious doubts exist as to the legality of the provision of the information in that fashion, particularly as it was provided in an electronic form and aggregated for the purposes of direct mail.

I ask the Attorney-General to investigate — —

**Mr Leigh** — On a point of order, Madam Deputy Speaker, if the matter the honourable member is talking about is between the federal commonwealth electoral commission and the taxation commission, it is nothing to do with the state Attorney-General. He would be ultimately responsible for the state roll but would have

no governance over the commonwealth roll. Clearly, if the roll was obtained from the commonwealth electoral commission, it is outside the parameters of the state Attorney-General.

**Mr Hulls** — On the point of order, Madam Deputy Speaker, I was listening intently to the honourable member for Springvale, particularly when I heard my portfolio mentioned. The honourable member for Mordialloc is mistaken. For his information the Australian electoral roll is oversights and jointly administered by both the state and commonwealth governments.

**Mrs Shardey** — On the point of order, Madam Deputy Speaker, the Australian Electoral Commission has made the information available to a federal department, not a state department. It is therefore appropriate for the matter to be raised with the federal Attorney-General and not the state Attorney-General.

**The DEPUTY SPEAKER** — Order! I do not uphold the point of order.

**Mr HOLDING** — I ask the Attorney-General to investigate whether this action by the AEC breaches any Victorian law in relation to the joint maintenance of rolls, specifically sections 55 to 86 of the Victorian act. I also ask whether there are any privacy implications affecting Victorian citizens as a consequence of the roll being provided in that fashion for that purpose and whether the action breaches any protocols or understandings between the Victorian Electoral Commission and the Australian Electoral Commission in relation to the handling of the joint rolls. I also ask him to investigate any other associated issues arising out of the extraordinary and unprecedented action by the Australian Electoral Commission and Mr Andy Becker.

### **Schools: *Education Times***

**Mrs PEULICH** (Bentleigh) — I raise a matter for the attention of the Premier, and in his absence I direct it to the minister at the table. In the past few days some local teachers and school councillors have raised concerns with me about another misguided reform initiated by the education department.

I understand the Minister for Education has initiated a reform which has seen the end of the *Victorian School News* — perhaps its killing off — a fortnightly newspaper made available to all school communities and its replacement by the *Education Times*.

The concerns are best illustrated by a copy of a letter I received which was directed to the *Herald Sun*. I am

not sure whether the letter has been or will be published, but I shall read it because it succinctly illustrates the concerns raised by school councillors and teachers:

Until recently all Victorian teachers and school councillors received a fortnightly newspaper — *Victorian School News*. Now called *Education Times*, Minister Delahunty should have gone the whole hog and renamed it Mary Delahunty News as the paper now features her name, ideology and picture more prominently than anything else.

In the most recent edition, 26 May, both front page articles and three out of four items on page 3 all featured our new minister for propaganda.

Rumour has it that *Education Times* is soon to feature an education supplement!

The letter is signed ‘A. P. of South Oakleigh’.

While everybody suspects that the current minister has some centralising tendencies, it is a bad omen when the politicisation of a schools newspaper that has been relied upon — —

**An Honourable Member** — What’s your question?

**Mrs PEULICH** — I ask the Premier to counsel the Minister for Education and to reverse this misguided decision that gives her total editorial control. The change is clearly not supported by school communities. It is seen as an undisciplined display of vanity and the Minister for Education gaining some sort of editorial power that she failed to acquire during her previous career as a journalist.

I urge the Premier to counsel not only the Minister for Education but any other minister who uses taxpayers’ money for self-glorification.

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

### **GST: green coffee beans**

**Mr CARLI** (Coburg) — I direct to the attention of the Treasurer the recent decision by the Australian Taxation Office over the goods and services tax (GST) status of green coffee beans. As the Treasurer is aware, the northern suburbs of Melbourne are home to some of the finest coffee roasting houses in Australia including Coffex, Genovese, Negrita, Grinder, Mocopan, Caffè Mio, Monte, Dimattina, Jasper, Beraldo, Hassoun and Atomica.

The taxation office has judged that green coffee beans are toxic and not fit for human consumption until roasted. Therefore they will attract a 10 per cent GST whereas a roasted bean will be GST free. The

implication for local roasting firms is that imported beans, for example from Italy, come in with no tax paid either in Italy or Australia whereas the local manufacturers will have an impost of 10 per cent.

Not only is the taxation office incorrect in claiming that green beans are toxic — they have been drunk for centuries as a beverage — but the decision also has major implications for local manufacturers.

I ask the Treasurer to raise this issue as a matter of urgency with the federal Treasurer in order to save hundreds of jobs and the important manufacturers and their businesses which have expanded in the last few years with the rise of the coffee culture in this city. Those manufacturers are important to the local economy and must be defended.

More importantly, they are important to local culture. The decision needs to be reversed as a matter of urgency. The decision is unquestionably detrimental and shows the inequalities that are generated by the GST and its potential to impact on local firms and — —

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

### Responses

**Ms PIKE** (Minister for Aged Care) — The honourable member for Preston raised the matter of the provision of ethnic meals. I am happy to respond to his query. In mid-May I had the privilege of launching a project involving authentic ethnic meals delivered under the home and community care program at the migrant resource centre in the honourable member's electorate. The project was initiated by the North East Region Migrant Resource Centre and local government providers in the area worked collaboratively to ensure that the needs of elderly recipients of ethnic meals were met. As the honourable member said, the name of the project was 'My mother cooked this for me'. Apparently the name derived from a comment of one of the older men who had received a Vietnamese meal and was obviously pleased with it. That was the response to the project of many people in the area.

Older people are not always satisfied with meals normally enjoyed by people with Anglo-Saxon backgrounds. In fact, it is pretty unpleasant for people who have been brought up to appreciate and enjoy a diversity of food to have roast lamb and three vegetables put in front of them. In some ways it is astounding that more work has not been done in the area previously. The project was a particular success because a lot of attention was paid to the authenticity of

the meals. Vietnamese, Greek and Macedonian cooks were appointed after their food was put through the taste test by the people who were going to receive the meals.

The government has made a concerted effort to look after senior citizens from non-English-speaking backgrounds. It recently launched a service guide for older people translated into 13 languages. The government is committed to ensuring that viable ethnic meals are part of the mainstream aged care meals program. As the honourable member said, the ethnic meals have become so popular that many people from Anglo-Saxon backgrounds have intentionally chosen them. I can certainly understand why — I tasted the food when I launched the service.

I will ensure that the authentic ethnic meals project, which has emanated from service providers in the honourable member's electorate, will be provided to all local councils in Victoria.

**Mr CAMERON** (Minister for Local Government) — The honourable member for Prahran raised the matter of ambulance services in the western region of the state. As you would be aware, Madam Deputy Speaker, the government went to the election with certain ambulance commitments, and I will refer the matter to the Minister for Health to ascertain whether that was one of them.

The honourable member for Geelong North raised the matter of the mixed electoral system in Geelong. In addition to councillors who represent individual wards there are a number of councillors who represent the whole municipality, so there ends up being a mixed electoral system. The system is the same system that applies in the City of Melbourne.

In recent times people have been public in their criticism of the system. The chief executive officer of the City of Melbourne, who is the former CEO of the City of Greater Geelong, has made it clear that he is not in favour of the system, and the current CEO of the City of Greater Geelong believes the matter should be cast to one side and reviewed. A great deal of commentary has taken place about the matter in the Geelong community. Many people are seeking a change to the system so that councillors represent certain and defined areas, all councillors are on the same footing and there is not a two-class system.

Recently the council wrote to me. It would seem it is going down the path of reviewing the matter, which has the support of the honourable member for Geelong North and the community. However, time lines are

critical and any changes should be put in place for boundaries to be drawn in time for the City of Greater Geelong elections next March. My advice is that the review should proceed forthwith so that a recommendation can be sent back to the local government division, I can sign it off and the matter can be wrapped up. I would support a change along those lines.

Honourable members will appreciate that one of the problems with electing councillors across an entire municipality is that they are elected on a preferential system rather than on a proportional representation basis. That means that if a team gets together and gets more than 50 per cent of the votes they get all the seats. The sentiment in the community is that that is extremely unfair.

The honourable member for Mildura recently raised the matter in relation to the Shire of Moira, where the system is also an issue. Together with the honourable member for Murray Valley I today had discussions with representatives of the Shire of Moira in which they recognised it is a problem. It is not the system the community originally wanted; it was imposed by commissioners. The shire intends to review the matter to ensure there is greater representation across the electorate. It believes that a balance across the electorate would help it to go forward. The commissioners left behind enormous problems of increased debt in Moira. The municipality has had to face enormous challenges in managing that debt and infrastructure spending. Although it is getting the debt down and is increasing its infrastructure spending, it appreciates there are many issues for the future. The issue of a balanced representation across the municipality is one that it is keen to address.

I trust that clarifies the matter for the honourable member for Geelong North, who I know supports the Geelong community. I am sure he will convey what I have said to the City of Greater Geelong, reinforce how important the issue is and encourage the city to move on it as quickly as possible.

The honourable member for Wimmera raised a matter concerning farm safety. The government is very concerned with farm safety and has sought to build on existing initiatives. Although only 5 per cent of the work force is involved in the farm sector the industry accounts for over one-third of workplace deaths. That is totally out of proportion with the number of people in the sector. This year there have already been eight deaths in the farm sector, and two of those involved were unfortunately children. One of the problems with farms is that they are not only places of work but also

homes. The issue needs to be embraced by everyone. To that end the government and Workcover encourage farmers to undertake a managing farm safety course, which the government is subsidising to keep it affordable.

In addition, the government will appoint a full-time manager to the Victorian Farm Safety Training Centre at Ballarat. The position will be dedicated to promoting the course and increasing the participation of farmers in it. There will also be a community-based farm safety aid program. Volunteers from farming communities will be asked to come forward to be trained so that they in turn can train people in their own local farming communities.

Farm safety is a real problem. There is a need to change the entire culture. Already many farmers are taking up the challenge by embracing good occupational health and safety practices such as those undertaken by Michael Blake and mentioned by the honourable member for Wimmera. In the past few years the Victorian Farmers Federation and other farming organisations have taken up the changes to the culture and are promoting them. The government needs to ensure that that process will continue. The message is being promoted and pumped out to farming communities in the hope that it will get across the entire sector.

The claims experience system that operates in respect of insurance means that premiums in the farming sector are high even when compared with those in other sectors that are considered dangerous, such as mining. Mining is regarded as dangerous, yet premiums in that sector are lower because the industry has worked on its occupational health and safety practices. That is the goal in the farming sector. All honourable members want to see the changing culture embraced and major improvements achieved. I trust that answers the questions raised by the honourable member for Wimmera.

**Mr BATCHELOR** (Minister for Transport) — The honourable member for Mitcham raised with me a disturbing revelation by the federal member for Deakin, Mr Phil Barresi, about wanting to build a road through environmentally sensitive and residential areas of Melbourne between Greensborough and Ringwood. Mr Barresi has advocated that the state government build a ring-road around the remaining part of metropolitan Melbourne. As honourable members would know, under previous state and federal Labor governments a ring-road was constructed from the western suburbs through the north to Greensborough, but there was not much progress thereafter.

A proposal was developed for a Scoresby freeway between Frankston and Ringwood and although part of the planning work was done under the previous Liberal government it provided no money for it in the forward estimates. The project has a value in excess of \$1 billion. Notwithstanding the merits of the project, it cannot be progressed unless the federal government is prepared to fund it. The Bracks government requested funding for a Scoresby freeway from the federal government, but it has not come to the party.

Interestingly, in its last budget the federal government promised the money that should have been directed towards a Scoresby freeway — \$1 billion worth of Victoria's road funds — to the people of outer Sydney for a ring-road around that city. In the last federal budget the percentage of road funds that came back to Victoria as a percentage of the taxes that Victorians pay was cut from 17 per cent to 15 per cent under Mr Barresi's federal Liberal government.

However, the issue raised by the honourable member for Mitcham is not about the good work that both federal and state Labor governments did with the western and northern ring-roads or the planning work that was carried out for a Scoresby freeway. Rather, it is about the proposal by Mr Barresi to connect the missing section between Ringwood and Greensborough, which includes some very environmentally sensitive areas. If Mr Barresi's proposal were to be acted on a freeway would run through suburbs such as Greensborough, Diamond Creek, Eltham, Eltham North, Warrandyte, Doncaster East, Park Orchards and Donvale. It is an absolutely outrageous suggestion when one considers that there is no planning scheme reservation in place, that homes have already been built in the area, that it is an environmentally sensitive area and that it concerns an area in the Yarra Valley. It would cause environmental havoc.

It is little wonder that the federal member for Deakin is seen as foreshadowing the eve of destruction — he wants to drive a ring-road through an area that even the previous Kennett government shied away from. Although it had secret plans for the project it was not game or brazen enough to suggest in the public arena that such a freeway should be built through that section of outer Melbourne.

I am concerned that Mr Barresi is making these claims on the Bracks government. It is certainly not part of the government's policy. There are major difficulties with transport and freight movements around the outer suburbs, but the solution is not to build a freeway through that section of outer metropolitan Melbourne. It would cause extreme damage and destruction. It would

also divert huge amounts of state financial resources because of the topography that would need to be traversed, the homes that would need to be bulldozed and the huge amounts of compensation that would need to be paid.

The government suggests that the federal member for Deakin should be more cognisant of the roads and residential and environmental needs in the outer suburbs of Melbourne. He is a federal representative of that area, so one would think he would care about what happens in the area he represents and the adjoining electorates.

The green wedge of Melbourne should not be tampered with by pushing through freeways as suggested by the federal member for Deakin. The Bracks government will not do that and, as I said, the people of Greensborough, Diamond Creek, Eltham, Eltham North, Warrandyte, Doncaster East, Park Orchards and Donvale may be assured that, unlike the federal member for Deakin, the government will not be involved in politics in the green wedge of outer metropolitan Melbourne.

The honourable member for Polwarth raised the important issue of Manifold Street, Camperdown, and the concerns of his constituents — —

**Mr Mulder** — What about the Otways?

**Mr BATCHELOR** — I will come to the Otways shortly.

The honourable member for Polwarth has expressed the desire of his constituents for a reduction in speed limits to combat the excessive number of B-doubles and cattle trucks that travel through the area. He referred to the tragic circumstances of the death of a young child at Christmas and the support of local residents for a host of integrated treatments, including a speed reduction to 50 kilometres an hour, line marking, the conversion of some streets to one way and the installation of traffic lights, all of which have the support of the local council and need to be undertaken. The honourable member for Polwarth has requested the government to provide funding for those measures.

The problem for the current honourable member for Polwarth is that his predecessor made no funds available. His predecessor was known as Dr No. He said no to country Victoria, no to Camperdown, no to its residents, no to their children — —

**Mr Mulder** interjected.

**The DEPUTY SPEAKER** — Order! The honourable member for Polwarth is interjecting out of his seat.

**Mr BATCHELOR** — As all honourable members know, the honourable member for Polwarth has referred to only one part of his electorate in his short time in the Parliament. The only time one hears the honourable member for Polwarth is when he speaks of the Otways. Never before — —

**Mr Mulder** interjected.

**The DEPUTY SPEAKER** — Order! I ask the honourable member for Polwarth to cease interrupting in that tone of voice. The Minister for Transport will conclude his answer.

**Mr BATCHELOR** — Honourable members on both sides of the house know the honourable member for Polwarth comes into the house day after day and utters only one phrase — that is, ‘What about the Otways?’. No-one has heard him utter the words, ‘What about Manifold Street, Camperdown?’. The honourable member for Polwarth has had numerous opportunities to raise those sorts of issues and one wonders why the former honourable member for Polwarth — —

**Mr Mulder** — On a point of order, Madam Deputy Speaker, I referred to the death of a six-year-old child in Manifold Street, Camperdown. I have not raised it before, but it is the issue I ask the Minister for Transport to address.

**The DEPUTY SPEAKER** — Order! I do not uphold the point of order, but the Minister for Transport should conclude his response.

**Mr BATCHELOR** — Unlike the former government and unlike the party to which the current honourable member for Polwarth belongs, the Bracks government is concerned about local traffic issues in country towns. It will examine the matter, but I ask the honourable member for Polwarth why it has taken him so long to raise the matter.

**Mr Mulder** — On a point of order, Madam Deputy Speaker, the issue I am referring to occurred last Christmas. The report has just been sent to Vicroads and I have not had the opportunity of raising the matter before this evening.

**The DEPUTY SPEAKER** — Order! There is no point of order. Honourable members cannot use points of order to further explain matters raised with ministers.

**Mr BATCHELOR** — According to the words just uttered by the honourable member for Polwarth, he has not bothered to raise this matter in the past.

*Honourable members interjecting.*

**Mr BATCHELOR** — I give an immediate response: the government will examine what the honourable member for Polwarth has put forward. I advise him that the government is concerned about what happens in country areas and on country roads, particularly where accident black spots exist. The government has declared a blitz on accident black spots across metropolitan and rural Victoria. It has committed \$240 million over the coming three years to address the sorts of issues raised by the honourable member for Polwarth. It is a one-off safety dividend from the Transport Accident Commission.

The government will shortly be announcing the guidelines for the accident black spot funding program. They will detail how individual members of the community, members of Parliament and community organisations can make applications to have various projects considered. I encourage the community in Camperdown to bring that matter directly to my attention so it and other matters can be considered in that program.

The previous government spent \$4 million a year — that is, \$12 million over three years — on accident black spots. In effect, the Labor government will spend \$240 million over three years and it will spend half of that money in country Victoria so the sorts of issues belatedly raised by the member for Polwarth can be addressed. They will not have to just be looked into — the government will be providing the funds. I inform the people in Camperdown that if they make an application to me when the guidelines are released, it will be taken on board. I suggest they could do it quicker than the member for Polwarth.

**Ms GARBUTT** (Minister for Environment and Conservation) — The member for Gippsland East raised the implementation of various initiatives and actions outlined in the recently concluded regional forest agreements (RFA), particularly the Gippsland agreement which applies to his electorate. The member mentioned several of the initiatives that were agreed on, including implementation of actions to assist workers with retraining and the assistance to the industry — including sawmillers, harvesters and contractors — to address restructuring issues and various forms of regional assistance to attract further employment into the area.

The government is very committed to rural and regional Victoria and the employment outcomes and positive environmental outcomes outlined in the RFA process. Industry restructuring and worker assistance is covered under the Forest Industry Structural Adjustment Program (FISAP), for which there has been an allocation of \$42.5 million. Applications for industry development assistance in its various forms have been assessed through to stage B. The further assessments and recommendations will be made in July. The applications are proceeding through the thorough process of assessment and the outcomes will be announced in July. That particular activity will create new jobs as sawmills change, introduce new processes and add value to their processes. The government expects that to drive job creation over the longer term in the forest sector.

Some individual enterprises have applied under the business exit program and those applications will be assessed in June. The results of that part of the process should be known in the next couple of months.

The government allocated an extra \$20 million to the growing forests initiative. That will provide benefits to regional Victoria under a range of projects including forestry, recreation, tourism and the environment. The government is phasing in those adjustments and coordinating them with the FISAP arrangements. Planning has begun on some of the key projects and will be completed over the next three or four months so work can commence over the summer season. That includes the Bruthen–Bairnsdale rail trail extension.

The government also committed to the expansion of private forestry initiatives. Liaison with the stakeholders for that part of the project is due to begin in July and application guidelines are being developed. The government has built support for the regional plantation committees into the budget planning processes and detailed work programs are being undertaken for those groups.

The government announced several forest management initiatives which will increase productivity and employment in the state forests. Work is under way on that and it is expected that work will be available this summer arising from those initiatives.

Specific and detailed discussions are under way with various sawmills. The government is close to outcomes with some sawmills including Whitlands and Mount Beauty, which were abandoned by the previous government. Those initiatives are close to conclusion.

The member for Gippsland East would realise that the government is strongly committed to the full

implementation of the RFAs and to supporting a balanced outcome for the environment and rural and regional economies as well as a sustainable timber industry and, in turn, the jobs it provides in rural Victoria, including the member's electorate.

**Mr HULLS** (Attorney-General) — The honourable member for Springvale raised a very important matter. I advise the house that the Bracks government is examining the implications for the government and the community of the unprecedented event to which he referred. The commonwealth electoral roll is jointly maintained and administered by the state and commonwealth governments.

I would describe the action referred to by the honourable member for Springvale as unprecedented, because that is what the federal Electoral Commissioner has indicated. An article which appeared in the *Australian* yesterday has been brought to my attention. The evidence given by Mr Becker of the Australian Electoral Commission to a Senate inquiry makes it clear that the action was unprecedented. In the article Glen Milne makes a number of points. He says, firstly, that the roll was provided to the Australian Taxation Office in electronic form and that makes it much more easily manipulated by computers. He secondly states that the Electoral Commissioner, Mr Becker, also provided the age of electors, and thirdly, that he told the Australian Taxation Office the gender of voters. The article states:

The additional information suddenly turned a crude device for tracking tax fraud into a potentially highly sophisticated marketing tool for a government wanting to sell its new tax changes to a still very sceptical electorate.

He states further:

... Becker's single most damaging concession in front of his Senate inquisition was that his action had no precedent.

The action is unprecedented. It appears that the government's role — not Mr Becker's role — is being used in an unprecedented fashion for purely party-political purposes. The government has a duty to ensure that its responsibilities with respect to the Electoral Act — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The honourable member for Springvale asked the question; perhaps he would like to listen to the answer, without assistance from the opposition.

**Mr HULLS** — The government has a duty to ensure that its responsibilities with respect to the electoral role are not compromised by the actions of the

Australian Electoral Commissioner, the Australian Electoral Commission and the commonwealth government.

The government must ensure that the privacy of the citizens of Victoria is maintained. Accordingly, I have requested urgent legal advice about the issues arising from the activities of the Australian Electoral Commission and the commonwealth government. The state government will review the matter upon receipt of legal advice.

**Mr BRUMBY** (Treasurer) — The honourable member for Coburg raised a very important issue with me tonight which concerns a number of coffee processors in his electorate, of which I took a note. He mentioned producers such as Coffex, Monte, Negrita, Beraldo, Grinder, Atomica, Hassoun, Caffe Mio, Mocopan and Jasper — a very fine coffee. Of course there are others. Many of those coffees will have been sampled or purchased by honourable members. Those coffees are processed locally, many of them in the electorate of the honourable member for Coburg — certainly many of them in the northern suburbs. It is produced by roasting green coffee beans, processing them, and producing a finished product which we are able to consume.

The honourable member pointed to an article in yesterday's *Australian Financial Review* which suggests that the Australian Taxation Office (ATO) has given a ruling on this matter which suggests green coffee beans, which are the raw coffee beans, are not a food and will therefore attract the goods and services tax (GST) whereas roasted coffee beans — which most of us would ordinarily consume — is classified as a food and therefore will not attract the GST.

I should point out for the information of the honourable member and the house that the supply of food for human consumption generally is GST free and for GST purposes 'food' means: food for human consumption, whether or not it requires processing or treatment; ingredients for food for human consumption beverages for human consumption, including water; ingredients for beverages for human consumption goods to be mixed with or added to food for human consumption, including condiments, spices, seasonings, sweetening agents or flavourings; and finally, fats and oils marketed for culinary purposes, or any combination of the above.

On the face of it, one would think that is clear cut. However, the Australian Taxation Office has released a private ruling to the Australian Tea and Coffee Traders Association, which is far from clear cut, and on the face of it would appear to work very much against the

interests of the coffee bean processors in the honourable member's electorate. The ruling deems roasted coffee beans as fit for human consumption — and the government would certainly agree with that. However, it has also ruled that green coffee beans are 'toxic' and 'therefore unfit for human consumption'. The ATO says this in its ruling:

Green coffee beans are toxic and cannot be consumed by humans until further processing takes place — that is, roasting — therefore they are not an ingredient for beverages for human consumption ... they will not be GST free.

This is just another example of the GST mess in which this state and Australia finds itself. The example does absolutely nothing — —

**Mr Leigh** — On a point of order, I understand after 1 July the tax all comes to the state so the minister can solve the honourable member's problem by making sure that — —

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

**Mr BRUMBY** — This latest example does nothing to appease the level of anxiety among small businesses and, in this case, local coffee roasting companies.

Reports in yesterday's *Australian Financial Review* detail the concern of local traders that the ruling gives preferential treatment to importers of roasted coffee, and it does — we should be absolutely clear about that. All the companies I mentioned are adding value, creating jobs and developing a reputation for Victoria as the food capital of Australia, but they will be disadvantaged by that bizarre ruling. The honourable member for Coburg has done the right thing by raising the issue in this place tonight.

The Bracks government is committed to supporting small business and local industry. I am happy to advise the honourable member for Coburg that there will be a meeting in Sydney tomorrow of what is called the GST Administration Subcommittee, which includes Treasury officials from around Australia. I have requested that Victorian Treasury officials raise the matter with their federal counterparts. I can assure the honourable member for Coburg that the government wants a resolution to the issue. The government is proud of the work of local processors and the fact that they are creating jobs. It is a bizarre ruling, and the government wants to see it fixed.

**Ms DELAHUNTY** (Minister for Education) — The matter raised by the honourable member for Bentleigh concerns the delight of our school communities about the metamorphosis from what was known as the

*Victorian School News* to what is now known as the *Education Times*.

**Mrs Peulich** — It's also known as *Pravda*.

**Ms DELAHUNTY** — The honourable member is right: it was known as *Pravda* when the former government spent hundreds of thousands of dollars peppering our schools with Liberal Party propaganda.

The honourable member for Bentleigh raised the matter of the *Education Times*, but she did not quote the author of the letter. Award-winning journalists like me know that if they use anonymous sources — —

**Mrs Peulich** — On a point of order, Madam Deputy Speaker, I did not refer to the author because the author is an employee in our school system and fears retribution.

**The DEPUTY SPEAKER** — Order! There is no point of order. The minister at the table will continue.

**Mr Leigh** — On a point of order, Madam Deputy Speaker, the honourable member for Bentleigh asked for action to be taken by the Premier against the minister, but the minister is now supposedly taking — —

**Mr Nardella** interjected.

**Mr Leigh** — Just wait. The minister is now supposedly justifying her position, and I am wondering whether that is appropriate given that the honourable member for Bentleigh asked for the Premier to take action about the Minister for Education. We now have this noddy arrangement whereby she is responding.

**The DEPUTY SPEAKER** — Order! The honourable member for Bentleigh asked for a matter to be raised with the Premier or the minister at the table. The minister at the table is the Minister for Education.

**Mrs Peulich** — On a point of order, Madam Deputy Speaker, you ruled correctly on the previous point of order, but I would like the minister at the table to acknowledge the action I asked the Premier to take concerning the matter I raised. It is not an opportunity for the minister to explain her reason for establishing *Pravda*; instead she should refer the matter to the Premier, because I have asked the Premier to counsel her and to ask her to reverse her decision.

**The DEPUTY SPEAKER** — Order! The honourable member for Bentleigh asked the Premier to take action. I ask the minister at the table to refer to that request in her response.

**Ms DELAHUNTY** — I am very happy to take up with the Premier the matter of counselling the Minister for Education. I urge him to do so quickly.

As I was saying, award winning journalists know that one should not refer to anonymous sources because they do not have much credibility. However, the honourable member for Bentleigh raised the new look of the *Education Times* — a very attractive publication. She is right; the paper contains two invitations to a discussion. I know that is novel to members of the previous government because the idea of consulting with the education community is anathema to them. The two invitations are on the front page. One is an invitation to all members of school communities — parents, teachers and supporters — to look at the future of the next generation of public schools under a Bracks Labor government. The second invitation under the heading 'It is your profession', invites teachers, principals and school communities to tell the government what they want in their newspaper.

It is worth noting that Victorians would expect from their teachers better grammar than that used by the honourable member for Bentleigh. My notes record that she used the phrase, which is terrible grammar, 'It has real bad omen'. I hope the teachers use better grammar than that! One can see from this colourful and inviting newspaper that, unlike the honourable member for Bentleigh, the *Education Times* has — —

**Mr Leigh** — On a point of order, Madam Deputy Speaker, will the minister make available to the house the new version of the *Labor Star*!

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

**Ms DELAHUNTY** — There never is a point of order when the honourable member for Mordialloc gets up.

**Mrs Peulich** interjected.

**Ms DELAHUNTY** — I am thrilled about it. Unlike the honourable member for Bentleigh, the *Education Times* has colour, style, content and intellectual rigour.

The honourable member for Bellarine raised a matter for the Minister for Energy and Resources and I will be happy to refer it to her.

**The DEPUTY SPEAKER** — Order! The house stands adjourned until next day.

**House adjourned 11.18 p.m.**