PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

2 May 2001

(extract from Book 4)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

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The Lieutenant-Governor

Lady SOUTHEY, AM

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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

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

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Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 3 November 1999
[2] Elected 11 December 1999
[3] Resigned 12 April 2000
[4] Elected 13 May 2000

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WEDNESDAY, 2 MAY 2001

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Wednesday, 2 May 2001

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.38 a.m. and read the prayer.

RULINGS BY THE CHAIR

Documents: availability

The SPEAKER — Order! During question time on Wednesday, 4 April, a request was made that the Minister for Police and Emergency Services make available to the house documents he had utilised in answering a question. Following the point of order I attempted to clarify with the honourable member the nature of the documents in question. Initially when I sought such clarification the minister dropped the documents on the table and shrugged. When I again posed the question he stated he was quoting from notes. Following my further request that he clarify whether he was quoting from a document or referring to notes he confirmed that he was referring to notes. Given further points of order taken at that time I sought the minister's cooperation in making the documents available to me. After I examined those documents I ruled that they were only notes and need not be made available to the house.

Since that ruling, taking into account further representations that have been made to me in chambers, I have given the matter additional consideration. It seems to me that in answering my query the minister initially misused the word 'quoting'. In parliamentary terms in this context a quotation takes place when a public document is read out in whole or in part. Notes made for an honourable member's own use that are patently not a public document cannot form the subject of a quotation and can only be referred to. While some confusion has been caused by the use of the terminology in this instance, the fundamental point must be the nature of the documents concerned. I have looked at the documents very carefully and am quite satisfied that they are no more than a series of notes. I cannot possibly deem them to be a public document and, therefore, they need not be made available.

However, I take this opportunity to remind all honourable members of my detailed ruling on this matter on 1 December 2000 setting out in full the procedure for making and responding to a request that documents be made available. Specifically, as I did in that ruling, I draw a distinction between the two situations. Firstly, when an honourable member is quoting from a public document the basic rule is that such a document must be made available upon request; and, secondly, when an honourable member is simply referring to notes those notes do not have to be produced. To assist with the smooth running of the house I ask all honourable members to take careful note of both this ruling and that made last December.

Dr Napthine — On a point of order, Mr Speaker, I do not have the *Hansard* record of that day because I was not aware you would be making this ruling this morning. However, to the best of my recollection the honourable member, as you said Mr Speaker, made it clear in his response to your request that he was quoting.

The minister at no time subsequently, either that day or since then, has made an apology to the house for misusing that word. In addition, to the best of my recollection, and I seek your clarification, the minister also said at the time that some of the papers to which you referred were typewritten. My understanding is that a significant portion of those papers were typewritten. They were not handwritten notes, they were typewritten notes, and as such they were what you described as public documents. He said he was quoting from them, and I find it difficult to understand your ruling, given that it would create an enormous precedent that would enable honourable members to tell the house they are quoting from typewritten notes — typewritten documents — and then in response to a request say that they were not quoting.

Mr Speaker, this is a very serious matter. I ask that you consider it very carefully. I believe your current ruling changes the precedents in this house absolutely and significantly.

The SPEAKER — Order! I will not hear further on the point of order. I am not prepared to uphold the point of order raised by the Leader of the Opposition. As I indicated in my detailed ruling on the matter, an examination of the public record shows that the minister provided the house with a number of different responses to the question posed to him by the Chair. To the best of my investigations and reading of the public record, as I have indicated in that ruling, the minister misused the word quoted.

I believe my ruling this morning in no way alters previous rulings in regard to making available documents to the house. I further suggest to the house that if it is still not satisfied with this ruling, it resolves this matter by substantive motion.

DISAGREEMENT WITH SPEAKER'S RULING

Dr NAPTHINE (Leader of the Opposition) — Mr Speaker, I wish to move a motion of dissent from your ruling.

The SPEAKER — Order! The procedures of the house require the Leader of the Opposition to move such a motion either by leave or after having given notice.

Dr NAPTHINE — By leave, I move:

That the house disagrees with the ruling of Mr Speaker.

Leave refused.

The SPEAKER — Order! Does the Leader of the Opposition wish to give notice?

Dr NAPTHINE — I give notice that tomorrow I will move a motion of dissent from the Speaker's ruling.

Honourable members interjecting.

The SPEAKER — Order! The interjections of the Minister for Post Compulsory Education, Training and Employment are disorderly.

Mr Perton interjected.

The SPEAKER — Order! Similarly, those of the honourable member for Doncaster.

RULINGS BY THE CHAIR

Documents: email sources

The SPEAKER — Order! The Leader of the Opposition requested in a point of order raised on 5 April that I consider the requirements for providing the sources of an email where that email has been quoted to the house. Where this occurs the honourable member quoting the email must be prepared to provide the name of the sender and the date of the transmission as they appear on top of such email.

I also take this opportunity to remind honourable members that when quoting from any document they must be able to indicate the source of that quotation when requested.

PETITIONS

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

Rail: St Albans crossing

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 sheweth requires a solution to problems relating to the railway crossing located on Main Road, dividing Main Road East and Main Road West, St Albans.

This crossing has been recognised by the RACV as the worst in Victoria for three consecutive years. Currently 49 trains travel through the crossing each day. Once electrification to Sydenham occurs, 200 trains will go through the crossing, resulting in 7 hours of closures per day. This will destroy our community.

Your petitioners therefore pray that Vicroads complete the study before electrification goes through and that a decision is made to underground the crossing.

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

By Mr SEITZ (Keilor) (81 signatures)

School buses: review

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

We, the undersigned Victorians, seek the support of the Victorian Parliament to duly consider the rural community submissions to the current statewide school bus review; and further give an undertaking to remove the unjust and iniquitous and unfair policy that exists at present, which discriminates against Catholic and non-government school students by denying them fair and free access to government contract buses school bus seats.

We, the petitioners, as in duty bound, will ever pray for your due consideration and resolution of our concerns.

By Mr MAXFIELD (Narracan) (1059 signatures)

Royal Victorian Institute for the Blind

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

The humble petition of the Terang branch auxiliary of the Royal Victorian Institute for the Blind sheweth:

> Totally oppose and do not support RVIB's decision to close the Otways south-western regional office which currently services 258 clients throughout the region and whose staff are to be made redundant.

Your petitioners therefore pray that the Minister for Community Services, together with this government, intervene on our behalf to prevent this service being taken away from us and that it continues undisturbed, as it presently exists.

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

By Mr VOGELS (Warrnambool) (315 signatures)

Laid on table.

Ordered that petition presented by honourable member for Keilor be considered next day on motion of Mr SEITZ (Keilor).

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Auditor-General's office

Mr LONEY (Geelong North) presented report on appointment of independent auditors to conduct financial and performance audits of Victorian Auditor-General's Office, together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Auditor-General — Performance Audit Report — Implementing Local Priority Policing in Victoria — Ordered to be printed.

Melbourne City Link Act 1995:

Deed for Managed Investments Act

Statement of Variation No 1/2001: Detailed Tolling Strategy

Parliamentary Committees Act 1968 — Response of the Minister for Agriculture on the action taken with respect to the recommendations made by the Environment and Natural Resources Committee Report, Control of Ovine Johne's Disease in Victoria.

METROPOLITAN AMBULANCE SERVICE ROYAL COMMISSION

Interim report

Mr BRACKS (Premier) — I have received advice that later this morning the royal commissioner will present to the Governor an interim report from the ambulance royal commission. When the Governor makes this interim report available to the government I will arrange with you, Mr Speaker, to table the report, by leave, later this day.

MEMBERS STATEMENTS

HIH Insurance: liquidation

Mr DIXON (Dromana) — The Mornington Peninsula economy relies heavily on the building industry. A large number of small building firms, many subcontractors and a number of supplying outfits are located on the peninsula. The recent HIH Insurance collapse has impacted greatly on the local building industry in my electorate. At the moment many builders are technically unregistered because they are unable to obtain insurance for any of the new projects they wish to start. There are a large number of builders because the building industry is quite buoyant on the Mornington Peninsula. They cannot afford the long delays while they wait for reinsurance. There is a large backlog and the delay is getting too long for them and is harming significantly the building industry on the peninsula, affecting not only the builders but the subcontractors and the many suppliers.

A number of builders have spoken to me and have asked me to request the government to quickly provide a short-term remedy because they cannot afford the delay. Not only do they want some sort of short-term action from the government but they want some sort of solution so that in the long term this sort of thing does not happen again.

The collapse has affected many small building companies that do not have the resources or the cash flow to be able to last over this long period. We want action from the government and we want it quickly.

Ballarat: housing awards

Ms OVERINGTON (Ballarat West) — At Lake Wendouree on Sunday I joined with 700 public housing tenants and the Minister for Housing to celebrate housing week. It was a fantastic day, and I take this opportunity to congratulate the Grampians housing network, including Martin Prewer, Bronwyn Roberts and Stevie Wright, who worked so hard to put the day together. I also thank the staff of the Office for Housing who assisted in putting on the barbecue and manning the many stalls.

A number of housing awards were presented. The Brown Hill recipient was Malcolm Creelman; Delacombe, Irene Houghton; Wendouree, Chloe Charlton; Ballarat East, Thomas Phillips; Bacchus Marsh, Lorraine Judge; and Avoca, Kaylene Smith. The Tenants Best Garden Award went to Steve Matthews, who has a wonderful garden; I know because I went to look at it. The Public Tenant of the

Year Award presented by the minister went to Les Tompkins. Les is an elderly gentleman who lives in one of a group of units predominantly for elderly persons, and he has a reputation for assisting those people.

The day comprised a wonderful barbecue on the shores of beautiful Lake Wendouree, with a farmyard and jumping castles set up for the kids and rides around Lake Wendouree in a paddle steamer. A great day was enjoyed by all.

Horsham: tidy town award

Mr DELAHUNTY (Wimmera) — On the many occasions I am asked where my electorate office is, I am very proud to say, 'Horsham — Australia's tidiest town'. This is the first time a Victorian town has won that prestigious award. It is great for the Horsham city, it is great for the Wimmera and it is great for Victoria. It is a feather in the cap for all those involved, including the councillors and staff of the Horsham Rural City Council, the Horsham Tidy Towns committee enthusiastically led by Don Johns, OAM, and the residents of Horsham.

Since the 1970s Horsham has been a leader in the Tidy Towns awards and has initiated many projects, including Adopt a Spot and Adopt a Highway programs, river foreshore and wetlands projects and many other initiatives, which have been the reason for the town winning this award.

The Tidy Towns program is one of the many good things happening in Horsham that make it attractive for people to live and work in the Wimmera. The award sends out a strong message to the state government to continue the funding for the Keep Australia Beautiful program. The great community spirit among the people of Horsham is evident in the willingness of the community to work together on positive projects.

Horsham now stands as an inspiration for all country towns and cities, not only in Victoria but right across Australia. As a manager of Keep Australia Beautiful said, 'The aim of Tidy Towns is to recognise and support those Victorians who are working hard to protect and enhance our local environment'. Congratulations.

Oakleigh: football clubs

Ms BARKER (Oakleigh) — I wish to record my thanks and those of many local residents for the outstanding voluntary work undertaken by the Oakleigh Amateur Football Club and the Oakleigh Youth Football Club. I am very proud to be the no. 1 ticket-holder for the amateurs and also to have attended both the senior and junior jumper presentations. The seniors have a full list this year under new coach, Russell Bruerton, and newly appointed captain, Shane Kitts. I wish them every success for the season. President Barry Alexander continues his longstanding association and commitment to the club, as does Norm Walsh as secretary.

Oakleigh amateurs is a very large local footy club, with teams in the under 9s, 10s, 11s, 12s, 14s, 19s, seconds and seniors competition, as well as participating in Auskick. The juniors are under the presidency of Kim Wooderspoon, who continues to give his time very generously to involve young people in our local area.

Secretary of the juniors this year is Richard Forsyth. Geoff Dynon, who worked in that role for many years, is still actively involved. The junior club can have 150 to 200 kids at the oval on a Sunday to participate in Auskick and junior football.

I was joined at the under 9s, 10s, 11s and 12s jumper presentations by James Manson, who played with Collingwood and Fitzroy before retiring in 1995, although he is still associated with football. I am very thankful that James gave his time generously to help with those jumper presentations and to give the junior players a few words of advice. He told them three important things: listen to your coach; do not backchat the umpire; and, most importantly, enjoy what you are doing. That is very good advice that I suggest could be taken up in many walks of life, including in this place.

I again thank the many volunteers who work so hard for the Oakleigh Amateur Football Club and the Oakleigh Youth Football Club. Without their dedication and commitment this vital local sporting body would not continue.

Land tax: self-funded retirees

Mr KOTSIRAS (Bulleen) — I condemn this Labor government for putting forward a tax package that is deceptive. This government claims the land tax threshold will be increased from $85 000 to $125 000, costing the government $5 million. While I welcome the government's position to back down from its flat rate of land tax, the result of this tax package is that many self-funded retirees will still pay more in land tax in 2001–02.

Recent changes in the equalisation ratios means that many land tax payers in Victoria will not benefit from this package. Those changes together with the recent revaluations of properties across Victoria will mean there will be further increases in taxable property values above the new $125 000 threshold.

A resident came into my office very upset about this government's attack on self-funded retirees claiming that:

> Mr Brumby has given the impression that [the land tax deal] will contain relief for those paying this land tax and that it will be great for self-funded retirees like ourselves. [My] calculations do not bear out his words.

He advises me that in 2000 he paid $753 in land tax. In 2001 he will pay $1200 and in 2002 he will pay a staggering $7000. It shows that the government's tax package is deceptive and does not go far enough. The government will collect an extra $111 million in land tax in 2000–01.

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

Daylesford: community cabinet visit

Mr HOWARD (Ballarat East) — Last Thursday and Friday I welcomed to Daylesford in my electorate seven members of the Bracks community cabinet. Seven ministers of the state government, along with two parliamentary secretaries, spent two days having a broad range of consultations with the people of the Hepburn community. It was part of continuing activity by the government to reinforce its position of showing it intends to keep in touch with the people of regional Victoria. It wants to hear the views of people from across the state and stay in touch with and govern for all Victorians.

The activities carried out by the ministers and parliamentary secretaries over the two days involved several sessions with individuals and small groups and included a breakfast, a morning tea and an evening at the local hotel, where a broad range of people from the Hepburn community had an opportunity to meet ministers face-to-face and share issues of interest. I thank the Shire of Hepburn under its new mayor, Laurice Newman, for its involvement in the days. Also to the management and staff of Lake House — —

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

M1 protesters

Mrs FYFFE (Evelyn) — Yesterday part of the city was brought to a standstill by the M1 demonstration. While I defend to the death the rights of our citizens to demonstrate peacefully and lawfully, and I am pleased there were not the levels of violence against police that were seen last September, I deplore the mindless, criminal acts of vandalism against private and public property that took place.

It is incomprehensible that by its silence the government is condoning the fact that many businesses had to close yesterday. Many people lost wages, including casual workers, who can least afford it. By its silence the government is saying to young people that it is okay to stop others going about their lawful business and to vandalise property. It is unbelievable that the Premier and the Minister for Police and Emergency Services have chosen to remain silent on the fact that police officers had to stand by and watch property being vandalised and criminal acts being committed.

This government lacks leadership and will not stand up for decent, law-abiding citizens who are going about their lawful business. It is encouraging young people to spray-paint graffiti and commit mindless acts of violence on public and personal property.

Special Olympics Victoria

Mr HOLDING (Springvale) — I pay tribute to the organisers and sponsors, and above all to the athletes, who participated in this years Special Olympics Victoria summer games.

I had the honour of representing the Premier at the opening of the 20th state games at Haileybury College in my electorate of Springvale. The games took place between 6 and 8 April, and involved representatives from nine competing regions plus a contingent from New Zealand. Events included aquatics, tennis, bocce, track and field and softball.

I congratulate Mr Kurt Kraushofer, OAM, the chairman of Special Olympics Victoria, whose name has become synonymous with this terrific event, and Mr Ian Edmondson, the games director.

The games are open to all persons who are aged eight years or older and who have been identified by an agency or professional as having an intellectual disability. It was a thrill to participate in some of the medal presentation ceremonies and to be inspired by the enthusiasm of all of the athletes and the organisers. I wish them every success in future years as they strive to fulfil the Special Olympics oath, which states 'Let me win; but if I cannot win, let me be brave in the attempt'.

Hellenic Antiquities Museum

Mrs SHARDEY (Caulfield) — I express my great concern about the apparent closure of the Hellenic Antiquities Museum. I was recently spoken to by someone who had rung the museum to inquire about future exhibitions, only to be told it had closed. I spoke to some museum staff, who informed me that the museum space was now being used for other purposes

by the Immigration Museum, which was happy to have the additional room.

All this flies in the face of the claims by the Bracks government that it is committed to keeping the museum open. Not only that, as Premier, Steve Bracks made a special trip to Greece last July to negotiate a formal agreement with the Greek government to secure exhibitions. It now appears that the Premier's efforts were a dismal failure. He has also not had the courage to inform either the Victorian community generally or the Greek community in this state of what transpired. I am sure now that the cat is out of the bag the Premier will give us a string of excuses, none of which will involve him admitting his own failure but which I am sure will apportion blame to others.

The fact is that the previous government was able to negotiate successful exhibitions at the museum without formal agreements. Perhaps the Bracks government should enlist the help of the very person who was able to achieve that success.

Wimmera German Fest

Mr ROBINSON (Mitcham) — Last Saturday evening I had the opportunity of opening the Wimmera German Fest at Dimboola. I place on the record my appreciation of the efforts undertaken by people in the Shire of Hindmarsh and the people of Dimboola to put the event together.

The event was held at the Dimboola sports pavilion, which last year was extended considerably — I attended its opening — through support from the Department of State and Regional Development. A crowd of about 3000 people attended this successful event in its seventh year. Funds raised are directed to the Dimboola campus of the West Wimmera hospital, and over the past seven years about $100 000 has been raised.

I pay tribute to Kneller Lehmann, who acts as secretary to the auxiliary behind the organisation of the German Fest. It takes a good 12 months of solid work to put together the spectacular two-day event. It was a magnificent occasion and a great opportunity for local businesses to get exposure and to sell their products. I congratulate all who were involved, including the Shire of Hindmarsh.

The SPEAKER — Order! The honourable member's time has expired and the time set down for member statements has also expired.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Education, Employment and Training: personnel

Mr HONEYWOOD (Warrandyte) — I grieve today for the education department, and specifically a fine group of school education experts and senior officers whose morale has been shattered by the complete politicisation of most of the senior and many of the middle-level positions in their corporate structure, and all within the space of only 18 months.

All honourable members are by now aware that within months of taking office the Minister for Education had contrived the departure of the former Director of Schools, Mr John Pascoe. She then removed three of the nine regional managers of the education department across the state and the two top finance officers within the minister's department. More recently the head of the department, Peter Allen, and the Deputy Director of Schools, Don Tyrer, have been removed. Later in my grievance I will come to the creative and costly way Mr Allen and Mr Tyrer were persuaded to move on.

As if those departures were not enough, there is now clear evidence of deliberate restructuring to accommodate political lackeys and other, often underqualified, fellow travellers of the ALP in very lucrative positions within the department. The recent restructure was dressed up by the appointment of Geoff Allen Consultants to conduct the review. I have no problem with the credentials of that firm, but the main justification for the review was to organise the department so that the two ministers' offices could 'better communicate with one another' — in other words, to stop the ministers from fighting. We know how well those two get on!

That matter, however, is not my chief concern today, but rather some of the recommendations that came out of the review and the identities of the people who have been contrived into new positions as a result of implementation of that review. For example, we now have an Office of Portfolio Integration. To find the reason that office now exists I shall quote from the review documents:

> The capacity of the department at the corporate level to undertake policy development, cross-sectoral planning and resource allocation, to evaluate performance and coordinated change across the portfolio is currently underdeveloped.

What an indictment of the public servants who are there at the moment!

The review document goes on:

> It is proposed that these shortcomings will be addressed by the new Office of Portfolio Integration, which under the direction of a rejuvenated corporate board —

in other words a politicised corporate board —

> will drive cross-sectoral policy and focus on strategic issues facing DEET. This will include the consultancy recommendations relating to these issues (specifically recommendations 1 to 6 and recommendation 10).

Who are the lucky mates of the ALP who have got guernseys in those well-remunerated positions? They fall into two groups: the Queensland mafia and the local ALP mafia. The Queensland mafia is an interesting little network of connections and cosy friendships that has provided substantial rewards for the efforts of its members in the frontiers of ALP empire building. First, there is Terry Moran, former head of the Victorian State Training Board, and his little mate Kim Bannikoff. Terry and Kim were close buddies in Victoria when Joan Kirner ruled the education roost. Kim served under Mr Moran after a background in the Technical Teachers Union of Victoria and is well-known for having a key role with former minister Joan Kirner in helping her brains trust — and boy she needed it at times! — to run her politicised department. That was back in the days when, as you will recall, Mr Speaker, union hacks were in positions where they just sat in the Rialto with no job other than to receive pay from the taxpayers and do factional deals and other factional work on behalf of the ALP. Kim Carr did very well out of all that and is now a senator. The Victorian taxpayers paid for his training provided at the Rialto.

What happened next is a round-Australia travelogue. Terry Moran went from being the head of the state training board to being head of the Australian National Training Authority, which is based in Brisbane. Who travelled up to Queensland for a key consulting and employment role? Yes, Kim Bannikoff. Kim went to Queensland and laboured strenuously, of course, under Mr Moran. Where did Mr Moran go to after his term as head of ANTA? A Labor government was elected in Queensland two or three years after Mr Moran took over at ANTA and, being true to his Labor credentials, Mr Moran got his next guernsey as head of the education department in Queensland. Who did he take with him? Good ol' Kim, of course. Kim was there to help Terry and, we understand, did some wonderful consultancies.

By this stage Terry and Kim had picked up another mate by the name of Phillip Clarke, who has done well under the Bracks government in Victoria. Phillip went across from ANTA and was working in the Queensland education department along with Terry and Kim Bannikoff. How do we know this? The Victorian Minister for Education, the Honourable Mary Delahunty, has kindly mentioned in a circular she sent around to all principals and other staff announcing that Mr Clarke, who had 'high-level experience in intergovernment relations' — you bet he did! — including 'working with the Australian National Training Authority and other commonwealth authorities' had been appointed as general manager of the corporate relations division.

Who, in this wonderful new brains trust called the Office of Portfolio Integration, does Mr Phillip Clarke report to as general manager, corporate relations? Mr Clarke reports to Kim Bannikoff. Kim and Phillip are back in town and are doing very well. Kim would be on a salary package of approximately $160 000, perhaps upwards of $180 000 a year. The general manager and little mate, Phillip Clarke, would have to be on around $90 000, so the Queensland mafia has done very nicely from the special friendship between Terry Moran, Kim Bannikoff and Phillip Clarke. The question must be asked: how many of these positions were either advertised at all or properly advertised, and who was on the selection panel? I will address that question in my contribution.

An interesting network of Victorians was given a guernsey in Queensland when the going got tough for the ALP in this state, and they have now been recycled back here in those incredibly highly paid jobs, which Labor ridiculed when it was in opposition. When members of the former government stood up and said, 'If you pay peanuts, you get monkeys', the then opposition said, 'This is outrageous. When we come into government we will abolish those high salaries'. However, has the Labor Party in government whittled down the salary packages? No! They have upped them because their mates need to be looked after.

I turn to the local ALP mafia, which has found the education department to be an interesting trough in which to wallow. Allan Taylor was the spokesperson for the Australian Education Union for the principals sub-branch when Labor was in opposition. The AEU principals sub-branch claims to speak on behalf of all principals across Victoria, but in reality less than 4 per cent of government school principals belong to the sub-branch. Nonetheless, Mr Taylor was a key spokesperson for and on behalf of all principals across Victoria.

He was rewarded by becoming the chief of staff to the Minister for Education when the Labor Party won government. However, unfortunately the allegation is that Allan had a habit of signing documents on behalf of the minister of which the minister was not aware. We know the Minister for Education is a busy minister because she has arts functions to go to, so perhaps Allan could not get hold of the minister in time to sign documents. Unfortunately for Allan the Minister for Post Compulsory Education, Training and Employment and the Premier apparently told the Minister for Education that either he went or she went, so Allan went. Allan was deposited down on the peninsula as a regional liaison principal, which some would say was a position far beyond his qualifications and abilities.

What has happened to Allan now? Allan is back in head office; Allan is back in town! Allan is the acting assistant general manager of school operations. Who does he report to? Steve Marshall, who is the general manager of government schools operations. It is well known that Steve does not expect to be in that position for much longer; he has seen the writing on the wall and he knows he is going to be shafted very soon.

Again there is a contrivance: the Minister for Education's recently departed chief of staff, who had to be got rid of because of certain unfortunate letter-signing abilities, is being resurrected from his peninsula liaison principal role, brought up to head office, given an assistant general managership and is just parked there waiting for his new boss to be shafted before he gets a guernsey and another package worth $140 000 a year. I am told it is strange to appoint an assistant general manager when looking for a substantive general manager to whom they will be reporting.

I turn to another member of the local ALP mafia who has done very well for himself, one Andrew Uiis. Andrew is a personal friend of Premier Steve Bracks. He supports that friendship by being a key member of the Williamstown branch of the ALP. Andrew was a junior-level bureaucrat with the Department of Education, Employment and Training when I was a minister there. I must say he is a very nice chap. He has now got a top job. Having been seconded to the private office of the Minister for Education for quite some time, Andrew has now scored one of those nice, lucrative earners. He is now the executive officer of the Institute of Teaching — which does not yet exist! Mr Acting Speaker, you might recall that another ALP mate, a Labor public relations firm, Essential Media Communications (EMC), was given the guernsey to write a public relations campaign for the Institute of Teaching one year ago. The institute did not exist but the firm was given approximately $50 000 to write a public relations document for it, which only now is beginning to get off the ground. Andrew is doing very well for himself.

Who does Andrew Uiis report to? Andrew reports to Mr Don Tyrer. Don is a superb public servant and was the Deputy Director of Schools. In a creative and interesting way — it was an expensive way for Victorian taxpayers to get rid of a good and well-qualified public servant who is not a card-carrying member of the ALP — Don has been moved across on a one-year contract to be the co-chair of this Institute of Teaching, which still does not exist. Don has been given the benefit of retaining his $160 000 a year package to co-chair a body that he was already co-chair of for the past 12 months in his previous capacity of Deputy Director of Schools. Fortunately for Don, because I believe he is a great public servant, he has been looked after, perhaps because he knows where too many of the secrets are buried!

Peter Allen is another well-qualified public servant and a loyal and conscientious secretary of the department. Peter was persuaded to shift, and he has done very well. I congratulate him on his negotiating skills with the Minister for Education. He is on a salary package of approximately $280 000 a year, and he has just signed a three-year contract paid for by Victorian taxpayers to work at the University of Melbourne. It is not a state government responsibility to pay for universities; it is a federal government responsibility. However, Victorian taxpayers will fork out almost $1 million over three years for the former totally qualified head of the education department, who was doing a sterling job. He has been shafted because he is not a card-carrying member of the ALP and will not do the minister's beckoning. He will now be parked at the University of Melbourne on $280 000 a year, plus office expenses, simply because the government wanted him out of the way. It is an appalling situation.

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

Human Services: telephone counselling program

Ms CAMPBELL (Minister for Community Services) — It is with pleasure that I speak during the grievance debate on a matter of substance, as opposed to the previous speaker who was content only with vilification and bile. I want to lift the level of the debate to ensure that we look at policy and delivering services for Victorians. My contribution is to concentrate on the telephone counselling program provided by the

Department of Human Services (DHS) in partnership with the non-government sector.

The telephone counselling service and program was left in a parlous state with regard to shared vision, frameworks and standards by the previous Kennett government. There was no partnership between DHS and the non-government sector to ensure high-quality services were provided. The telephone counselling service operated extremely well but without the true support it should have had from the previous government. The Kennett government was hell-bent on ensuring a competitive mentality that destroyed the collaborative approach the non-government sector uses on a regular basis to enrich services.

Telephone counselling services provide one of the most critical service responses in the community. Many honourable members know that if somebody rang our electorate offices and needed help 24 hours a day, 7 days a week, the places we knew that in the past were always there, and will be in the future, were Lifeline and telephone counselling services.

Prior to October 1999 only limited support and development was provided by government to this crucial sector. Little consultation was held with the sector and funding was allocated on an ad hoc and inequitable manner. No quality standards were provided to guide the operation of the services, not because they were not wanted but because of the forlorn effort and negative attitude of the former government.

Since coming to power the Bracks government has shown a strong commitment to listening to the needs of those services. Under the former government the Department of Human Services was considering the replacement of the counselling services by the establishment of a single access point — a single agency to provide statewide telephone information and referral services.

All honourable members know that a critical component of telephone counselling is local knowledge. People living in Wodonga know what is happening at a local level better than people living in Melbourne. The Bracks government is committed to ensuring that locally based Lifeline services are available to support people in their own communities. The single agency is not the way to go when you have a citizen-focused approach. The government recognises and values the important counselling role provided by a range of agencies to their local communities.

The former Kennett government placed little emphasis on building up and strengthening the resilience and connectedness of individuals and communities. By contrast, the Bracks government is working with those communities. I link my remarks about telephone counselling with comments made in March by Libby Thompson from Lifeline Gippsland. She contrasted the action of the Bracks government with the inaction of the former government. She referred to the years and years of reviews under the former Kennett government and her filing cabinet drawer full of reports containing recommendations not acted upon. She said she thought that governments acted upon recommendations. Reviews are useful if strong recommendations are made and an implementation strategy is in place. Libby Thompson lamented the reports that were gathering dust and said:

> To dig out and see the volumes that I have in my office and the repetition in these recommendations is indeed disheartening to know they were not acted upon.

I acknowledge the contributions of the six rural Lifeline centres located in Geelong, Warrnambool, Gippsland, Ballarat, Wodonga and Bendigo, together with the central telephone counselling programs provided by CareRing, Lifeline Melbourne, the Women's Information and Referral Exchange and the Men's Referral Service. More than 1600 volunteers work in those counselling services answering more than 130 000 calls from people in crisis or seeking information or support. That immense effort would not have been possible had Victoria gone down the path of a centralised single agency proposed by the former Kennett government.

The government has established an action-orientated reference group that is delivering for people in the community. I have participated in a number of round tables with service providers. The government's major achievements — actions as opposed to reports gathering dust — include the development of quality frameworks and service standards for funded telephone counselling services; the development of a funding allocation framework for rural Lifeline services, and the development of a suicide helpline to be provided jointly and in collaboration with each other.

I acknowledge some significant contributions to this partnership approach that will deliver better results to Victorians. I acknowledge the work of Kathryn Lamb, the assistant director of the Department of Human Services family and community support branch. Her dedicated team has worked consistently with the non-government providers.

The suicide helpline development framework and service delivery model was prepared by Bruce Turley of Lifeline Australia, Wendy O'Brien of CareRing and Jill Parris of Lifeline in consultation with their staff. Regional Lifeline services were consulted and support the proposed model of delivery. The development of those service frameworks is a significant achievement that reflects the high levels of cooperation and partnership between the agencies and department.

A framework is important, but so is funding. Last financial year the Bracks government allocated an additional $42 000 to regional Lifelines and a further $90 000 will be allocated in the next financial year. Some $70 000 has been allocated for suicide prevention and intervention training for staff and volunteers at CareRing, regional Lifeline services, the Men's Referral Service and the Women's Information Referral Exchange. Indeed, there has been a significant contribution by all of those services, which have worked in partnership.

For the first time services have a common set of standards that detail aspects of their operations. The standards have been developed in partnership with the services as part of the consultative mechanism established between them and the department. Similarly, the enhanced funding allocation framework was developed in consultation with the sector. The Lifeline and counselling services say it is refreshing to have a government that looks at standards and takes a common approach to their development — takes a common approach and provides information on funding allocation — that never existed under the Kennett government.

A Government Member — Labor cares!

Ms CAMPBELL — Labor does care, and Lifeline cares. Under the previous government funding was inequitable and reflected the historical ad hoc nature of the allocation of funding to the services. Under the new framework funding will be distributed between rural Lifeline services in line with a needs-based formula using indicators of relative socioeconomic background and disadvantage across rural regions. It will redress the existing inequities and historical anomalies.

As all honourable members know only too well, under the Kennett government reports were not only not acted upon but were regularly hidden. Unlike the Bracks government, the former Kennett government was not open and accountable. As minister, I was proud to release the Cusack report on the telephone counselling program. Agencies made the point that it was good to have an open and consultative government that allowed them not only to comment on the compilation of a report but also the opportunity to read it. In future there will be a collaborative approach to managing arrangements for the suicide help line, including representation of regional Lifeline services.

The Bracks government has a proven track record. It delivers quality services in consultation with the non-government sector. That is in sharp contrast to the Kennett government's big-is-beautiful approach, which meant that small responsive agencies were swallowed up and sacrificed at the expense of compulsory competitive tendering. The government has shown it has a commitment to local services and is committed to supporting community infrastructure. Its track record in working collaboratively with funded telephone counselling services stands in sharp contrast to that of the Kennett government. The government demonstrates community partnership in action and ensures the delivery of quality services to local communities.

I quote comments made by Libby Thompson from Lifeline Gippsland:

> I have a filing cabinet drawer full of reviews and recommendations growing moss, gathering dust —

she is talking about the past, I hasten to say —

> nothing ever implemented and yet telephone counselling is such a critical part of our service system. Why is it that this has happened?
>
> Lifeline Gippsland has been in operation since 1968. We still have some of our original volunteers. One has volunteered for Lifeline Gippsland for half of his life! We provide 24-hour telephone counselling for the Gippsland community. Who would help these people at 3.00 a.m. if we didn't?
>
> And yet, contrary to popular belief, we do not exist because government made it so. We exist because members of the community made it so. All these years we have sweated and struggled to provide this service.

She goes on to talk about the future:

> If we are to strengthen communities we must offer our support to them. We must be there, offering a helping hand, empowering people, reconnecting them with their own resources. This is what we do. We build a bridge to further help. We are the link in the chain. A vital part of the total service system because we are available when others aren't.

The Bracks government cares. It delivers and ensures that people throughout Victoria have support 24 hours a day through the telephone counselling system.

I place on record my appreciation and that of the Victorian community for the valued contribution of over 100 000 hours of counselling provided by volunteers each year. As part of the celebration of the

International Year of Volunteers the government will acknowledge the contribution of volunteers who support telephone counselling services on 14 May at an afternoon tea for 200 representative volunteers. Without volunteers the service would not operate.

I continue to work with my parliamentary colleagues to foster relationships with the community that will strengthen the capacity of local structures and supports to be sustainable, which is a shared responsibility of the government and the community alike.

Ministers: consultation

Mr JASPER (Murray Valley) — I have been in Parliament for more than 20 years. Over that time I have worked with governments of all political persuasions — Liberal, Labor, coalition and now back to Labor. I have successfully faced and run campaigns at eight elections, and have achieved strong absolute majorities each time.

Once I have been elected I believe I have a clear obligation to represent all the people of the Murray Valley electorate. I have always sought to do that without fear or favour for municipalities, business, industry, organisations, and importantly, individuals, to achieve results. Excellent results have been achieved by working jointly to secure developments in north-eastern Victoria — and I have worked with whoever has been in government to get those results. However, although developments are still taking place in my electorate, I am concerned about the changes in protocols that are being implemented by the new government. Often it seems government members forget that I am the elected representative of all the people of the Murray Valley electorate and that I represent those people to the best of my ability.

Some might say, 'We have been and still are achieving results'. However, I am concerned that some ministers are taking actions and making announcements while visiting my electorate, but are not informing me when funding has been approved. I remind ministers of the oath they take when they are sworn into office by the Governor that they will operate within their portfolio without fear or favour. They do not seem to recognise the accepted procedures, protocols and responsibilities, including common courtesies. Apparently many ministers believe that they are still in the middle of an election campaign, yet this is the government that represents what it says is open and transparent government.

I will give the house a number of examples within my electorate when I have experienced the discourtesy of ministers and ministerial staff. I start with the visit to Wangaratta by cabinet early last year. It was great that the cabinet came out to country Victoria and that the first place they visited was the Rural City of Wangaratta. But were the elected representatives informed or invited to attend any of the functions?

As the Minister for Gaming would be aware, I know my electorate well. I also know most of my constituents, so I have people who inform me of what is going on. I had discussions with the chief executive officer of the Rural City of Wangaratta before and after the cabinet visit, which I believe was successful. I am not criticising the fact that the cabinet came to Wangaratta. I supported the visit, because Wangaratta is a great city and an important part of north-east Victoria. However, when I asked the chief executive officer what the procedure was for local members, he commented that when he contacted the Premier's office he was informed that no local members were to be invited to any of the functions.

I took up the matter with the Premier, who said the Rural City of Wangaratta would have had some responsibility for that. When I informed him of what I had been told by the chief executive officer he seemed surprised. I understand his surprise, because as Premier of the state he believed local members should have been informed and invited to functions.

I thought there would then be corrective action. However, I will quote a number of examples to highlight the difficulties so far as the government is concerned. In October last year the government opened the Wangaratta Smart Energy advisory centre. It was excellent for Wangaratta, yet despite being the local member I was not invited to the function; nor was I advised by the Minister for Energy and Resources that she would be visiting my electorate. Again, because of my contacts in the electorate I knew that the function was on and attended. The interesting part was that when I arrived the people who knew me said, 'We're pleased to see you, Mr Jasper. We'll get you a name tag'. I said, 'I'm not invited, but I'm here!'.

The honourable member for Benalla chaired part of the function held in my electorate. So far as I am concerned — —

An honourable member interjected.

Mr JASPER — I am not criticising the member; I am criticising the procedures of the government. The Minister for Gaming can laugh about it, but he has been at fault on many occasions. As a minister he is performing quite well, but he does not inform members

when he visits their electorates. He came to my home town of Rutherglen to announce funding of $250 000 for a wine interpretation centre. I was not invited to the event or informed by the minister's office that he would be there — but I was there because I knew he was coming. I give the minister credit for acknowledging that I was there, and I commented on that. He has also visited my electorate on other occasions. I suggest to him that common courtesies and protocols dictate that when he comes to an electorate the local members should be advised.

Recently a young couple from Yarrawonga won an award from the Royal Agricultural Society, the presentation of which was to be made at their farm. Only at the last minute was I informed that the Minister for Agriculture would be there, and I was unable to attend because of other commitments. The minister first went to Yarrawonga to undertake an activity with the Bank of Melbourne. He then went to the farm of Craig Prescott, where, in front of about 100 farmers, he presented the award. He could say that the agricultural society and the Bank of Melbourne should have informed me. In fact the bank did, but the agricultural society did not. The point is that it was the responsibility of the minister, not that of the organisations concerned. I admire the Minister for Agriculture in what he seeks to do in country Victoria and as a member representing a country electorate — but for goodness sake, look to the protocols.

Next I refer to the opening of a new scheme at Wandin Valley Farms, west of Wangaratta, where an irrigation scheme had been implemented. The owners wrote to the Minister for Environment and Conservation inviting her to open the new scheme for their orchards. The minister responded that she would be able to do so. Wandin Valley Farms had informed me that if neither the Minister for Agriculture nor the Minister for Environment and Conservation were available they wanted me to do the job. In the end the Minister for Environment and Conservation said she could not attend but that the honourable member for Benalla would open the irrigation scheme. So far as I am concerned, that was disrespectful to me as a local member, and it should be addressed by the ministers.

I am the member for Murray Valley, and I represent the area in this place. The group wanted me to do the job if the ministers were not available, but the honourable member for Benalla came instead. I was the first speaker. I gave all the information on the development because the honourable member for Benalla had only notes on the scheme provided by the minister, even though it had received no government funding.

I worked hard to get a bus service established from Yarrawonga to Wangaratta. It was an issue during the election campaign, and after the election it was finally approved, though it was not funded by government. Again, what happened? It was even worse than before, because the minister wrote to the defeated Labor candidate saying that the bus service had been approved. Again, because I know what is going on in my electorate the information reached me at almost the same instant. I was able to get the appropriate publicity and give due credit to the local people for the work they had done.

We now have the situation where the honourable member for Benalla is making announcements for north-eastern Victoria. For instance, in October 1999 the honourable member made an announcement that the Internet would be made available for the Rural City of Wangaratta. The honourable member said three schools in my electorate, the Appin Park, Carraragarmungee and Springhurst primary schools, were to receive funding. Whitfield District primary school, which is not in my electorate, was also included in that announcement.

Indigo shire in north-eastern Victoria is partly in the Benambra electorate and partly in the Murray Valley electorate. The honourable member for Benalla announced $200 000 in grants to a range of projects in that shire. Only last week the honourable member for Benalla made an announcement about Wangaratta District Base Hospital. Where is that hospital? I would have thought it was based in Wangaratta, but the announcement was that the hospital would receive almost $7000 in capital development funding. Perhaps the government is looking to back up the honourable member for Benalla because it thinks there will be difficulties in that electorate in the future. What is the rationale? I would like the minister to tell us. If the ministers want to do things like that, they should make an announcement about what the procedures will be in the future. It is totally inappropriate and embarrassing for everyone, not only for me as the local member.

I assure everyone I will hold the seat of Murray Valley whatever the government does. I have held the seat at eight elections, and I will continue to hold it in the future whatever the government does in my electorate. It is the minister's responsibility to either make announcements or give the information to local members, who I believe will give due credit to the minister, of whatever political persuasion.

Perhaps ministers and their staff need to be informed. I suggest that the Minister for Gaming, who is at the table, should take up the matter at the cabinet level to

find out the correct procedures. I know what the procedures and protocols have been in the past. I suggest that many honourable members of the National Party and the honourable member for Wimmera will confirm the information I have presented to Parliament today. We are seeing a government that is not taking notice of or recognising local members of Parliament, who represent all the people of their electorates. That is the bottom line. If the government wants to change the procedures it should let honourable members know.

I would like to know what the new protocols are. The oath the Premier and ministers take upon coming to office should be adhered to, and they should ensure that those protocols are respected and that staff in the ministerial offices know the procedures and recognise them. The well-established procedure should not be changed. The Labor Party should consider doing the right thing and take corrective action. If the government does not wish to take corrective action, it should let honourable members know what the new rules are. I repeat, so far as my electorate and I are concerned, whatever action the government takes I will continue the representation I have given to the Murray Valley electorate over 20 years under governments of both political persuasions to ensure its continuing development.

North-eastern Victoria is going forward despite the comments that I have often heard from Labor members, particularly those country members, that nothing has happened in country Victoria for the past seven years. Don't tell me that! Honourable members should come to my electorate and have a look. My electorate is going forward and developing. As I have said in the past, my electorate does not have everything it wants. We all want more, but the fact is that my electorate is positive and going forward. There are negatives, but the positives outweigh those negatives. We will go forward in the future, and north-eastern Victoria will be a vital part of the development of Victoria. For goodness' sake, I ask the ministers to ensure that in the future they adhere to and recognise the accepted procedures that have been the protocols in the past.

Better Business Taxes package

Ms ASHER (Brighton) — I wish to make a few comments about the government's tax package briefly because, as the house will realise, I am afflicted with laryngitis. The good news for government members is that the next stage may be that I lose my voice completely!

Mr Nardella — Hear, hear!

Ms ASHER — That will not happen today.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member, without assistance.

Ms ASHER — A tax package was announced by the government some days ago. The expectations of that package were substantial, because the government indicated it wished to introduce tax reform, not tax changes. In a press release of 27 February the Treasurer referred to his overhaul of the state taxation system. The announcement was extraordinary. A review committee sat for more than a year, a series of recommendations that caused great stress and distress were in the public arena for far too long, the entire process was mismanaged, and we have now heard an extraordinary budget announcement in advance of the budget. That announcement was followed by an extensive campaign of taxpayer-funded advertising.

I will outline the package in limited detail, given the time available to me and the problems associated with my voice. Bear in mind that there were no tax reductions in last year's budget. When the Labor Party had the fiscal capacity to deliver a tax cut it chose not do so. I refer firstly to the land tax proposals in the government's package, which it is calling Better Business Taxes. I do not know whether by definition taxes can be better, but that is the title the government has chosen.

I welcome the backflip on the flat rate of land tax, which would have crippled small business and small investors, and I note the government has announced it will increase the land tax threshold from $85 000 to $125 000. However, this year already there are more than 43 000 new land tax payers, and next year there will be revaluations of land. Honourable members who have received their rate notices for this year will have noted an increased property valuation.

That is the valuation that will be used as the basis of next year's land tax. Furthermore, there may well be new equalisation factors. Indeed, much of the grief associated with land tax at present results from the new equalisation factors, signed off by Treasurer Brumby, that have caused existing land tax bills to increase.

Furthermore, the government's own figures indicate that revenue on land tax will increase by $111 million this year, compared with the situation under the Kennett government where it budgeted for and received a decrease in land tax receipts because of its land tax changes. But the key indicator is that the entire so-called land tax reform package will cost the

government only $5 million. That is not a substantial benefit at all.

I move now to the area of payroll tax, where the government has promised two rate cuts: the first from 1 July this year, when the payroll tax rate will be cut from 5.75 per cent to 5.45 per cent; and the second from 1 July 2003, where the rate will be cut from 5.45 per cent to 5.35 per cent.

I think I am even getting some pity from the other side of the house. There is nothing so dreadful as a politician with half a voice! Nevertheless, I will persevere.

One needs to look at the total package to see in detail where the changes to payroll tax have occurred. Firstly, honourable members should be aware that the government has removed three concessions that currently exist within the payroll tax regime. In fact, it will increase its collections of payroll tax in this area by the order of $73.4 million in the first year. It will remove concessions relating to fringe benefits, eligible termination payments and accrued leave. Although the government is prepared to give a payroll tax cut, by its removal of these concessions it will also increase its revenue by $73.4 million. Honourable members should contrast this with the performance of the former Kennett government, which cut payroll tax in three successive budgets from 7 per cent to 5.75 per cent — again a rate cut of 1.25 per cent compared with the ALP's projected cuts of 0.4 per cent.

It is more instructive, however, to look at the level of savings to government. The Kennett government's tax cuts amounted to around $600 million in savings to business over those three years. The Bracks government's payroll tax cuts, in good times — that is a key point — will amount to a saving for business of $437 million. So the Kennett government, in very tough times, was able to deliver far more substantial payroll tax cuts to business than the Bracks government is proposing in its program.

The government has said it will raise the threshold for payroll tax from $515 000 to $550 000, but I note that will not occur until 1 July 2003. In summary, then, if the government's commitment is to be judged by tax collection, its own figures show it will increase its collections of payroll tax by $89 million next financial year.

I turn now to the issue of stamp duties, where the business community had very high expectations of the government, in part because the government led the business community to believe it would overhaul — to use the Treasurer's expression — the tax system. The government has put forward three stamp duties it proposes to abolish: stamp duty on non-residential leases to be abolished immediately at a cost of $41 million; stamp duty on unquoted marketable securities to be removed in 2003, which amounts to a small duty of $10 million; and stamp duty on mortgages, a larger concession, costing $122 million, but that will not be introduced until 2003–04, which will be in the next term of government.

In summary, in terms of the detail of the tax package, it is all in the timing. The government may well wish to crow about its $774 million in tax concessions over four years, but the issue is that in this budget it is only $100 million, with no additional benefits in the 2002–03 budget. Indeed, specifically $351 million has been quarantined for the 2003–04 budget, which will be in the next term of government. If the election is held before July 2003, $562 million of the $774 million will in fact be delivered after the next election. This is well and truly a Clayton's tax package, with the major benefits flowing after the next election.

The extraordinary feature of this package is the brazenness, if you like, of the ALP and what it is actually claiming credit for. I advise honourable members to refer to the Better Business Taxes taxpayer-funded brochure and the list of tax changes the government says it will introduce. Much to my surprise, I note that in 2001 the government is claiming it is responsible for the abolition of financial institutions duty and the abolition of stamp duty on unquoted marketable securities. Indeed it goes on to say in its brochure:

> In summary, five business taxes will be abolished on 1 July 2004.

Two of the five taxes have been abolished by the commonwealth government. I cannot count the number of times I have sat in this chamber and heard the Treasurer berate the commonwealth government for the GST and for its new tax package; then, much to my surprise, I see it now claiming credit for the abolition of two of the taxes that directly arise because of the commonwealth–state intergovernmental agreement. Given that the government is claiming credit for the abolition of those two taxes, let us examine the quantum of the abolition — in fact, this should be particularly embarrassing for Treasurer Brumby.

The commonwealth's contribution to the abolition of just those two taxes in 2001–02 is $547 million, compared with the $100 million the Victorian Labor government is offering. The commonwealth's contribution makes the Victorian government's contribution of $100 million look somewhat scant. If

honourable members want to look at it over three years — Labor likes to add up its tax cuts — the commonwealth's contribution is $1.8 billion over three years. I did not seek to make this comparison in a vacuum, but I am doing so because the Labor government is claiming that these taxes are part of its tax package when in fact they are not.

There are a number of deficiencies in this tax package. The first is that most of the so-called benefits will be delivered in the next term or are promised for the next term of government. The next deficiency is that payroll tax collections are projected by this government to increase. Its own calculations show that notwithstanding whatever words it wants to use to describe its rate cuts in payroll tax, the abolition of payroll tax concessions next year will result in increased revenue. Land tax receipts have increased significantly. I contrast this with the time the Kennett government introduced reforms to land tax; it introduced a new eight-tiered stage as opposed to a three-tiered stage and it actually collected less revenue. That was the key to the Kennett government's reforms in land tax. The next major deficiency that ought to be highlighted is that there is nothing in this package for households, such as the $60 winter power bonus or modifications to stamp duty on residential real estate.

In conclusion, the big picture is this: the government has spent $900 million on additional expenditure this year. It will collect $1 billion extra in tax this year, and all it is offering Victorian business taxpayers is a paltry $100-million tax cut this year. This is not tax reform. These are good economic times. This is a very small reduction in taxation, and the government has missed out on an opportunity to stimulate Victorian business.

Industrial relations: commonwealth act amendments

Ms BEATTIE (Tullamarine) — I grieve for the 250 000 workers left out in the cold and thrown on the scrap heap as a result of the blocking of the Fair Employment Bill by the opposition in the Legislative Council. The opposition is desperate for publicity, ideas and relevancy. I quote some words reported to have been said in another place by the national president of the Liberal Party, although they could well apply to the state Liberal Party: 'too tricky', 'mean', 'out of touch', 'dragged screaming to fix its mistakes'.

Like marbles dropped from a great height, Liberal Party members scatter in all directions when policy has to be made. The front page splash of a blue out on the balcony, of a Punch and Judy performance, was designed to divert attention from the lack of Liberal Party policies. If only they cared as much for workers as they do about their party room brawling!

I refer to ideas and relevancy, and it is embarrassing. Is there a clearer example of the policy vacuum the opposition is in than the rejection of the Fair Employment Bill? The strategy was to undermine government policy and then the Liberal Party would start to raise its profile. It certainly raised its profile, but for all the wrong reasons.

No-one will notice an opposition party that agrees to pass progressive and fundamentally just legislation. Block it and you will probably see headlines for another couple of days. It is a shallow media strategy, and it is pathetic. The opposition has an ideologically driven contempt for workers in this state, and its attitude is predictable and deplorable. The Liberals should listen to their party president, Mr Shane Stone. He's got it right.

Honourable members have heard the opposition leader bleating about the government's inaction during previous industrial disputes. It now rejects the legislation that would enable the government to intervene in disputes when necessary.

We have heard an honourable member for East Yarra in another place, the Honourable Mark Birrell, harp on the cost of setting up a state industrial tribunal. He claims the money could be spent employing 45 schoolteachers. I assume they are teachers who were sacked by the former government. The government has already started to re-employ teachers under a separate budget and will keep employing more. The Bracks Labor government has a high priority on education and does not seek to close schools and sack teachers.

I refer to the contribution by the Honourable Mark Birrell to the second-reading debate on the Fair Employment Bill when he quoted from an article by Nicholas Way in defence of his argument that the unions are apparently out of control. How predictable is a conservative politician referencing a conservative journalist? There is nothing new there.

The honourable member for Bulleen moaned that the government is doing nothing for workers. What does the honourable member suggest that his party do? It voted the legislation down. That legislation would have given stronger protection to low-wage workers and applied new minimum conditions to cover annual leave, bereavement leave, sick leave, parental leave and hours of work. It would have restored an independent umpire to set wages, allowances and other conditions, and would have allowed a state tribunal to review

unfair contracts such as those forced on owner-drivers. What has the opposition done for owner-drivers? They are the small business people it constantly says it is looking after. Yet the honourable member for Bulleen still grumbles that such laws would do nothing for workers.

I wonder if many opposition members have given a second thought to conditions faced by outworkers working for as little as $2 an hour for up to 18 hours a day, seven days a week, or workers in rural Victoria where half of all women employed work in precarious casual or part-time employment in which wage inequity still continues along gender lines.

I refer to a statement from Hien, who is an outworker. She says that her average pay is between $4 and $6 an hour, she works a minimum of 10 hours a day and she works every day of the week. She normally starts work at 9.00 a.m. and sometimes works until 1.00 a.m. to finish a job. She has never received holiday pay, and has never received any other conditions apart from the price per garment. She says:

> I have never got any extra money for working on the weekend or on a public holiday.

This morning I was astonished to hear the honourable member for Evelyn state in a 90-second statement her concern about casual workers being disrupted yesterday. What a joke! She had the opportunity to do something for casuals, yet she voted that legislation down. How easy it is to sit in judgment as the arbiters of what workers really need and deserve. It is no secret that workers in rural Victoria had their incomes cut when the industrial relations system was deregulated under the Kennett government.

What is the National Party's response? Vote the legislation down. The National Party claims those rural workers are their constituents. No wonder they are reduced to a silent minority. Sometimes I wonder if one could get more effective representation from motorised clowns at the Melbourne show. The honourable member for Murray Valley grieved for 15 minutes about not getting invitations to things.

The house will have to excuse government members if we look confused and perplexed when the opposition gripes about the legislation being formed without adequate consultation. The government was initially not sure if those on the other side were aware of the definition of 'consultation', given the way so much of the previous government's legislation was rammed through with minimal debate and certainly no public consultation. Indeed, its industrial legislation was rammed through and its consultation took place with Johnnie Walker and Black Douglas.

When the Fair Employment Bill was introduced into this place, the honourable member for Polwarth said that he could walk anywhere in his electorate and ask people what they knew about the bill and they would reply that they knew nothing about it. That people in Polwarth do not know anything about the legislation is a reflection on the sort of representation they are getting.

Mr Mulder — On a point of order, Mr Acting Speaker, at the time the honourable member was referring to the Liberal Party almost in its entirety was travelling to Ballarat, Bendigo and other rural centres informing people around the state about the Fair Employment Bill. In some towns we visited, businesses that were two or three blocks down the road from a member of Parliament's office did not know anything about the Fair Employment Bill. Their own local members had not been out to see them. The honourable member is trying to say the people of my electorate knew nothing about the Fair Employment Bill. They certainly knew about my side of it, but they did not know about the Labor Party's side.

The ACTING SPEAKER (Mr Plowman) — Order! I have heard enough on the point of order. There is no point of order. I was particularly listening for any imputation against the honourable member's character, but I do not think the honourable member for Tullamarine strayed that far. I warn the honourable member that she should not take it any further.

Ms BEATTIE — At that time the honourable member for Polwarth said that outworkers' conditions were difficult to control. I do not know why they are difficult to control, as that legislation would have controlled them adequately. I do not agree with the statement, just as I do not agree that if it is difficult, you should not even try.

We then saw the well-worn Liberal strategy of misinformation and propaganda. When in doubt, Liberal members whip up a bit of conspiracy and hysteria with claims of 'sledgehammer raids on businesses' and the suggestion that 'thugs could turn up with sledgehammers and rifle through drawers, copy documents and upset families'. For the life of me I cannot see where in the proposed legislation that was allowed for. I welcome the opportunity to have honourable members enlighten me otherwise.

I hope those who used that hysterical language will congratulate members of the trade union movement on

the discipline they showed during the May Day march, just as the police congratulated them. It is a disgrace that the opposition not only rejected the Fair Employment Bill because it is happy to let 250 000 Victorian workers exist on reduced wages and conditions but also seized on it for purely politically opportunistic reasons.

An article in the *Age* stated that several frontbenchers had accused the Liberal leadership group of 'allowing voters to think the Liberals do not stand for anything'. Victorian voters are now keenly aware that, by opposing the Fair Employment Bill, the Liberal and National parties stand proud of thumbing their noses at the underclass of employees in this state and of allowing 250 000 workers on state awards to suffer under 5 minimum conditions instead of 20. They then have the gall to trumpet themselves as the battlers' heroes!

For those opposite who have not bothered to read the industrial relations task force report, I will highlight its main findings. The task force report concludes that the referral of powers to the commonwealth has not operated for the benefit of employees. It recommends that an unfair contracts jurisdiction be established in Victoria for the benefit of persons engaged as independent contractors. It states that the referral of powers to the commonwealth is flawed to the extent that it has not delivered fair, equitable and enforceable employment conditions to employees in Victoria. The report plainly concludes that a state industrial system should be re-established.

When in government opposition members sneered at the plight of ordinary Victorian workers, and they are still sneering at them, without care. I say to you, Mr Acting Speaker, and to the opposition that your federal party president got it right. He should be given a standing ovation when he walks into the Liberal Party conference. You should all stand and cheer and clap because he got it right. 'Too tricky', 'mean', 'out of touch' — they are his words, not mine.

It is important that honourable members reflect on the blocking of the Fair Employment Bill in the Legislative Council, because workers in this state need to be reminded that Labor offers them protection and that the lot opposite voted their protections down.

AWU: funds

Mr McINTOSH (Kew) — I am glad to be able to follow the honourable member for Tullamarine in the grievance debate. She talked about workers, but a lot of the issues I propose to raise deal with the way workers have been mistreated by at least one large public institution that operates throughout this country. All honourable members have been concerned about the collapse of HIH Insurance and the appropriate regulatory and prudential controls that should be established to ensure that people do not lose their money through mismanagement and misappropriation, if not criminal behaviour.

Mr Acting Speaker, I have asked the honourable member for Glen Waverley to pass to you a draft report by Coopers and Lybrand and a bundle of various documents. I am happy to table those documents for the benefit of the house. The honourable member for Monbulk has some copies for any honourable member who wishes to follow my comments.

The institution I wish to deal with is the Australian Workers Union. The Australian Workers Union is now a super-union that resulted from the amalgamation of the AWU and the Federation of Industrial Manufacturing and Engineering Employees on 1 November 1993.

I refer you to the draft report by Coopers and Lybrand, which is addressed to the Australian Workers Union and raises major matters for the attention of the union's committee of management. As I understand it, it is a draft report that was prepared for the head office of the AWU.

The covering letter dated April 1998 deals with matters that arose in the financial years ended 30 June 1995, 1996 and 1997. I say from the outset that I make no allegation against any individual member or official of that union. I am concerned that the processes adopted by the union raise substantial questions that should be dealt with by way of a public inquiry, if not a police investigation. Most importantly, the dispassionate draft report by the auditors indicates that the union has substantial difficulties.

I refer you, Mr Acting Speaker, to the first page of the draft report, which is the first page of the April letter, and in particular to the second paragraph, which reads:

> The issues detailed in this report are considered to be the major issues which significantly impact the control environment and financial integrity of not only the head office branch —

that is, the head office of the AWU —

> but also the union as a whole. The seriousness and magnitude of the issues we have identified have resulted in an extreme limitation in the scope of our audit, and as a consequence we propose to issue a disclaimer of opinion on the financial statements for each of the financial years presented.

I refer you to what may be the most important words, at the end of the third paragraph:

> It must also be noted that should this less than adequate financial environment persist, we would be required under our professional auditing and ethical standards to tender our resignation as auditors of the union.

I refer you to some of the substantial allegations made by the auditors. On page 16 of that draft report, the following observation is made:

> During our audit we identified a significant number of transactions for which no supporting documentation was available.

They state that that impacts on their ability to determine income and expenditure and to correctly detail the accounts of the union.

On the last page, page 17, the auditors make the following observation:

> With regard to contributions paid by branches and payments on behalf of branches, we noted that:
>
> > in the general ledger there are no separate accounts to record contributions/payments for other branches separately …

It goes on to say that there is a substantial discrepancy between what the state branches and the head office say the income and expenditure should be.

The second bundle of documents relates to a number of exhibits to an affidavit sworn on 19 September 1996 by Mr Ian Cambridge, who was then the national secretary of the AWU. As I understand it, he is now a member of the New South Wales industrial relations court. The source of the information I propose to put before the house is the affidavit filed in proceedings in the federal industrial relations court.

I refer honourable members to the last three pages of that bundle of documents, numbered 15, 16 and 17. Those pages contain a list of some 30 bank accounts in Western Australia, New South Wales, Queensland, Tasmania and the Northern Territory. Page 16 contains a list of substantive accounts in Western Australia and Victoria detailing not only account names and numbers but also huge deposits — $156 000 in one case and $383 000 in another.

Mr Cambridge says in his affidavit that he wrote to every bank in Australia and that the replies he received were from the Commonwealth Bank alone. The list of the individual bank accounts relate to the Commonwealth Bank and not to any other. He says in his affidavit that the AWU does not operate these accounts. They are not union accounts but somebody else's. But they are using the name 'AWU' or 'Federation of Industrial Manufacturing Engineering Employees' or some variation on a theme in all those cases.

By way of example, on page 16 of the documents the first two accounts are shown as the 'AWU Workplace Reform Association Inc. (Cash Management Call Account)', which I will name the call account. The second account is named the 'AWU Workplace Reform Association Inc. (Cheque Account)', which I will refer to as the cheque account. As the front of the documents shows, in about April 1992 a corporation called the Australian Workers Union — Workplace Reform Association was incorporated in Western Australia. The top document is an application for its incorporation. The second document is the certificate of incorporation.

The association opened the two accounts in Western Australia referred to above, the call account and the cheque account. One must remember that these are not union accounts but accounts operated by a person or persons unknown. Mr Cambridge names a Mr Blewitt and a Mr Wilson as the signatories and the operators of the accounts, and it appears from his evidence that they were not doing it for the purpose of depositing moneys for the union.

Most importantly, during the course of the operation of those accounts a number of deposits were made by, among others, corporations such as Thiess Contractors in Western Australia. Page 3 is a deposit slip for the cheque account for the sum of $16 000. The second deposit slip on page 4 shows a deposit of some $31 000. Mr Cambridge has deposed that this is the only deposit slips he has, but he understands that the vast majority of the deposits were made by Thiess Contractors. I make no allegation against Thiess Contractors, in fact quite the opposite.

It appears that Thiess Contractors operations were above board. It had an arrangement with the AWU to employ people for the purposes of training them on their sites in Western Australia under the then Labor government's workplace reform legislation. According to Mr Cambridge's affidavit, the Western Australian government also made substantial contributions to the union in that regard. This was dealing with taxpayers moneys! Those moneys were built up over time. Page 5 is lifted straight out of Mr Cambridge's affidavit. I am happy to table a copy of the affidavit or make it available to anyone who wishes to peruse it.

The table on page 5 gives details of expenditure and shows an unbelievable amount of cash money — $50 000 — together with further amounts of $8000 all

the way down the table. Payments were made to unknown people. Items 3 and 4 on page 5 show that on about 10 February a cheque was drawn for $25 000 and made payable to a Mr Blewitt. As I indicated earlier Mr Blewitt was a union official, and his involvement raises questions that need to be answered.

On 13 February Mr Blewitt purchased a property in Victoria for $230 000, paying a deposit of $23 000. This happened three days after he was given a cash cheque for $25 000. He nominated a firm called Slater and Gordon to handle the transaction. I emphasise that I make no allegation against Slater and Gordon. It is important to note that that firm was the union's solicitors in Victoria, so no doubt Mr Blewitt went to his internal solicitors. But on or about 18 March, at the request of Slater and Gordon, some $67 000 was paid to complete the settlement of the property, and a further $2000 was paid out of that account. It is not the union's account, but it certainly appears to be union money.

Mr Cambridge has given evidence to say that the property has subsequently been sold and not 1 cent has been used from the sale proceeds to reimburse the union. It has disappeared into the ether, despite the fact that there is a civil order out against Mr Wilson and Mr Blewitt in that regard.

On page 16 of the documents the first account under the heading 'Victoria' is named 'Australian Workers Union Members Welfare Association (No. 1) Account'. Again Mr Cambridge knows nothing about that account. It is not a union account, although money has been paid into it.

Page 14 indicates that over a long period corporations such as Thiess Contractors, John Holland, Phillips Fox on behalf of Woodside, Chambers Consulting and Fluor Daniel paid moneys into the account. This is not an account operated by the union. Curiously, on page 15 there are all sorts of extraordinary items. Items 13 and 14, totalling $17 500, were paid to Town Mode, which is a women's fashion house in Melbourne. Mr Cambridge has given evidence about the likely proceeds of this. The companies were doing no more than they were obliged to do, which is to remit union fees on a regular basis to the AWU. They were the fees of ordinary members. These moneys were put into an account not operated by the union, so ordinary members were paying for items from a women's fashion house. There may be a perfectly innocent explanation but I cannot see it.

Curiously, on my accounting some $185 000 in bank cheques has also been drawn and paid back to individual corporations, presumably because by that time August had expired. At page 16, a letter dated 4 August indicates real concerns on the part of the Victorian finance committee. It states that people are to be charged under various union rules and that those matters will be referred to the industrial relations tribunal and the police. So far as I am aware, those investigations have not been completed.

At page 17, Mr Cambridge indicates he wants the accounts frozen, and they are frozen. Then, for some reason, at the behest of Maurice Blackburn Solicitors, who were then acting on behalf of the Australian Workers Union, moneys were paid out to various accounts. A handwritten note indicates that notwithstanding that the accounts contained union moneys, according to a number of documents signed by union officials they were not appropriately dispersed.

The ACTING SPEAKER (Mr Plowman) — Order! The honourable members time has expired.

Asylum seekers: detention

Mr CARLI (Coburg) — I grieve for asylum seekers who find themselves in detention in some of the remotest parts of Australia. I grieve especially for the more than 200 children living in those remote detention centres.

Honourable members know a lot about those centres and about the issues that have arisen in them. They have seen on television and in the newspapers reports of the break-outs, hunger strikes, riots, allegations of abuse, ill-treatment of people and mismanagement of the centres, which are now in crisis.

Asylum seekers who have fled torture, or even death, in various countries and have arrived here with no papers are treated by Australia as criminals. They are given no right of appeal to a court of law against the decision to detain them, yet as they go through the asylum application process it is revealed that in about 80 per cent of cases they are bona fide refugees and must be allowed to stay in Australia. The detainees are therefore largely legitimate refugees, and according to a number of international conventions it has signed, Australia has a responsibility to look after and protect them.

The detention of children is an issue. There are more than 200 children in refugee detention centres. A number of them were born in such centres and now find themselves at Woomera, Port Hedland or a detention centre somewhere else in Australia.

Only yesterday former Prime Minister Malcolm Fraser called for a judicial inquiry into detention centres. He questioned the appropriateness and reasonableness of

Australia's policy of mandatory detention and whether it conforms to Australia's obligations under international agreements. He called for 'a more humane, cost-effective, reasonable, efficient and consistent' policy by the government to replace the current system of mandatory detention. Mr Fraser pointed out that by putting whole families into detention when they arrive without papers, Australia is attracting international derision. He stated that it does not happen anywhere else in the world.

In Australia we pride ourselves on being a humane country that has given refuge to people from all over the world, yet we practise inhumane procedures that cause enormous pain and bring on us international condemnation by human rights and refugee groups.

In 1999 the federal Minister for Immigration and Multicultural Affairs told the press that 10 000 people in the Middle East were packing their bags and heading for Indonesia in readiness for shipping out in boats to Australia. That public allegation was never substantiated by the minister or anyone else, because the 10 000 people who were said to be preparing to appear on our shores did not exist. The allegation, however, created a lot of media hysteria and was followed by the introduction of the Border Protection Act.

Australia is clearly in breach of international human rights conventions. Since the opening of the centre at Woomera, for example, there have been serious tensions. In June of last year 750 illegal immigrants being held in three detention centres protested against delays in having their asylum applications processed.

The government needs to change its detention policies and raise the standard of its facilities. Malcolm Fraser was right when last year he described Woomera as a 'hellhole'. All honourable members will have clear images in their minds of asylum seekers looking forlorn behind barbed wire in a harsh climate, and of the use of water cannon and tear gas on them. Honourable members also know there are 200 children living in those dreadful places.

I ask whether a country that treats people in the undignified way Australia is currently treating asylum seekers can be a civilised country. Malcolm Fraser has said that to treat people escaping from persecution in other countries in the way Australia is doing is absolute tyranny.

Australia is condemned around the world. A letter of last year from the United States Committee for Refugees to the Australian ambassador to the United States questions this country's commitment to the protection of refugees and states that Australia is out of step with international practices. There are poor countries in the world that are looking after millions of people on their borders, and wealthy countries that are receiving hundreds of thousands of applications for refugee status. On the other hand, Australia has to cope with only about 1700 people who do not have documents, and it holds them all in detention centres. In the context of the millions of people who are forced to become refugees or risk persecution and death in their own countries, Australia is dealing with very small numbers of people, yet it treats them with complete contempt.

As the honourable member for Bentleigh well knows, in Australia it is mandatory for a person who arrives without documentation to be instantly sent to a detention centre, where they are isolated and kept for long periods. Human rights abuses occur within those centres. In its 1998 report entitled *Those Who Come Across the Seas — The Detention of Unauthorised Arrivals*, The Human Rights and Equal Opportunity Commission outlines alternatives to detention centres.

The federal Minister for Immigration and Multicultural Affairs went to Sweden, which takes a much larger number of asylum seekers without documentation than Australia does, and saw alternatives to detention centres. Those alternatives involved individual assessment and a risk analysis of individuals as to whether they are likely to abscond.

I turn to the issue of human rights violations. Further inquiries by the Human Rights and Equal Opportunity Commission revealed a considerable number of complaints against basic human rights in Australian detention camps. No civilised country should be engaging in such practices. The inhuman conditions and treatment of people in the camps is well documented, and the commission is looking at undertaking a formal inquiry. Commissioners have visited the camps to document the inhumane conditions that result partly because of the isolation, partly because of the physical features of the camps and partly because of mismanagement by the private providers who run the centres.

Requests of asylum seekers for legal advice and health care are basic human rights they have not had access to. Some individuals have been transferred to state prisons — and that issue was raised in Parliament. Asylum seekers have escaped persecution elsewhere, but 80 per cent or more of those who are given refugee status in this country are put into prisons. Australia is a signatory to an international convention on refugees

and yet it is denying these people their basic rights as refugees. Not only does it deny them their rights, it even puts some in the prison system as if they were common criminals.

Refugees have been sent back to countries where they risk torture, punishment and execution. In one case a woman who sought refugee status because of the one-child policy in China was not only forced to return but was also forced to have an abortion on arrival. There are documented cases of people being sent back to their country of origin who have either disappeared or ended up in jail.

Australia needs to show compassion and find alternatives. Children should not be exposed to such harsh conditions. There is no justification for keeping children and babies in camps at Woomera, Port Headland and elsewhere.

Mrs Peulich interjected.

Mr CARLI — I note the interjection of the honourable member for Bentleigh. They are not criminals. The birth of this nation came from people who sought to rebuild their lives following persecution in many other countries. Asylum seekers are not criminals. They should be given the same status they are accorded in other countries, in which they are given temporary opportunities.

The situation in Australia is contradictory. On the one hand, if you arrive in Australia and you have some sort of documentation and you claim to be an asylum seeker, you are entitled to live in the community and will be issued with an appropriate visa. On the other hand, people who are escaping persecution and who arrive on boats with no documentation are sent to detention camps. For example, people who come from Afghanistan are clearly escaping death and persecution. Australia has also received people from Shiite and Kurdish communities in Iraq. They were forced out of their country because of Western policies that encouraged both the Kurdish and Shiite communities there to rise up and rebel against Saddam Hussein, but then they were sold out, and they ended up across the border. Some of these people ended up in Australia, and because they had no documents they were not given opportunities. They were sent to detention camps, which can best be described as concentration camps. These people are not criminals; the vast majority are genuine refugees

One can list the refugees who have made the country great or who are well known throughout the world. A picture of Einstein is used in posters, with the comment that he was a refugee. One can list many Australians who have arrived as a result of persecution. We were not one of the quickest nations to open our doors, but when we did we showed compassion. However, now the government is creating hysteria and claiming that these people are not genuine refugees when its own refugee tribunal deems the vast majority to be refugees. As a nation we are showing inhumanity.

If anyone had asked me about it 20 years ago, when I was organising demonstrations against Malcolm Fraser, I would never have said I would be in the Victorian Parliament today praising him. He has been courageous in making his comments.

There is a need for a judicial inquiry because what is happening is a disgrace. The situation does not occur in other countries, some of which have considerably larger numbers of asylum seekers than Australia. Many people in the community — church groups, lawyers, trade unionists, politicians and former politicians — are rising up and saying that as a civilised nation we can no longer tolerate the maintenance of these concentration camps.

Mrs Peulich interjected.

Mr CARLI — The honourable member for Bentleigh says that they should be released, and I wholeheartedly agree. They should be processed, as happens in Sweden. Minister Ruddock examined the situation there. It is fairly basic. People are detained for at the most a few days while temporary documentation is prepared. The documentation then allows them to live in the community and to have certain rights. The majority of asylum seekers in Australia and Sweden are proved to be refugees, and there is no reason to criminalise a genuine desire to survive and to not risk death and persecution in their countries.

Australia is being ridiculed by the rest of the world. We have become the target of international condemnation from Amnesty International, refugee organisations and the United Nations committees, and the European Parliament is looking at our performance. We are seen to not be a civilised or humane country but rather a country that is not prepared to respect basic human rights and its responsibilities as signatories to international conventions.

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

CFA: volunteers

Mr WELLS (Wantirna) — I grieve for people affected by the lack of leadership shown by the

Minister for Police and Emergency Services with regard to Country Fire Authority volunteers and the police involved in yesterday's M1 protest.

I turn firstly to the issue of the hardworking, committed and dedicated CFA volunteers, who are again being deserted by the Bracks government and the minister in respect of another step by the United Firefighters Union to unionise the CFA, and in particular to unionise paid operational training and assessing.

Last year the disgraceful enterprise bargaining agreement (EBA) was signed between the Country Fire Authority and the United Firefighters Union (UFU). Both the Premier and the Minister for Police and Emergency Services stood over the CFA board and told its members they had no choice but to sign the agreement, thereby ensuring that the 63 000 volunteers had no say in determining their futures. The situation goes back to what happened during the September 1999 election campaign. The Bracks government owes so much to the union movement for its work and monetary contribution to the campaign. Commonsense no longer prevails in the CFA; it is being dictated to by the United Firefighters Union.

The first sign of the unionisation of the CFA appears in paragraph 5.8.1.1 of the EBA, which states:

> The CFA agrees that community support facilitators (CSFs) and the existing community support facilitator classification will be abolished by the CFA at the earliest lawful opportunity — but no later than 1 September 2000 — and will not be replaced by CSFs …

Clearly the CFA is no longer in control of its operation. The community support facilitators were the hardworking people in every brigade who reported to the brigade captain. They performed administrative and educational work, and when there was no person to fill the last spot on the truck they would, as a last resort, climb aboard as volunteers and go out and fight a fire.

Under the agreement CSFs have been abolished and replaced by administration support officers and education support officers, who report not to the brigade captain but to the region. The United Firefighters Union believes that is a good move because it enables it to sign up and stitch up more members, giving it even more power.

As at 1 March CFA volunteers can no longer carry out any paid training or assessment of volunteers. That is because the enterprise bargaining agreement the CFA was forced to sign by this irresponsible government places the union movement and its views ahead of all the volunteers.

I turn now to the EBA itself. The UFU has dictated to the Country Fire Authority that during the term of the agreement the authority will not be able to contract out. How then is the CFA to perform if it is unable to contract out and full-time union employees only must perform everything? Paragraph 5.4.1 states:

> CFA agrees in principle that all paid operational training and assessment shall be undertaken by full-time personnel.

I will refer to full-time personnel later. Under the heading 'Agreed matters' paragraph 5.4.2 states:

> All paid assessment of volunteers operational competencies, including RPL and RCC, will be carried out by those employees who are employed as instructors or career firefighters and officers who are qualified assessors, as provided for in Appendix B …

Appendix B clearly states:

> The paid delivery of operational training and or assessment of operational competencies — including RPL and RCC — will be undertaken by either —
>
> Persons directly employed by the CFA who are, or who are eligible to be, employed in any of the occupations specified in the Victorian Firefighting Industry Employees Interim Award 2000 …

In other words, as at 1 March, paid training can be performed only by people covered by the 2000 interim award. Appendix B contains an escape clause, referring to:

> Other persons or organisations with specific expertise as agreed by the parties.

However, 'as agreed by the parties' means nothing less than 'union approved'. I will provide some examples. Over the past few months I have travelled extensively around Victoria talking to CFA volunteers. Last week I visited East Gippsland, Warrnambool and Bendigo, and I was told that the main issue for the CFA volunteers was the method of training.

While firefighting is probably the most important issue in East Gippsland, in past years the training of new volunteers has been conducted by the most experienced and best volunteers. Those people have the accreditation, live locally and know the area and equipment. They are the best people to train volunteers in East Gippsland. They also have credibility.

A trainee needs to be confident that the right person is delivering the training. As at 1 March those experienced people in East Gippsland are no longer able to train volunteers because the UFU is shutting them down. The CFA has buckled under union pressure and has said it has no choice in the matter.

If he came into the chamber to respond to my contribution, the Minister for Police and Emergency Services would say that some 50 or 60 new trainers are available. How can 50 or 60 people train 63 000 volunteers across the state and deliver proper training to volunteers at Omeo, Orbost, Lake Tyers and all over East Gippsland? If no local UFU person or career firefighter is available, the CFA will solve the problem by paying a UFU member from Melbourne to travel to towns in East Gippsland to deliver the training.

I have never heard of anything so ludicrous or unworkable in my entire life! The person leaving Melbourne will be paid double time, and reimbursed for accommodation and transport, at the cost of the local brigade. I suggest that arrangement will not be accepted by local brigades.

A person who is unknown to the locals will have no credibility. How can someone from Melbourne go to East Gippsland and explain to its locals, some of whom have been fighting fires for 20 years — —

The ACTING SPEAKER (Mr Plowman) — Order! I ask the honourable member for Bentleigh to take her seat.

Mr WELLS — How can a person in Bairnsdale, who has fought fires in the district for, say, 20 or 30 years, expect to increase his or her knowledge about wildfires by listening to an explanation by someone from Melbourne?

I heard about one situation where a so-called trainer from Melbourne who went to a local brigade could not even start the pump that had been on the fire truck for 20 years. The locals stood around in absolute amazement. The situation is totally unworkable.

The Bracks government says it is embracing rural Victoria. However, I suggest that we are going back to a situation where the unions will be running the state, not just the CFA. UFU members from Melbourne will go to rural Victoria and tell locals how to put out fires in construction and wildfire zones.

I am sure you, Mr Acting Speaker, have situations in your electorate in north-east Victoria that are different from those in East Gippsland or in Warrnambool. We need people with proven expertise to train the trainers and to make sure that our CFA volunteers receive world class accreditation and training.

This is becoming a bigger issue than I first thought. Rural brigades are now saying that they will not abide by the directive and that they will black-ban any UFU training. I refer the house to an article in the *Weekly Times* of 25 April:

> The Rural Fire Brigades Association has threatened to boycott all training of Country Fire Authority volunteers by paid career firefighters.

The association represents some 54 000 rural volunteers. The article refers to comments made by the association's councillor, Peter Downes, who said that the EBA gave the UFU power over the appointment of anyone conducting paid training. As I said, these people will be paid at double rates. Mr Downes also said:

> Meanwhile, there are volunteers sitting in the same room who could be doing the same job, who have local experience, and who would do the job at half the cost.

In some instances those volunteers would do it at one-tenth of the cost because they are dedicated. They want to ensure that their local areas are safe.

The CFA's response, through its media unit, to the many articles that have appeared in newspapers across the state such as the *Bendigo Advertiser*, the *Bairnsdale Advertiser* and the *Weekly Times* indicates that it does not seem to understand this issue. In effect, it is saying 'No, this isn't the case. We will not demand trainers to become union members'. It is wrong. There is a directive by the UFU that says career firefighters will be union members. Meanwhile the Country Fire Authority is still saying, 'They will still be paid to train other volunteers'. If the CFA is suggesting that volunteers will be paid to train other volunteers, it has not read the EBA or understood the UFU's Mr Marshall, who has told them that this is all coming to a halt.

The situation is even worse than that. Training had been taking place at Swinburne University. Volunteers worked there on sessionally paid times to bring CFA volunteers up to minimum skill levels. A lot of this has come about because of the Linton tragedy. However, as of 27 April the CFA directed Swinburne University to stop all programs to train CFA brigades in the outer east and metropolitan areas. This is about a union dictating to a university that it can no longer provide non-operational training because the staff are not members of the UFU. It is an absolutely ludicrous situation and one that will not be tolerated by country and rural voters.

I hope the government intervenes in this dispute. It is something the CFA desperately needs support on. I am hopeful that commonsense will prevail and that the minister will step in and deal with the ludicrous situation where people are required to be members of the UFU.

M1 protesters

I now grieve for the police who were involved in yesterday's M1 protest. Everyone has the right to demonstrate, assemble and protest. The Leader of the Opposition made that very clear, and I support the principle. However, a line has to be drawn to delineate what is acceptable or unlawful by community standards. Everyone has a lawful right to enter their place of employment and seek the protection of their property.

Yesterday's M1 protest saw the shutting down of many small businesses. People were stood down from their places of employment and suffered loss of wages. No-one should be hindered from entering their workplace. If they are being hindered or if anyone damages anyone else's property, the police must be able to step in and take immediate action to remove the offenders. If they have damaged property, they have to be charged. They are expected to uphold community standards. I am hopeful that the police will review the video tapes today and take appropriate action. As I said, we support the right to protest, but when protestors step over the line, keep people from their employment and damage property, the expectation is that the police should take action.

I hope the Minister for Police and Emergency Services takes on board my concerns on those two issues.

Liberal Party: business community

Mr LENDERS (Dandenong North) — I grieve because of the Liberal Party's betrayal of the business community, not only through its actions at the federal and state level but also through its response to the legitimate effort at business consultation on tax reform undertaken by the Bracks government over the past year.

Firstly, I grieve for the business community because of what the federal Liberal Party has done to it. The obvious issue — it will be no surprise to honourable members that I raise this — is the accursed GST and the business activity statement.

I grieve for the Liberal Party and the business community — not because they tried a new tax initiative but because they did it with very little consultation, like a bull in a china shop, and inflicted an enormous paperwork burden on small business.

I draw your attention, Acting Speaker, to a report from the Victorian Automobile Chamber of Commerce of November last year which surveyed the business activity statement (BAS). The VACC is not a Labor front but a vigorous, independent organisation that has given the Labor Party as well as the Liberal Party grief if their activities in government are seen to impinge on small business.

I note the presence in the chamber of the honourable member for Ripon, who was probably a member of the VACC in his days in small business as an auto mechanic in rural Victoria.

The VACC conducted research into attitudes and experiences of members in relation to the preparation and lodging of the BAS as required by the new tax system. The VACC received almost 1000 responses from Victorian members. Some of the key findings were: 64 per cent of members felt that filling in the BAS was not a simple task; 47 per cent of respondents felt that it was too much paperwork; 68 per cent of respondents felt that the costs incurred in completing the survey were not satisfactory; only 8 per cent of members felt that the impact of the GST on their businesses had been positive; and 71 per cent felt that the impact was not positive.

I grieve for the way the Liberal Party has treated the business community — a core Liberal Party constituent that is grieving severely. I will briefly quote some of the comments made to the VACC in its business survey on the impact of the GST and in particular the BAS. One respondent states:

> A lot of work for such a small business. I gave up with confusion and went to the accountant and dumped the lot there. If I wanted to sit and add figures all day I would have become an accountant not a mechanic.

That is the first quote from a small business — the sort of business that is found in my electorate of Dandenong North servicing a growth corridor and in the electorates of members through the chamber.

Another respondent states:

> I'm 62 years of age and will sell or close the business and retire. Four people will lose employment.

Another direct response from small business to the GST. I am not surprised at the result in the Ryan by-election, which was fought so much on the issue of the BAS.

A further quote from a respondent is:

> In a small business it has created too much extra workload for our office person who is extremely worried that if it is done incorrectly it will affect our business.

Another respondent refers to:

> Incredible financial pressure on small business. Extra office time and cost. Extra accountant fees and charges.

A respondent states:

> The amount of reading involved and paperwork to be completed is a full-time job in itself — in a small business it keeps me in the office too much and not on the job that I'm here for.

And a final quote from the VACC survey is:

> Using us as tax collectors only makes it harder for small business. I was going to employ another worker, but now I will have to wait until I see in full how GST affects me.

The reality of the federal Liberal Party's great GST adventure is that it imposed an unbelievable burden that crushed many small businesses and made them tax collectors rather than people who have created wealth and jobs in society. For that reason I grieve for members of the Liberal Party — because they have not learnt, they have not listened, and they have not been out there.

That leads me to the second part of my response, which is the state of Victoria and why I grieve for the Liberal Party here. Again, it is no surprise that the federal Liberal Party president, Mr Stone — I was going to call him John Stone but that's a different party and a different person — would come out with a report that strongly endorses the VACC findings of businesses in Victoria. It is a critical and analytical report of what is wrong with the Liberal Party. However, it is a bit of a toady exercise in that it exonerates the architect of all this tax reform — the Prime Minister.

Mr Nardella — He probably leaked it.

Mr LENDERS — Yes, the Prime Minister probably released the report to knock out his rival. Moving on to the state sphere and the relevance of the federal experience, I should have thought that the Liberal Party in Victoria would learn from the experience of the federal Liberal Party by its abuse of small business people in not consulting them on tax reform and in imposing a series of proposals. Small business had no chance to talk about or discuss the proposals, and suddenly there were a lot of errors in the GST that could have been alleviated by a consultation process and consideration of the impact on business rather than simply the Liberal Party's own ideological obsession.

Better Business Taxes package

Last year in Victoria the then Treasurer announced the establishment of the Harvey review into business taxation at the time of the budget to put through a series of forward estimates of $400 million in business tax cuts. While the Labor Party has enormous small business expertise — with the honourable member for Ripon, the honourable member for Frankston East, who ran his own business, and a large number of other business people on our side — we did not presume that we knew all the answers. We did not presume that we had the panacea for Victoria's economic ills. We set up an expert tribunal to give business the opportunity to advise us on the issues. Suffice to say it was welcomed by business and included the largest business organisation in Victoria, the Victorian Employers Chamber of Commerce and Industry.

The Harvey review came out and I say that as a member of the Labor Party I was somewhat disappointed to see the proposal for a flat tax rate without a threshold. However, the Labor Party went out to consult with business, and people in business told us that was a good thing to look at. The government went on to say that as part of its consultation process it would further talk to business about what the Harvey review was offering to get all these tax cuts — and we are a fiscally prudent government that would not just go and slash away the hard-earned money of Victorians. The price for those tax cuts would be a flat rate of tax.

That is the path the government went down. This is where my grievance becomes incredibly strong. I fully understand where an opposition is coming from, the needs of an opposition to differentiate itself from a government, to get into the marketplace and put its spin on things, and that an opposition needs to come out and say things. But where this opposition lost its opportunity and the reason I grieve is that it was a perfect juncture for a bipartisan response to a report — to see whether there were any issues on which the government and the opposition could have reached an accommodation.

My personal view is that in the end, a flat land tax and the threshold issuance were totally unacceptable to the Labor Party. However, for the Liberal Party to have come out blindly on day one and seize the first popular initiative it could meant that there was no scope to talk about tax cuts. There was more to this report than the Liberal Party was allowing, the irony being that this is the same Liberal Party that increased the tax net by reducing a threshold on land tax from $200 000 to $85 000, and it would have gone further than that if its own caucus committee had not hit it on the head: the Liberal Party would have cut the threshold to $10 000. That is now history.

Acting Speaker, you will appreciate that the National Party had the good sense in this matter to at least wait a

few days, read the report and talk to a few people before coming out with its position. The Liberal Party could not wait to get its hands on the first populist issue to try to resurrect its base among small businesses, which was so burnt off and disillusioned with the GST. The Liberal Party leapt on the first populist issue but it backfired and made the Liberal Party totally irrelevant to and kept it out of the business taxes review.

The government's response, the Better Business Taxes package, was announced by the Treasurer last week, and the package is great. A number of issues in the package will presumably be flagged in legislation to be introduced in this place shortly — as yet there is no legislation on the books. However, if the Liberal Party had not totally marginalised itself and created disillusionment and instead had treated the process seriously it could have been involved in the many good initiatives the government has put forward.

Through the Better Business Taxes package the government has introduced seven simplification initiatives for small business that resulted from the government embracing the Harvey report and the business consultations that arose from it.

Mr Doyle interjected.

Mr LENDERS — The honourable member for Malvern may scoff, but seven simplification initiatives for small business is a fantastic achievement for any government — it is better than any other Victorian government has done. I notice the honourable members for Ripon and Frankston East are nodding vigorously in agreement with that. As people with business experience they know seven simplification initiatives are worth more to businesses than anything the previous government delivered and the iniquitous GST.

The Treasurer has announced payroll and land tax relief and the abolition of three duties, so I will not refer to them again unless time permits. However, I will outline the seven simplification initiatives the Liberal Party could have assisted with by having discussions with business if it had been serious about the proposal.

I refer firstly to land tax. The government will free 46 000 small business investors and self-funded retirees from the land tax net in the next financial year. That is a simplification initiative if I have ever seen one. Those people now no longer need to fill in a form and pay the tax. If the ultimate decision of the Liberal Party had not been aborted in the party room and the threshold had been cut to $10 000 the number would have been far greater.

Secondly, as a result of the Treasurer's announced changes to stamp duty charges 31 000 transactions will no longer be subject to stamp duty, effective from the introduction of the legislation. From 1 July 2003 some 30 000 off-market transactions will no longer be subject to stamp duty and from 1 July 2004 some 330 000 transactions will no longer be subject to stamp duty. The government is reducing complexity, taking the burden off business and simplifying the process so Victoria will be a good place in which to do business. I grieve for the other side because it has lost the plot and the opportunity to participate.

I refer to payroll tax. Hundreds of payroll tax payers will no longer be liable for the tax. More than 250 000 transactions a year will be processed with new technology. That will benefit mainly small business by taking the burden off it. It is a modern government in a modern age dealing with modern business transactions.

The government is harmonising the legislation with a single set of rulings and language to be used where possible. It started that process last year by introducing the Duties Bill, together with the other states. It is an ongoing process to create a better environment for small business. The government is adopting the Australian business number as a cost-effective, efficient and accurate system, and all measures will be integrated to help business. Finally, the Treasurer has announced a one-stop arrangement for obtaining information to improve the service for business in its dealings with the government.

In just 18 months in office this government has made enormous reforms — that is, the simplification of tax and the cutting of business tax. During seven and a half years the previous government did very little. There was one small tax cut but much talk. It was Howard's Heroes cheering on the GST, which has added so much grief and pain to business across Victoria, particularly small business.

I will outline the measures that will be undertaken to make Victoria more competitive and to create a better environment for small business. In the end, if Victoria has a good business environment it is far more likely to attract jobs, which is important for my electorate of Dandenong North. If there is one thing that will help in dealing with many of the issues in my electorate it is creating opportunities for secure employment. The best thing a state or federal government can do is create employment opportunities.

Consultation with business has improved the government's capacity to deliver the seven simplification initiatives and the correct form of

business taxes. Honourable members know that $774 million in business tax cuts has been promised over four years. If the government had presumed that all wisdom on these matters resided in the Department of Treasury and Finance and the Australian Labor Party it would not have had the rich interchange with businesses that identified which items would help create jobs and growth in Victoria. The package will create jobs in my electorate of Dandenong North and in regional Victoria.

Mr Helper interjected.

Mr LENDERS — As the honourable member for Ripon said, the government's willingness to consult has brought about a far better package than if it had not consulted. That process was wonderful. The honourable member for Melton is in the chamber. I was with him and talking to small business in his electorate and he then had a series of follow-up meetings with them. Meetings took place with small businesses in a large number of electorates because the government wanted to talk with them. The government held round-table conferences to enable it to come up with a good package. It is a lesson for the future. Those sorts of things need to be done in the future because Victorians respond well to being able to take the government into their trust, which is good government. That has been a highlight of the Bracks government and the Premier has been personally committed to it.

The Liberal Party can learn a lesson from leaping on an issue it believes will give it good headlines for a few days because, in this case, doing so only froze it out of the process. It could have been involved in the dialogue and used its experience to enrich the package. During its seven years in office it did not do the sorts of things this government is doing. With one and a half years in opposition for reflection it could have brought some experience to the table but it missed the opportunity, which is disappointing for Victoria. I genuinely grieve for Victoria that the Liberal Party froze itself out of the process.

It is a great tax package because the government has taken the burden off business. The government is not regressive like the Liberal Party was in lowering thresholds and broadening the net

National parks: blackberry control

Mr SMITH (Glen Waverley) — I grieve for the people of Victoria under this Labor government. The first issue to which I refer concerns Mr John Voice of Mount Waverley, who came to me as his local member complaining about the Department of Natural Resources and Environment.

Mr Voice has a hobby farm at Hewsons Road, Barjarg, near Benalla, which abuts Lake Nillahcootie. He makes a point about blackberries. He is a hardworking man whom we got to know as a washing machine repairman. He runs a small business, by which I mean he employs three or four people. He is flat out all the time, and he has managed to buy himself a hobby farm at Barjarg.

In the past few months the Department of Natural Resources and Environment has written to Mr Voice — I have the letter here — saying that officers would come around to inspect the property to see where the blackberries were growing around the area. He was happy for that to happen. But his property abuts a national park, and there are so many blackberry bushes growing on government land right around the edges of his 80-hectare hobby farm that it is a joke.

Eventually, after two days Mr Alan Bowers, the president of the Landcare group for Swanpool, came and told him how wicked it was that he had a number of blackberry bushes on his land — but they were all on the side abutting the national park. Mr Bowers said, 'You have to get rid of this'. The cost to Mr Voice was to be in the vicinity of $1000. He said, 'This seems highly unfair. I have done it before. You have put the blackberries on my property, because they have come over the fence, and you have done nothing about your side'. Mr Bowers, who must be not like the typical run of public servants we normally have, came back two days later and said, 'We will let you get away with it for half the price'.

Mr Voice had to buy the stuff and kill the blackberries off, but nothing is happening over the fence. The situation in the country is ludicrous. When it was suggested that he go to see the honourable member for Benalla, Mr Voice said it would be a waste of his time, because they are all in cahoots. He believes there is no point in doing that but that there is a need to get the message out to the minister.

The Minister for Environment and Conservation, Minister Garbutt, put out a blurb three or four months ago trumpeting to all and sundry that the state government would ensure that blackberries were controlled on all state-managed lands, including state forests, parks and reserves; state road reserves — that is, Vicroads land; and unallocated state land — that is, Department of Natural Resources and Environment land. It also said it would facilitate and encourage community groups.

The government has certainly encouraged community groups — in the case of Mr Bowers, to persecute Mr Voice, my constituent. Mr Voice finds that when he gets to his hobby farm for a break, which is as often as he can, he is persecuted. How dare a government department come along and say, 'Get rid of the blackberries at your place', when the only blackberries he has are along the fence abutting state land? What is the department doing? You would have a good idea, Mr Acting Speaker, because you represent a country electorate. You would also know what the state government is doing — absolutely nothing. I asked Mr Voice whether he had yet applied for the $500 to cover the cost the department should pay, but he said he had not had time to do so. Instead he has had to fork out the money.

The point is that it is a scandalous waste of money. The departmental letter sent from the Benalla office — it is dated 15 December and signed by Drew Gracie, the team leader of the north-east region of the department — to all landowners in the area told everyone what their responsibilities were and how wicked they would be if they did not carry them out. Yet the department itself is doing absolutely nothing. Blackberries are growing to an unbelievable extent on either side of the boundary of Mr Voice's property.

I would like to see the local media highlight this issue, because the farmers whose land abuts the government land should be given some exemption. Better still, the government should treat both sides of the fence, because the problem is coming from government land and not those properties.

Education, Employment and Training: personnel

The second matter I raise concerns a matter grieved about by the honourable member for Warrandyte, who described what a mess the education department is in under the current government. He also mentioned Mr Kim Bannikoff's appointment to the new position of director of the Office of Portfolio Integration in the education department, which the house ought to look into. Mr Bannikoff is a former plumber, which is very interesting.

Mr Bannikoff was brought down to Melbourne some months ago, prior to his recent director's appointment. The opposition is concerned that Mr Bannikoff allegedly performed special duties for — guess who — Michael Kane, who is the acting manager of policy and planning in the department. Honourable members would be interested to know that he is the same Michael Kane who was a political staffer of former Premier John Cain, Jr.

Mr Bannikoff and Mr Michael Kane had the key role within the education department of briefing the Geoff Allen Consulting Group on the review of the entire department. During this period Mr Bannikoff was Mr Kane's house guest. The plot thickens!

It is therefore a major concern that Mr Bannikoff may have written his own job description. I am not suggesting he did, but there is a likelihood that he did when the position of director of portfolio integration was being dreamt up — and it subsequently formed a key recommendation of the review report. As a former teacher, I find that a bit hard to stomach. If you have been a plumber you go off to teachers college or wherever — perhaps it is university today — and get yourself trained by doing a three or four-year course. But if you come in on plumbers qualifications you ought to be fixing the cooling towers on airconditioning units, not doing this.

Mr Dixon interjected.

Mr SMITH — Yes, fixing leaks, as the honourable member says. Where is the education department going? It is going down the same old Labor Party path of jobs for the boys. There cannot be a plainer example than this, which has been directed to my attention today.

M1 protesters

Honourable members earlier heard the honourable member for Wantirna discuss the role of the police, including their role in yesterday's M1 demonstration in the city. They have an arduous task. Policy decisions are not the purview of the average policeman on the beat, nor are they the purview of those who were yesterday protecting the public's interests against the rioters, the demonstrators and those who caused the incredible vandalism. People gave accolades to the average copper out there yesterday. I hope they follow through on prosecuting those offenders. As Neil Mitchell said yesterday on 3AW, one bloke had the gall to tell the public that the reason he was there was to do some damage to a multinational company's offices.

He went to a McDonalds franchise shop in the city and daubed and splodged red paint all over the outside of it. To their credit, the franchisees had the place cleaned up and running 3 hours after the attempts of these vandals to destroy their property.

The community should also give accolades to the police who deal with the drug problem. It is interesting to note that in the past few months, probably since the November–December period, the drug problem, particularly involving heroin, has eased considerably as a result of the fine direction of the police in managing to bring drug trafficking under control in many areas. That is not to say it is permanently controlled, but credit should be given to Victorian detectives under the supervision of Commander Rod Lambert from the crime department.

Of particular interest is the reduction in the number of heroin-related deaths. At this time last year there had been almost 100 deaths from heroin-related causes for the year. This year there have been only 15, which speaks volumes for the police work undertaken. More credit should be given by the media to the Victoria Police for the work its members do. That is not to say that the drug traffickers will not find other more subtle ways of getting heroin back into the community, but at this stage the police have managed to keep the cap on the biggest problem faced by our community.

Victoria Police estimate that up to 80 per cent of people in jails are there for some drug-related offence. I pay tribute to the Victoria Police, particularly the work being done by the crime department under Commander Rod Lambert, to curb this trend.

Leaders for Tomorrow program

The fourth area to which I give credit is a successful program I am running in Glen Waverley called Leaders for Tomorrow. The program is run by a number of volunteers, including one of my keen staff workers, Mr Vic Rajah. Vic has a full-time job as a trainee solicitor with the firm of Corrs. This week he will be sworn in by the Supreme Court as a fully fledged Victorian solicitor.

The Leaders for Tomorrow program endeavours to get young people to draw on their experiences and to look at policies that they think might help run the state. Such groups are made up of school leaders — most of the young people in years 11 and 12 are school captains, vice-captains or house captains. They have been identified by the program as being leaders for tomorrow. It is hoped they will not only benefit from the types of modules that we are putting them through, but at the same time be able to pass that experience on to the schools or colleges they attend to the benefit of the community.

We need to listen to all levels of the community to pick up policies that will benefit Victoria so that we do not end up with a government such as we have at the moment. It is a government leading us nowhere because it is without direction. As we have heard, it trumpets on a day-to-day basis. It is full of words, not actions, and should be exposed by the media for what it is not doing in Victoria.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Narracan has 3½ minutes.

Small business: insurance

Mr MAXFIELD (Narracan) — I grieve for the difficulties experienced by small business in Victoria over the collapse of insurance companies. The federal government has effectively failed to properly manage and scrutinise the insurance industry. The total and utter neglect shown by the Howard government has thrown many small businesses and consumers into a state of uncertainty.

One does not have to look far to find examples of that. Today the front page of the *Weekly Times* reports that sprayers are being stranded. They cannot get insurance to enable them to spray weeds. Honourable members know that the weed issue is serious. The failure of the federal government and the coalition to properly scrutinise this area has seen weed sprayers stranded in an appalling manner.

I refer to the building industry and the difficulties experienced by builders unable to get insurance. They have certainly visited my office and the offices of many honourable members.

I contrast the complete and utter failure of the federal government with the tremendous work undertaken in the past few weeks by Marsha Thomson, the Minister for Consumer Affairs in another place. Only yesterday I was fortunate to get from the minister some information about accessing insurance which has assisted several builders in my town and will mean they can continue to build houses. The previous information they had received from the federal government gave them no joy at all. The work done by Marsha Thomson to identify insurance companies that are able to assist builders to continue working and employing staff is in stark contrast to the complete and utter failure of the Howard government in this area.

Why can't the federal government properly scrutinise the insurance industry? Why can't the federal government show a bit of concern and compassion for small business? Why do political donations to the Liberal Party count for more than the viability of a small business operator who is just trying to build houses for consumers and provide employment?

We have seen a GST-introduced slowdown in this country, which is hurting a lot of small businesses and organisations. It is a tragedy. Is the federal government assisting those suffering the worst of the GST effect? Is it showing compassion? It sits back and watches insurance companies go bust and washes its hands of them. It walks away and says, 'It is our responsibility but we don't care'. Why don't federal government members care? They are more interested in their rich mates and in getting donations from those who are willing to line the pockets of the party machine to ensure they can run a greasy campaign at the next election. Why don't they put the interests of small business and of those who are building houses first?

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

Question agreed to.

HEALTH (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Health) — I move:

That I have leave to bring in a bill to make various amendments to the Health Act 1958, to repeal certain redundant provisions of that act, to amend other acts and for other purposes.

Mr DOYLE (Malvern) — Will the minister give a brief explanation of those amendments to the act?

Mr THWAITES (Minister for Health) (*By leave*) — It is a relatively minor amendment to the act, implementing recommendations of the national competition policy review of the Health Act, particularly relating to pest controllers and their licensing system.

Motion agreed to.

Read first time.

BUILDING (SINGLE DWELLINGS) BILL

Introduction and first reading

Mr THWAITES (Minister for Planning) introduced a bill to amend the Building Act 1993 in relation to the siting and design of single dwellings and for other purposes.

Read first time.

URBAN LAND CORPORATION (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Planning) — I move:

That I have leave to bring in a bill to amend the Urban Land Corporation Act 1997 to change the title of that act and to change the title and functions of the Urban Land Corporation and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the minister for a brief explanation of the bill — in particular, the nature of the functions that are to be changed.

Mr THWAITES (Minister for Planning) (*By leave*) — The bill will implement the policy the government took to the previous election to broaden the focus and function of the Urban Land Corporation.

Motion agreed to.

Read first time.

AGRICULTURE LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Mr HAMILTON (Minister for Agriculture) — I move:

That I have leave to bring in a bill to amend the Meat Industry Act 1993, to repeal the Margarine (Repeal) Act 1994, the Quarantine Officers (Transfer) Act 1990 and the Tobacco Leaf Industry (Deregulation) Act 1994 and for other purposes.

Mr DOYLE (Malvern) — Given my usual acute interest in these matters, I ask the minister to give the house a brief explanation of the bill's contents.

Mr HAMILTON (Minister for Agriculture) (*By leave*) — I am very pleased that the honourable member for Malvern takes an interest in such an important area. The amendments to the Meat Industry Act are a result of the national competition review. They are minor amendments that clarify the position of the minister in making directions and ensuring that quarantine officers are authorised to conduct their inspection services and that all classes of organisations in the meat industry have access to a proper appeals mechanism under the law.

Motion agreed to.

Read first time.

GAS INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) — I move:

That I have leave to bring in a bill to amend the Gas Industry Act 1994 to provide for retail gas market rules and as a consequence of the Gas Industry Act 2001 and for other purposes.

Ms ASHER (Brighton) — I ask the Treasurer for a brief explanation of the bill, including the other purposes.

Mr BRUMBY (Treasurer) (*By leave*) — The description of the bill is self-explanatory. It provides for retail gas market rules in the new era of contestability in the gas market. The other purposes of the bill are about further refining the legislation and ensuring that there will be an orderly market in a contestable framework.

Motion agreed to.

Read first time.

GAS INDUSTRY BILL

Introduction and first reading

Mr BRUMBY (Treasurer) — I move:

That I have leave to bring in a bill to regulate the gas industry and for other purposes.

Ms ASHER (Brighton) — I seek from the Treasurer a brief explanation of the bill beyond what is written on the notice paper, as well as clarification of the other purposes of the bill.

Mr BRUMBY (Treasurer) (*By leave*) — The description of the bill is self-explanatory.

Ms Asher interjected.

Mr BRUMBY — There is a process in place. Tomorrow I will be making the second-reading speech, and all will be revealed.

Motion agreed to.

Read first time.

JUDICIAL AND OTHER PENSIONS LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Attorney-General and Solicitor-General Act 1972, the Constitution Act 1975, the County Court Act 1958, the Magistrates' Court Act 1989, the Public Prosecutions Act 1994 and the Supreme Court Act 1986 to provide for the commutation of pensions under these acts for the purposes of payment of the superannuation contributions surcharge and the consequent adjustment of pensions and for other purposes.

Read first time.

JUDICIAL COLLEGE OF VICTORIA BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to establish the Judicial College of Victoria and define its functions and powers and for other purposes.

Read first time.

RACING (RACING VICTORIA LTD) BILL

Introduction and first reading

Mr HULLS (Minister for Racing) introduced a bill to amend the Racing Act 1958 to provide for the recognition of a body to be responsible for the carrying out of certain powers and functions relating to horseracing and to confer powers and functions on that body and for other purposes.

Read first time.

VICTORIAN MANAGED INSURANCE AUTHORITY (AMENDMENT) BILL

Introduction and first reading

Ms KOSKY (Minister for Finance) — I move:

That I have leave to bring in a bill to amend the Victorian Managed Insurance Authority Act 1996 and the Financial Management Act 1994 with respect to insurance and risk management in the Victorian public sector and for other purposes.

Ms ASHER (Brighton) — I ask the Minister for Finance for a brief explanation of the contents of the bill.

Ms KOSKY (Minister for Finance) (*By leave*) — The second-reading speech will provide the detail, but essentially it is about an expansion of those government bodies that can have access to the Victorian Managed Insurance Authority and outside government departments.

Motion agreed to.

Read first time.

POST COMPULSORY EDUCATION ACTS (AMENDMENT) BILL

Introduction and first reading

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I move:

> That I have leave to bring in a bill to amend the Tertiary Education Act 1993, the Deakin University Act 1974 and the Victorian Qualifications Authority Act 2000 and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the minister for a brief explanation of the bill — in particular, how it relates just to Deakin University and what its other purposes are.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) (*By leave*) — As I said about the previous bill, the detail will be provided in the second-reading speech tomorrow. The amendment to the Deakin University Act of 1974 relates to the sale of land to Deakin University at its Clayton campus, and the Victorian Qualifications Authority Act amendment allows for the charging of private providers. That is essentially what the bill is about.

Motion agreed to.

Read first time.

COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Ms CAMPBELL (Minister for Community Services) introduced a bill to make miscellaneous amendments to the Disability Services (Amendment) Act 2000, the Guardianship and Administration Act 1986, the Health Services Act 1988, the Intellectually Disabled Persons' Services Act 1986 and the Mental Health Act 1986 and for other purposes.

Read first time.

CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL

Introduction and first reading

Mr HAERMEYER (Minister for Corrections) introduced a bill to amend the Sentencing Act 1991 to empower a court to make a home detention order where it has imposed a sentence of imprisonment and to amend the Corrections Act 1986 to empower the Adult Parole Board to make a home detention order where a prisoner nears the end of a term of imprisonment and for other purposes.

Read first time.

CORRECTIONS (CUSTODY) BILL

Introduction and first reading

Mr HAERMEYER (Minister for Corrections) — I move:

> That I have leave to bring in a bill to amend the Corrections Act 1986 and other acts in relation to the custody and transfer of prisoners and detainees and for other purposes.

Mr LEIGH (Mordialloc) — Will the minister give a brief explanation of the bill?

Mr HAERMEYER (Minister for Corrections) (*By leave*) — Effectively the bill is a housekeeping bill that tidies up some of the definitions relating to the custody of prisoners. Prisoners are routinely transported between various custodial jurisdictions — that is, between the prison system, the police and the mental health system. The bill clarifies the responsibilities of those responsible for those jurisdictions, and creates a new category of escort officer under the act and defines the powers of such officers.

Motion agreed to.

Read first time.

LAND SURVEYING BILL

Introduction and first reading

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

> That I have leave to bring in a bill to provide for the management of cadastral surveying, to repeal the Surveyors Act 1978 and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the minister for a brief explanation of the elegance of cadastral

surveying and to give an indication of what the other purposes are.

Ms GARBUTT (Minister for Environment and Conservation) (*By leave*) — I will give that information in elegant detail in tomorrow's second-reading speech. The bill is about registering surveyors.

Motion agreed to.

Read first time.

TRANSFER OF LAND (AMENDMENT) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to amend the Transfer of Land Act 1958 in relation to the powers of the Registrar of Titles with respect to the creation and deletion of folios of the register, to provide for the fixing of differential fees by regulation, to make consequential amendments to the Land Act 1958 and for other purposes.

Read first time.

FOOD (AMENDMENT) BILL

Second reading

Debate resumed from 5 April; motion of Mr THWAITES (Minister for Health).

Mr DOYLE (Malvern) — I am happy to start the debate 5 minutes before the luncheon adjournment because this is an important area of legislation. The Victorian Parliament has a proud tradition of regulating food since 1984. The debate today is the natural conclusion of a process that will lead the rest of Australia in conforming to the Council of Australian Governments (COAG) model, proposed to be legislated by all states before November.

The preparation, handling, serving and selling of food in the community is problematic. There are still those who wish that this sort of legislation would go away and that there be no such legislative focus on food. That will not be the case. This amendment to the Food Act is work which was modelled on but which is a generation removed from the template set by the work done in 1997 and 1999 by the previous government. Although this is national template legislation, in many ways it is an evolution of what this Parliament enacted in 1997.

When in opposition, the now Minister for Health made an extremely long speech very late one night in which in many ways he made a mockery of what was a serious attempt to address the problems of the food industry as they existed then, and as they probably exist now. As a result of that legislation, however, a Council of Australian Governments agreement, largely modelled on the previous bill, was made to change and improve what had been done in 1997. Nevertheless, Victoria is the first Australian jurisdiction to introduce a template for a new food act.

As I said before, this is an evolutionary process, and the Liberal Party is pleased to support the bill. I am a conciliatory person and a helpful shadow minister, so rather than make politics out of this important area I hope the Parliament can turn its mind to the goal of good food legislation that will serve all Victorians well, not just businesses and regulators.

Mr Viney — Politics is beneath you, Robert!

Mr DOYLE — I take up the interjection of the honourable member for Frankston East. He may say that about me — I certainly cannot — and I am delighted that he suggests it might be so.

When legislation such as this is framed, the work is done by a number of senior and knowledgeable people in the various bureaucracies around Australia. Many honourable members may have worked with such people before. I have worked with some of those almost impenetrable authorities that regulate food, and no doubt the honourable member for Frankston East has too. Those knowledgeable public officers offer us good advice about how to put generally agreed principles into black-letter law.

Anyone working in the area of food policy quickly learns that a layman's understanding is simply not enough. While not quite an arcane area of legislation, food policy is a detailed and difficult area, but it is very important that we try to get it right. I sincerely hope that this incarnation of the Food Act does that, both for people who sell food and run food businesses and premises and for those who purchase and consume the food. That would be a useful addition to the state's statute books.

Debate interrupted pursuant to sessional orders.

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

QUESTIONS WITHOUT NOTICE

Electricity: winter power bonus

Dr NAPTHINE (Leader of the Opposition) — Will the Premier make available to the house the advice he has received on the impact on low-income families and pensioners of the government's decision to scrap the $60 per household winter power bonus?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. The first point to be made is that when the bonus was announced in this house and publicly by the previous Treasurer, the Honourable Alan Stockdale, it was to be a one-off bonus before the competitive market took over. It was not budgeted for and was not in the forward estimates.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order.

Mr BRACKS — It was always designed under the previous government to be discontinued in the forward estimates. That is exactly what the previous government designed and that is exactly what has happened.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bentleigh! The honourable member for Narracan!

Electricity: generation investment

Mr MAXFIELD (Narracan) — I refer the Premier to the government's commitment to facilitate investment required to increase Victoria's electricity capacity and ask him to inform the house of the latest information concerning new investment in the industry.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Monbulk!

Mr BRACKS (Premier) — The honourable member for Narracan, as well as other members, takes a keen interest in the Latrobe Valley and in energy generation.

Dr Napthine interjected.

The SPEAKER — Order! I ask the Leader of the Opposition to cease interjecting.

Mr BRACKS — Today I had the pleasure of announcing a major new investment in electricity generation in Victoria, the biggest new investment for 10 years — a decade — in the state.

I congratulate the electricity generator Edison Mission Energy on its new investment in the state. The government has confirmed the announcement today of a new gas-fired power station for the state that will produce 300 megawatts of electricity. The excellent news is that this gas-fired, peak-load energy generation capacity will come online by summer of next year in February 2002.

It is good news for the security of supply in the state and its electricity generation capacity. The $150 million of new investment in the Latrobe Valley is welcomed. In the short term the construction will provide 200 new jobs in the state, which is also good news for the Latrobe Valley. That comes on top of other initiatives for further generation capacity in the state that have been announced over the past two months. They include AGL, which has shown its intention to produce another 150 megawatts of electricity generation; AES, which proposes to produce an additional 200 megawatts; and Origin Energy proposes an additional 95 megawatts. With this biggest new investment for a decade coupled with the demand management strategies that have accrued to some 200 megawatts of savings, the government is acting to secure supply.

On behalf of the government I congratulate the Minister for Energy and Resources for her work in this area. She has worked closely with industry and has ensured the market is right for this peak-load demand. It is welcome new investment for the state and for the Latrobe Valley.

Electricity: Basslink

Mr RYAN (Leader of the National Party) — Given the Premier's previous answer, will he outline to the house the benefits to Victoria of the Basslink project?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question; as the member of Parliament for that area he has a keen and personal interest in the matter. The honourable members knows there are two proponents of this project and neither of them is the Victorian government. The government is continuing the environment effects statement process that was in place under the previous planning minister. The report will be completed by the end of the year and a finding on the facts will be made at that time.

The first proponent is the Tasmanian government — it wants it and it has proposed it. The second proponent is

the federal government, which has said it is a project of national significance. This government acts simply as a planning authority in regulating the findings of the environment effects statement. I urge the Leader of the National Party to talk with the Tasmanian government and to his federal counterpart.

Mr Ryan — On a point of order, Mr Speaker, given the Premier's answer to the previous question and given his response to me in question time only weeks ago that Victoria was to draw benefits from the Basslink project, I am simply asking what is now the position by way of benefits to Victoria from the Basslink project?

The SPEAKER — Order! There is no point of order. The Leader of the National Party is using the raising of a point of order to repeat his question. The Premier, completing his answer.

Mr BRACKS — As I have previously indicated to the Leader of the National Party, if the link were to be provided it would have benefits for the state, but they need to be weighed against any detrimental effects to the environment. The government is waiting for advice on that matter.

Better Business Taxes package

Mr STENSHOLT (Burwood) — Will the Treasurer inform the house of how the government's tax package measures affect Victoria's relative tax competitiveness when compared to other states and territories?

Mr BRUMBY (Treasurer) — I thank the honourable member for Burwood for his question about the Victorian government's tax package. I am pleased to say that as a result of the Better Business Taxes package Victoria will remain a low-taxing state both on a per capita basis and as a share of gross state product (GSP). In other words, Victoria will have lower and fewer taxes and simpler taxation arrangements.

I turn to five brief facts about the relative tax competitiveness of Victoria. Firstly, as a result of the Better Business Taxes package the level of state taxes is expected to remain well below those of New South Wales and to fall below the Australian average. Secondly, Victorian taxation as a proportion of GSP is expected to decrease from 4.63 per cent in 1999–2000 to 4.44 per cent in 2003–04. Again, that is below the estimated Australian average of 4.66 per cent and well below that of New South Wales of 4.87 per cent in 2003–04. Thirdly, Victorian taxation per capita will decline from $1567 in 1999–2000 to $1491 in 2003–04. Again, this will keep Victorian taxation below that of New South Wales at $1651 in 2003–04.

Fourthly, until the introduction of the Bracks government's Better Business Taxes package Victoria had the highest number of taxes of any state in Australia with 22 separate taxes. After the introduction of the package and the abolition of the taxes under the intergovernmental agreement, Victoria will drop to having 17 taxes, the lowest of any state in Australia. Under the Kennett government Victoria had more taxes than any other state in Australia; under the Bracks government Victoria will have fewer taxes than any other state in Australia — lower, fewer, simpler and less paperwork!

Finally, I turn to the issue of land tax and the lifting of the threshold by the Bracks government. Victoria's land tax collections are lower than the Australian average on either a per capita basis or as a proportion of gross state product. It is a great set of figures for Victoria.

Given the extraordinary improvement in tax competitiveness in our state through the Better Business Taxes package, the decision today announced by Campbell's, the owner of Arnott's, with regard to the Victorian plant is even more surprising and disappointing and is blatantly a poor business decision. The decision has everything to do with a valuable piece of real estate in Burwood and has nothing to do with the fundamental economics or the profitability of the Victorian operation. The Burwood plant, the most efficient in Australia, is surrounded by valuable real estate. It is an example of an American multinational company with a great brand name — Arnott's — and plants around Australia thumbing its nose at Victorian families and Victorian workers.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The Leader of the Opposition should cease interjecting in that manner.

Mr BRUMBY — Here is a company that is profitable, owns a brand name, and has enjoyed the loyalty of Victorian consumers for more than 100 years. Yet faced with a valuable bit of real estate in Burwood it thumbs its nose at Victorian households and families and believes it can do that with its company name and profitability intact. I believe the company has badly misread Australia's economic environment and badly misread the views of Victorian families and consumers. The company sells more than 40 per cent of its product into Victoria.

Without any prior notice of or consultation about its decision, the company's board advised the government this morning — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc!

Mr BRUMBY — The company should have a good rethink about its corporate strategy. Victoria is the most attractive of any Australian state for food investment. Victoria has received some $500 million of new investment in the food industry over the past 12 months, which is higher than any other target and is a record level of investment. Other companies from around Australia and the world are coming to Victoria to invest.

If Arnott's does not reconsider its decision the government will actively deal with companies such as Lanes Biscuits, George Weston Foods and Dick Smith, which compete directly with it, so they can expand their investment into Victoria and put product into the market to provide more competition to Arnott's.

The SPEAKER — Order! The Treasurer should conclude his answer.

Honourable members interjecting.

The SPEAKER — Order! The honourable members for Doncaster and Berwick!

Mr BRUMBY — The opposition always gloats over job losses.

Dr Napthine interjected.

Mr BRUMBY — The biggest hypocrite of all interjects. I will list some of the job losses that occurred during the last 12 months of the former Kennett government. Aurora Glass Fibre in Dandenong, 320 jobs; Gordon Brothers Industries — —

Government members interjecting.

The SPEAKER — Order! The government members should come to order.

Dr Napthine — On a point of order, Mr Speaker, the Treasurer has had a degree of leniency in explaining why the Arnott's company will not negotiate with the state government about keeping 600 Victorian jobs. The company should have discussions with the government — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition raised a point of order on relevance and then proceeded to debate the issue. If he continues down that track I shall not hear him further. The Treasurer is not being succinct in his answer and I have already asked him to conclude his answer. I ask him to conclude forthwith or the Chair will cease hearing him.

Mr BRUMBY — As I said, dozens of closures occurred over the last year in which the former government was in power. I repeat, the environment for investment in Victoria has never been better.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for South Barwon!

Mr BRUMBY — I repeat: the company has made a poor business decision that will not be well received by Victorian families nor, I think, by any member of this Parliament. Arnott's has another think coming if it expects to maintain its market share and the market loyalty of Victorian households.

Better Business Taxes package

Dr NAPTHINE (Leader of the Opposition) — My question is to the Premier and is very relevant after the answer just given by the Treasurer. Is it a fact — —

Ms Barker — Look up, smile!

The SPEAKER — Order! The honourable member for Oakleigh!

Dr NAPTHINE — It is disappointing that the honourable member for Oakleigh thinks it is a laughing matter that 600 Victorians have just lost their jobs.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition should ask his question.

Dr NAPTHINE — Is it a fact that the actual impact of the government's so-called tax plan is that the total amount of payroll tax paid by Victorian businesses will go up rather than down in the next financial year?

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The Treasurer and the Minister for Post Compulsory Education, Training and Employment!

Mr BRACKS (Premier) — It is absolutely correct that there are more jobs created in Victoria. In the past 12 months a full 50 per cent of all jobs created in Australia were created in Victoria. We have the second lowest rate of unemployment in Victoria. We have a

population growing at 1.2 per cent and a growing labour market. There are more Victorians employed now than there ever have been in the past. More people are employed in a growing economy, and that is fantastic news for the state.

Land tax: tourism

Ms ALLEN (Benalla) — I refer the Minister for Major Projects and Tourism to claims that the government's tax reforms will impact adversely on small tourism operators. Will the minister inform the house of the actual impact of the government's reforms on these businesses?

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — I thank the honourable member for Benalla for her question. She is a champion of tourism in Victoria, along with many other honourable members on this side of the house.

The opposition has previously asked questions about the impact of the government's tax reform proposals on the tourism sector. It is fair to say that there has been quite a bit of scaremongering. I remind the house that I said that, whatever the outcome, the Treasurer would produce something that would be fantastic for small business.

Increasing the land tax threshold from $85 000 to $125 000 will have a significant positive impact on tourism businesses across Victoria. Let's not forget that a vast majority of those businesses are in regional Victoria.

Where was the shadow Treasurer when she was the minister for tourism? She asked one of those questions in the house.

A Government Member — She lost her voice!

Mr PANDAZOPOULOS — Yes, she lost her voice, because when the previous government reduced the land tax threshold many tourism businesses were suddenly paying land tax for the first time ever! The Bracks government has been able to provide tax relief. Fewer tourism businesses are now paying land tax. Tourism Victoria estimates that across Victoria about 6500 small tourism businesses will benefit from the land tax package, which is fantastic news.

What does it mean for small tourism businesses? It is a significant boost that will assist them to be involved in the core part of their business — that is, marketing their businesses in Victoria, interstate and overseas and attracting more visitors to our state — while enabling them to pay their bills.

These small businesses are receiving tax reform from the Bracks government, but they are struggling under the federal government's GST and the related paperwork. They are getting less paperwork and lower taxes from us, but they are getting more paperwork and more GST from the federal government. We are helping small businesses, but the Liberal Party certainly is not.

Around 80 per cent of tourism businesses are small businesses. This is fantastic news for them; nothing like it was seen under the previous government.

Let's not forget that the Victorian Employers Chamber of Commerce and Industry said there has been more business tax reform in the 18 months of the Bracks government than there was in the seven and a half years of the Kennett government. The tourism sector believes that ours is a good package.

Land tax: revenue

Ms ASHER (Brighton) — My question is to the Premier.

A government member interjected.

Ms ASHER — I have lost my voice! Is it a fact that the actual impact of the government's so-called tax plan will be that the total land tax paid by Victorians will go up rather than down next year? I also note that there will not be any more land in Victoria next year!

Mr BRACKS (Premier) — The land tax reduction — that is, the increase of the threshold from $85 000 to $125 000 — will cost the government about $5 million on an annual basis through the reduction of taxes.

In a growing economy land prices increase overall, but the real impact is a net reduction in outlays of $5 million a year — —

Dr Napthine — On a point of order, Mr Speaker, the question was succinct. The Premier should say yes, because clearly that is — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order! That is not a point of order.

Mr BRACKS — There will be a net reduction in revenue and outlays of some $5 million a year. This is an excellent outcome for Victoria. It comes on top of the previous government lowering the threshold from $200 000 to $85 000! The Bracks government is lifting the threshold, which will exempt some

46 000 Victorian taxpayers who paid tax under the previous government.

Scoresby: integrated transport corridor

Mr LENDERS (Dandenong North) — Will the Minister for Transport advise the house of the progress of the Scoresby integrated transport corridor?

Mr BATCHELOR (Minister for Transport) — I thank the honourable member for Dandenong North for his question. He understands that the Scoresby corridor is crucial to Victoria's ongoing prosperity.

Some 28 per cent of Melbourne's work force is employed there, and it is crucial that the freight and logistic movements associated with that production are improved. It is a problem at the moment because the existing arterial roads are bursting at the seams. We need to ensure that truck travel and freight movements can be improved.

The proposed Scoresby freeway is but just one of the components that stand out as a solution in this corridor. The integrated transport corridor is a huge project, and if it is to proceed it must be jointly funded by the federal government. The Bracks government has submitted proposals to the federal government for fifty-fifty funding.

The Bracks government is doing all it can to deliver this project. I have met with the federal transport minister on a number of occasions to further our argument for the funding of this infrastructure project. Already Victoria owns 92 per cent of the land between Ringwood and Dandenong that is necessary for the freeway. The government is ready to go with the Scoresby freeway.

In addition, the government is concerned to create an integrated transport corridor and, I am pleased to announce, will allocate additional resources to continue the detailed planning and development of the public transport component of the Scoresby integrated transport corridor. The sorts of matters the government will examine include express trains providing services on the Ringwood, Frankston and Dandenong lines, Smart Bus services along Springvale and Blackburn Roads, the study of the tram line extension to Knox shopping centre, the feasibility of a rail connection from Rowville to Huntingdale, and the feasibility of providing a rail reservation within the freeway median strip.

The Bracks government sees the Scoresby corridor as an integrated transport corridor. Local government, the transport industry and the wider community are behind the government. Surprisingly, even some state and federal Liberal members of Parliament in that part of Melbourne are finally getting behind Labor's integrated approach to the Scoresby transport corridor.

Opposition members interjecting.

The SPEAKER — Order! I warn the honourable member for Mornington.

Mr BATCHELOR — The government asks that if state and federal Liberal members of Parliament in Victoria have any influence with the Australian government, and in particular the federal Minister for Transport and Regional Services, they get behind and support this government's approach to an integrated transport solution for the Scoresby corridor.

Rail: St Albans crossing

Mr LEIGH (Mordialloc) — I ask the Minister for Transport whether it is a fact that the government is about to proceed with the construction of a new, above-ground station at St Albans and that this suburban level crossing — the no. 1 railway black spot in the state — will be closed for a minimum of 7 hours a day by trains travelling through it at a dangerous 120 kilometres per hour?

Mr BATCHELOR (Minister for Transport) — The Bracks government supports the extension of public transport services to Melbourne's outer suburbs. There is a growing population in the area between St Albans station and Sydenham that deserves improved public transport services. I would have thought that all members of Parliament would support the extension of the metropolitan train service to the outer suburbs of Melbourne, such as Sydenham, and to the new station to be built around Taylors Road. The government is progressing with the policy.

Unlike the honourable member for Mordialloc, who took it upon himself to join in a dangerous and ill-advised protest — —

Honourable members interjecting.

Mr BATCHELOR — He took himself onto the train line and instead of — —

Mr Rowe — On a point of order, Mr Speaker, is this the same minister who in opposition went on to the City Link project against safety regulations?

The SPEAKER — Order! The honourable member is clearly not making a point of order.

Mr BATCHELOR — Recently the honourable member for Mordialloc joined in a protest that was deliberately aimed at the Bendigo service travelling through St Albans and tried to prevent Bendigo commuters from getting to their jobs. During peak hour, the honourable member for Mordialloc joined with the failed Liberal candidate for Keilor and some shopkeepers from the area to try to prevent the Bendigo service from getting to Melbourne. What stopping the Bendigo trains coming into Melbourne during peak hour has to do with achieving some other political objective needs to be properly examined.

The government is concerned to improve the public transport linkages. In addition to the — —

Dr Napthine interjected.

Mr BATCHELOR — The Leader of the Opposition asks what is being done about the dangerous crossing at St Albans. Unlike the previous Liberal government, which did nothing in seven years, the only thing that the Liberal Party has done — —

Mr Leigh — On a point of order, Mr Speaker, my question related to a railway station at St Albans that was above ground. On the question of relevance, I ask you to bring the minister back to the question.

The SPEAKER — Order! I do not uphold the point of order. The Chair is of the opinion that the Minister for Transport was addressing the question asked by the honourable member for Mordialloc. However, I ask him to cease debating the question and to conclude his answer.

Mr BATCHELOR — The honourable member for Mordialloc asked whether the government will build an above-ground railway station at St Albans. It will! It will also build above-ground stations at Sydenham and at the new station near Taylors Road.

Housing: social access

Mr VINEY (Frankston East) — Will the Minister for Housing inform the house of the government's progress in developing new, affordable housing options for young people at risk of homelessness, people with disabilities and older and disadvantaged Victorians?

Ms PIKE (Minister for Housing) — I thank the honourable member for Frankston East for his question. I am pleased to inform the house of the implementation of the Bracks government's innovative plan to invest $94.5 million in new social housing. This plan will create homes for Victorians in need of secure accommodation, as well as new jobs and construction that will help renew local communities.

In its first year, the plan has resulted in $47.8 million for 50 new housing projects across metropolitan and country Victoria being approved in principle. It is interesting that of that $47.8 million, $34.4 million represents the government's investment and $13.3 million represents the contribution from the government's project partners — the organisations that are providing land, additional funds and labour and investing their resources in partnership with the government to bring about an exciting project. It will create about 400 new homes for people who are at risk of homelessness, such as people with disabilities, older people, people from non-English-speaking backgrounds and people on low incomes.

Honourable members should think about the jobs this will bring to Victoria. Some 1800 new jobs will be created directly and more than 3000 jobs will created indirectly as result of the Bracks government initiative. We will now see these projects being undertaken across Victoria.

The next stage of this investment in social housing is also set to proceed. We have had the first raft of announcements, but there are more to come. There will be more expansion and growth through the development of more exciting and innovative partnerships. The government will promote social housing options across the community.

This is the first time in 10 years that a Victorian government has invested to ensure there is an expansion in affordable housing in the community. It is the cornerstone of building stronger communities in Victoria.

FOOD (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Health).

Debate adjourned on motion of Mr DOYLE (Malvern).

Debate adjourned until later this day.

METROPOLITAN AMBULANCE SERVICE ROYAL COMMISSION

Interim report

Mr BRACKS (Premier) presented, by command of the Governor, volume 1 of report of May 2001.

Laid on table.

Ordered to be printed.

FOOD (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Health).

Mr DOYLE (Malvern) — Before the debate was interrupted I was talking about food. The recent cooperation is certainly an inducement to make my contribution brief, and I will do so.

I will briefly outline the history of the legislation. In 1997 this Parliament enacted amendments to the Food Act to require proprietors to prepare and lodge food safety programs with local councils when they applied for or renewed their registration. The food safety programs had to be audited and a food safety instructor had to be nominated. Following a national review of food legislation in 1997 an official Australian government working group was charged with the task of developing a whole-of-government response. That in turn led to a national model food act that had two parts.

The first part contains nationally agreed definitions on offences, defences and penalties, as well as powers in an emergency — hence some of the changes to the 1997 and 1999 amendments. Annexe B contains the provisions that could be adopted by each state jurisdiction.

The general purposes of the bill were not much different from those in the 1997 amendments. To protect public health safety we had to provide consumer information, ensure fair trade and enable the enhancement of trade and the enforcement and administration of the food acts. As I said, the model food act was agreed to by the Council of Australian Governments in November 2000, and all administrations have decided they will enact it by November this year.

Although that whole process is admirable and an example of national cooperation, as always, the proof of the pudding will be in the eating — in this case in the implementation. That is what the Liberal Party has been concerned about.

The bill amends the Food Act to implement the national model. In the first part, for instance, it changes 'unfit for human consumption', or food that is adulterated, to 'unsafe' and 'unsuitable' food. It defines 'food business' and links food business with food premises to ensure that the premises on which food is prepared are still required under Victorian law to be registered.

An anomaly that has arisen in our discussion and consultation concerns the notion of packing sheds. I will not pretend this is an area of great experience or expertise for me, but I look forward to learning about it from my National Party colleagues. I know the honourable member for Swan Hill will raise this issue. I shall not go into it at all; suffice it to say that the government, the Liberal Party and the National Party are all of one mind on this matter. I know from my discussions with him that the honourable member for Swan Hill proposed an equivalence clause because of the quality assurance programs that are extant. The Liberal Party would be prepared to support such an amendment to the bill while it is between houses, should the government agree to what the honourable member for Swan Hill will outline in his contribution.

The bill provides for serious offences — quite naturally — in handling food, selling food that is unsafe, falsely describing food or selling food that is falsely described. It creates less serious offences as well, such as engaging in misleading and deceptive conduct. It codifies defences, allowing a person to prove they took all reasonable precautions. That is reasonable: if you know food is spoilt because of your handling of it and then you destroy that food, there should not be an action that lies against you for the original offence. That seems entirely reasonable.

The Liberal Party welcomes the raising of penalties for offences with respect to food. I note that the most serious of those is two years imprisonment and a fine of $100 000 for an individual or up to $500 000 for a corporation. For summary offences it is at $40 000 for individuals and $200 000 for corporations. The severity of those penalties indicates the seriousness with which the government, the Liberal Party and the National Party regard offences against this act.

Food businesses and premises have been linked because the model places obligations on the proprietor of a food business, and again that seems sensible. The provisions in the national model act reflected in this legislation are similar to the current emergency powers under the act. We welcome those also, with one

difference — that is in regard to the compensation powers arising from an improper use of the secretary's emergency powers. From our perspective that is sensible, but I point out that should such a compensation claim arise the public safety must always be put first. That is something we have to remember when the secretary exercises those powers: the thing that must not be compromised is public safety, and so one would expect the secretary to exercise these powers in a very conservative way. That seems to me to be reasonable as well.

The second part to which I alluded earlier contains the changes arising from consultation with the industry. For instance, the current act requires a food safety program. Large organisations often have quality assurance processes, and small businesses have found such processes difficult to implement. So I accept that the bill offers them the option of developing their own program or using a template, where one is registered for their class of business. The bill provides for the development of those templates.

I might say, having been on the government side of the house when the bill was introduced in 1997 — and the amendments, in 1999 — that I know it was always the intention that we would move through the process of evolution to the templates. That is reasonable in this bill and is supported by honourable members on the opposition side of the house. However, we need to ensure when we see those templates that they cover all the food processing activities within the business.

I accept the government's assertion that the aim is not to weaken food safety programs but to simplify them. On that basis, as I have said before, the Liberal Party is pleased to support the bill.

One interesting part, which I will not tease out but just mention in passing, is the change to the role of food supervisor. The difference between the responsibility outlined in the previous act and that in the bill was not immediately clear to me on my reading of it.

Mr Steggall — They've just changed the name.

Mr DOYLE — That was my original impression, but I did not want to suggest that I had missed something. I am glad to see that in fact that is the case.

The third part describes the role of local government. This is where the area has been not so much vexatious but the subject of much discussion and problematic. In 1997 local government raised issues — and we tried to address those in 1999 — about the notion of adequacy. In a moment I shall spend some time talking about that notion. It is instructive to go back to the 1999 debate and talk about that very difficult area and what it might mean. I think what the government and I were saying in 1999 was that we believed the onus should fall on the proprietor and not the regulator. Therefore, any notion by local government that adequacy as expressed in that bill at that time meant a 100 per cent iron-clad guarantee was not really sustainable in logic or practice. It was always the intention of that legislation and the government at the time. It is unfortunate that local government interpreted it differently, but it did, and its concerns need to be addressed. So the notion of adequacy was one of the main reasons we have moved to where we are now. I shall come to that in a moment.

The shadow minister at the time, the honourable member for Albert Park, who is now Minister for Health, raised that as his major issue. I recall it very well because it was a lengthy speech in the house late at night. It may have just seemed longer than the minutes as they ticked by; perhaps that is just a recollection of mine. The second issue was that of costs. The honourable member for Albert Park raised the concerns of local government and gave example after example of how those costs would change. In fact the Labor Party at the time made great play of the cost increases imposed on local councils and passed on to businesses.

The third problematic area was best described as that emblematic sausage-sizzle issue. I am sure we all remember that very well. I will touch on that briefly, too.

I intend to be very brief on this. I wish I could take longer, but other matters are pressing. The interesting part is that the whole notion of adequacy, which was interpreted as being very rigorous, stringent, a 100 per cent iron-clad guarantee and therefore putting an unbearable onus on local government, was raised by the honourable member for Albert Park, now the Minister for Health. He referred in that speech to legal advice he had received from the law firm of Maddock, Lonie and Chisholm. At the time I had not seen that advice and asked him if he would provide it to us. He did not, and certainly that was his right, but it purported to be about the notion of adequacy. I have real concerns that the issue has not been addressed, despite the fact that its most trenchant critic in 1999 is now in the chair as Minister for Health.

It is interesting to examine what the provisions do. The minister, who was then the shadow minister, argued that sections 19D and 39 acting together placed a burden or onus on local government through the concept of adequacy that it would not be able to meet and that would put an unfair liability on it.

It is interesting to compare the headline or principal act, the Food Act 1984, and its 19D provision with what is proposed in proposed new section 19D in clause 12 of this bill. I was going to go through it in some detail to demonstrate how it has changed, but my reading of it is simply that the provisions are pretty much identical. One section disappears altogether — 19D(g), which is about the recall of food — but in fact it goes to proposed section 44B in the amended act, so it is just replicated in a different area.

Proposed subsections (1) and (2) of 19D(f) are omitted, but in fact they are subsumed in the bill in paragraphs (e) and (f). In an earlier section — 19D(d) — the principal act says that that specifies how a hazard that is found not to be under control is to be brought under control. The bill says that it provides for appropriate corrective action. Now 'specifies' becomes 'provides for appropriate corrective action'. I suppose you could argue therefore that there is a lesser onus of adequacy, but I am not entirely convinced that that change of wording effects that in 19D alone. The honourable member for Albert Park, the then shadow minister, talked about section 39. When you examine that section 39(1), although there are some word changes because of vehicles, it is noteworthy that paragraphs (a) and (b) remain, and the amendment changes only section 39(2).

Proposed new section 39(2) states:

> … the registration authority must be satisfied … that the program complies with the conditions listed in section 19DC …

In the case of a template being used, or in any other case — that is, if they have an independent food plan — the authority must be satisfied:

> … that there is a food safety program for the premises that complies with section 19D.

I understand that to mean that if the template is appropriate, they have complied. There is also an auditing of local government provision that surely is still caught by parts of section 39 but may still raise the question of adequacy that was at the heart of a long contribution by the then shadow minister, now the minister.

My simple question — this is a matter of complex drafting — is whether the question of adequacy is solved by the bill. If it is not there is not much we can do, because this is the national model legislation. However, it at least vindicates the direction in which the Kennett government was going in 1999, which was so trenchantly criticised by the opposition at the time. This opposition is not criticising that because it believes it is the right way to go.

Secondly, the former minister listed many councils, claiming that all the fees would increase. It is true that fees did increase. The explanation is that they did so in a range of different ways. Some kept their registration fees the same for food premises or businesses but increased the cost of auditing and the food safety programs. Some registration fees rose, but oncosts were added as well. Others did it all through the registration process by amortising the whole lot in the registration fees for small businesses.

I refer to a matter the government needs to address. In many cases this has been a windfall for local councils, because they have put their registration fees up and amortised the costs, yet in many cases they have never had to bring in food safety programs or conduct audits. Councils have charged for something which was to happen in the future but which has never happened. I suggest that the government needs to go back and ensure that those councils do not add oncosts to what they have already done in providing for the costs related to this bill — in other words, to ensure that what the 1999 amendment proposed is done. Local government should not gain a windfall as a result of the changes.

I could refer to a number of the city councils I contacted. Suffice it to say that although those costs rose, which at the time was a source of major criticism from the Labor Party, the bill will do nothing to lower them because there are costs involved in food safety programs. Monitoring involves costs. On the one hand, if you have your own program it has to be independently audited, but if you have a template it is not independently audited. Compliance is monitored by an independent responsible authority — in other words an audit, except by local government. If that wording is chosen that is fine, but there will still be a cost in doing it. That will be reflected in what councils are charging now. Nothing the then shadow minister criticised in 1999 has changed under this regime.

As the former government said at the time, there is a cost involved in making sure that food premises, food businesses, food handling and food sales are safe, and that cost has to be borne. Unlike the then opposition, this opposition does not cavil at that. There is a cost in making sure food is safe, but the human cost of the alternative is far greater. The honourable member for Springvale was not in the house at the time, but he would well remember the unfortunate incidents which occurred in his electorate and which we all hope can be avoided in the future.

Mr Maxfield interjected.

Mr DOYLE — I will not pick up that interjection because we are talking about incidents in which people died. I am sure the honourable member for Narracan would not be pointing the finger in that way unless it were a flippantly made remark.

Mr Maxfield — It is serious.

Mr DOYLE — It is absolutely serious, and such flippancy is not required. The point I am making is that the opposition criticised the government for introducing those charges because it would cost to make food safe. We do not cavil at that, and we support the fact that the government is trying in an evolutionary way to do what the 1997 bill and the 1999 amendment proposed. The opposition is happy to do that.

However, there has been a vacuum for a year. Businesses are not sure about where to go and whether they should comply, particularly in rural Victoria. Businesses may not have liked the stringency of the previous provisions, but at least a momentum was building up whereby people knew they had to comply with food safety programs and audits. That momentum has been lost because of the vacuum we have been in for a year. I am not criticising that, because the government was looking at a national model act, which we now support. I simply point out that the government will now have to get back out in the field and regenerate that momentum. That is no easy thing.

For example — and I am certainly not pre-figuring debate — when the amendments to the Tobacco Act said that the government could not implement point-of-sale advertising by 1 November 2000, with the government's acceptance we pushed the time line out to 1 July 2001. Later in this session we will be debating legislation that aims to push the time line out a further six months, because even with our warnings the government could not implement it in that extra six months. It could not get out in the field to make it work so that small businesses could carry on. However, in this case it has to. The momentum has been lost, particularly in rural and regional Victoria, and it is incumbent on the government to regenerate that momentum so people know that they need to comply.

Although I am sure it knows if it has been talking to local businesses as I and the honourable member for Swan Hill have, I can tell the government that there is confusion out there about what people have to comply with or whether they have to comply at all. The minds of members of Parliament should not be focused on political point scoring. They should be focused on how we can ensure businesses are informed about their obligations and helped to comply with them. The evolutionary matter is what the bill is about.

The opposition considered saying to the government, but decided not to because it is a national act, that it wanted to consider an amendment in the upper house to have local government costs either capped or at least kept to a reasonable level and to enable the disallowance of certain local government costs by either house, particularly if a council saw this as a way of making a quick buck at the expense of small businesses that have to comply with the regulations. We will not do that because we charge the government with the responsibility of monitoring the implementation of the act to ensure rampant councils do not jack up costs, adding them onto what they have already factored in and making small business pay for it. That is unreasonable.

Politics is a wonderful game. I remember being on the other side of the house and being unmercifully belted by honourable members who are now in government about the end of the infamous sausage sizzle. We were accused of destroying Victorian culture because the school sausage sizzle was to be shot into oblivion by a jackbooted government. Isn't it funny what a difference an election makes to one's principles? What do we find in the bill about the infamous sausage sizzle, which we supposedly handled so appallingly and for which we were belted by the then opposition? Under the heading 'Meaning of "food business"' proposed section 4B(b) says:

> The sale of food, regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

In other words, there is no change. All those things that so outraged Labor in opposition because they would bring Victorian culture to its knees are now sound government policy.

I agree that regardless of the sausage sizzle being of a charitable or community nature, we know there are substantial risks involved in the handling and sale of food. It is appropriate that those people have their sausage sizzles made easy through the permit and program process, but they are being asked to comply with the regime. We said that in 1997.

Mr Viney interjected.

Mr DOYLE — The honourable member for Frankston East says, 'Of course'. However, that was not what the organ grinder was saying in 1999. You

cannot have it both ways. At least we have been policy consistent in 1997, 1999 and 2001. Having said that, I would hate to be thought churlish. We are, after all, supporting the legislation.

The bill is a very important piece of legislation, and I hope it succeeds. It has evolved from what the former government started in 1997 and from what was passed by Parliament in 1999. It is important that this proposed legislation succeed, because the aim should be to have the best system of handling, preparation, sale and consumption of food in Australia.

I commend the government on the fact that this legislature is the first to enact the model food act. However, I also claim some credit for this side of the house on that achievement, because the 1997 changes and 1999 amendments moved Victoria much closer to that goal than any other state.

As I have said, the Food (Amendment) Bill is the result not of revolution but of evolution. I sincerely hope it will be easier for small business to comply with and understand. I demand that it not add to the costs of small business.

I hope the questions of adequacy have been addressed. I hope the impetus to comply will be addressed by the government. I hope that as a result of the bill we will have very good food laws in Victoria.

Mr STEGGALL (Swan Hill) — It is interesting to be debating a bill on this issue introduced by a member of the former opposition. As the honourable member for Malvern has just said, the former government introduced a new concept of food regulation to Australia, and I will go over some of the history of what it did and why. In the process I will refer to some of the things that were such a huge disappointment to that government at the time. I add that the National Party has decided not to follow the same line on the bill that the Labor Party followed when in opposition in 1997.

Food safety is now by far the biggest issue in the food industry throughout the world. Every day around 11 500 people throughout Australia contract some form of food-borne disease. It is a huge issue that cannot be treated lightly or frivolously.

The coalition parties came into government in 1992, at a time when the food regulations of the day — that is, the old prescriptive regulations — were running out — and they finally expired in 1993. The former government had to make a decision at that time about whether to renew them — they contained such archaic standards and were completely impractical — or whether, instead of having a policeman going out and regulating the industry, to introduce a system for food safety. It wanted a system of food safety based on outcomes so that all the people involved in handling food, whether commercially or in their own homes, would understand the importance of food safety and the things they could do to make sure they did not cause food poisoning.

Having decided that the archaic food regulations were not good enough to renew, from that time the former government operated — very nervously, I have to say — on the section of the act that stated that it was against the law to sell adulterated food. It ran food regulation in Victoria under that section until 1997 without prescribing that people had to have water at 60 degrees to wash their hands, had to have soap of a certain type to cleanse their hands before handling food or had to meet all the other small requirements.

After working initially with the National Food Authority, and later with the Australia New Zealand Food Authority (ANZFA), the former government had convinced all the states to work together with the commonwealth under the Australian food safety standards. It was able to achieve that from Victoria because the food industry is Australia wide and the companies operating in Victoria were having enormous difficulties with food safety standards in one state being totally different from those of other states, particularly following the advent of supermarket chains and the difficulties that group of organisations had at the time, and are still having. The former government assured them it would work with all the other states and the commonwealth to introduce uniform standards for their operations.

Victoria drove that initiative. However, unfortunately for the former government in 1996 and 1997 it ran into a whole range of very serious food poisoning outbreaks. Politicians — particularly the political opponents of the day, the Labor Party — and the media were in a feeding frenzy and were trying to embarrass the then government. It hastened its move towards food safety. The Victorian government took it on itself to model the concept of the hazard-based food safety operations for Australia. It introduced the 1997 legislation, which was designed to test the food safety methods and theories which it had developed and which were being spoken of in Canberra.

The 1997 bill was a forerunner to the bill before us today. The former government learnt an enormous amount from that legislation. It was unfortunate that the shadow Minister for Health at the time — now the minister — decided to frighten the living daylights out of everyone and cause confusion at every turn by

denigrating the efforts of the then government and those members of society who were desperately trying to overcome a very serious problem.

Mr Maxfield interjected.

Mr STEGGALL — The mischief that was created and the scare tactics used were nothing for you to be proud of, I can tell you!

Mr Maxfield — They complained to us!

The DEPUTY SPEAKER — Order! The honourable member for Narracan!

Mr STEGGALL — The honourable member on the back bench gets a bit excited. If he had been around in those days and seen the things that were going on, particularly the major outbreaks of food poisoning we had in Melbourne, he would find it difficult to justify the mischief of the then opposition and the media in frightening everyone as much as they did. However, that is what happened. The former government then had a hand-to-hand battle throughout Victoria in trying to introduce and manage the new concept of hazard-based food safety programs.

Mr Ingram interjected.

Mr STEGGALL — Who is that fellow?

The DEPUTY SPEAKER — Order! The honourable member for Gippsland East!

Mr STEGGALL — The introduction of those changes required a phase-in period of four to five years. The legislation could not change the rules overnight.

The interesting thing is that we are debating today virtually the same bill we debated in 1997. There are few changes. Honourable members should never think the world has changed! The bill primarily introduces the model food act endorsed by the Council of Australian Governments — the same model food act which ANZFA was working on in 1997 and which the former government was trialling in Victoria.

The bill makes changes to definitions and wording. Some areas have been upgraded, smartened up or improved. That is good. It is what Victoria was leading to back in 1997 to ensure food safety.

The bill also makes provisions for food safety programs. Back in 1997 and again in 1999 the programs were seen as terrible things, and as was mentioned by the honourable member for Malvern, the world was probably coming to an end. But — shock, horror, surprise! — they are still here. The government has not seen fit to change them. It has introduced the template plans for the various areas, which is the evolutionary side of the standard food safety plans.

The one weakness in their introduction is that instead of being audited by a third party, they will be monitored by local government environmental health officers. Although that is okay, and will be a good step in introducing people to the plan, because they will take advantage of being able to use the template food safety plans, before long that monitoring will be done away with and there will be a move to proper third-party auditing.

One of the reasons the government went the way it did — if honourable members read the documents they will find the reasons are still there — was to give people in the food industry grounds for defence if they were involved in a food poisoning outbreak. As things stood, given the way the Labor lawyers of the state operate, it was almost impossible for proprietors of businesses where food poisoning outbreaks took place to defend themselves. It was a problem. It was figured that if a system could be put in place under which it would be a defence to show a court that appropriate procedures and monitoring had been carried out in the everyday analysis of the hazards involved, the food industry would have some confidence in going about its business.

No-one should think that the whole operation, if done perfectly, will stop food poisoning. It will not stop it but it will cut it down to a minimum, and that is what the bill aims to do. It also contains a marvellous education program for food industry employees and the general public.

Although politically it suffered a fair bit in the battle, the previous government achieved about 80 per cent of what it was seeking to do by introducing the concept and through the debate that took place at the time. That has been of benefit because at the same time as primary industries were, and still are, developing their quality assurance programs, supermarkets and the food industry were starting to buy food only from primary producers who had a quality assurance program in place. I use the supermarkets as an example of the link between the producers and the food processing or retail sectors because they are where most food is sold and they have introduced quality assurance programs to their suppliers. The dairy industry has had one for many years, the meat industry is now producing one and the grain industry has one.

Today more retailers are purchasing product only from farmers who have a quality assurance program that

goes all the way back through the production phase. It has been argued strongly that it should not be taken too far back. When the Blair report was introduced in the commonwealth arena the issue was debated strongly with Mr Blair, the English Prime Minister. His original concept was to drive food safety plans right back to the harvesting of the crop — to the header and to the paddock. The Australian government argued against that and said that quality assurance production programs must match up. It said quality assurance would be done at the point of sale and would ensure there was continuation of quality all the way through.

Everyone is aware of what has happened in Europe, and in Germany in particular, where the extent of fear of food poisoning means many people, particularly older people, are too scared to eat meat — and that was before the outbreaks of bovine spongiform encephalopathy (BSE) and foot-and-mouth disease. All the things that have gone wrong in those places show us that what Australia is doing at the production and food service levels is right. No matter how one argues the politics and no matter how many cheap shots one likes to take, if Australia wants the industry involving the production, export and provision of food it now has, this approach needs to be taken. If what happened in 1997 had been wrong it would have been changed enormously by this bill, and that has not happened.

The honourable member for Malvern mentioned the effect on charitable organisations, which is what the honourable member for Gippsland East also talked about. People such as environmental health officers, politicians and journalists got hold of the idea that if one was going to have a school barbecue, or whatever, a supervisor would have to be trained and a food safety plan would have to be put in place and audited. The stories went around and got better and better. I remember addressing a meeting in Swan Hill just after one of the health department fellows had told 120 people of all the things that were going to happen. I said, 'No, that is completely and utterly wrong'. What was there is still here now. Nothing has changed.

When a charitable organisation applies to stage a barbecue or something like that an environmental health officer (EHO) will give the organisation a guide for the safe handling of food to be barbecued. The organisation will take it away and utilise it as a guide to its operation.

It has always being illegal to sell adulterated food. There is no change at all in the level of risk for organisations. It was like that then, although not the way the public demanded it or the newspaper people wrote about it, and it was not the way the politicians, including the now Minister for Health, carried on about it. But that is how it was written, and it has not been changed in the bill before us. That is good.

I am proud honourable members on this side of the house are not going to do any of the scaremongering performed by members of the Labor Party when in opposition. We ought to. We sat here one night for 3 hours listening to the then shadow health minister, Mr Thwaites, saying some of the most — —

The DEPUTY SPEAKER — Order! The honourable member will refer to his colleague by the name of his electorate, please.

Mr STEGGALL — I don't know his electorate. Is it St Kilda?

The DEPUTY SPEAKER — Albert Park.

Mr STEGGALL — That day in here when the honourable member launched into all that rubbish was a very low day for the food industry, the Labor Party and the honourable member for Albert Park. He is not here today, but he has come back into the Parliament with some legislation the National Party can support. It makes only a couple of changes but they are good changes and will help.

The bill introduces the concept of a standard food safety program, a template program for the industry. It will be the responsibility of the local council to make sure food premises are using the right template to suit the particular business as well as to carry out its normal environmental health duties — that is, making sure everything is safe and secure.

The bill is interesting legislation because it provides that the EHO or the registration authority will have to make sure the business complies. I take the point made earlier by the honourable member for Malvern that the then coalition government got hung up on some strange legal advice. I believed that to be so at the time and I still believe it now — but let us not go too far down that track.

The intention of the former government was to ensure that each food safety plan included the five main features of a food safety plan as described in section 19D of the Food Act. The bill, as I understand it, does the same thing.

People will read it in different ways, and if the courts interpret it in a way that is not the intention of the Parliament it will come back here and get changed. That was the course of the coalition's legislation in 1999 while the then government was trying to change

people's perceptions and get them to understand exactly what the Parliament meant by the term 'adequate food safety plan'. The government of that time, however, failed to convince anyone, so honourable members on this side are not going to go out into the public arena now to argue that the word 'compliant' in the bill will have a similar impact. Rather, we hope the bill will perform more smoothly.

The monitoring of standard food safety programs will give a larger workload to local government officers than the earlier legislation did. The original concept was to have the template audited by a third party, whereas the bill provides that standard food safety programs will be monitored by EHOs, making extra work for them. Nevertheless, local government offices, bless their little cotton socks, have not said boo. When the current act was being debated local councils all over Victoria belted the living daylights out of the legislators about the extra workload they would have imposed on them. But this time, with a bill designed to impose far more work for local government, not one council or EHO has raised a peep!

I rang some members of the Municipal Association of Victoria (MAV) a couple of days ago and asked their views on the proposed legislation. When I suggested to them that it might impose more work on them they agreed it would but felt that it would be all right. I also said to them that the bill would make them more liable because it would take away the protections provided in section 56 of the act for councils and the secretary of the department. We did that because we did not want authorities hesitating before taking decisions on food safety in the fear that a Labor lawyer might come along and knock them over. That is the process we went through in 1996 and 1997.

Now, with councils carrying greater liability, people who think things have not worked properly will be able to sue a council under new section 56. Yet, surprise, surprise, not one word did we hear from them! They did not deny it, but — —

Mr Lenders — Because it is a better bill, that's why!

Mr STEGGALL — Better bill, listen to him! The government has hardly changed the legislation at all. It has introduced the model act — that is the new terminology — and that is good, it is what we wanted. The current act states that it will go out of existence the day the model act comes in.

Ms Duncan — Now you are scaremongering!

Mr STEGGALL — I am trying not to be a scaremonger, but if you want me to do so, I could. I do not think anyone is going to benefit from that. We saw what your lot did, and we did not like it. We do not want to do that to you. I am a country pollie, and we produce a lot of food. If we denigrate food safety standards or weaken them in any way, our exports of food and food services will go down the chute. We have built up a strong reputation around the world and we intend to keep it. The bill will make the reputation better.

The second-reading speech states:

> The bill introduces a definition of 'primary food production' —

the national one —

> and excludes primary food production from the definition of 'food business' and the requirement to be registered. This means that premises on which primary food production takes place will not be required to register under Victoria's legislation.

A person who has a packing shed in Victoria and handles only their own produce and does not sell directly to the public will not have to be registered with their local council. The second-reading speech continues:

> The definition of 'primary food production' includes the packing, treating or storing of food on the premises where that food is grown, raised, cultivated, picked, harvested, collected or caught.
>
> However, the effect is that packing sheds which store food produced or grown on other premises fall within the definition of a registrable premises.
>
> It is intended that this limitation be examined with a view to recommending an exemption from registration for these packing sheds. It is not intended that this exemption extend to those premises where food is processed or offered for retail sale.

The National Party agrees with that position, and I am sorry that the minister has not come into the house to defend his own legislation or to even listen to the debate. I ask that while the bill is between here and the other place — —

Mr Hulls interjected.

Mr STEGGALL — Are you feeling better? You weren't looking too good last night. It is good to have you back!

The DEPUTY SPEAKER — Order! Honourable members can exchange greetings at a later stage. I ask the honourable member to return to the bill.

Mr STEGGALL — When the Attorney-General was not here this morning I thought that perhaps the late night last night was too much for his recuperating body. I hope the house will not sit so late tonight. I suggest that the Attorney-General might help me.

Consideration should be given in the legislation to cleaning up that anomaly either by legislation or amending the bill while it is between here and the other place so that this exemption will come into effect. The reason is that the major packing sheds today are huge operations run on tight quality assurance programs. They have highly skilled staff and they export to the world every day through the six-month summer period. To be honest, it is a weak point between the packing shed owners and operators and the councils when the quality assurance programs that people put in place are far superior in many ways to a food safety plan.

I add that no information is provided in the bill on equivalence, and perhaps somebody might be able to help me on this point at a later stage. I could not find where an equivalent program, such as a QA or SQF2000 program, was able to replace the food safety plan requirement. The concept proposed by the National Party is that it would be possible to use the equivalent QA program instead, and that would suffice. That would be the audited and the responsible document.

Remember that the responsible person is the proprietor; it is not the council environmental health officer. It is not anyone other than the person who owns the premises. The responsibility is theirs, and this legislation and this type of approach are put there to assist them in the management and operation of their businesses. That is something that can be attacked as taking away the freedoms and rights of people, and we may hear some of the nonsense that was spoken about at the end of the 1990s, which did not ever come to pass. The legislation is here to prove that, but the responsibility will always be in that area. The QA programs match up with the food safety plans in the horticulture, livestock, grain and dairy industries, and they are very good.

We are not as far down the track as we would like to be, but we are going to improve. Countries such as America are having enormous difficulties in managing the importation of food. Approximately 1 million ships a year import food into America, and our discussions with organisations there tell us that they believe it will not be long before America will import food products only from quality assured program areas.

The acceptance of the operation has been slow, which is a bit surprising when one looks around the world to see what is happening. It is quite interesting to see the situation in the other states of Australia because in the 1990s Victoria drove the food agenda, and drove it for Australia as well as for Victoria with its industries, regulation and encouragement. Under the government of the 1990s one would not have seen an organisation like Arnott's disappear as it has today.

I turn to what is happening in other states. Honourable members would be aware that the Australian health ministers have agreed to four standards to be used nationally to ensure similar operations. They include one on interpretation application, one on food safety practices and general requirements, and another on food premises and equipment. They have been or are slowly being accepted throughout the states as the process goes along.

The third standard, which is the food safety program standard 3.2.1 of the Australian New Zealand Food Authority (ANZFA), is the one that is designed mainly around the food safety programs and the handling of food. It is interesting to see that in Queensland consideration of the adoption of the fourth standard, 3.2.1, has been deferred. Good on the Queenslanders, because it must be a bit difficult for them. Queensland will await the results of the commonwealth research into the incidence of food-borne illness. Queensland has been very slow to get onto this issue. Its food poisoning ratios are hugely higher than Victoria's, and if ever a state needs a food safety program, it is Queensland.

We must remember that many similar proposals backfire on our nation as exporters of food products — not so much the commodities but our food products that are driven along. In New South Wales the safety program requirements contained in standard 3.2.1 will be introduced only where they are justified by the assessed risk of the food business, and will be subject to a regulatory impact process. Initially the government intends to proceed with risk assessment in high-risk sectors. Where mandatory food safety programs are required by industry sectors there will be sufficient time for the implementation of the requirements. New South Wales is a little slow in bringing that through.

Today Victoria is introducing its standard food safety program template concept, which is not what the minister agreed to back in November last year at ANZFA. He agreed to introduce 3.2.1, and some people were disappointed that Victoria did not stick with that. It is not the template but the monitoring by local councils instead of the third-party audit. However,

that will work itself out in time. The introduction of the system is good and although it might be a bit softer than we would like, I believe it is a good step in the right direction.

Tasmania has decided to defer adoption of standard 3.2.1 of the food safety programs pending the results of the commonwealth research into the incidence of food-borne illness. It seems that the cautionary principle has been applied at ANZFA, and the state health ministers, who have been lagging miles behind, have all the deferrals with which they can cope. That is fine from where Victoria is sitting because its food industry will move ahead as the issue moves forward.

South Australia has left out the food safety standard altogether and will take some 18 months to introduce the other three standards. Western Australia is hoping to achieve a composite result. It is all over the place and is having difficulty getting this concept up and travelling.

In the Northern Territory food safety programs do not apply unless the government requires food businesses or classes of business to have them. Food safety programs are not required in the Northern Territory, which is a part of Australia that could well do with them.

The Australian Capital Territory has decided to defer adoption of the standard food safety programs pending the results of the commonwealth research into the incidence of food-borne illness.

The National Party is pleased that the Bracks government has continued the groundbreaking work introduced by the former Kennett government, warts and all, and all the problems that arose. The results achieved over the past four years, which improve each year, have already been of benefit but will be more beneficial in the future.

It would be nice to have the appropriate minister at the table when bills for which he is responsible are debated. If the Minister for Agriculture were in the house — —

Mr Hulls — I will pass it on to him.

Mr STEGGALL — You will? The Attorney-General has said he will pass it on.

It will be interesting to see how the government intends to apply the test to these changes. Having made the changes, until the courts test whether an environmental health officer is able to apply the same rigour as an auditor, it would be nice if a test were applied, particularly with regard to the uptake of the standard food safety programs, which I believe will be good, and the monitoring, which I believe will be okay. The EHO will be caught a little by being the regulator, the monitor and in some way the auditor.

This type of legislation will always contain problems. Many things are happening in the world of biotechnology, food safety and genetically modified foods. The development of some bacteria makes us all nervous, and the legislation will need to return to the Parliament now and then for fine tuning. It is important that we do not frighten the living daylights out of everyone and that the mischief carried on in the late 1990s is not repeated. The issue requires a commonsense, level-headed approach that will bring benefit to private homes and businesses as people accept and understand the safe handling of food.

Viruses and bacteria around the world are moving and changing at such a rate that a system needs to be in place whereby people may have a good understanding of the practice of safe food handling. We do not want to return to 1992 and the concept of a policeman walking around trying to catch someone who may or may not have complied with the right regulation. That will not work in today's society.

A couple of industries, such as the auditing industry, need further development. Victoria does not have enough food auditors or quality assurance auditors. I am sure companies will grow and develop those businesses across a range of industries.

In conclusion, this bill changes nothing from the original concept that it is against the law to sell adulterated food, although the term used in the Victorian act is 'unsafe food'. It was always against the law and always will be. The legislation and the concept we are debating today is a means by which businesses, society and the community may gain more confidence in the safe handling of food, particularly as people eat out more. Some 35 per cent of meals are now taken outside the home and we are all more exposed than previously.

With the spread of strong viruses and illnesses worldwide, Australia has been fortunate to have high standards. If those standards are maintained the culture of accepting that Australian food is of high quality will continue. People tend to call it clean and green. I do not wish to do that. Australia's food is regarded as high-quality, clean food, a reputation which benefits the country enormously.

For the first time Australia's agricultural products are enjoying high export prices throughout the world. One reason is the value of the dollar and the other is that the products are available and people in Asia, Europe and other areas are keen to try Australian food. It must be kept going, and this bill will help to continue that work.

Mr VINEY (Frankston East) — I am pleased to support the Food (Amendment) Bill for a number of reasons, including the importance of the food industry and food safety in Victoria, and that I am part of a government that is delivering on election commitments it made in 1999. Those included a commitment to amend the Food Act to ensure that the regulations preventing unsafe food practices were enforceable — to work in partnership with local government and the food industry to make sure that the regulations were enforceable and affordable, perhaps in contrast to the approach and style of the previous government.

The purpose of the bill is to make amendments to the Food Act to give effect to the national model food legislation, to make further provisions with respect to food safety programs and to improve enforcement provisions of the act. Those provisions have been the subject of much of the debate so far, and I will take this opportunity to make a few comments in response to some of the matters raised by other speakers.

The food industry in Victoria is very important. As already noted by the honourable member for Swan Hill, Victoria is a significant producer of food for both the export and domestic markets. The food industry is a major contributor to the economy. It enjoys a good reputation, because Victoria is a provider of clean and safe fresh food. However, food-borne illnesses remain a serious threat to public health. The cost of such illnesses to the community and industry is considerable and can, at times, result in people losing their lives. The Bracks government intends to maintain and protect the viability and reputation of the food industry, and at the same time ensure that Victorians can enjoy the safest food in the world.

As the member for Frankston East I am particularly pleased to be part of today's debate on the legislation, because the food industry has an important place in the economy of the Mornington Peninsula, and of Frankston as the gateway to it. The peninsula has developed an incredible food and wine industry, and I encourage all honourable members to visit the region and share in its delights.

Many of the amendments in the bill give effect to provisions of the model food act. The model food act is an integral part of the reforms designed to provide a nationally uniform approach to food regulation and reduce the regulatory burden on the food sector. Under the terms of an intergovernmental agreement reached at the Council of Australian Governments in November 2000, each jurisdiction in Australia and New Zealand must implement the core provisions of the act within 12 months of signing the agreement. Victoria is leading the way in this process.

The amendments included in the bill address the model act provisions with respect to definitions, offences, defences and penalties, due diligence and emergency powers. The introduction of these provisions in Victoria is a significant step towards consistency, certainty and efficiency in the national food safety regulatory framework.

Victoria's current legislation requires amendment. The system left by the previous government was overly complex, and the amendments to the act introduced in 1997 have been far too costly and complicated for many Victorian businesses to implement.

Previous speakers have talked about the 12-month period of consultation. The Bracks government's approach to its legislation is to involve the community and those directly affected by legislation in the consultative process. It does not believe in the system of being the great legislative genius from Malvern or other places and determining on high the means by which legislation should be implemented. Instead, it works with business and the community to arrive at the best outcome to ensure that the legislation will not only be implemented but will also be effective.

Last year the government conducted an extensive consultation process. It involved speaking to food businesses, including manufacturers, retailers and services, training institutions, community groups, organisations, local councils and food industry professionals, about their concerns with the legislation.

Two principal concerns were identified. The first was cost increases. As a result of the previous government's 1997 amendments there were three areas of concern. Firstly, local councils had increased their fees significantly to cover their costs due to new requirements that had been placed on them under the previous legislation. Secondly, in some instances businesses and organisations were paying up to $5000 for consultancy fees to develop food safety programs.

Thirdly, in the problematic area of cost increases and imposts on the business sector as a result of the previous government's legislation, there were potential

costs of third-party auditing and those costs would be passed on to business.

All of this took place in an environment where small businesses were being squeezed by the federal government through more paperwork and processes associated with the GST and the business activity statement. So at the same time as the food industry and small businesses were being squeezed by the implementation of the federal government's anti-business policies, Victoria had anti-business policies in relation to food handling.

The other area of concern that emerged out of the previous government's legislation was that of liability. The local government representatives clearly expressed concern about liability as a result of the provisions that they had to certify food programs as being adequate to meet the business risk.

I would like to deal with some of the issues touched on by previous speakers. The honourable member for Malvern raised the issue of adequacy. The previous legislation required local government to assess whether the food safety program was adequate for the business or, in other words, adequate to meet the food risks to the community from the serving and sale of food.

The difficulty in the process for local government was that it was expected to fully understand the extent of the business risk in order to determine whether the food safety program was adequate. This is a matter for the business to assess and should not be subject to an external authority like local government.

The honourable member for Swan Hill touched on the question of immunity and liability and talked about the remaining liabilities of local government within the current changes to the legislation. The bill removes the requirement for a council officer to certify that a food safety program is adequate, and that is in response to the significant concern expressed by local government with respect to its liability. The bill also contains a revised immunity clause that provides that no liability attaches to an authorised officer who acts in good faith. It provides that any liability which would attach but for good-faith exception reverts to the council or the secretary. This is a standard immunity provision and allows people who have a legitimate claim against a local authority to seek some redress.

The existing immunity provisions in the act do not include omissions in good faith or allow a claim to be made against the council in respect of the matters of the claim. This means that where there is a legitimate claim against a council that legal right is not removed by the legislation but the requirement or liability that flowed from the council, if it were expected to prove the adequacy of a food safety program to meet the business risk, is amended by removing the adequacy provision.

Probably the most significant issue for business, particularly small business, has been the requirement to develop and implement the food safety program. The concerns of industry have centred on the skills and resources required to develop these programs rather than the impost of their implementation. Small business in particular has been forced to engage expensive consultants to carry out this task.

The bill introduces the concept of a template which would guide the proprietor of a business in the development of a standard food safety program appropriate to their type of business. This provision will guide most businesses in developing food safety programs which they can be confident address the risks within their businesses but which can be achieved at an affordable cost and with a reasonable investment of time.

Another concern for business has been the cost imposed as a result of the requirement for food safety programs to be audited by a third party. The bill changes this requirement for businesses that have implemented a standard food safety program and replaces it with a requirement for compliance to be checked by local government. As this compliance check is likely to be carried out at the end of an annual registration, for example, with other associated inspections it is expected to have a minimal cost impact. High-risk businesses, currently those in class A, will not be able to use the template system and will still be required to develop their own tailored food safety programs which will need a third-party audit.

The matter of food safety supervisors was another area of some concern in the business community. The legislation currently requires each registered food premises to have a food safety instructor. The provision has caused confusion and concern and was interpreted to mean that a person skilled as a staff trainer was required. The bill removes that requirement and replaces it with a requirement for a food safety supervisor.

I shall now touch on some of the consultation that was undertaken in relation to the legislation.

As I said earlier, it is not the view of this government that consultation is conducted by preparing legislation, inviting comment and then proceeding on the basis of an earlier intention. By contrast, this government's

approach is to engage with the community, particularly with the people affected. That approach has resulted in benefits.

I will quote from a couple of letters the minister received on this bill. The first was written jointly by the Municipal Association of Victoria and the Victorian division of the Australian Institute of Environmental Health. It states that Victorian local government has:

> … been extremely concerned about the food safety legislation introduced by the previous government and the onerous requirements this placed on both councils and business …
>
> The extensive consultation process entered into by the state government last year, in which the MAV and AIEH participated, is commended. This well-managed process identified the concerns of business, community and local government and made recommendations tailored to addressing these concerns while at the same time ensuring food safety.
>
> The MAV and AIEH are comfortable with the proposed amendments to the Food Act and believe that they provide a more workable framework for the administration of the requirements by local government and compliance by business.

The Restaurant and Catering Association of Victoria wrote to the minister on 9 March, saying:

> This is a note to say thank you for the fully consultative process you have put in place for the amendments to the bill. The amendments (thankfully) contained no surprises and are a reflection of the process of consultation conducted …
>
> We have struggled since 1997 to get some commonsense into the changes and it finally appears that we now have them. Congratulations.
>
> Thank you for listening to industry and implementing a process that has considered our wishes and views.

The Australian Hotels and Hospitality Association wrote to the minister on 11 April, stating:

> The council of the Australian Hotels and Hospitality Association (AHA) has requested that I pass on its sincere thanks and appreciation to yourself, your department and the government in respect of the changes made to the Food Act.
>
> The council is most grateful to have been afforded the opportunity to participate in the consultative process … When changes to the Food Act were made by the previous government, we were very concerned at the drastic consequence that the introduction of HACCP-based food safety programs would have upon our industry … It was obvious that the changes to the act would have been impractical, expensive and would not have achieved the desired result.
>
> … the most practical and effective way of ensuring compliance with safe food handling practices and regulations was a prescriptive food safety program identical to that which will be available through the industry template program.
>
> Minister, small business has many challenges. In our business there is no greater challenge than that of delivering safe food to our customers …
>
> We believe that this issue has now been dealt with in an intelligent and practical manner, and we again thank you for the consideration you have shown us through this entire process.

Those letters are the result of the government's consultations. I know that although a number of other honourable members wish to speak in the debate, some of them will be unable to do so. I have consulted with a number of honourable members, particularly the honourable member for Springvale, who supports the changes. As honourable members would know, the issue is significant in his electorate. Because of the time limitations he will be unable to speak in the debate, so I would like to acknowledge his support in my contribution.

The measures outlined in the Food (Amendment) Bill represent a simplification of Victorian food legislation in response to community and industry concerns. This is a step towards a nationally consistent food regulatory system to protect public health and safety. The provisions of the bill will reduce the impact of the legislation on the food industry as well as ensuring a consistent approach and a safe industry. I commend the bill to the house.

Mr WILSON (Bennettswood) — I am pleased to join the debate on the Food (Amendment) Bill. An essential role for governments at the federal, state and local levels is ensuring that a rigorous and reliable food safety regime is in place. A safe and secure food supply is of paramount importance to a clever and civilised society. This bill goes some way towards improving Victoria's position and builds on previous achievements in this area. As the honourable member for Malvern pointed out, the bill is part of the evolutionary process of food safety in Australia and Victoria.

Honourable members may recall that early in 1997 a number of well-publicised food poisoning incidents occurred in Victoria. I can recall that time, and my children still talk about the period when they rarely saw their father because I was involved in trying to manage difficult circumstances. In my role as chief of staff to the former health minister I worked closely with public health officials to maintain confidence in our food supply at a time when the then opposition was willing to play politics with a serious public health issue.

Food poisoning is a major health issue given the estimated 2 million cases each year. The statistics from

a couple of years ago show that 600 Australians die of food poisoning each year.

In April 1997 the Kennett government released a food hygiene strategy. The strategy was designed to establish a single, integrated framework that involved all levels of government and applied to all stages of the preparation and processing of food from the farm through to the consumer; to maximise the ability of all food providers, from growers to retailers, to provide safe, clean food and to identify and eliminate food hazards before they affected the consumer; to maximise consumer knowledge of safe food handling practices, particularly in relation to raw food; to ensure confidence in the Victorian food supply; minimise contamination of food and cases of food-borne and water-borne disease; and to locate the source of any failures in the system as quickly as possible and minimise the number of people affected.

The subsequent Food (Amendment) Bill of 1997, which was refined again in 1999, introduced significant legislative changes to the way food safety would be managed and advanced in Victoria. Victoria led all the other Australian jurisdictions in this area and its reforms had been part of the Council of Australian Governments process.

I shall quickly reflect on a number of clauses. Clause 3 inserts objects into the Food Act, including that food for sale is both safe and suitable for human consumption. Clause 4 defines various terms for the purpose of the act, including 'food premises', 'handling', 'premises' and 'selling'. 'Premises' is defined to include food vehicles, except food transport vehicles while engaged in the transport of food.

Importantly, clause 7 inserts proposed sections 6A and 6B in the act to provide that the act does not apply to primary food production or water suppliers. Clause 23 exempts premises licensed under the Dairy Act 2000.

Clause 8 introduces new penalties for serious and indictable offences. I note that the maximum penalties applicable for these offences are two years imprisonment or a fine of $100 000, or both, for an individual, or a fine of $500 000 in the case of corporations. The clause also creates other less serious offences and establishes other penalties.

Clause 10 deals with the requirement for food safety programs. The shadow Minister for Health, the honourable member for Malvern, has adequately dealt with this matter, as well as with clauses 13, 14 and 15. Clause 24 requires proprietors who apply for registration to provide a copy of their food safety programs with their applications and to indicate whether their premises have a food safety program created with a template. Finally, clause 27 inserts provisions that give the Secretary of the Department of Human Services powers to make emergency orders.

As an aside, honourable members will be well aware that when in opposition, Labor members made much of the Kennett government's food safety reforms and their impact on the charitable sausage sizzle. It seems that little has changed in the bill before the house, as the shadow minister outlined.

I note that under the definition of 'food business', which captures all, proposed section 4B(b) states:

> In this Act, 'food business' means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves …
>
> (b) the sale of food, regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

The honourable member for Malvern and the honourable member for Swan Hill have spoken in their contributions about the politics attached to food safety over the past five years or so in Victoria. I offer a small local example to demonstrate that the changes and reforms of the Kennett government have resulted in some excellent outcomes. In the *Whitehorse Journal* of 7 February 2001 it was revealed that:

> Almost two-thirds of all food premises across the City of Whitehorse scored a four-star rating in the latest food premises hygiene audits. More than 64 per cent of premises received the top score for food hygiene, that is a 300 per cent improvement in just four years.

Even more information was provided in a City of Whitehorse information magazine. It states:

> Whitehorse Mayor, Cr Jessie McCallum, said almost two-thirds of all food premises across the City of Whitehorse scored a four-star rating in the latest food premises hygiene audit.
>
> 'Results indicated a significant improvement in hygiene levels compared to a few years ago', Cr McCallum said.
>
> 'More than 64 per cent of premises received the top score for food hygiene, that is a 300 per cent improvement in just four years', she said.
>
> 'This is even more impressive when you consider that there were 100 additional food premises in this year's audit than in previous years'.
>
> …
>
> 'When you look at the results in 1996, that showed only 20 per cent of premises achieving a four-star rating and the

1997 results, where 35 per cent of premises achieved this rating — the 2000 results (of 64 per cent) are excellent'.

In concluding my comments I note that in the City of Whitehorse, Frank's Deli, which is two doors from my electorate office in Bennettswood, has been voted Food Premises of the Year after the latest food hygiene audit undertaken by the council. Frank's Deli was awarded the highest level of excellence, with the premises receiving a perfect score of 100 per cent for food hygiene. That is not a bad result. It is a reflection of the new standards in Victoria that have been in operation since the mid-1990s.

Ms BEATTIE (Tullamarine) — It gives me great pleasure to join this debate. It is often said that life is too short to drink bad wine, but life can be shortened by eating bad food. That is why the current legislation exists.

The bill amends the principal act in three ways. It introduces the core provisions of the model food act. It also introduces template food safety programs and provides for the registration of templates which proprietors may choose to use in preparing a food safety program. It also removes the requirement for proprietors to have their food safety programs audited.

The bill also amends the provisions dealing with registration procedures and the obligations on local government as the registration authority.

The previous government amended the Food Act in 1997, and those amendments have proved both costly and complicated for many Victorian businesses. Both the Kennett government and the Bracks government deferred implementation for many small businesses.

Last November the Council of Australian Governments agreed to a number of national initiatives on food safety under an intergovernmental agreement. One of the initiatives agreed to was the implementation of the model food act within 12 months of the signing of the agreement.

I shall provide just a bit of the history of the food industry in Victoria. Victoria enjoys a reputation that is second to none as a producer of clean, safe food. Food accounts for approximately one-fifth of the manufacturing sector, and in 1998 it accounted for about 17 per cent of all retail sales. The food industry is significant. It consists of around 4000 manufacturing firms and employs 160 000 people nationally. The manufacturing sector of the food industry employs 47 000 people and Victorian exports total more than $4.9 billion per annum. Food also preoccupies many discussions. I am a member of the House Committee. When food is on the agenda the discussion always takes up a lot of time and robust debate is ensured.

Our reputation must be maintained, and food manufactured in Victoria must be safe for human consumption. While I do not want to dwell on the difficulties being experienced overseas, particularly in Britain, they make us all aware of the importance of having a disease-free country with strong quarantine laws. I am a great supporter of strong quarantine laws.

Honourable members may remember that in November 1997 the Food Act was amended to require the proprietors of food premises or food vehicles registered in Victoria to prepare and lodge food safety programs with local councils when they applied for registration or the renewal of registration of their premises. It also required third party auditors to audit the programs and stipulated that each registered food premises nominated a food safety instructor.

The 1997 amendments failed because they were too complex, impractical and too costly for small food retailers. Although the opposition sees itself as the champion of small business, it voted for the 1997 amendments. If it had consulted the groups it claims to represent, it would have been told the legislation was unworkable.

The Liberal Party did not consult in 1997, and that is why the Treasurer now listens to what small business is saying. As a consequence the government listens, and the Treasurer has presented small business with the greatest tax reforms ever seen in this state.

The unrealistic requirement that each food business should individually assess each group of potential hazards and come up with a plan that responded to those hazards created an enormous workload that not all businesses had the expertise to cope with. The other option was to hire experts in the field, another great financial impost on those businesses. Surely the opposition has its tongue in its cheek in championing itself as a small business knight on a white charger.

Local government was concerned with the workload and the liability created in assessing the adequacy of food programs. At that time local councils were reeling from the body blows they suffered at the hands of the Kennett government, and it was unrealistic to expect the councils to take on that workload.

Once again, the legislation delivers on the Bracks government's election promises. The government initiated a review of the legislative arrangements and listened to advice from the key stakeholders. That consultation continued with both community and local

government. It highlighted areas of concern as well as issues that needed clarification and simplification.

For the benefit of honourable members I will read out the names of those who were consulted. The proposed draft was distributed to key stakeholders on 7 March. Following that process an invitation was extended to each recipient to meet with food safety staff on either an individual or group basis and to provide written comment by Wednesday, 14 March. There were then individual meetings with Mr Jim Smith, president of the Australian Institute of Environmental Health, Ms Sarah Jones, policy officer of the Municipal Association of Victoria, and Ms Jacqui O'Brien, executive officer of the Victorian Food Industry Training Board.

On 8 March a meeting of the Food Safety Council was held. On Friday, 9 March there was a meeting with hospitality industry bodies. Representatives from the Restaurant and Catering Association of Victoria, Clubs Victoria, and the Bed and Breakfast Council of Victoria also attended. There was another meeting with officers from the relevant state government departments on 9 March. Representatives from the Department of Natural Resources and Environment, the Department of State Development, including Food Victoria and the regulatory reform and small business units, the Department of Treasury and Finance, the Department of Justice, including the legal policy unit, and the legal unit of the Department of Human Services attended that meeting.

Written submissions were received from Clubs Australia, the Restaurant and Catering Association of Victoria, the bed and breakfast association, the Hotel, Motel and Accommodation Association of Victoria, the Australian Institute of Environmental Health and Tourism Training Victoria. Comment was also made by the Child Care Centre Association of Victoria and the Australian Hotels Association via telephone.

It is important to examine some of the new definitions in the bill. For example, we have often seen trucks marked with the words 'Food unfit for human consumption' or 'Adulterated food'. The bill adopts the different terms of 'unsafe' and 'unsuitable' food.

There is now a definition of food businesses. The bill links food premises and food businesses to ensure that the premises on which food is prepared are still required to be registered under Victorian law, and it does not change or affect the premises that are currently required to be registered under the Food Act.

The bill defines primary food production, which includes the packing, treating or storing of food on the premises where the food is grown, raised, cultivated, picked, harvested, collected or caught.

There are more serious, indictable offences that are triable summarily. Those offences apply to persons handling food in a manner that they know or should know would render that food unsafe. It is also an indictable offence to falsely describe food or sell food that a person knows is falsely described where the likely result will be harm if the description is relied on.

I also refer to the consultation that has taken place with the honourable member for Springvale. All honourable members know that some fairly dramatic events happened in the Springvale electorate. The consultation and input from the honourable member for Springvale has been important. Of course, there are less serious forms of such offences. We increasingly rely on what others tell us is in our food. We eat out more often, we buy takeaway food more often, and our eating and shopping habits are evolving.

One of the most critical elements in food safety is ensuring that food handling skills are maintained and improved across the industry. The bill introduces a requirement that proprietors of food businesses must nominate a food safety supervisor for each of their food businesses. That person will be required to have met an appropriate competency standard on food handling that relates to the nature of that particular business.

I refer to some of the penalties and sanctions involved. In line with the model legislation, the bill significantly raises the penalties for offences with respect to food. The penalties range from a maximum of two years imprisonment and/or a fine of $100 000 for an individual or $500 000 for a corporation for the more serious indictable offences. As can be seen we are now taking the handling of food seriously. The laws need to be clear, concise, easily understood and above all workable. The legislation we had was unworkable, and I believe it was derisively called the sausage sizzle act.

In conclusion, the bill will ensure that safety standards are maintained and that we can all have confidence in the preparation and handling of food. I wish the bill a speedy passage.

Mr MULDER (Polwarth) — I rise to contribute to the debate on the Food (Amendment) Bill following the extraordinary contribution by the honourable member for Tullamarine. I am sure all the underprivileged people in her electorate would be enthralled to know that she spends most of her time in the House

Committee squabbling over her food intake in the parliamentary dining room.

I support the Food (Amendment) Bill, which will have an enormous impact on the electorate I represent. A lot of food is produced throughout the Polwarth electorate and the south-western district of Victoria. During my earlier career I was fortunate to work in the quality assurance industry with an interstate food processing company, where I was involved in the implementation of a food and quality management plan.

I was called on to work with that company because it supplied a semi-processed vegetable product for inclusion in a food processor's product. The client rang and asked, 'If we happen to have a major food contamination problem, does your company have the ability to tell us where the product came from? Would you know which farm grew a particular vegetable?'. The answer to that, of course, was no. We set about implementing a management system from scratch to enable the company to provide that information to its customers.

When we started looking at the company's operations we found it had no guiding policies, no procedural manual and no organisational chart that reflected who was responsible to whom within the organisation. Nobody in the organisation had a job description. It held few meetings — and the scant number it did hold produced rough minutes and not many recommendations. There was no formal process for keeping tabs on contracts with suppliers, no control process for dealing with forms and documents within the company, and no purchasing control or approved suppliers list.

The honourable member for Swan Hill mentioned that when the 1997 legislation was introduced growers and harvesters were not included in the food safety plan process. Today most companies that have food safety plans or management systems impose a number of quality assurance measures on their approved suppliers. For example, a company providing a vegetable product to a processor may when requested now have to provide details of the types of herbicides, pesticides and fertilisers that had been used as well as a full history of the paddock from where the product came.

That practice will extend into other areas, such as the beef and lamb industries, so that if there is ever a food-related health scare, the consumer will be able to follow the process right back through the point of purchase to the manufacturer, who will then be able to identify from where the product was sourced. That is the only process that will guarantee that Victorian producers can continue to supply a good range of high-quality and safe food.

The company I worked with had no initial-end or final inspection process, no equipment maintenance schedule and no staff training processes. Occupational health and safety records were not in existence; there were no stock control, product identification or traceability processes, until we started to work on them; and there were no internal or external auditing processes.

When we were working through all those issues to implement and design a quality management system for the company we discovered other problems, such as the processing plant not having a rodent control program. The company had a machine with very sharp blades that peeled vegetables, but the process did not include a metal detector. That meant that if a blade broke off someone down the line could end up with a piece of metal in their sauce or jam. The company also had equipment that washed the product using a chlorine additive, but once again there was no real calibration method and no third party to check whether that equipment was working.

Another instance of the sorts of problems that surround the business that has not gone through the quality assurance and management plan process is having forklifts with faulty brakes. In those situations it is impossible to trace suppliers' products.

Under the bill, companies that have gone down the path of implementing a quality assurance and management plan system can, if they wish, continue to operate with that system and use it as their food safety plan. They may opt out and decide that, given the changes in the legislation, they are prepared to look at the food safety plan regime and undertake a completely new process. However, I am sure that those who already have their processes in place will prefer to tinker with them rather than totally change them.

Food safety plans will suit the larger organisations. However, smaller operators will have the right to enter into a template arrangement to implement their safety plans. In order for that to occur, the plans must be affordable and uncomplicated, particularly for small businesses such as milk bars, restaurants and fish and chip shops.

As has already been said, we have not had responses from the Municipal Association of Victoria or the councils on that issue. I have huge concerns about what will happen when local government takes control of the process. Local councils will see the private sector conducting external third-party audits of large food

processing plants and charging fairly substantial fees — anything up to $3000, $4000 or $5000 — and regard the process as a money-making exercise. As a result they may impose significant cost-recovery-plus-profit regimes when implementing the process across the board.

The food industry will have to be careful about the cost of food auditors and consultants. When I entered the quality assurance industry as a consultant early in the piece people were charging anywhere between $3500 and $20 000 to implement a quality system, because no-one out there knew how to calibrate what it was worth. Consultants were also switching from industry to industry, taking with them ideas and processes and implanting them in industries where they did not fit.

I urge anybody who is associated with the food industry to tread carefully in implementing a food safety plan and bringing on board consultants who do not have a history in the industry, because they could end up not only with a program that does not work but also paying a lot of money for it. Quality systems, management systems and well-implemented food safety plans should act as generators for improving the operation of a business.

I am unsure of where the industry intends to get its food auditors from, but auditing has an awful lot to do with interpreting management plans and the standards under which the audits are to be conducted. I have seen some wide and varied interpretations of different standards and plans. I encourage people in the industry to look closely at ensuring that the people who do their auditing are trained within their own ranks and have a complete understanding of the industry. That would be preferable to bringing people in from outside who do not understand what it is they are trying to audit. I commend the bill to the house and wish it a speedy passage.

Ms DAVIES (Gippsland West) — I welcome the introduction of the Food (Amendment) Bill. My first contact with food handling rules and legislation was in 1997, early on in my parliamentary career. At that stage the then Kennett government was bulldozing changes to the food handling laws through the house and the Parliament.

I believe the changes in the laws were well meant within the extreme limitations of the philosophy dominating the government at the time. It was a bit of a grand plan and there was not enough discussion with the rest of the population about its consequences for ordinary businesses. It was similar to much of the legislation introduced at the time in that it decentralised the cost and responsibility for ensuring safe handling of food and at the same time centralised control and oversight in a tight fashion with the state government. It was expensive for small businesses to comply with the demands of the legislation. It was incredibly time consuming and overly bureaucratic and created a whole new set of jobs ensuring that businesses had to engage the private sector in expensive development of food handling plans and audits.

It also gave considerable extra responsibilities to local government, which was already overstretched and under stress and yet the government gave no additional resources to help it meet those responsibilities. As a new member of Parliament I had a flood of complaints coming to me about the legislation and, contrary to comments made by the honourable member for Swan Hill, I saw absolutely no evidence that those complaints were orchestrated. They seemed to come from bang smack in the middle of what I thought was a strong Liberal constituency at the time rather than anything that could be regarded as a Labor constituency.

The new government promised to review the legislation and to consult on the issues that had been raised and which have continued to be raised since that time. The bill before the house today is part of the outcome of that.

Part of the regime proposed by the bill is for food premises to have their food safety programs developed and audited by an independent body, as is the case with the current law. But the bill sets up a procedure where businesses can use a food safety program template, which is a much cheaper and simpler way of developing the programs and will particularly assist small businesses. Local government will check compliance with the Food Safety Act at the same time as normal checks are carried out by environmental health officers, which seems commonsensical and practical. The only businesses which will be excluded from that simplified process are very high-risk businesses such as nursing homes, hospitals and child-care centres. Again that seems sensible.

The bill assists the development of a national approach to food safety programs, as agreed by the Council of Australian Governments in November 2000. It seems particularly relevant that the same words should be used and defined in the same way as legislation in other states. Australia is an important food exporting nation and needs to aim for the commonsense approach of a national agreement on words, rules and regulations.

The bill sets up a regime of determining offences and penalties for selling unsafe food products, including

clear regulations and clearer and higher penalties for non-compliance with the law. It is important that, behind all education, encouragement and simplification to make obeying the rules possible, the big stick is there to say that if you do not sell food which is safe and fit for human consumption you will pay a penalty. That penalty needs to be substantial. The simplification of developing food safety programs is aided by giving a clear line of supervision and responsibility within both a company and local government for ensuring that safety regulations are adhered to.

I welcome the consultation which took place during the development of the bill. The fact that the bill is not opposed is a consequence of that sensible approach. Both the public and markets need to be confident the food products they purchase are safe and clean and that the laws to ensure that are practical, sensible and enforceable. I hope the bill will assist with all those issues and I wish it a speedy passage.

Mrs SHARDEY (Caulfield) — In considering the amendments to the Food Act my first observation is that while the bill is necessary to comply with federal government requirements — the opposition supports the bill for that reason — honourable members should be aware that the amendments change some of the main areas of the legislation that were the backbone that strengthened the safety measures to protect Victorian consumers and the reputation of the state's food industry.

Some of the areas include the following: firstly businesses are no longer required to have an instructor to identify hazards in food preparation and ensure appropriate training of staff in food business premises. This person is now to be replaced by a supervisor who will not be required to be trained in the same way as an instructor under the current act. Secondly, local councils will have a far diminished role because they will not have to assess the adequacy of the food safety plan. They merely have to register template programs and provide site inspections.

I am told that some of the proposed changes would mean councils might be more liable and far more easily sued. This raises the fundamental issue of whether there will be a proper assessment of food-handling practices and staff knowledge of control and safety measures. The legislation also fails to clarify whether measures will be in place to ensure that supervisors of food premises who have a non-English-speaking background have a clear understanding of their responsibilities.

A third major area concerns primary food production. Some honourable members have raised concerns about primary producers being made exempt from the legislation on the grounds that they are subject to quality assurance under other legislation. The question to be asked is whether that other legislation is adequate and consistent. Primary food production includes packing sheds, and I know the Deputy Leader of the National Party has already addressed those issues in his contribution.

In Australia approximately 11 500 people contract food-borne illnesses each day, costing the country about $2.6 billion a year, and more consumers are opting to eat out on a regular basis. There is a marked increase in the number of restaurants and fast-food retail outlets, and there has been a trebling of the incidence of salmonella outbreaks since the 1960s. Honourable members are, of course, well aware of certain well-known outbreaks of food poisoning that have been reported in the media, and previous speakers have alluded to them. It is the responsibility of governments to ensure that safety measures are in place that will avert escalation of such incidents by introducing stringent controls through legislative reforms.

In 1995 the commonwealth, state and territory health ministers recognised the failings of their regulatory systems and generally agreed that a uniform national food safety standard was needed. The Australia New Zealand Food Authority (ANZFA) was charged with the responsibility of developing new uniform standards, and four standards were proposed as part of a general food safety reform. Of those, two standards in particular numbered 3.2.1 and 3.2.2 were important. Standard 3.2.1 requires all businesses to develop and comply with food safety programs, and 3.2.2 requires food businesses to maintain good food handling, cleaning, sanitising and personal hygiene practices. Good personal hygiene was to include staff skill and knowledge in food safety procedures. That approach incorporates quality control measures through the whole chain from the primary production of food to manufacturing, retailing and consumption — an approach commonly referred to as the paddock-to-the-plate approach.

In 1997 the Liberal government legislated for reforms that required all food premises and food vehicles to have food safety plans before they could be registered by local councils. The emphasis was on adoption by the food industry sector of a co-regulatory and preventative approach to food safety management programs.

Those legislative changes reflected the broad principles of the national reforms. Victoria was the first state to introduce those reforms and the state won a reputation

for being well positioned to lead public debate on the shaping of consistent national models for food safety. The then Victorian Liberal government was determined to expedite the anticipated gains for the Victorian community and proceeded to take a leadership role in regulatory reform.

In 1997 the Food Act was amended to incorporate the reforms and to attempt to reduce the incidence of food-borne diseases. That amending act captured a number of additional industry sectors, including some businesses that had never previously considered themselves as part of the food production and consumption chain — businesses such as child-care services, adult day care and residential care — whose primary function was to provide health and general care to children, the disabled, the frail and the infirm. That government, being a responsible government, did not shy away from a commitment or use the lack of national guidelines as an excuse.

The current government, on the other hand, now 20 months into office, has only now brought in some new amendments, which may yet serve only to weaken rather than enhance consumer confidence. We all hope that does not happen; but contamination of food by bacteria accounted for 44 per cent of recalls of food products between 1999 and 2000, a period during which the Bracks government left Victorian consumers exposed by abdicating its responsibility and deferring until now imposing responsibility for legislative compliance of classes of food.

The former Liberal government established Food Safety Victoria to oversee coordination and implementation of the food reform strategy within a two-year time frame. As the lead agency it faced many challenges and relied on the role of local government as regulator and reformer. Food Safety Victoria invested considerable energy in assisting a diverse range of food businesses so that they could comply with the new legislative requirements, including — most importantly — the training of environmental health officers. The EHOs were provided with specific training by the department to ensure consistency within and between local councils.

Four classes of businesses were established within corresponding compliance states. Class A premises were the most important and included premises and vehicles that predominantly sell food to vulnerable groups. Their compliance date was 31 March 1999. A departmental survey conducted at the time indicated that of the 2000 businesses falling into that category 50 per cent had reached compliance by the due date, with the remaining businesses expected to submit their safety programs to councils within a month of their due date.

Overall in Victoria there are some 38 000 food businesses, and while 2000 have complied with the requirement to develop and implement a food safety management program in their business operations, 36 000 businesses have yet to do so. That has resulted from the government applying a blanket deferral across the remaining classes of food premises.

The government's lack of action in the past 20 months sent a message to businesses that the government had softened rather than strengthened its commitment to safeguard Victorian consumers. Although it is acknowledged that businesses demonstrated initial resistance on issues relating to an increase in what was seen as bureaucratic handling and cost, the previous government succeeded in creating an environment where industry support for the reforms followed. It was successful in gaining the confidence of class A businesses in preparing food safety plans, because it developed infrastructure and support systems such as guidelines, information kits, model templates of various food industries, and a class A industry reference group, which I gather the Bracks government dismissed very quickly.

Although this category of business has complied, I have reports that under this government many safety programs have received only a desktop audit by local councils, without any on-site audit having been undertaken to assess whether food safety programs are being adhered to by food operators. There are also reports that some class A food premises that have submitted their food safety programs have as yet received no correspondence from their local councils as to whether they have been successful or whether the programs are adequate. I call on the government to take a firm stance and work with local government to ensure that all class A safety programs are assessed and inspections are conducted to minimise the potential risk.

Unfortunately, it is not yet clear what the position of class A businesses is under the bill, and whether their existing programs will be adequate. I ask the government to ensure that there are no conflicting interpretations and applications of the Food Act and its requirements at a local government level. Consistency is needed across all local government communities.

I am heartened by the fact that the national food industry competency standards are now accepted in Victoria, although I am not sure as to their implementation. There is merit in providing businesses

with a choice as to whether to have monitoring by third parties or to allow food businesses to select template food safety programs and be monitored by local government. However, I am concerned about the capacity of local councils to provide a monitoring service, as I understand there are fewer people being trained as environmental health officers. Certainly the issue needs to be addressed.

Other issues that have been raised by previous speakers, in particular the honourable member for Malvern, relate to cost containment. I believe he has sought an explanation from the government of how it will provide for this issue.

Finally, there appears to be little provision to ensure that councils are carrying out their monitoring responsibilities, and reporting mechanisms need to be put in place and explained to the community. Food safety is fundamental to the health of the community. I hope the bill achieves its aims and safeguards the community in the area of food safety.

Mr ROBINSON (Mitcham) — Prior to commenting on the bill I feel compelled to respond to the assertion of the honourable member for Bennettswood a few minutes ago when he claimed the supremacy of a food premises adjacent to his electorate office. I will not go so far as to say that the honourable member for Bennettswood has misled the house, but in the mind of anyone who knows anything about the City of Whitehorse, undoubtedly the most superb food premises is Parkers Fine Foods in South Parade, Blackburn. It has won many awards and is doing exceptionally well. I am sure other honourable members would like to offer their nominations. I am sure the honourable member for Springvale is very assiduous in that regard and would also have a nomination.

The purpose of the bill is clearly outlined. Essentially it seeks to lessen the administrative burden on food businesses and to simplify and streamline food safety arrangements in Victoria. I am familiar with the complexities of the existing system through an experience I had at the St John's fete in Mitcham last year. The fete is not so much an event in Mitcham as an institution. Father Kevin Dillon has been the parish priest at St John's for many years, but in the past few weeks he has moved to Geelong. Last year he invited me to assist with the confectionery stall, and the year before I had been involved with the hamburger stall. Father Dillon's intention was to expose me to the unworkability of the food safety arrangements that operated at the time.

The organisers of the fete had to deal with the City of Whitehorse to arrange and implement a food safety code. The council interpreted the regulations in a particularly prescriptive manner, to the point where the labelling arrangements for the confectionery stall became very onerous. It got to the point where every bag of wrapped Cadbury Roses chocolates had to be individually labelled with three sets of information. The information went to the content of the chocolates, to identifying which volunteers had packed that bag, and there was a third item, which escapes me.

The requirement, which had not been in place the previous year, was placed on the fete organisers, even though the chocolates in those bags were simply being removed from the Cadbury Roses box and placed into a plastic bag. Indeed, the requirement was unusual in that the fete volunteers were not required to indicate on the bags the date on which the material had been packed. They were required to put on other information, but not the date, which seemed to be a glaring weakness in what was still an overly prescriptive system. I understand efforts were made in negotiations between the fete organisers and the council to provide a single point of information at the fete clearly listing the contents of a bag, but that approach was rejected.

Volunteers make a wonderful contribution at all church fetes, and this case was no different. However, the effect of the arrangements that applied to the fete in Mitcham last year were that a stall that had traditionally operated on the efforts of 5 people required the efforts of 10 people. The cost of preparing the food for the stall had gone through the roof because printer cartridges had to be bought to run off a stack of labels that had not previously been required. The fault was not so much with the council as with a system that allowed — —

An honourable member interjected.

Mr ROBINSON — I am not going to knock the council. It was a system that allowed a variety of interpretations about food safety arrangements.

The bill contains a set of provisions that allow far greater flexibility, not just for community groups but also for councils. It is hoped that clause 12, with its reference to templates, which have been introduced for the first time, will afford church and other community groups greater flexibility in their arrangements with councils, and will result in a less onerous load for them in preparing for fetes. In that regard the bill is to be greatly welcomed.

I will also comment briefly as the convenor of Food Victoria, a position that goes with the role of the

parliamentary secretary, on the benefits that will flow to the food industry generally.

I acknowledge the role of the honourable member for Swan Hill, who preceded me in that role. As the previous parliamentary secretary and food convenor for Victoria he would be familiar with the challenges of the role and the issues that confront the food industry generally. I am pleased to advise the honourable member for Swan Hill that he would be proud that I am carrying on that role and am making an impression.

I am sure he would appreciate that after 18 months I have finally found an office, but more particularly the achievement of having my name on an office door in the Department of State and Regional Development is a great breakthrough. Before honourable members opposite launch into a freedom of information request as to the cost, I assure them that the sticker cost around $1.25! I just wanted to let the honourable member for Swan Hill know that I am making an impression.

Mr Doyle — But what kind? Be specific!

Mr ROBINSON — The food safety debate, which has gone on for some time, has caused degrees of anxiety in the food industry, which is an incredibly diverse and successful Victorian industry and employer. The provisions of the bill, which I trust will be passed, will be welcomed by the food industry, not because on every count every participant in the industry will necessarily agree that they are the best outcomes for them, but simply because the bill resolves what has been a sticking point for some time. In that regard the passage of the bill will be appreciated. I will be supporting the Food (Amendment) Bill, and I commend it to the house.

Mr DELAHUNTY (Wimmera) — On behalf of the Wimmera electorate I am pleased to speak on the Food (Amendment) Bill. The Wimmera electorate is the largest electorate in the Legislative Assembly and plays an important part in the food industry. It produces some 70 per cent of Victoria's pulses and 60 per cent of the oilseeds, and the Shire of Yarriambiack produces some 25 per cent of Victoria's wheat and barley.

The major impact on food quality is the ingredients — not only the grain, but water quality. I congratulate the former government on having put millions of dollars into water facilities across rural and regional Victoria, and the National Party played a major role in that. Many towns now have new water quality facilities, including Murtoa, Dimboola, Nhill, which has Luv-a-Duck, the largest duck processing plant in southern Australia.

Mr Hamilton — A great product.

Mr DELAHUNTY — A great product. The Minister for Agriculture is endorsing Luv-a-Duck. Down from Nhill is Great Western, where the production of some great wines requires quality water. Not only food quality but food safety is important.

The purpose of the bill is to give effect to the model food act endorsed by the Council of Australian Governments (COAG) last year. It is good that Australia has common food quality legislation. The bill also provides for changes to food safety programs and the improvement of enforcement provisions within the act.

The minister's second-reading speech states:

> Victoria is a significant producer of food for export and domestic consumption.

He could not have said truer words, and the production happens mainly in rural and regional Victoria. Australia exports some 80 per cent of its food, so it relies heavily on a global economy where not only price but also food quality and safety are paramount to consumers.

The second-reading speech goes on:

> The Australian food industry is a major component of the manufacturing sector … In 1998, food accounted for 17 per cent of all retail sales …
>
> … the food industry alone employs 47 000 people and Victorian food exports have a value of over $4.9 billion per annum.

The food industry is an important contributor to the Victorian economy, and food safety plans play an important role. The second-reading speech continues:

> Its principal purpose is to ensure that food manufactured and sold in Victoria is safe for human consumption.

In my past I was a meat inspector for a short while and I then worked as a meat industry standards officer, where I played a role in examining food quality and safety, disease control and animal husbandry.

Years ago most Australian meat was cooked too long. I sometimes go crook at the wife when that happens! However, the overcooking played a role in sterilising the meat from some of the problems that may have existed.

Mr Mulder interjected.

Mr DELAHUNTY — Sometimes I get a lot of cold shoulder and hot tongue! The reality is that today Australia is a multicultural society and we now do not

cook our meat as much. It is important to ensure that food-processing facilities are up to world best practice. The honourable member for Polwarth referred to quality assurance, which plays an important role. In those days it was known which food processors had good quality assurance. Monitoring and high standards were taken into account by retailers and restaurant owners when buying their produce.

The Minister for Agriculture today tabled the government's response to the all-party report on the control of ovine Johne's disease (OJD) in Victoria. The Environment and Natural Resources Committee examined the issue last year. It was concerned about producers whose flocks had OJD and those that did not. The committee examined food safety issues, and ovine Johne's disease is one of those diseases niggling in the background.

I was a little disappointed at the government's response today. Apart from the good things that have happened such as the improved provision of information — I congratulate the government on that — and the additional support given to community groups to deal with the problem, most of the recommendations in the report have been referred to another committee!

Mr Hamilton — That is what the committee recommended.

Mr DELAHUNTY — The committee recommended a committee to deal with things happening in the future, not everything that has happened in the past.

Again, I feel the government has dropped the ball. The ovine Johne's disease report is paramount to food safety. Tracing back and like practices are happening in the food industry and stock identification should proceed as soon as possible. We have seen the impact on the European meat industry of concerns about food safety following the outbreak of bovine spongiform encephalopathy (BSE), or mad cow disease, and foot-and-mouth disease. It is important that the government not drop the ball on food safety issues surrounding ovine Johne's disease.

I will touch on the subject of local councils only briefly, because I am aware that other members wish to speak in the debate. Environmental health officers have implemented food safety programs with operators in the food industry, and those with high standards of quality have been able to use the programs as marketing tools in their food premises. Bad news travels fast, and the operators recognised that if they did not have good quality food products and safe food handling practices people would walk away. We all want quality food — and importantly, safe food. In the past couple of years school fetes were identified as places that did not sell safe food.

Given that Australia is the second most litigated country in the world, food safety issues will play an important role in all our lives.

The honourable member for Gippsland West raised concerns of local councils. My understanding of the bill is that councils will have increased liability, and of concern, higher costs. I do not see anything in the bill that will assist local councils to address these costs. I refer back to the Municipal Association of Victoria report, which talks about cost shifting from state and federal governments to the local council.

I do not oppose the bill. Again I quote a passage from the second-reading speech, because it sums up my concluding sentiments:

> Preventive food safety management carries a cost, but the benefit is improved public health and the continuing reputation of the Victorian food industry as a safe food producer. This bill ensures that the health of the community and the reputation of our industry are protected within a simpler and more efficient framework.

I hope those last few words are true. I do not oppose the bill at this stage.

Ms GILLETT (Werribee) — I am pleased to make a contribution to the debate on the Food (Amendment) Bill and to put my comments in the context of my experiences following the introduction of the amendments to the Food Act in 1997.

Many honourable members would be aware that as working parents, as many of us are, it is difficult for us to fully and meaningfully participate in our children's school lives. Not long after my family and I moved to Werribee I thought it would be important — both professionally as the member for Werribee and in my other probably even more important profession as a mother — to participate as a volunteer at my children's school canteen at St Andrew's Primary School. In 1996 it was terrific. Volunteers operated the canteen in a jovial atmosphere. Christina ran it with an iron fist. She was a demanding and hard task mistress, but she was a joy to work with, as were the other women who worked alongside me. It must be said that some of the best advice I received on policies, practices, procedures and future steps came from these fabulously straightforward women.

Mr Mulder — Tell us how long you took to learn the operations of the pie warmer!

Ms GILLETT — Up to your usual standard — witty and outstanding. Keep going.

In 1997 the atmosphere in the canteen changed. Unfortunately, it changed for the worse. I remember arriving for my regular roster and being greeted by the usually delightful Christina, who was scowling and waving an inches-thick document at me, saying, 'How could you possibly let this happen?'. I quickly pointed out to her that we were in opposition and others were in government, but that she should tell me precisely what was wrong with the implications of the Food Act at the time. I wish I had never asked the question, because that whole day, including when we washed dishes and swept the floor, was spent with Christina succinctly and thoroughly telling me bit by bit, detail by detail, what was wrong with the enacted legislation.

Mr Steggall — Where are the changes now?

Ms GILLETT — The changes are here — at long last! They are in the bill, which the opposition supports loudly, and which it has supported voluminously all afternoon.

In 1998 I extended my canteen duties because my eldest son went on to high school. I found that the wonderful Laurie, who runs the canteen at Thomas Carr College, had precisely the same concerns as the delightful Christina. Not surprisingly to anyone on this side of the house, all of the celebrated and important contributions made by people in their communities at school canteens, scouts' venues and through to school fetes, as was mentioned by my esteemed colleague the honourable member for Mitcham, were made more difficult, not easier, by the 1997 legislation. It ought not to have done so.

Constructive and sensible suggestions were made about changes to the legislation. It amazed me and many of my colleagues that it took from 1997 to 1999 for members of the then government to listen to what was being said.

If they had been in their constituencies and if they had been listening in the same way as the then Labor opposition, they would have known the changes that needed to be made to this important legislation.

In this the International Year of Volunteers I place on the record my thanks to all the mothers, fathers, aunties and uncles who help out in the canteens in the Werribee electorate. The electorate has a lot of schools and a lot of fantastic volunteers who come to help. Without their help the school canteens in my community would not be able to function nearly as well as they do.

I also place on the record my sincere acknowledgment of the work done by the honourable member for Springvale. Although he does not yet work in a school canteen on a voluntary basis — we can forgive him for that because he does not yet have the children to do that for — he has been instrumental in consulting with his school communities about the changes required to the legislation to help their canteens work properly.

I hope that when I next do my canteen duty at Thomas Carr College and St Andrews Primary School, instead of being told about the changes that need to be made my wonderful colleagues in the school canteen will say, 'Well done, Mary. At least you've done something that improves our working lives'. I commend the bill to the house.

Mr WELLS (Wantirna) — I will make a few brief comments on the Food (Amendment) Bill. When the previous government brought in a Food (Amendment) Bill there were some concerns about the way local government would interpret and implement some of the required changes as well as some confusion about the regime for the preparation of food.

I will refer briefly to the Country Fire Authority (CFA), because it has raised some issues with me. When there is a huge fire in the state — for example, in East Gippsland or in the west — firefighters may be out fighting it for three or four days. To keep the firefighters — men and women — in the field, good accommodation, good facilities such as showers and, of course, good food must be provided.

The legislation makes it clear that the CFA auxiliary will not be caught up in this legislation because a food business means a business, enterprise or activity that involves:

(a) the handling of food intended for sale;

or

(b) the sale of food, regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

When late last year the local CFA auxiliary went to Dadswells Bridge, north of Stawell, to provide food for the firefighters, someone said that because of the Food (Amendment) Act the food could not be made. Although that was wrong — because the food was being made for the firefighters and there was no intention of selling it to them, the members of the CFA auxiliary were acting within the confines of the act — sandwiches had to be bought from the local bakery at enormous cost to the local CFA brigade, which was

unfair and unnecessary. It is pleasing that we will be able to get the message out to the CFA auxiliaries that there will be no restrictions on them preparing food for the hardworking CFA volunteers who fight fires. I wish the piece of legislation a speedy passage.

Mr MAXFIELD (Narracan) — It is with pleasure that I speak on the bill. At times members speak on a bill which they perhaps do not have an involvement with or which requires them to embark on a steep learning curve. However, this is a bill that has been close to my heart for some time.

Mr Mulder interjected.

Mr MAXFIELD — That is correct; this is a bill that I am on top of. I have been acutely aware of the problems in this area for some time.

There are many people on this side of the house who work incredibly hard. The honourable member for Springvale, for example, has put a huge amount of work into the bill, as have a lot of other government members. A few years ago as a candidate for the seat of Narracan I found that some issues came to me. People rushed up to me and said they wanted to talk to me about this or that. Health issues were important, as were education issues. However, one issue that created huge concern and anger in the community was food regulation.

What created such ill feeling in the community? When we think through the issue we soon realise that it was caused by a government that did not listen and did not care about the concerns of the community.

It started with the restructure of local councils. The Kennett government cut a swathe through local government in Victoria, which resulted in an enormous number of staff being dismissed. A lot of our food safety regulators lost their jobs, and the food safety inspectors who checked up on premises were removed. They were deemed not necessary as Kennett enforced massive cuts across the board, resulting in people all over the state being sacked.

What happened? Surprise, surprise, without our food inspectors there were more outbreaks of food poisoning! Tragically, people suffered the ill effects of food poisoning, which sometimes led to death. Some of the blame, not all, must go to the Kennett government and its restructuring of local government; there is no doubt about that. The Kennett government has to accept responsibility on this issue. It panicked and decided it had to do something about the problem of food safety, but instead of using a cool head it created a bureaucracy through a state of panic that made Stalinist Russia look mild. Massive paperwork was loaded on small businesses in Victoria, and they were being run into the ground by the uncaring Kennett government. Honourable members on this side of the house care about these issues and the community's concerns.

What is wrong with the current legislation? It is extremely complicated and difficult to understand. Many small business people are flat out trying to make a dollar and survive in a difficult environment, especially as a result of the Kennett government refusing to reduce business taxes as this government has done. They face great difficulty surviving.

As the candidate at the last election I made it my business to meet as many small business operators as possible. After becoming aware of the problem, I doorknocked one food business after another, shop after shop, and asked about their concerns. Not one of them praised the Kennett government on this. They spoke to me about the difficulties they faced in understanding what was required in paying for an independent auditor and especially about their fears that an auditor could charge exorbitant fees. They said that if they knew the auditor was coming they would whip themselves into shape. This bill has no requirement for a private auditor.

Difficulties have been faced not only by small businesses but also community groups. How do the current food regulations help community groups? A school with which my family is involved raised a significant amount of money to buy computers and other much needed equipment and facilities by fundraising through catering. It helped a great deal in establishing the school. Students of that school visited the chamber last night, and it was a great pleasure for the honourable member for Gippsland West and I to show them around. What happened? Once the school councillors looked at the new Kennett regulations and worked out what they had to do to comply with them, sadly they had to decide to end its fundraising through catering, despite the fact that it never had a problem with food poisoning and a complaint had never been made about it.

As a result of the previous government's uncaring attitude the parents must now contribute significantly more money to keep the children at the school and maintain the educational standards. That is my experience of only one school. Other people in the community have told me they have also experienced such problems.

When the local shire realised it had to implement the unfair regulations imposed on it, it sent its staff to check on local fairs, fetes, fundraisers, every little sausage

sizzle and every person who made a sandwich to tell them that they were not doing well enough and that they should be doing this or that. It made their jobs much more difficult. One of the joys of being a member of the Bracks government is that it cares for the community. The bill before the house is an example of what can be achieved by discussions with the community and local businesses about their needs.

Mr Holding — We care.

Mr MAXFIELD — We do care. I refer to one example of a sensible approach set out in the bill — that is, the food template. In the past, businesses have been faced with the possibility of having to pay huge sums of money to private companies to create food safety programs or they have had to write their own.

Mr Steggall interjected.

Mr MAXFIELD — The honourable member for Swan Hill says they should write their own. He wants to say to small business operators, 'Here is an act, it is 100 pages, read it and write your own program'. That is why honourable members are debating this bill today. We cannot expect small businesses and other small groups to create their own safety programs. The proposal for the Department of Human Services to create a food safety template for businesses and community groups will give them an easy format to pick up and run with. Those who want to continue with the current program may do so, but the new program is far simpler and easier to work with. That is just one example of why the bill is so good.

I refer to the need for training schemes in businesses. We must provide healthy environments, and food safety is a critical part of that. The requirement for businesses to have a food safety supervisor fits in with the needs of businesses. They will now be able to comply with the legislation and deliver appropriate food safety without experiencing the difficulties they currently face with the concept of requiring a food safety supervisor. Obviously, honourable members on the other side of the house did not talk to the community, because if they had they would know what I am saying is correct. There is no doubt about that.

I certainly welcome the comments of the previous speaker, who mentioned the Country Fire Authority. As an active member of the CFA — although not as active as I would like to be since I have been a member of Parliament — I am aware of the difficulty the authority has had. Because it cannot anticipate when a fire will break out, it cannot plan exactly when the need will occur. The bill will assist organisations like the CFA that have to supply food at very short notice to firefighters who are called out in the middle of the night or on the weekends. People who contribute to the community in that manner have to be looked after.

I conclude my remarks by saying I support the bill with great pride. I know it will be welcomed by the community.

Mr SMITH (Glen Waverley) — Honourable members have been entertained in the past 10 minutes by an honourable member who has not even opened the bill, let alone known anything about it. This measure is no different in its format from the current legislation. The difference is that when the Labor Party was in opposition it ran a scare campaign about sausage sizzles, lamingtons, and so on. Honourable members have only to examine the purposes of the bill to see it is based on a commonwealth model food act. That model is based on the Victorian act. The Victorian act was used by the commonwealth as a model and put together as a template. It is now the format for food legislation throughout Australia. The interesting part is that the bill contains few changes — the majority of it is the same as the model food act.

The only difference is in the enforcement provisions, which are referred to in clause 1(c). That clause sets out the purposes of the bill and includes the making of further provision with respect to food safety programs — in other words, the government has not changed anything. What is uppermost in people's minds is the fact that, as other honourable members have said, in Australia 11 500 people a day are poisoned through eating food. That is an enormous number. Only 25 per cent of that number of poisonings occur in the house — in other words, 75 per cent of those people are poisoned from eating food outside the home. That is a real worry.

The bill must ensure that the greatest emphasis is not placed on local government, otherwise municipal rates will increase. At this stage local government is not overly concerned and says it can handle the situation. However, it will mean municipal councils will have to work harder and in the long run they will find it is costing them more to enforce the legislation, and municipal rates will increase. As we are all well aware, nothing in this world is free.

As I said, the bill is no different from the legislation introduced by the former government. It was used as the format for the federal government's model food act, and as a result we have the bill that is now before the house. What the house has heard from government members is twaddle. They have never opened the bill

and would not know what it is about. If they took the trouble to read it they would know they are barking up the wrong tree.

There is a need to ensure that the participants in the field of food preparation — the government, opposition, media, local councils and their environmental health officers — all approach this issue with goodwill and honesty. If that occurs we will have a means of trying to reduce that 11 500 cases a day of food poisoning throughout Australia. The bill will be the beginning of that, but before we can get anywhere there has to be that element of goodwill and honesty. The stuff we have heard from honourable members opposite, particularly the last poor fellow, just makes me want to laugh, because they are just living in another fairyland. We need to take an honest and serious approach to this issue. If that is done the system will work much better.

Ms DUNCAN (Gisborne) — It gives me great pleasure to speak on the Food (Amendment) Bill. I believe I am very much on top of this bill because I can speak with some authority on food. The fact that I have been eating food all my life and will continue to do so makes me very qualified to speak on the bill.

The bill does a number of very good things. Essentially it amends the Food Act in response to concerns about the burden on business created by the current legislation. It also incorporates components of the model food act to facilitate national consistency on food regulation.

Much has been said about the bill. The honourable member for Swan Hill queried why the bill has not generated the level of angst that the Kennett government's legislation generated in 1997. I shall suggest part of the reason for that. The honourable member for Caulfield spoke about the keenness to expedite procedures so that Victoria could lead the way in food safety and handling, and therein lies the key to the problems that were created by the previous legislation — the stakeholders and interest groups were not consulted and therefore did not have a sense of ownership of the proposed food handling procedures.

Although the previous legislation may not actually have imposed on many groups, such as local scouts and primary schools, the sorts of things they feared it might, the facts were communicated to them badly, and I suggest that is the reason there was so much angst, some founded and some unfounded. I contrast that situation with the way the Labor government has introduced this bill. The key word here is 'consultation', as is the case with most of the government's legislation. The opposition criticises the government quite a lot for the amount of consultation it goes through, but government members believe that although consultation may take time a better outcome is achieved at the end of the day. I think the opposition would agree.

I shall list some of the groups that were consulted. There were meetings with the Food Safety Council, and with representatives from the Restaurant and Catering Association of Victoria, Clubs Victoria and the Bed and Breakfast Council of Victoria. There were also meetings with representatives of the relevant state government departments and agencies, such as the Department of Natural Resources and Environment, Food Victoria, units dealing with regulatory reform and small business, the Department of Treasury and Finance, units dealing with justice and legal policy, and the legal unit of the Department of Human Services.

Meetings were held with the Hotel and Motel Accommodation Association of Victoria, the Australian Institute of Environmental Health, Tourism Training Victoria and the Child Care Centres Association of Victoria. Honourable members can see the government's consultation was extremely extensive and aimed to ensure that all those affected by the proposed changes would have some input into the implementation of the bill. Consultation is also about finding the best way of approaching these things, because at the end of the day the whole purpose of the bill is to ensure not only consistency but also the protection of public health and safety, while reducing the regulatory burden on the food sector.

The bill allows for two approaches to the development of a food safety program. It is not that the obligation to provide a food safety program has changed; it has been maintained. The key change proposed in the bill is to the way those plans are developed. As I said, there will now be two options. The independent system is akin to the current system and, as previous speakers have said, has proven to be costly and difficult for small businesses to familiarise themselves with in order to develop food handling plans. The onerous and costly auditing system is no longer required. The bill also changes the variations in the auditing processes where previously the standards varied from council to council. Even within councils the standards varied from food officer to food officer. The fees being paid also varied considerably.

To highlight some of the difficulties under the current scheme I refer to a group of people who came to see me who operated a religious book store in a small town. As part of their fundraising they used to sell locally

produced jams. Because they were handling food, even though that food was not being prepared or packaged on the premises — it was simply being sold there — they were concerned about the implications of those food handling measures.

What I like most about the bill is that it adopts a commonsense approach. While we are all concerned about food safety, some of the current provisions are extremely difficult to implement and it has often been difficult to see what benefit they would bring about. The template system is very useful in that it allows flexibility within different sectors. Templates will be drawn up in conjunction with the Department of Human Services and will be appropriate for a particular business. It is not a case of one size fits all. It is really about adopting measures that suit the particular needs of a business.

The previous government amended the Food Act. Both it and the current government have deferred the implementation of those amendments for many small businesses, which is an indication that the provisions were onerous and would be extremely costly and complicated. It is not the core business of small business to develop food handling plans. The template system will assist greatly in developing that and in assisting small businesses to be efficient and to concentrate on their core business without worrying about developing complicated, albeit necessary, handling plans.

For those reasons this is an excellent bill and implements an election commitment made by the Bracks government. As honourable members are aware, the government is committed to ensuring all its election commitments are implemented.

I also pay tribute to the honourable member for Springvale for his interest in this issue. He has a history of involvement in it and has been instrumental in assisting the government to produce the bill. I commend the bill to the house and wish it a speedy passage.

Mr PATERSON (South Barwon) — I am pleased to contribute to the debate on the Food (Amendment) Bill. Food production and preparation is important to Victoria and certainly to my electorate of South Barwon. Food production, through vegetables, meat and fishing, and food preparation, through restaurants, takeaway food shops and the community sector, are important issues and should be treated seriously.

It is interesting to note that the bill does not reflect the ranting and ravings of the government when it was in opposition. One only has to open the bill — and if their speeches are any indication very few speakers from the other side have done so — to realise it does not reflect the scare campaign the government ran when in opposition. The bill simply falls into line with the Council of Australian Governments model. It will continue to be a partnership with local government, and it is important that local government does not take advantage of the new arrangements by escalating its enrolment fees.

I referred earlier to the scare campaign. There was the sensational sausage sizzle saga, which has been referred to a number of times this afternoon. Of course, if the government were serious about the scare campaign it ran when in opposition, it would have addressed the matter. It has not, and one has only to look at the meaning of 'food business' in proposed section 4B to see that:

> … a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves —
>
> …
>
> (b) the sale of food, regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature …

The state school sausage sizzle is still included in the provisions introduced by the government.

Time is of the essence and I will not delay the house any further. The opposition supports the bill and I commend it to the house.

Mr INGRAM (Gippsland East) — I have listened with interest to comments on the bill by honourable members. As a new member I was not here for the debate on the amending legislation during the last Parliament, but during my campaign to become a member of Parliament one of the issues that was raised time and again by small country businesses in Gippsland East was the impact of the food safety regulations.

Many honourable members have said the bill does not change the food safety regulations. Some honourable members have missed the point that a model of food health safety plans and auditing that was designed to meet what may happen in Springvale or inner Melbourne was imposed on the people of Gippsland East. Consideration was not given to the vast distances in areas such as Gippsland East and the difficulties of providing auditors and competition in the rural areas. It was an issue that involved a high level of pain.

Since my election to this place this is the second time I have spoken on food regulations and safety. I made a 90-second statement about the matter after attending a forum at Lakes Entrance where 200 people turned up to complain about the draconian measures being taken. That real pain was reflected by anger. I encourage National Party members to talk to their colleague in another place, the Honourable Peter Hall, because he was at that forum.

There was strong support for a resolution from the floor of that forum to reject the former Kennett government's food handling reforms and refer them back to the federal government for it to set up an Australia-wide standard.

Opposition members interjecting.

Mr INGRAM — Some honourable members do not realise that the bill introduces a couple of changes that have been arrived at following a fair amount of consultation with people in my electorate. The rural communities in East Gippsland felt a lot of pain as a result of that legislation. The impact of the regulations was felt most strongly by small businesses and charities like Meals on Wheels. The shire councils were obliged to enforce them, and some enforced them a lot harder than others.

I listened with interest to the honourable member for Swan Hill, who said that under the previous government local councils were in uproar because of the way the regulations were being implemented. He noted that the uproar had gone, which is probably because the situation has been handled in a much better way and a lot of the concerns have been met through consultation and so on.

The honourable member for Swan Hill also commented that lowering the standards would seriously impact on the viability of our export food industries. East Gippsland has a strong focus on food exports and businesses such as Patties Pies, which is one of the largest employers in East Gippsland and which uses around 30 tonnes of mincemeat a week. It is a major rural business. Another significant employer in East Gippsland is the seafood industry.

The honourable member for Swan Hill fails to recognise that all those properties are inspected by the Australian Quarantine and Inspection Service (AQIS) to ensure their export qualifications, and they are also subject to the highest level of food health safety auditing. Those businesses stated in no uncertain terms that they did not need a duplication of that effort. They were inspected by AQIS, and for them that was sufficient. I cannot see how changing state laws will affect a business that comes under AQIS.

Mr Wilson interjected.

Mr INGRAM — I will not take up the interjection of the honourable member for Bennettswood.

One of the problems with the previous act was that consultants were called in to prepare food handling plans for businesses and undertake the auditing process. Under the changes proposed by the bill businesses will be able to adopt a standard template and will not require consultants to do that for them.

There are very few people in East Gippsland who are able to go up to Swifts Creek to do a food audit or prepare a management plan. It costs a lot of money to get someone from Melbourne to drive all the way to East Gippsland — it takes 4 or 5 hours — to do a food audit. Being able to implement a standard template will be a great benefit to small businesses that provide a fairly standard service across the industry.

The obligation on businesses like Meals on Wheels, which delivers food to aged people across Victoria, was also raised at the forum. I will explain how it operates in areas like Swifts Creek. The Lakes Entrance Community Health Centre provides Meals on Wheels all the way up the Tambo Valley. The meals are cooked at the Bairnsdale Regional Health Service under very strict standards that would meet any food health standards you could name and delivered to the Lakes Entrance Community Health Centre, which is half an hour's drive away.

The Lakes Entrance Community Health Centre delivers the meals up the Tambo Valley, which is an hour away at least, sometimes to isolated rural homesteads where elderly people live. The meals cannot be delivered every day, and they cannot be delivered half an hour before the meal is to be consumed. Instead they are delivered once or twice a week and then refrigerated. Real concerns are held about the liability of the Bairnsdale Regional Health Service and the Lakes Entrance Community Health Centre in providing the service that the elderly people in those remote areas need from Meals on Wheels.

Mr Steggall interjected.

Mr INGRAM — The honourable member for Swan Hill keeps interjecting. He supported a Rolls Royce model of food health safety that was not supported by the wider community.

Most country businesses rely on their reputations. In an area like East Gippsland, a food business that does not have a reputation for providing high-quality food to its customers does not last very long. That is the bottom line. I do not condone the delivery to customers of food prepared in unsafe food handling conditions, and the community should not have to put up with businesses that cannot meet acceptable health standards in food delivery.

The bottom line is that the auditing has to be provided at a reasonable cost, which should not be onerous for businesses. The Swifts Creek bakery is a great business that produces high-quality food, but the auditing process has placed it under serious threat of going out of business, and that is unacceptable.

I thank the minister for sending the bureaucrats from his department to East Gippsland. They have listened to the concerns of local people, who now understand what is going on — although they did not before. Business operators in East Gippsland do not want to poison their customers; that has never been their aim. They just want to be able to operate in a way that does not cost them their businesses.

Mr MAUGHAN (Rodney) — I am delighted to participate at long last in the debate on the important Food (Amendment) Bill. I note that the bill is a further step in the evolution of legislation that was put in place by the former government. I pay tribute to the role the honourable member for Swan Hill played in the development of that legislation.

I take on board many of the comments that the honourable member for Gippsland East made about the implementation of the legislation, because they are shared by most of us across country Victoria. We need to heed some of the comments he made, and I will come to that in a moment.

I am pleased to be able to speak on the bill because of the importance of the food industry, not just in Victoria but throughout the whole of Australia. The food industry is vitally important to Victoria, employing as it does of the order of 50 000 people and providing food exports worth close to $5 billion per annum.

I note that the previous coalition government had the objective of raising food exports from $3 billion, which was the figure when it came to power, to $6 billion and then $12 billion by the year 2010.

I commend the present government on picking up that objective, although I note that it has been watered down a little by the addition of not just food but food and fibre. Nonetheless it is a worthy objective to increase food production and processing.

All the food is produced — and most of it processed — in country Victoria. Part of the reason for that is the costly and innovative program put in place by the previous government to provide World Health Organisation-quality water and waste water disposal facilities so the food processing industry could develop and grow.

In my area of northern Victoria well in excess of $500 million has been invested in the food processing industry. It bears repeating that that could not and would not have happened without the massive investment in world health standard water and excellent waste water disposal facilities.

My electorate of Rodney is important for food processing. The dairying industry is by far the most important, with some 3000 registered dairy farmers, 350 000 dairy cows — —

An Honourable Member — What are their names?

Mr MAUGHAN — I will tell you their names later on. I probably know most of them, anyway! They produce in excess of $350 million worth of production. In addition, tomato growing and processing is an important industry, as is horticultural production and processing. All the major food processing companies are represented, including the Murray Goulburn Cooperative, Bonlac Foods, Kraft Foods, Nestlé, Cedenco, IXL, Heinz and lots of other smaller companies.

The vitally important tourism industry is also affected by the legislation because of the large numbers of restaurants, food outlets, hotels and motels in the Echuca–Moama area. The legislation is crucial in ensuring that the vast numbers of tourists who come to Victoria and to Echuca–Moama can be confident that the food they purchase when they go into a fast-food outlet, a food shop, a cake shop or a bread shop is of high quality.

The bill will ensure the high quality of food from the farm to the factory, the retail outlets and the restaurants. The previous government introduced ground-breaking legislation in 1997, and the debate has included discussion about its implementation. I would be the first to admit that its implementation left a lot to be desired. The bill will tidy up some of the difficulties that caused concern, particularly in rural communities. I welcome the introduction of the templates. They are not a new idea; they were part of the original legislation but their

implementation was a bit slow. I am pleased it is now happening.

The honourable member for Mitcham put his finger on it by saying that some councils were unnecessarily prescriptive in their implementation of food safety arrangements. Some councils went way overboard, in many cases making it almost impossible for voluntary organisations in particular to implement the safety plans. Some honourable members opposite were mischievous in the comments they made when in opposition. I can assure those honourable members, who are now in government, that we on this side do not intend making the same mischievous comments, because food safety is one of those things that should enjoy bipartisan support. I welcome the legislation and do not intend playing politics with it.

The honourable member for Wantirna gave an excellent example of the way some of the regulations have been misunderstood when he talked about the well-known instance of the Country Fire Authority volunteers who had been given some sandwiches but were not able to eat them because they were supposedly not properly prepared.

I conclude by saying that it is most important that our food production and processing is of the highest standard and that members of the public are assured of the quality of their food. This is an evolution of the process started by the former government, but I welcome the finetuning of the legislation and indicate that the National Party will not oppose it.

Mr THWAITES (Minister for Health) — I thank all the honourable members who contributed to the debate, including the members for Malvern, Swan Hill, Frankston East, Bennettswood, Tullamarine, Polwarth, Gippsland West, Caulfield, Mitcham, Wimmera, Werribee, Wantirna, Narracan, Glen Waverley, Gisborne, South Barwon, Gippsland East and Rodney. The fact that so many members spoke emphasises the importance of food in Victoria. It shows that the food regulation system is of great concern to the general public, particularly to those who provide food, whether they be farmers, manufacturers, supermarket operators, shop owners or restaurateurs.

It also emphases the major concerns that small business in particular has had with the previous legislation. There was widespread criticism of it from small businesses right around the state, which the honourable member for Gippsland East referred to. The previous legislation also provided major problems for local government, where there was a great deal of confusion about how the legislation should apply.

The issues of concern related to the private food auditing system and the HACCP (hazard analysis critical control point) risk-management approach that smaller businesses were expected to apply. Many of them believed the previous legislation was cumbersome and expensive.

For that reason we as a government embarked on an extensive consultation process that included small business as well as local government.

I would like to thank the people and organisations who assisted in that process, particularly the Municipal Association of Victoria (MAV), the Australian Hotels and Hospitality Association (AHHA), the Restaurants and Catering Association of Victoria (RCAV), the various food advisory bodies, including my own, and members of the general community who came along to a number of those meetings.

The issue aroused a great deal of passion and interest, particularly in some parts of country Victoria. At the end of the process I was pleased to receive strong support from some of the major players such as the AHHA. That group wrote to me last month saying that the council of the association:

> … has requested that I pass on its sincere thanks and appreciation to yourself, your department and the government in respect of the changes made to the Food Act.
>
> The council is most grateful to have been afforded the opportunity to participate in the consultative process. I would also like to compliment Sheila Sullivan on the outcomes and recommendations which she provided to you.
>
> …
>
> Minister, small business has many challenges. In our business there is no greater challenge than that of delivering safe food to our customers. Not only is it a legal requirement but it is also common and business sense.
>
> We believe that this issue has now been dealt with in an intelligent and practical manner and we again thank you for the consideration you have shown us through this entire process.

Similar sentiments were expressed also by the MAV and the Restaurant and Catering Association in recent letters to me. Both those organisations also strongly supported the very good work that Sheila O'Sullivan did in running the consultations and bringing them to a practical outcome.

Concern was raised in debate about local council liability. The bill removes the requirement for a local council officer to certify that food safety programs are adequate and therefore it reduces the work of local council and its liability in that respect.

A number of councils raised their fees to a considerable extent at the time of the implementation of the previous legislation. I am concerned that in some cases fees were raised more than local business could handle, and possibly more than the cost to councils of providing those services. I want to work with the MAV to try to ensure that there is a relatively consistent and fair system of charging by councils. I hope that in some cases there will be a reduction in fees because there will be less liability and less work for council officers as a result of the legislation.

The honourable member for Swan Hill raised the issue of packing sheds. I addressed that issue in my second-reading speech, but the honourable member raises a matter of real concern. The advice I have is that all packing sheds will be exempt except those that conduct retail sales.

That provision does not need legislation: an exemption to that effect can be granted by a declaration from the secretary to the department. While it is therefore a decision for the secretary, I will undertake to take up the matter with the secretary to the department.

In conclusion I point out that the legislation is, as has been noted, evolutionary. It also, importantly, implements the model food act. Taking a national approach is critical. In many ways we are ahead of the pack. I think Victoria is probably the first to implement the model food legislation, and the provisions of the bill are an advance on some of the older terminology in the previous legislation.

For that we can all be grateful. This bill is a positive step forward, and I thank all honourable members for their contributions.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ROAD SAFETY (ALCOHOL AND DRUGS ENFORCEMENT MEASURES) BILL

Second reading

Debate resumed from 5 April; motion of Mr BATCHELOR (Minister for Transport).

Government amendments circulated by Mr BATCHELOR (Minister for Transport) pursuant to sessional orders.

The ACTING SPEAKER (Mr Phillips) — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975, I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

Sitting suspended 6.25 p.m. until 8.02 p.m.

Ms Kosky interjected.

Mr LEIGH (Mordialloc) — I suppose you have been in the bar again, Minister?

Ms Kosky — Mr Acting Speaker, I take offence at the comment made by the honourable member for Mordialloc, and I would like him to retract it.

Mr LEIGH — If the minister would like to make the comment known to me, I would be happy to withdraw.

Ms Kosky — The honourable member made the comment that I had been in the bar again, and I would like him to withdraw. The comment is both untrue and inappropriate.

Mr LEIGH — We are very touchy, aren't we? I am very happy to withdraw.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member has withdrawn the comment. I ask him to turn to the bill.

Mr LEIGH — That clearly shows the amateurs we have on the other side of the chamber!

Honourable members interjecting.

Mr LEIGH — I could go on all night; I have no problem with that. I can talk for 2 hours or until you shut it down; I do not care.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member will address the Chair.

Mr LEIGH — An important objective of the bill is stated in the minister's second-reading speech:

> This is an active step towards achieving the state's goal of reducing the road toll by 20 per cent within the next five years.

On the figures currently available, the government is failing. It is interesting to look at the Victorian road accident figures over the past few years, particularly road deaths per 100 000 vehicles. In 1997 Victoria's death rate was 1.22 per cent while the national average was 1.47 per cent. By 1999, and the end of the Kennett Liberal government, the figure had been reduced to

1.18 per cent compared to the national average of 1.43 per cent. It is a good demonstration of what the Kennett government did to reduce this state's road toll. The only jurisdiction in Australia that had a better result was the Australian Capital Territory.

The Bracks government is now saying that somehow it will make a magical change. In the past there has been a bipartisan approach to road safety. The tragedy for Victoria under the Labor Party, both in opposition and in government, is that its members' concept of bipartisanship is when you agree with them. I do not believe any honourable member in the chamber could remember one initiative of the former government that the Bracks or Brumby opposition supported in seven years.

I turn to the number of vehicles on Victorian roads from 1997 to 1999. In 1997 there were 3 038 696 vehicles on Victorian roads, and by 1999 the number had risen to 3 178 538, a significant increase. Each year the figure has grown, yet during each year under the former administration the road toll dropped because of the responsible measures introduced by the former government.

I forecast that in the near future the Bracks government will introduce a bill that follows the New South Wales Carr government, which has doubled the accumulation of points for traffic infringements committed during holiday periods. In my view there has been little appreciable difference, if any, between what has happened in New South Wales and Victoria if one considers the penalties involved.

One of the problems for all governments is their reliance on cash collected from motorists through road cameras and a range of other measures. One of the best things we can do for motorists is to make sure there is a much greater visible police presence on our roads. I do not mean police hiding behind trees, and I am aware of the recent example of police closing off the left-hand lane on Olivers Hill in Frankston.

An honourable member interjected.

Mr LEIGH — No, they did not book me — I have not been booked in years. The police blocked off the left-hand lane so motorists travelling up the hill were forced into the right lane where they were booked. Police have also been involved in parking in right-hand turn lanes to book people. I am not sure if those measures are the right way to go. I believe capturing people who do the wrong thing is clearly a good thing, but it is also important to make sure motorists know the police are out on the roads. On many occasions when a police car books somebody and the motorist takes off that motorist gets booked again because there is another police vehicle not far away. In my view that is one of the better ways to catch motorists — that is, not so much collecting fines after the event but making sure the police catch motorists at the time they break the law.

It is all very well to raise revenue for governments. That has happened on both sides of politics and all governments have come to rely more and more on the cash.

Mr Mildenhall interjected.

Mr LEIGH — The parliamentary secretary — —

Mr Mildenhall interjected.

Mr LEIGH — That is all right, I can live with that. I am sure you have greater difficulty than me. I believe that getting the people at the time they commit the offence is more important than catching them later. I would rather see people being fined then and there.

The opposition has no problem with the bill and supports a good part of it. However, it must be said that the major changes to road safety in Victoria have been made under Liberal governments and not Labor governments. During the 1980s the Cain government refused to have a parliamentary road safety committee. A former Liberal government introduced the compulsory wearing of seat belts, which was revolutionary, and it was many years before some American states implemented similar measures.

A former Liberal government also introduced the .05 blood alcohol level legislation. One reason for the introduction of the current bill is to correct a problem caused by a Supreme Court decision, which meant that although people in other states face losing their licences when their blood alcohol level is .05, Victorians may have a percentage slightly over .05 and escape incurring a penalty. Clearly, that was never the intent of the legislation. To the government's credit it is correcting that anomaly. I commend it for that.

A further anomaly concerns driving instruction. Driving instructors must have a zero alcohol blood level when teaching people to drive, but I could have a blood alcohol level of more than .05 while teaching my son to drive, and if I did so I would be setting a bad example for a person who was behind the wheel of a motor car for the first time. It is good that the government is introducing a system under which, at the very least, a fine will be payable, because it will make people think. It is important to ensure that when young people are

taught to drive they pick up the best habits from the beginning.

As a person who has attended driving courses at racing tracks and the Driver Education Centre of Australia, or DECA, street course, one of the things I will be doing for my children and nieces and nephews as they come close to the age when they can drive a car — and a couple of them are almost there — is ensuring they receive real-life experience on the road, with a professional driver to teach them survivability. One of the things that is forgotten in legislation such as this is the importance of teaching people to survive. It is easy to make it harder to obtain a licence, but it is the experience of being on the road and having a good sense of what may or may not take place that is important.

I hope that the government will seriously consider encouraging survivability training — and I am not referring to driving around racing tracks. Perhaps an incentive can be provided to P-plate drivers of a reduction of six months of their probationary period if they undertake a survivability course. I will ensure that my children receive that training when they learn to drive. When I was an apprentice in the building industry some time was knocked off your apprenticeship period if you achieved higher qualifications. In that way people were encouraged to study to advance themselves more quickly, and perhaps the government might consider such initiatives as appropriate for future legislative amendment, or refer the issue to the Road Safety Committee for examination.

I turn now to the issue of motorcycle riders and their skills in handling motorcycles. It is good that riders will now be required to ride for an additional year without alcohol in their bloodstreams. Motorcyclists are eight times more likely to have a serious accident or be killed than people who drive motor cars, so having riding skills and being free of alcohol clearly become more important when riding a motorcycle.

A further issue is blood tests. I had some concerns about what is meant by the 3-hour arrangement, and sought assurances from the Minister for Transport as to its meaning. It is important that that be made clear given the Supreme Court decisions concerning the .05 issue. I will read the minister's response of 1 May to my query, and I will make the document available to the house. The response was presumably written by the department, and states:

> Beyond the 3-hour period a person does not commit an offence if they refuse to provide a sample or to remain in police custody for that purpose. However, people can choose to give a sample outside the 3-hour limit and evidence of its analysis can be used in court.

It goes on to say:

> Clauses 13 and 14 of the bill will amend sections 57 and 57A of the Road Safety Act 1986 respectively in the following ways:
>
> > First, the limitation that an analyst's certificate may only be used in evidence if the sample was taken within 3 hours is removed. This amendment deals only with how the results of the analysis may be presented as evidence to the court. It does not enable samples to be obtained in any additional cases.

That is an important point. It continues:

> > This amendment does not make anything an offence that is not currently an offence. It merely rectifies an obvious anomaly. Presently, the results of an analysis may be put in evidence by certificate if a sample is taken within 3 hours of driving but the analyst must always give evidence personally if the sample is taken outside that period.
>
> > Secondly, the amendments provide that a defendant may require the analyst to attend court to give evidence in relation to the matters in the certificate if there is a reasonable possibility that the blood or urine sample was not taken within three hours of driving. As indicated in the explanatory memorandum to the bill, this ensures that the defendants will not be disadvantaged where the time at which the sample is taken is an issue in the proceedings.
>
> The practical effect of the amendments will be that test results may be produced to a court by means of a certificate and that the analyst need not attend court unless required by either party.

It is important to note — —

The ACTING SPEAKER (Mr Seitz) — Order! Given this morning's ruling by the Honourable Speaker, I ask the honourable member for Mordialloc to identify the source and date of the document.

Mr LEIGH — I said at the outset, Mr Acting Speaker, that it was a letter from the minister dated 1 May.

Ms Kosky — Which minister?

Mr LEIGH — The Minister for Transport. Firstly, Minister, I do not receive much correspondence these days from anybody else — —

Ms Kosky — 1 May 19 — —

Mr LEIGH — As in yesterday. I am making it available to the house.

Ms Kosky interjected.

Mr LEIGH — As I remember, and as you are Minister for Finance I am sure you will remember too, the year is 2001.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Mordialloc, through the Chair!

Mr LEIGH — I hope members of the judiciary note what has happened with this legislation. All too often we seem to have to go back to correct legislation because the law does not believe us when we say our intention is to go along a particular course. I hope that clears it up.

The bill also affects the Marine Act because it applies to somebody in charge of a motor boat who may be over the limit. Some of the clauses amending the Marine Act coincide with those amending the Road Safety Act. Given how busy our waterways are, the legislation is of good intent, and the government deserves to be praised for getting that aspect correct.

However, once again we come to one of those sections of legislation that continually remind me of the totally different and negative views this government had when it was in opposition. I am talking about section 85 statements and their effect on the jurisdiction of the Supreme Court.

I decided to have a look at what the government said when in opposition about constitutional statements. For the benefit of any member of the house who does not know, a section 85 statement means that the Supreme Court is not able to deal with the issue. When you look at the speeches of members of the government such as the Minister for State and Regional Development and a whole lot of others it is interesting to see that in government they have adopted a new view.

I quote the Minister for State and Regional Development, who as Leader of the Opposition is reported as saying on 7 December 1994:

> All in all there are more than 50 cases of bills —

he is talking about section 85 statements —

> brought before this place in which people's right of appeal under section 85 of the Constitution has been removed — and the Premier wants to know in what way people's rights and freedoms have been restricted! That is the first way in which they have been restricted.
>
> We have also seen people's rights and freedoms restricted by significant changes to the Freedom of Information Act. Charges that are designed to discourage people from seeking information have been imposed. A charge of $20 —

the house will acknowledge that that charge is still there today —

> may apply to each application —

and he goes on. There are numerous other examples — I do not wish to bore the house with them — of the then Leader of the Opposition and other opposition members criticising the inclusion of section 85 statements in legislation.

The most hypocritical example of all involves the current Premier. In May 1999 at a luncheon at the Law Institute of Victoria, the then Leader of the Opposition, Mr Bracks, said this about the use of section 85 of the constitution:

> In more than 200 pieces of legislation that remove appeal to the Supreme Court, ministerial decisions have been effectively placed above the law.
>
> The right to appeal — lost. The right to seek the judicial review — lost. How do we test the validity of a piece of legislation in Victoria today? How can we determine if a minister has acted improperly, illegally or even corruptly? Not in the Supreme Court.
>
> So another democratic idea had become contentious in the last six years: that citizens must have access to the courts. I have big plans for democracy in this state.

His big plans are proceeding. For the record I quote from a document entitled 'Acts passed in the first three sessions of the 54th Parliament containing new section 85 statements introduced by the Bracks Labor government', which I will make available to the house:

1. Essential Services (Year 2000) Act 1999
2. Federal Courts (State Jurisdiction) Act 1999
3. Parliamentary Committees (Amendment) Act 1999
4. Accident Compensation (Common Law and Benefits) Act 2000
5. Children and Young Persons (Appointment of President) Act 2000
6. Children and Young Persons (Reciprocal Arrangements) Act 2000
7. Corporations (Victoria) (Amendment) Act 2000
8. Courts and Tribunals Legislation (Miscellaneous Amendments) Act 2000
9. Electricity Industry Acts (Amendment) Act 2000
10. Electricity Industry Act 2000
11. Federal Courts (Consequential Amendments) Act 2000
12. Gambling Legislation (Responsible Gambling) Act 2000
13. Health Services (Governance) Act 2000
14. Information Privacy Act 2000
15. Marine (Amendment) Act 2000

16. Mineral Resources Development (Amendment) Act 2000
17. Road Safety (Amendment) Act 2000
18. Tobacco (Amendment) Act 2000
19. Transport Accident (Amendment) Act 2000
20. Victims of Crime Assistance (Amendment) Act 2000
21. Witness Protection (Amendment) Act 2000
22. Wrongs (Amendment) Act 2000

No. 23 will be this bill, once it is enacted. This group is probably among the worst hypocrites in government. They are good at it. When they were in opposition they were against everything.

Government members interjecting.

Mr LEIGH — You don't have to believe me; you can read it for yourselves when I hand it over to the house. During the course of the debate I have congratulated the government on getting some aspects of the bill right. If you are sensible, in a democracy you should be prepared not only to criticise but to applaud when someone does something right.

I will give an even better example affecting road safety — the introduction of the 50 kilometre an hour speed limit. It is a great concept, but its introduction was totally botched.

Why? The minister made the ads available; he went out there before anything happened; he did not tell anybody which roads he would do; he just announced it all. He did not have the signs ready. He has people driving around the streets looking for 50-kilometre signs or looking at their speedometers rather than the road. Councils today argue about whether the speed limit on certain roads is 50 kilometres an hour. This is the stupidity that has gone on under the administration of this minister.

Government members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Mordialloc, without assistance.

Mr LEIGH — I am not of a like mind with Kenneth Davidson from the *Age*, but on this occasion I agree with everything he said. He said this Minister for Transport will not go down in history as the worst because there is a big queue in front of him but he will go down as probably the laziest. The introduction of the 50-kilometre speed limit as a road safety measure was the classic example of how the minister is transparent and is supposedly negotiating with people. He botched it! I worry.

The government says — and let's get the figures right — that over the next five years it will reduce the road toll by 20 per cent. Is that right?

Let me quote from a document of the Australian Transport Safety Bureau, which I will make available to the house, dated Wednesday, 2 May, which I got from the library today. The table shows that the number of fatalities in Victoria in 1999 was 383 and the number of fatalities for 2000 was 407. I do not know what the government's percentages mean, but according to the Parliament's own library the number of road fatalities is going up. I note by the silence of the honourable member for Melton that he agrees.

Ms Kosky — Silence means yes, does it?

Mr LEIGH — Silence means he agrees with the figures. Unless he got Peter to play around with printing presses again that is what today's figures from the parliamentary library say.

Mr Nardella interjected.

Mr LEIGH — If the honourable member for Melton had been listening he would have heard me say before — —

Ms Kosky interjected.

Mr LEIGH — It is just a pity you cannot add up because I know what you were doing in the Footscray Football Club and it was costing the ratepayers — —

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Mordialloc will make his comments through the Chair.

Mr LEIGH — The fact is that the government of the day should be concerned to see that there is always bipartisanship with regard to road safety. The problem is the government's concept of bipartisanship. As a mere shadow minister, I wrote to the minister some days ago about a concern — —

Mr Nardella — What concern?

Mr LEIGH — The bit I read out, you goose! What did the minister do? He sent a response the morning I was going into my party room to talk about this legislation. He had it for days waiting for the bureaucrats to hand it over.

I am happy to negotiate and make sure we behave in the right way. In all honesty, the briefing from the department was one of the best briefings I have ever had from a departmental officer, whether I was in

government or in opposition, and that is to the credit of the officer concerned.

Ms Kosky — You are in opposition.

Mr LEIGH — I said 'in government or in opposition'.

Mr Steggall — She is just reminding you.

Mr LEIGH — Don't worry; I do not need reminding.

My point is that the information I asked for was made available to me, but when I went back to the minister's office I got, let us say, a bit less transparency than I thought I would have on a bipartisan issue.

I understand the minister plays hard knuckle politics. That is fine. But I would have thought on an issue such as road safety he could put away the cheap shots and make sure that when an opposition member asks serious questions about the 3-hour arrangement that the correct advice would be given so we do not have these fights. As government members know, I can play any way they want it. If they want to be bipartisan, I am happy to do that. If they want to play the other way on road safety issues I am equally happy to do that, but there has to be consultation in the process. I do not think a government committee looked at this. If you want consultation and bipartisanship then you have to earn it. The government makes noises that it is transparent and talks to people, but when the very people who have some responsibility — members of the opposition — seek information they cannot get it.

We should remember that as of this morning 142 people have died on Victorian roads this year. The death of any of them is not a good thing. I have young children. We all know someone this can happen to and we have to make sure that the best safety measures are put in place. However, the best measures are not being put in place by the government.

I know the minister is hiding a road safety audit the RACV has begged him not to release because it thinks it is a heap of junk. Last year he asked for information from the people and he got the response. I know various people around this town have a copy of the tape and the report, and I challenge the minister to release it if it so great. Why was he at 2 o'clock this afternoon — —

Ms Kosky interjected.

Mr LEIGH — He ought to be because if the government releases the report in its current form I suspect the RACV will do a bucket job on the government because it has not done its homework. I think it is important to get it right, and we have seen from the introduction of the 50-kilometre speed limit that the government did not.

Just for the record — and I think the house should know this — during the life of the Kennett government Victoria had the second lowest road accident death rate in the country except for the Australian Capital Territory — a very good record. That government made an enormous effort to ensure the reduction of that rate.

People should also remember the changing mechanics of motor vehicles — safety bags, better brakes and the crash protection of modern cars — mean there are fewer accidents.

Most honourable members of this house would drive vehicles with ABS brakes, and most of them would have been taught that when they drive cars in the wet and get into trouble they should pump the brakes. Nowadays people should not pump ABS brakes but put their feet to the floor, because computers control them.

Mr Mildenhall interjected.

Mr LEIGH — The honourable member for Footscray may think it is a joke, but if a person drives a car with ABS brakes on gravel and plants their foot to the floor, it will take much longer to stop than an older vehicle without ABS brakes. That is because those brakes make sure it travels over the gravel whereas an older vehicle will build up a pile of gravel at the front of it to slow it down.

Mr Mildenhall interjected.

Mr LEIGH — I don't have a spoiler on the back of my car. The honourable member for Footscray makes jokes about a serious issue. The fact is that most people do not understand the value of the technology they have in their cars, and little has been done to ensure they understand it.

Mr Nardella interjected.

The ACTING SPEAKER (Mr Seitz) — Order! I ask government members to desist from interjecting.

Mr LEIGH — I wish the factions would help me and send him back to the upper house. Many people have little understanding of the braking systems of modern cars. A panel beater will tell you that more smashes are occurring because of the reliance on computer technology and that people do not understand what they have in their cars. In the spirit of bipartisanship I encourage the government to include

something about the use of modern technology in the motor registration certificates issued each year so people are able to understand it better. That is important. If a poll were taken among the people in this place who had not taken a driving course about what they knew about how they should drive cars, many of them would not understand what I have just said. I am not talking about the politics of either side; I am simply talking about the information available on the new technology in motor vehicles.

The opposition has no difficulty supporting the legislation. I must say in fairness that the minister told me yesterday about a minor amendment to the legislation that needs to be dealt with. The bill provides that the person sitting next to the driver must also be breath-tested, and as I understand the amendment it will make it clear that a person sitting in the back seat will not need to be breathalysed as well. If the amendment is as I understand it, the opposition will have no problem supporting it. From that perspective, the minister has done the right thing.

These issues should be dealt with in a bipartisan way when possible. However, taking a bipartisan approach means talking to people well in advance of doing something. It does not mean you should rail the issue up and say, 'Let's make it bipartisan'. That is not what bipartisan means. I understand the honourable member for Melton has a busy life driving people around in buses to benefit his branch activities, and presumably the buses have ABS brakes so he knows what it means.

Mr Nardella — You're a fool!

Mr LEIGH — I am delighted I have been able to keep the honourable member for Melton in this place throughout the evening.

Mr Nardella interjected.

Mr LEIGH — Unfortunately, no. The opposition has no difficulty with the bill. However, I hope in the future the minister will deal with matters more promptly so the opposition's transport committee can have a look at and clarify the legislation and it can be passed quickly. It is not my intention to hold up the legislation because of such matters, because they are important issues that benefit Victorians.

From that point of view, I hope the bill is passed through both houses, gazetted and taken to the Governor to be dealt with as quickly as possible.

Mr STEGGALL (Swan Hill) — I am delighted the honourable member for Melton is still in this place. I know he hangs on every word honourable members on this side of the house utter. The Road Safety (Alcohol and Drugs Enforcement Measures) Bill enjoys bipartisan support. The subject of road safety has a long history in this Parliament. It is difficult for anyone to argue against a measure taken by a government to improve safety on our roads.

As a person who travels a great number of kilometres each year, I am concerned about the way Victoria's road laws and road safety culture are administered. When I was a young person — —

An honourable member interjected.

Mr STEGGALL — No, not long ago. The discipline of young people today is far superior to that in my time. When I was a young person there were far fewer cars, yet many more people were killed on the roads. We have come a long way. Cars and roads are better, and in many ways the younger generation is much better off than we were in my time.

One of the reasons is that people of my generation remember some of the terrible things they did on the roads, and have worked with the community to try to correct problems and make things better.

I will refer to the five areas covered in the bill. The first is the requirement that a person instructing a learner driver must have a blood alcohol concentration of less than .05. The offence is defined as an accompanying driver offence, for which the penalty is up to $500, with no mandatory licence cancellation. Although New South Wales and South Australia have similar provisions, the remainder of the Australian states have nothing.

In New South Wales an accompanying driver is regarded as a driver under the influence and is therefore subject to the same harsh penalties. The bill applies lower penalties for an accompanying driver who is under the influence, and the reason may have something to do with road safety issues. On balance it is better to have the learner in the driver's seat and an accompanying driver over the limit, than to have a driver who is under the influence. Even though there is no mandatory loss of licence for an accompanying driver offence, the courts always have discretion under section 28 of the Road Safety Act when sentencing offenders.

A house amendment has been proposed that would remove clause 10 from the bill. Clause 10 proposes to amend section 53 of the act regarding preliminary breath tests, and its removal would provide power to breathalyse only the accompanying driver in the front

seat and not all the occupants of the car, as the bill currently provides.

I often wonder why when there are so many lawyers in Parliament — not being one myself — we keep passing legislation that will give lawyers the scope to contest issues and cause a lot of litigation. The courts exist for that reason, and society would not function without them, but I am reliably advised that many arguments take place in courts about who was accompanying the driver in the car. The original intent of the principal legislation was the same as that of the Marine Act in dealing with drivers of boats — everyone would be able to be breathalysed. In this case it seems the amendment has been proposed to narrow that requirement down to only the accompanying driver in the front seat. I dare say many a legal case will be brought to decide which of the three or four other people in the car was the accompanying driver.

The bill also requires that motorcyclists must have a zero blood alcohol concentration in the first year of riding. Previously, if a person had served the three-year probationary period on their driver's licence and then obtained a motorcycle licence, the zero blood alcohol provision did not apply to them. Clause 9 inserts proposed subsection (1E) into section 52 of the Road Safety Act so that motorcyclists, irrespective of how long they have had a motor car driver's licence, must have a blood alcohol concentration of zero when riding. This provision was recommended by the parliamentary Road Safety Committee.

Having referred to the Road Safety Committee, I should say that Parliament has been blessed over the many years I have been a member to have had a range of very good road safety committees. The Victorian committee has been regarded as one of the leading and more influential parliamentary committees on road safety in Australia, and most of the recommendations it has made over the years have eventually been put into legislation.

The third area of the bill deals with breath tests that may be taken in suspected drug-driving cases. Currently a test is required only if the presence of alcohol is suspected and there is a need to exclude the alcohol factor. Preliminary breath tests cannot be used as evidence in court, so there is a need for an evidential breath test. At present police can conduct an evidential breath test under section 55 of the Road Safety Act only if the preliminary breath test shows an amount of alcohol. That was news to me until this bill was introduced, and I was surprised that section was still in the act.

The bill removes that section and thereby widens the power by giving a police officer the discretion to perform an evidential breath test in the case of suspected drug-driving cases to rule out the possibility of alcohol. To exclude the possibility of two blood samples being taken in the process if, because of inability to register readings on the breathalyser and the like, a sample is taken for an evidential breath test, that sample is also used for the drug impairment assessment.

This is moving into a new area where, until there is a more accurate preliminary drug test, a police officer has the discretion — and must have reasonable cause — to take a person for an evidential test for drug use. It is just another thing that is changing in our society. At present a driver may be pulled over and given a preliminary breath test. Of course, the results of that test cannot be used as evidence in court, regardless of whether alcohol is present. The police officer will now have full discretion in relation to drug impairment, and if the officer has a reasonable belief that a motorist is impaired the motorist will be taken to the police station for the standard 45-minute drug assessment.

All protocols regarding the drug impairment process were introduced in the Road Safety (Amendment) Bill, which was debated and passed in the autumn sessional period last year. If a motorist is assessed as being impaired a blood sample is taken for drug testing. If the test is positive the motorist is charged with driving while impaired by drugs. The new arrangements will enable a driver to be pulled over and given a preliminary breath test. If no alcohol is present but the police officer has a reasonable belief that the motorist is impaired, the motorist will undergo an evidential breath test to exclude the presence of alcohol.

I dare say that once again the lawyers will have fun with this, because the courts will have to be the final arbiters. The bill provides a power for police in certain cases to test people on a reasonable assumption that they are impaired by drugs, without there being a real trigger that settles the issue. However, one might wonder whether the trigger that has existed — the presence of alcohol — is a reasonable one. The bill is a move into the world of trying to combat the incidence of people driving under the influence of drugs.

The National Party has no problems with the bill, which gives more power to the police. I hope sooner or later there will be a better preliminary drug test, but it is a difficult area.

I turn to the issue of a blood alcohol concentration of .05. Previously an offence has been committed only if the blood alcohol concentration was above .05, which

meant that it was not an offence until it reached .06. The 1997 case of *Blanksby v. Barnes* highlighted the need to bring Victoria into line with other states in making it an offence to have a blood concentration of .05 or more. Tasmania is the only state that has not corrected the anomaly. The amendment provides that any reading at or above .05 will mean a mandatory loss of licence. However, as before, the courts will have discretion in sentencing. Courts will have more difficult sentencing decisions to make, but they will also have a far greater choice — and I hope more choices will be developed as to the types of sentences they may impose.

The legislation allows for the use of certificate evidence of blood alcohol concentration readings where the blood is taken more than 3 hours after a person has driven. At present any certificate evidence taken by a doctor within 3 hours of driving does not require the doctor to appear in court. However, the doctor can be called, and there is a need to show due cause.

Any certificate evidence taken after 3 hours of driving may require the doctor to appear in court. The amendments do not affect the testing process but refer to getting the evidence to court. Although it will not be mandatory for the doctor to appear in court if the test is taken after 3 hours, they could still be called to court as of right rather than having to show due cause.

The bill also makes changes to the Marine Act, which I will leave to other honourable members to discuss in detail. The provisions in the Road Safety Act relating to accompanying persons are picked up. All people accompanying a person in a boat will be able to be tested, and the zero reading in the Marine Act applies to people under the age of 21.

Over many years this Parliament has tackled road safety in advance of most other jurisdictions. This is yet another small step in our collective battle with a troublesome part of our society — the road toll. While there were a number of years in which the road toll declined, it must be acknowledged that today it is heading the other way. I do not know whether the legislation will help turn that around or whether the culture has changed that little bit, but our road toll went up last year and is still staying up this year.

The other day while watching television I got annoyed with a reporter who was taking apart a federal politician for not saying that his target was a zero death toll on Australian roads. The journalist lost me that night, because most jurisdictions throughout Australia are doing their best. The various police forces are also doing their best.

Our attitudes have changed over the years with the shock tactics of the Transport Accident Commission (TAC) ads, but now things seem to be slipping away from us. I am not sure what the answer is. I do not believe this legislation will be the key that will turn things around, but it is part of the armoury that will help our enforcement officers and society to tackle the problem.

The National Party will not oppose the legislation. We wish it well, and as with all our efforts over the past 30 years, I hope our continuing efforts to tackle the road toll are successful.

Mr CARLI (Coburg) — Along with the honourable member for Swan Hill I, too, want to acknowledge the fine work this Parliament has done over a long time as well as the work that the Road Safety Committee and many current parliamentarians from all sides, including the Independents, are doing to lower the road toll. I appreciated the honourable member's description of the bill as a small step in our collective battle. That is exactly what it is. The success of Victoria's model, not only nationally but internationally, has resulted from this bipartisan approach and the fine work that has been and is being done by experienced members of Parliament and also the new members.

I am pleased to sit next to the honourable member for Geelong, who is a new and obviously enthusiastic member of the Road Safety Committee. He has told me exactly how he sees the committee's work, which he describes as very much a collective battle. That is an important element and comes in the wake of what was a muddled contribution from the honourable member for Mordialloc, the shadow Minister for Transport. At various times the shadow minister said there was a bipartisan approach, there was not a bipartisan approach, there might be a bipartisan approach, there could be a bipartisan approach and there should not be a bipartisan approach. It does not help the cause of road safety or the work of this Parliament to create that level of confusion.

We should be clear about the fact that this sort of issue demands a bipartisan approach. If we are to continue the 30-plus years of good work by the Parliament, we should pick up on the work of the Road Safety Committee.

The changes to the first-year licence for motorcycle riders are a direct contribution from the Road Safety Committee. It looked at the anomaly that arose where people who already had drivers licences but were starting to ride motorcycles did not have to meet the zero blood alcohol requirement whereas motorcyclists

who had gained only their learners permits or who were on probation had to always have a zero blood alcohol level. That anomaly is one of the five issues dealt with by the bill.

The bill is only a step in the government's commitment to reduce the road toll by 20 per cent over five years. That should be an objective of the Parliament. We should continue the work of reducing the road toll. It is a collective battle, one that we have to fight together.

I refer to the section 85 clause in the bill and to the attacks made by the honourable member for Mordialloc on section 85 clauses. It is important to note the reason for the inclusion of a section 85 clause. The Scrutiny of Acts and Regulations Committee, of which I am proud to be a member, looked at the clause and decided it was consistent with the purpose of the bill and that it did not trespass on people's rights. The reason is that we are asking health professionals to take blood samples, so we want them to be immune from legal and civil action. We do not want to give people the opportunity to take health professionals to court over their taking of blood samples.

The bill has a major public purpose — that is, a reduction in the road toll. The legislation has to be enforced so that people are not allowed to abuse alcohol and drugs and use our roads to endanger themselves and the public. Preventing and deterring people from being impaired by drugs and alcohol is a clear matter of public interest. All honourable members would agree with that.

A section 85 clause has to have the support of the Parliament. In this case health professionals should not be open to litigation and civil action. There is no point in criticising the government for inserting a section 85 clause that is necessary to protect the professionals we are entrusting with the serious responsibility of taking blood samples and checking for any impairment in the people using our roads.

The bill is important in that it deals with a series of inconsistencies and deficiencies relating to the alcohol and drug provisions in the Road Safety Act. As I said, they are building blocks that are part of a much bigger and longer term strategy that we have all embarked on — that is, to reduce the road toll.

The first issue that the bill tackles is that of instructing learner drivers. Currently, people with a full driving licence can be drunk or impaired by drugs while supposedly teaching learner drivers and there is no penalty for doing that — there is no big stick. People have been abusing that situation by going out on the town to get drunk and taking a learner driver with them with the idea that the learner driver will be their taxidriver and drive them home. Those people have had no intention of instructing the learner driver; it is just an excuse to have someone to drive the vehicle home.

The bill defines accompanying driver offences and provides for penalties of up to $500. However, the penalties are not as severe as those for drink-driving offences. For example, there is no mandatory licence cancellation if the accompanying driver's blood alcohol level is high. While that may be a lesser offence, the bill acknowledges that such behaviour has to be acted on.

Earlier I referred to the provision requiring motorcyclists in the first year of riding to have a blood alcohol level of zero, regardless of whether they currently hold a full licence for driving a motor vehicle. That provision came directly out of the work of the Road Safety Committee. An anomaly has existed in the statutes and it has created problems. It has been pointed out by previous speakers that the incidence of serious injury and mortality is considerably higher among motorcyclists than among motor vehicle drivers. It is currently estimated that annually 38 per cent of serious motorcycle casualties occur when a motorcycle rider has held a licence for less than 12 months. A high proportion of fatalities occur when the motorcycle rider has less than 12 months experience. Clearly, alcohol or drug impairment of motorcycle riders is a major issue, and the bill ensures that the legislation is consistent.

Currently the only way a police officer can administer a breath test in suspected drug-driving cases is if they suspect that alcohol is a factor or if the person is clearly drunk. The bill provides for the testing of suspected drug-impaired drivers regardless of whether alcohol is a factor. The bill again ensures consistency by ensuring that the legislation tackles the issue of drug impairment in the same way as it tackles alcohol impairment. That is where the section 85 statement comes in, because it makes the whole issue of blood testing consistent, regardless of whether the testing is for alcohol, drugs, a combination of the two or a combination of drugs of various types.

This important bill, which will ensure consistency in our legislation, is the result of a lot of work that has been done in the Parliament and by the Road Safety Committee, whose inquiry into the issue of drugs led to substantial legislative changes earlier in the term of the current government.

In an important Supreme Court case of *Blanksby v. Barnes* in 1998 the court held that as the act expresses prescribed blood alcohol concentration with two

decimal places, readings to the third decimal place should be disregarded. That means that a blood alcohol reading of, for example, .059, which is clearly over .05, is to be interpreted as .05, which means under the current legislation that a person with a reading of .059 is not over the blood alcohol limit in this state. That decision has resulted in legislative changes in other jurisdictions. The bill redresses that situation by referring to blood alcohol readings of more than the prescribed level, which ensures that drivers with readings to the third decimal place can be charged. Victoria is in a sense catching up with other states through the bill.

The bill also ensures that elements of legislation that relate to blood alcohol readings and learner drivers are consistent with the provisions of the Marine Act. The government has sought to develop consistency between the various pieces of legislation, and it is therefore important that the Marine Act is amended to provide for both alcohol and drug abuses among drivers and operators of marine craft.

The bill makes five major changes to important pieces of legislation to make it more consistent, as part of a much broader strategy of the government and the Parliament to reduce the road toll.

Road safety is an important priority. Victoria is a national and international leader in road safety. Honourable members should use this debate as an opportunity to talk about the commitment that Victoria has had over 30 years to reducing the number of deaths and serious injuries that result from our road use. I wish the bill a speedy passage and thank the opposition parties for their support.

Mr SPRY (Bellarine) — The Road Safety (Alcohol and Drugs Enforcement Measures) Bill is a fairly straightforward bill initiated with the best intention — that is, to cut the road toll. The bill covers several aspects, most of which will be comprehensively canvassed as the debate proceeds. I wish to focus on one aspect only of the bill: enforcement as it relates to drug-impaired drivers.

The Road Safety (Amendment) Bill introduced in March 2000 had one noble objective. As the minister said in his second-reading speech at the time:

> The main purpose of this bill is to introduce an offence of driving or being in charge of a motor vehicle while impaired by a drug.

The bill currently before the house builds on that earlier legislation.

I am very close to a family in Camperdown whose lives were shattered on Christmas Eve 1999 when a B-double weighing in excess of 60 tonnes gross clipped the back of their family station wagon. The horrific consequences resulted in the death of a gorgeous, fun-loving six-year-old girl, Amy, four days later in the Royal Children's Hospital when her life support systems were sadly and inevitably turned off.

The coroner recently found that the truck driver, who took 400 metres or more to pull up after the impact in what was a 60 kilometre-per-hour zone, was found to have traces in his blood of Phentermine, an amphetamine-like drug with the trade name of Duromine which is used as a prescriptive diet pill. He was described by witnesses at the coroner's inquest as skinny and not in need of weight-control prescriptive drug treatment.

The coroner, Max Beck, who was deeply concerned about the implications of the evidence presented, was reported in a *Herald Sun* report as saying at the inquest:

> The inference is strong that he was taking the drug Phentermine for its stimulating and energising effects for the purposes of remaining awake at the wheel.

Clause 11 clarifies the procedure necessary to bring drug-impaired drivers to account and to get them off the road. The detection and prosecution of drug-affected drivers is not easy, especially compared to alcohol-affected drivers, and I suspect the police force generally is reluctant to engage the processes of law in drug-driving cases. In the four and a half months to April since the introduction of the new drug-driving laws on 1 December 2000, a mere 85 suspects have been apprehended and of those only three have been convicted of drug-driving offences compared to literally hundreds of drink-driving drivers in the same period. Quite possibly those three pleaded guilty through expediency, clearly indicating that the government is not doing enough on the issue.

An article in the *Herald Sun* of 17 April states:

> A survey by insurance company AAMI found one in nine motorists admitted having driven under the influence of recreational drugs such as marijuana and cocaine, with an alarming one in four among 18 to 34-year-old males.

Clearly there is a major and accelerating problem with drugs and drivers which needs action now. One might well ask what action should be taken. In his second-reading speech on the bill debated 12 months ago to make drug-driving an offence the Minister for Transport stated:

> A new definition of 'drug' is proposed, modelled on the definition used in Queensland, that refers to a published

> schedule of common drugs, together with any other substance that expert evidence can establish deprives a person, either permanently or temporarily, of any of their normal mental or physical faculties.

The aforementioned published schedule of common drugs has not yet been produced and 12 months after the legislation was foreshadowed we are still relying on a list from 1987. It is no wonder that police prosecutors are reluctant to proceed with even the few cases now pending.

An even more sinister scenario is developing, however, and I go back to the tragic circumstances which claimed the life of six-year-old Amy Bell. Her family were and are still devastated, like so many other families who are similarly traumatised by grief every year. Sadly, after years of gradual decline, the road toll seems to be on the increase again, as speakers before me have mentioned. The reason is quite possibly and even probably associated with the increasing use of so-called recreational drugs, mind and mood-altering and action-impairing substances which are absolutely lethal on the roads.

The move on drug-affected drivers has now become absolutely critical. Amy's mother Monica, for what can be described only as profound and all-encompassing love for her daughter, has pursued the objective of addressing the drug-driving menace with passion so that, as she said recently to me, 'We can at least see some positive changes coming about'. Monica has read all she can on the subject and has spent hours on the Internet. Through this exhaustive research she makes the following points: over 3000 people a year are directly involved in trucking accidents in Victoria. Approximately 400 of those are killed or seriously injured as a result. In Victoria trucks are responsible for between 16 and 19 per cent of deaths on the roads and 30 per cent of truck drivers are said to be using some sort of stimulant. Our no. 1 goal surely is to preserve human life, and this can be achieved only with zero drug readings for truck drivers as for the blood-alcohol provisions of section 52(1A) of the Road Safety Act.

She goes on to suggest steps to implement zero drug legislation, and I have summarised them as follows. Step one is to ban drugs such as the amphetamines: Phentermine, which was referred to earlier in the Amy Bell coroner's inquest, Ephedrine, Dexamphetamine and Methamphetamine — and no doubt by now there are many others. Step two is to ban certain drugs which are dangerous when used by someone operating a vehicle, including cannabis and Sudafed. If convicted, drivers should be suspended and have their commercial or normal licences taken away for at least three to five years on the grounds that anyone who takes drugs and drives, particularly in a heavy vehicle, needs to be off our roads.

With regard to prescription drugs, and obviously there are many times when many of us have to take such drugs, the law should require drivers to carry a copy of the prescription at all times so that the prescribing doctor can be identified and held accountable if necessary if inappropriate drugs have been prescribed.

I have used this family's tragic experience to emphasise the urgency of addressing the growing menace of drug-impaired drivers on our roads, particularly when they are driving heavy vehicles. At present it is too difficult for police to concentrate on apprehending offenders. More training is required so that all police officers are familiar with the apprehension, testing and prosecution procedures involved so that police in Queenscliff, for example, do not have to call on the unit in Brunswick to conduct the formal impairment tests as they do at present. There are too few trained units to cover the rural regions of the state and as a consequence drug-impaired drivers continue to be a menace on the roads.

For Amy's sake and for the sake of all others like Amy and her family, I implore the government to move emphatically and confidently to address these issues. Be assured that if it does, the community will give the government its strong support.

Mr TREZISE (Geelong) — I support the Road Safety (Alcohol and Drugs Enforcement Measures) Bill, and I do so for a number of pertinent reasons. Firstly, let me say I was elected to this house bearing a genuine interest in and concern about road safety. Looking around the house tonight I can see that I am not Robinson Crusoe in that regard.

Secondly, I am pleased to support the bill because it goes a long way towards implementing the government's admirable goal of reducing road deaths and road trauma by 20 per cent over the next five years.

I have always had a close interest in road safety, perhaps partly because of being a resident of Geelong and seeing the carnage that has occurred on the Geelong road over many years. That may be mainly where my interest comes from. I am privileged and pleased to serve on the parliamentary Road Safety Committee under the chairmanship of the Honourable Andrew Brideson in another place. I am also pleased to note that another two honourable members representing the Geelong region serve on that committee — namely, the Honourable Elaine Carbines in the other place and the honourable member for Bellarine, Garry Spry. I

must also mention the honourable members for Rodney and Ivanhoe.

I note with interest that some of the issues addressed by the bill are recommendations made by previous road safety committees, and I am pleased the government is picking up or acting upon them. When I first came into this place I was not sure whether the work of parliamentary committees was important or whether members of those committees did any work. I am now pleased to say that the system works very well and provides opportunities for a bipartisan approach, as witness the fact that the issues addressed by previous road safety committees — not just the present one — are being taken up by this bill.

As a government member I the welcome the bill's initiatives. It contributes significantly to the government's goal of reducing road deaths and injuries by more than 20 per cent over the next five years. We are talking about a reduction of approximately 80 road deaths and 1300 serious injuries a year, so the goal is significant. It is to be hoped that through the hard work of the Road Safety Committee and of all honourable members we will achieve that goal within the next 3, 4 or 5 years.

I will not take up too much time because I know a number of people wish to speak after me. I was shocked to learn during hearings of the Road Safety Committee that there is no law stopping a licensed driver accompanying a learner driver from being over the blood alcohol limit of .05. I was informed of that about six months ago by Ray Shuey of the Victoria Police, and shortly afterwards I heard on radio 3AW talkback numerous phone calls about people's experiences in that area. One caller described how he learned to drive for about 3 hours every Sunday with his father. He was able to drive where and how he wanted because his father spent the afternoon in the back seat fast asleep. That is another issue the committee may need to address, but I am not sure how it would be policed.

The bill is important and will go a long way towards achieving the government's goal of reducing road deaths and road trauma by 20 per cent over the next five years. I am therefore pleased to support the bill and wish it a speedy passage.

Mr DIXON (Dromana) — I have three reasons for making some brief comments on the Road Safety (Alcohol and Drugs Enforcement Measures) Bill: I am a former member of the Road Safety Committee; I am the father of a learner driver; and I am a boat owner and operator.

I welcome the provision requiring a person instructing or accompanying a learner driver to have a blood alcohol content (BAC) below .05. I would not have thought deeply about that two years or more ago or wondered whether such a provision was needed. Having now accompanied my daughter for 20 months while she learns to drive, however, I have discovered that the observation skills of an accompanying driver or instructor need to be of a high order. You may have had that insight yourself, Madam Acting Speaker.

The powers of observation of the accompanying driver are required not only to keep an eye on what the learner driver is doing but to identify hazards the learner driver may not notice. Intersections come up, roundabouts appear, there is traffic behind and traffic entering the carriageway and so on. The accompanying driver must know if the learner is using the mirrors, as well as keep an eye on observance of all the road rules. Taken all together, then, the role requires a high level of observation skill and alertness. If the person's BAC is quite high he or she will be completely unable to perform the role adequately. It is good to see that the days of whacking the learner into the driver's seat, sitting down half tanked in the passenger's seat and letting the learner drive you home are gone — not that I ever did that!

I welcome the provisions requiring a motorcyclist in his or her first year of driving to have a BAC of zero. By their very nature motorcycles are dangerous machines and riding them requires a high degree of skill. In a car there is a bit of a margin for error, but there is none whatsoever on a motorcycle. A new motorcycle rider needs at least a year with a zero BAC to experience the road and all the conditions.

Under another provision of the bill relating to breath testing, a test for alcohol may be administered in suspected drug-driving cases. It adds to the work that the Road Safety Committee has done on the problem of people driving under the influence of drugs. As the honourable member for Bellarine so eloquently said, it is a real problem on our roads. The bill closes a loophole in cracking down on this real menace on our roads.

Finally, the bill amends the Marine Act. As a boat owner and operator I am becoming more aware of the skill required when in control of a boat. Uninterrupted vision is very important. There are no carriageways out on the bays — on a river the situation might be a bit more confined — and boats, jet skis and other craft come from all angles — from behind you and beside you — at varying speeds. Often there are also divers in

the water, and some craft are slow moving. One needs good vision to operate a boat safely.

Boats do not handle well; they are quite touchy, especially in rough conditions, and handling them requires a high level of skill. It might look easy to an observer, but there is no such thing as power steering on boats. Whether powered by modern outboard motors or by inboard motors, boats are also becoming more powerful and have a high power-to-weight ratio. They are light and have powerful engines, and handling them requires a high degree of skill.

In particular, a high level of skill is required of a driver who is towing a water skier. They must constantly be on the lookout for other craft and for channel markers; must be aware of the observer, who is watching the person being towed; and must drive smoothly for the sake of the person who is being towed.

By its nature boating is usually carried out in the warmer weather. Operators get thirsty, and it is tempting to have a drink or two while out on the water or before going on board. Boating is conducive to the consumption of alcohol. The other major use of boats is for fishing. What nicer thing is there to do while waiting for a bite — in my case it can be a long while — than to have a stubby or other cool drink? The consumption of alcohol and boating go together easily, so it is good to see the consumption of alcohol while boating being controlled. Boating is becoming more popular and there are more boats out on the water. The controls in the bill are certainly needed.

I hope a query I have might be responded to. When late last year a bill was passed concerning the licensing of operators of power boats and personal watercraft, a loophole in the legislation meant hirers were exempt. I have talked to a number of boat operators and companies that hire out jet skis and boats over the summer period. They could not believe that craft hirers were not covered by the provisions of the bill. I hope that under this legislation, unlike the situation under the licensing provisions, the blood alcohol limits apply to the hirers of jet skis and power boats.

With those comments, I welcome the bill. It will close some loopholes and make driving on the roads and boating safer pastimes. That is to be welcomed.

Mr LANGDON (Ivanhoe) — It is with great pleasure that I add my pennyworth to the debate on the bill. I listened to the contribution of the shadow Minister for Transport, who was more interested in personal abuse and his diatribe on other issues than in addressing the bill. I am pleased to say that the Deputy Leader of the National Party was more succinct and fluent in his appraisal of the bill.

I have listened to other speakers throughout the evening, and a general concern coming from the opposition is that the government is not doing as much as members opposite would like it to do. I place on the record my admiration for the Minister for Transport, because more things have happened in the 18 months of the Bracks government than would have happened if the Kennett government had been re-elected. I refer particularly to the 50-kilometre-an-hour speed limit in residential areas. It has been a major achievement that would not have occurred under the Kennett government. The minister has achieved that, if nothing else — and that is a brave comment. The current and the previous Road Safety Committee recommended that initiative on three occasions, yet it took this minister to put it into place.

The shadow Minister for Transport derided the previous Labor government for not having a road safety committee. He has done so before, which is his wont, but it again shows how shallow he is, because the former Social Development Committee often looked after road safety issues during the Cain–Kirner years.

As the deputy chairman of the current Road Safety Committee and a member of the previous committee, I can say that in my time road safety issues have always been addressed on their merits and politics has been left at the door. Members of the committee understand the political consequences of their recommendations and often do not recommend to any government things they believe would not be politically acceptable. The members understand that there are some things you can do on road safety and some things you wish you could do in principle but which you known darn well will never be accepted by any government because of the political circumstances.

The Road Safety Committee was previously chaired by the honourable member for Forest Hill, who did an outstanding job over two parliamentary terms. The committee is now chaired by the Honourable Andrew Brideson, a member of the other place, who is also doing a remarkable job. I congratulate the minister and the parliamentary Road Safety Committee.

Today the Parliamentary Secretary for Infrastructure and I have had discussions on transport issues, and I was amazed at his depth of understanding of all the issues.

An honourable member interjected.

Mr LANGDON — You are right, I should not be amazed. I have known the honourable member for Coburg for some time, and his depth of knowledge of road safety issues and transport matters in general is to be commended. Obviously the purpose of the bill is to fix up the various inconsistencies and deficiencies in the alcohol and drug provisions of the Road Safety Act. Although they have been eloquently outlined by other speakers, I will provide a quick precis of them.

Police will be able to administer breath tests in all suspected drug-driving cases. Obviously that is a reasonable provision. Courts will be able to admit certificates for blood or urine samples taken more than 3 hours from the time of driving, which again is a logical provision. The honourable member for Geelong mentioned that the bill will introduce zero blood alcohol levels for people accompanying learner drivers. After so many years of a bipartisan approach by members of the Road Safety Committee, it is amazing that learner drivers have been allowed to drive while accompanied by somebody who could possibly be over .05. It has taken until the new millennium for it to be realised that is wrong. The government is addressing that problem.

Motorcycle riders will also be restricted to a zero blood alcohol level during their first year of riding. The bill brings provisions relating to motorcycle riders into line with the provisions relating to drivers of motor vehicles, which is a logical and reasonable thing to do.

The bill also amends the Marine Act provisions with regard to blood alcohol limits for boat operators. Protection against drink-driving has been provided on the roads over the past 5 or 10 years in particular, but many accidents that occur on waterways do not make the headlines. In the same way that alcohol and driving do not mix, alcohol and riding motorcycles or driving boats do not mix. The bill picks up these issues.

I commend the bill to the house. It is one of the steps the government is taking, along with the many other issues to which the Minister for Transport will respond.

The government has the intention of trying to reduce the road toll by 20 per cent. It is a noble intention, and I hope the shadow minister does not play politics.

Honourable members interjecting.

Mr LANGDON — The shadow minister is not here. The minister has been in the house on numerous occasions and is in the house now. He is obviously keen to see the bill pass, but the shadow minister is missing in action, as usual. I commend the bill to the house.

Mr COOPER (Mornington) — Any legislation that tightens the rules concerning blood alcohol content (BAC) and drug abuse by drivers of motor vehicles is welcome. As other speakers have said, over the years this Parliament has progressively increased controls over these matters. One would hope that every member of this place supports the legislation and wants it put into operation. As the years go by I am sure the controls will be cranked up as necessary.

I will concentrate on matters concerning amendments to the Marine Act. I refer the Minister for Transport to a speech I gave on the Marine (Amendment) Bill on 21 November last year, when the house was dealing with issues relating to the blood alcohol content of drivers of motor boats. I said at the time I believed it was a failure of the bill that it did not in any way try to link the offence of driving a motor boat — —

Mr Helper interjected.

Mr COOPER — Do you want to shut up and let me speak?

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Mornington shall continue without assistance.

Mr COOPER — The honourable member for Ripon obviously thinks the situation is amusing. He should just listen and take the subject seriously.

I said last year that it was important that the offence of driving a motor boat with an excessive blood alcohol content should be linked to other licences held by a person. I also said I would like the government to address the issue and link those matters, so that a person found guilty of driving a motor boat with an excessive blood alcohol content and who lost their licence should also, if one is held, lose their licence for driving a motor vehicle, riding a motorbike or anything else. As I said — and it is recorded in *Hansard* — a drunk is a drunk is a drunk is a drunk! It does not matter what sort of vehicle they are in charge of, they are dangerous. If they are prepared to drive a motor boat when they are drunk, they would probably be prepared to drive or ride a motor vehicle, truck or motorbike when under the influence of alcohol or drugs.

A salient response to an important issue would be that somebody who is detected driving with an excessive BAC, whether it be a motor vehicle, motorbike or motor boat, should lose every licence they hold for the same time as they would lose it for a single offence. That is what I suggested during the debate on 21 November last year, and I was hoping that the

government would address the issue. This is the first opportunity the house has had to revisit the Marine Act and my suggestion. I was hoping that when the bill was introduced the matter would be taken up, but that has not happened.

The purpose of my contribution to the debate is to again draw attention to the matter in the hope that the government will pick up the issue. I hope that can be done while the bill is between here and the other place. I do not believe it is beyond the capability of the government to have the law amended so the issue may be addressed.

All honourable members take the issues of drink or drug-driving seriously. Unfortunately, the road toll is climbing this year, and we are all aware that a response is necessary, not only from the police and the courts but also from Parliament. I hope the suggestion I made last November, and which I have repeated tonight, will be taken up. I believe it would bring home to people how seriously the community, as represented by members in this place, views the situation of people who drink to excess or use drugs and then drive vehicles and place other people in danger.

The honourable member for Bellarine gave honourable members an horrific account of a family who lost a six-year-old girl because a truck driver used drugs to keep himself awake. The situation needs to be addressed and is the reason I have raised the point I have tonight. I hope the government will take the issue seriously, consider my suggestion as a matter of urgency and address it as quickly as possible.

Mr LONEY (Geelong North) — I welcome the opportunity to join the debate on the Road Safety (Alcohol and Drugs Enforcement Measures) Bill. It is a truism of life in this place that while honourable members tend to argue about all sorts of legislation that comes into the chamber, over many years almost always there has been vigorous bipartisan agreement on matters to do with road safety and its improvement.

I recall when Victorians decided enough was enough and too many people were being killed on the roads. People were dying in far greater numbers than could ever be acceptable, if any death on the road is acceptable. At that time the *Herald Sun* started a campaign with the slogan 'Declare war on 1034!'.

In debating the bill we are addressing our concern that Victoria's road toll is again rising after years of decline. It is worth reflecting on the fact that not so many years ago more than 1000 Victorians killed themselves on our roads each year. At that stage we rightly believed that we had to take action to stop it. Some of tonight's speeches have highlighted that desire in significant ways.

It is also important to reflect on the fact — the honourable member for Bellarine touched on it — that in aiming to reduce the road toll we are introducing measures that prevent people not only killing themselves on our roads but also killing others, so that other people are not put in danger as a result of their reckless behaviour.

Victorians have created for themselves a tradition of being world leaders in road safety. While I have never been a part of that august body, the Road Safety Committee, it has paid a significant role over the years by ensuring that the sorts of measures that need to be taken are commented on and recommended to this Parliament. Over recent years governments of various political colours have acted on those recommendations. In passing, I acknowledge the work of all the members of the Road Safety Committee.

The bill deals with anomalies in the legislation while taking little steps forward. Some measures move to put Victoria in the same situation as other Australian states by stipulating that it will become an offence to have a blood alcohol reading of .05 blood or more, rather than a reading in excess of .05. The former was probably the intention of the original legislation. However, the bill addresses that issue.

Given the increasing use of drugs in our society, legislation is moving into areas that were previously not envisaged. The mechanisms that allow for the drug testing of people using our roads were probably not envisaged by this Parliament at the time of the original .05 legislation. Now, unfortunately, drugs are a symptom of our society. Drug use has grown to the point where we can no longer afford not to include these sorts of mechanisms in road safety legislation. The drug-testing provisions are a necessary step. They are about protecting all road users, not simply the drivers.

The provision dealing with learner drivers and instructors is also important. It would be completely anomalous if somebody teaching someone else to drive were allowed to be affected by alcohol while in the car.

I do not wish to make any further remarks, other than to say that the bill continues the tradition this Parliament has built up of being proactive in dealing with the road toll. I hope the measures in this bill will be significant factors in ensuring that far fewer people die on Victorian roads in the future.

Mr RICHARDSON (Forest Hill) — I shall be brief. I presume the clauses of the bill that relate to the drug-affected rather than alcohol-affected driver — there are a number of provisions that relate to drugs and driving — have been included because some anomalies or omissions were discovered in the earlier legislation that amended the Road Safety Act to cover the matter of drugs and driving. I am curious, because it appears that many of the clauses that relate to drugs and driving cover measures have already been enacted.

I am puzzled as to why it is necessary to re-enact provisions that on the surface would appear to already be within the powers of the police to enforce. When the minister is responding at the end of the second-reading debate it would be helpful if he explains why it is necessary to enable a breath analysis test to be administered to a person who is undergoing an assessment for drug impairment. I would have thought that could be done, anyway, and that it would be done before the drug impairment testing.

The whole idea of the recommendations in the committee's report, on which the government acted, was that a series of steps would be taken, the first of which would be to eliminate alcohol as the cause of impairment by a preliminary breath test. If the person did not have a blood-alcohol reading above the prescribed limit but was still obviously impaired, a further step would be followed, which would lead to other steps being taken by the police, ultimately resulting in the taking of a blood sample and, perhaps, prosecution.

When summing up at the end of the second-reading stage I would like the minister to explain to the house why it is necessary to again do things that would appear to be already in place. I certainly have no objection to any provisions in the bill, but I am curious about why we are going over old ground. Clearly there is a reason for it, because there are anomalies to overcome and some finetuning is needed, so I am happy to go along with it, but I would like the Minister for Transport to explain why.

Debate adjourned on motion of Mr MAXFIELD (Narracan).

Debate adjourned until later this day.

ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

The bill is designed to further a number of the government's objectives relating to the electricity supply industry. These include clarification of Vencorp's role in relation to electricity demand management, clarification of the operation of the cross-ownership restrictions as they apply to new electricity generation facilities, and to make provision for a deemed contract between electricity distribution companies and the retail customers to whom they distribute electricity.

The bill represents a further step in accordance with this government's energy policy. In particular, it facilitates the development of new generation facilities in Victoria (thus helping ensure that there continues to be an adequate supply of electricity for Victoria now and in the future), and it allows for the development and implementation of demand-side management schemes consistent with the national electricity market. Demand-side management is an important part of any sensible energy policy as a means whereby, with the proper incentives in place, demand for electricity can adjust in response to price signals. It thus complements strategies for ensuring that there is sufficient supply of electricity.

Part 1 of the bill deals with preliminary matters. It states the purpose of the bill and provides for its commencement.

Part 2 contains amendments to the Electricity Industry Act 2000.

Clause 5 contains provisions dealing with the relationship between distribution companies and retail customers. As members of this house will recollect, full retail competition in electricity is being introduced in Victoria. With that competition, all domestic and small business customers will be able to choose the retailer from whom they purchase electricity. When a customer chooses to be supplied by a new retailer, the new retailer will sell the customer electricity. However, the customer will continue to be supplied with electricity over wires owned by the distribution company in that customer's local area. In those circumstances, there is usually no longer a direct contractual relationship between the customer and the distribution company. This has the potential to cause difficulties both for the

customer (in ensuring that the distribution company fulfils its obligations to that customer) and for the distribution company (in ensuring that the customer fulfils its obligations to the company). The bill meets this difficulty. It provides for a deemed contract to apply between the distribution company and the customer. The particular benefit of this is that the distribution company is directly responsible to the customer for important matters such as service quality and reliability. Equally, the distribution company can require the customer to act consistently with the proper performance of the distribution system. The terms and conditions of the deemed contract will be regulated by the Office of the Regulator-General. It is anticipated that the terms will substantially apply the existing electricity distribution code, which the office has developed in consultation with industry and consumer groups. The code was published earlier this year and it is predicated on both customers and distribution companies having to comply with its provisions.

The bill will allow distribution companies and individual customers to vary the terms of the deemed contract, subject to any requirements in the distributor's licence. This provides the Office of the Regulator-General with the control necessary to maintain protection for smaller customers while allowing more flexibility for larger customers to vary the terms on which they will accept distribution services to suit their commercial needs. The bill further provides that the deemed contract provisions do not affect any contract in existence between a distribution company and a retail customer before the commencement of this bill.

As I said at the start of this speech, the bill modifies the cross-ownership provisions as they apply to the development of new generation facilities. This is done by clause 9. Currently the Electricity Industry Act 2000 contains a broad rule prohibiting a generation company from holding certain interests in another generation company. Under a strict application of the rules, a licensed generator is thus precluded from obtaining another licence to establish a new generation facility. This is not consistent with the government's objective of encouraging the development of new generation capacity in the state. The bill therefore contains a provision that has the effect of excluding new generation facilities from the operation of the cross-ownership provisions. It is to be noted that similar provisions appeared in the Electricity Industry Act 1993, but they did not adequately address what is now required for the Victorian market and as such were not re-enacted at the time of passage of the Electricity Industry Act 2000.

The provisions contained in the bill will enable Vencorp to play a more active role in facilitating demand management. This is done by clause 10. The Electricity Industry Act 2000 currently provides for Vencorp to play a role in load shedding in response to electricity supply shortages. Under the existing provisions contained in part 4 of the act, Vencorp works with Nemmco for the purposes of the national electricity code when there is a threat or likely threat to supply in Victoria. The bill complements these provisions by providing that Vencorp may facilitate arrangements relating to electricity demand management and can enter into agreements and arrangements relating to electricity demand management. Pursuant to these provisions, Vencorp might undertake assessments of and encourage market participants to enter into contracts to provide demand-side responses. It would play a facilitation, or market maker role in order to reduce the transaction costs that would otherwise be incurred if retailers undertook this role. It is anticipated that Vencorp's role would help develop the demand-side management market. Pursuant to these amendments, it is not envisaged that Vencorp would itself participate in the market for demand-side responses by contracting with retailers or customers. The exercise of these powers is subject to the approval of the minister.

The bill further provides that Vencorp may recover costs associated with this function (and its load-shedding function) subject to approval by the Office of the Regulator-General and in accordance with an order in council setting out the basis for cost recovery. The costs of this role would not be recouped until full retail competition has commenced.

In addition to the above provisions, this part of the bill contains various miscellaneous provisions. Thus, clause 3 allows for termination of the obligations of a supplier of last resort in circumstances where that obligation is no longer necessary and allows for variation of the terms and conditions of the contract deemed to be in place between a customer and a supplier of last resort. There is also clause 4 clarifying that customers who obtain their electricity fraudulently or illegally are not deemed to have entered into a contract with an electricity licensee under sections 39 and 40 of the Electricity Industry Act 2000. And clause 6 of the bill allows orders in council to be made to regulate the metering installations to be used for full retail competition and for settling the national electricity market, the aim being to ensure that those installations are suitable to produce data of the quality required.

Part 3 of the bill contains two miscellaneous amendments to the Electricity Safety Act 1998. Currently, the Electricity Safety Act 1998 requires an electricity supplier to provide a bushfire mitigation plan in relation to the electric lines and electrical installations that it owns or operates. The section does not extend to overhead private electric lines. The bill provides that bushfire mitigation plans must also be produced by the supplier for overhead private electric lines in its area of supply. Secondly, the Electricity Safety Act 1998 currently requires a network operator to submit separate safety management schemes for certain work but does not provide for the administrative convenience of combining schemes. The bill allows for that.

I commend the bill to the house.

Debate adjourned on motion of Mr HONEYWOOD (Warrandyte).

Debate adjourned until Wednesday, 16 May.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! Under sessional orders the time for the adjournment of the house has arrived.

Arnott's Biscuits: plant closure

Mr WILSON (Bennettswood) — I direct to the attention of the Premier a matter concerning today's announcement by Arnott's that it will close its Burwood plant, which will result in the loss of more than 600 jobs. I ask the Premier to immediately convince Arnott's to reverse its decision to protect the jobs of 600 Victorians.

Today's announcement by Arnott's is another example of how the Bracks government has dropped the ball in its industry and state development portfolios. How many other companies have to leave Victoria before this Premier and this government get the message that their policies on Workcover and industrial relations are driving businesses out of Victoria?

I will quote from a media release issued by Arnott's today that tells a sad story about Victoria's competitiveness. It states:

> Arnott's Biscuits Ltd, one of Australia's largest food companies, today announced a $100 million, two-year program to upgrade its Australian business.
>
> The company will immediately begin to expand capacity at its Sydney and Brisbane plants and significantly upgrade its Adelaide plant. Following the installation of new production lines at these three sites, Arnott's will create about 30 new jobs in Sydney and more than 130 new jobs in Brisbane.
>
> As a result of the expansion of these three plants, Arnott's plans to close its Melbourne site, in Burwood, in September 2002.

The message from Arnott's is clear: it does not consider its Burwood plant to be competitive. At the same time that it is closing its plant at Burwood it is expanding and improving its operations in Sydney, Brisbane and Adelaide. The result will be 160 new jobs in Brisbane and Sydney while 600 Victorians will be jobless.

Today's admission by the Treasurer that Arnott's did not consult with the Bracks government before it made its surprise decision is extremely disturbing. Why was it that the Premier, the Treasurer and their department did not know? What have they been doing? That is the question on the lips of my constituents and the 600 Arnott's workers who are now unemployed.

Bendigo: Prince of Wales Showgrounds

Ms ALLAN (Bendigo East) — I direct to the attention of the Minister for State and Regional Development a matter regarding the proposed redevelopment of the Prince of Wales Showgrounds in my electorate of Bendigo East. I ask the minister what action he is taking in response to a proposal put forward by the Bendigo Agricultural Show Society for a rural exhibition facility at the showgrounds site.

The Bendigo showgrounds is an important and much-loved community facility, which hosts a number of events during the year. They include the annual agricultural show, which is held in October each year and is an important opportunity for people in the agricultural industry to display produce or animals and for others in the community to come along and have some fun at the carnival.

The Bendigo showgrounds has a market every Sunday. A speedway is also regularly held at the showgrounds. I was able to participate in it on Easter Monday evening, which was great fun.

More importantly, recently the Australian Sheep and Wool Show was held at the Bendigo showgrounds. This event, coupled with the age of the facility, has provided the impetus for the proposal for a redevelopment of the site. The Bendigo Agricultural Show Society has met with me on a number of occasions to discuss its proposals, and as the local member representing the showgrounds area I am happy to support its concept.

The show society, together with the local council and the Australian Sheep Breeders Association, which organises the Australian Sheep and Wool Show, has identified an urgent need for the reconstruction of a rural exhibition facility. The hope is for this to become the premier showcase venue for country Victoria. They are in the process of preparing a master plan. As part of the master plan there is a recognition that the sheep and wool show brings great tourism and economic development opportunities for Bendigo. When you consider that the show has attracted around 20 000 visitors to Bendigo in each of its past two years that obviously has great tourism and economic benefits for the wider Bendigo community, to say nothing of the fact that Bendigo is ideally located as a venue for this show.

The president of the Bendigo Agricultural Show Society, Ian Reid, its secretary, Andrew Ternouth, and the committee have had long discussions with me and have put in a large amount of work with the City of Greater Bendigo council on this proposal. As I said earlier, I am very pleased to be able to support their proposal, and I request some information from the minister on what action he is taking.

Cohuna: ecacentre

Mr MAUGHAN (Rodney) — The matter I raise for the attention of the Minister for State and Regional Development concerns funding for the Cohuna ecacentre. The centre is a large indoor sporting stadium that is built on education department land and provides facilities for a wide range of community groups in Cohuna — groups like the Scouts, Girl Guides and Venturers, and sporting groups that play basketball, tennis, squash and a whole range of other activities. It is one of a number of such facilities that the previous government built in small towns throughout country Victoria.

They are excellent facilities that the then government provided on government land. But in order to keep these facilities operating local committees of management need to raise sufficient funds through their fee structures to cover not just the overheads like power, light, water and cleaning but also public liability insurance.

Now I come to the point: the government — and I support its views on this — talks a lot about the development of regional and country Victoria. It talks a lot about the growth and development of young people, encouraging people to play sport and so on. In this case we have a funding gap of a mere $10 000 in an area with a population of 3000 to 3500 people, who are relatively isolated. The ecacentre is a great facility for young people to do something constructive, positive, and worth while with their time.

Previously I have written to three government ministers seeking some support. In each case I have received a letter in response commending the local community for its initiative and giving a great deal of moral support but absolutely nothing in funding. I request that the Minister for State and Regional Development use his best offices to examine what avenues may be available to provide some additional assistance to the Cohuna community to keep this wonderful facility operating. If it closes, not only young people but a large number of people of all ages in Cohuna will be deprived of this facility, which provides very healthy sporting activities — as I said, Scouts, Guides, Venturers and so on. I therefore implore the minister to see what he can do to provide some sort of funding to support this very worthy local community.

Autism Week

Mr STENSHOLT (Burwood) — Next week is Autism Week, and I ask the Minister for Community Services to take what action she can in support of it. Located in Glen Iris in my electorate are the offices of Autism Victoria, an organisation that provides support for parents of children with autism, as well as teenagers and adults who have autism spectrum disorders.

I also urge all honourable members to support in whatever way they can, either locally or generally, Autism Victoria's attempts next week to raise understanding among the Victorian community of the problems faced by people with those disorders — and there are a range of them, including Asperger's syndrome. Autism has a lot of different forms, and it is very important that early intervention take place to help sufferers. Indeed, that is what Autism Victoria does. It provides a range of support, advice and counselling services for parents and arranges seminars and expert advice. It also provides books and videos and produces a very good newsletter, which is very much valued by the parents of many children in Victoria who have autism spectrum disorders.

Autism Victoria will arrange a number of events next week. Indeed, it has become so expert that Melbourne has been asked to host the inaugural world autism conference next year on the theme of unity through diversity. Diversity means there are a lot of different disorders. The organisation is looking to get the world's best practitioners out to Australia to help parents and other people who support children with such disorders

to increase their understanding and improve their responses to and care for them.

I ask the minister to tell the house what action she will take to support Autism Victoria next week.

School buses: overcrowding

Mr SPRY (Bellarine) — Again I raise for the attention of the Minister for Transport the overcrowding on public transport, and more particularly school buses. The issue continues to cause concern on the Bellarine Peninsula, where public buses and school buses travel up to 100 kilometres an hour with standees on board. The matter was raised with me most recently by Mr Aaron Shay of Leopold, who is concerned for the safety of his two daughters, who travel by bus regularly each day to schools in Geelong. Mr Shay claims there are regularly five or more standees on the bus on which they travel.

He mentioned one particular incident prior to the Easter holidays where a female standee travelling on the bus fell and hit her head on the bus door when the driver had to brake suddenly and the impact broke the window on the door.

I recall the minister in 1992, when he was the shadow minister, inflaming the local population in Drysdale at a public demonstration where bandages and red paint were used to dramatise the situation of standees on country buses. The boot is on the other foot now, and I ask the minister what action he is taking to address this issue, about which he was so passionately vocal in 1992.

Police: Kilmore station

Mr HARDMAN (Seymour) — I ask the Minister for Police and Emergency Services what action he will take to assure the people of Kilmore and the southern areas of the Mitchell shire that the provision of a 24-hour police station at Kilmore, as promised by the Bracks government in the 1999 election campaign, will be fulfilled.

When in opposition, the Bracks government recognised over several years that the growth in the southern end of the Mitchell shire has required an additional police presence in the community beyond the current police operating times. The then Bracks opposition listened to that concern and in the 1999 election campaign promised a 24-hour police station. Over the past 12 months there has been an intense local campaign to ensure we deliver on this promise, and consistent articles in the *Free Press* have highlighted the incidents of crime that have taken place in the hours when local police stations in the Kilmore area have been closed.

I must admit that I met a fellow the other day whose laundromat was broken into. Some $30 000 worth of damage was done for the sake of a few hundred dollars in coins from the dryers. The same fellow is a caterer and on the same night he had some crockery at Pyalong broken — apparently it was all broken for another few hundred dollars.

I would like the minister to provide further assurances to the community, which is very cynical about governments and election promises because of the experience of the former Kennett and the federal Howard governments breaking their electoral promises willy-nilly.

I have met many concerned residents who have been distressed by the long times they have to wait for police in the Kilmore area. At the same time they praise the hard work and dedication of the local police officers, who always do their best despite the limited resources available to them as a result of the broken promises of the Kennett government. That government promised 1000 extra police yet cut numbers by 1000. It is no wonder people are a touch cynical when election promises are so blatantly broken.

Last week I spoke to many members of the community, who said they would feel much safer if they knew their police station in Kilmore or a nearby police station was open 24 hours a day. I ask the minister to inform the house of the action the Bracks government is taking to improve the provision of police services in the southern Mitchell shire area and to assure the people of Kilmore that the government's promises will be fulfilled as they apply to the Seymour electorate.

FOI: guidelines

Mr VOGELS (Warrnambool) — I ask the Attorney-General to take action to make sure that the freedom of information (FOI) officers in his department adhere to and respect the government's wishes in relation to FOI requests. I read from a press release put out by the Attorney-General in February 2000:

> Freedom of information — a key to open and accountable government.
>
> As part of its commitment to restore and revitalise democracy in Victoria, the Bracks Labor government has introduced a number of changes to the Freedom of Information Act 1992.
>
> …

> These guidelines require departments and agencies to make decisions under the FOI act consistent with three key principles that are vital to a healthy democracy. They are that:
>
> > well-informed people are more likely to become involved in both policy making and government;
> >
> > a government open to public scrutiny is more accountable; and
> >
> > people have a general right to know what information governments hold about them.

My concern about the numerous job losses in the Warrnambool electorate led to my FOI request for details on the new jobs package that was discussed between the Warrnambool City Council and the Minister for State and Regional Development in July last year. It was like getting blood out of a stone, but the documents finally turned up. I will hold up for honourable members to see the documents that arrived on the jobs packages for Warrnambool.

I refer the issue to the Attorney-General so that he can take action to make sure his department stops employing people to keep Victorians, and in this case the people of Warrnambool, in the dark. There was once a program on television called *Blankety Blanks*, but it has nothing on these documents. I do not know whether honourable members ever watched the show, which was compered by Graham Kennedy. In that light, I thought this freedom of information document was fantastic!

Housing: *Picking up the Pieces* report

Mr MILDENHALL (Footscray) — I ask the understanding Minister for Housing to consider the findings of a report by the Western Lodge coordination project entitled *Picking up the Pieces*. Western Lodge, which is in my electorate, is in some ways a tragic facility. It is a 100-bed supported residential service that largely serves as emergency accommodation for older residents and people with complex needs, including those with varying levels of addiction, mental illness, disability and alcoholism.

As a result of a planning day conducted in 1998 by the Maribyrnong council and a number of welfare agencies, in 1999 the Department of Human Services gave the Maribyrnong council $35 000 for a part-time project officer to do some action research at the facility. Earlier this year I had the pleasure of launching the excellent report that came out of that project. It identified a huge number of needs in that area. Many achievements were notched up along the way. The project brought together many welfare agencies to provide services to this private facility. It is the equivalent of an old state-run mental institution, but is run by the private sector.

Many community services were provided to the residents. A material aid store and a breakfast program were started up, and through the drug and alcohol service clinical assessments were also made available. Many recommendations were made for additional resources and service coordination, as well as some policy recommendations for improved services from the Department of Human Services that could assist the residents.

The report was extremely good. I employed the project officer as an electorate officer after becoming aware of that work, much of which continues as a result of the momentum supplied by my office. I ask the minister to examine the report and its recommendations and to assist in the prioritising of future action.

Schools: airconditioning

Mr PLOWMAN (Benambra) — I refer the Minister for Education to the airconditioning of schools. In particular, I refer to the system used by the department to determine which school buildings should be airconditioned. The national housing and energy rating scheme (NATHERS) was developed for the ministry of housing. I refer to a briefing given by the department to the Minister of Education in February 1999:

> Under NATHERS, Victoria has been broadly subdivided into six climatic zones …
>
> … This assessment was carried out in part by Energy Efficiency Victoria to establish broad climatic zoning within each state for the purpose of energy efficient design of houses.

The second quote I refer to is from the *Corryong Courier* of 14 February:

> … the formula was primarily based on the mean temperature, and not on the average temperature, i.e. the combined average temperature during the day and the night.

Those quotes clearly show that the system is totally inappropriate to determine which schools should have airconditioning. I will give two examples to show why the scheme does not include some schools that suffer some of the hottest temperatures in the state. Tallangatta Primary School recorded temperatures in excess of 30 degrees for 90 per cent of all school days in January and February last year. I refer to a letter from the school council president, Ron Patterson, dated 4 March 1999:

> Without the existing airconditioners —

which were purchased by the community —

> the temperatures within our classrooms would have made it virtually impossible to continue lessons.

The other school I mention is the Corryong Consolidated School. I again quote from the article in the *Corryong Courier*:

> Despite Corryong regularly having the highest or equal highest temperature in the state, the comparatively low night temperatures give a distorted reading.
>
> Corryong topped the state 24 times last year, and according to the president of the college council … records dating back to 1994 show that Corryong has an average of almost 13 per cent top temperature days per year.

I request that the minister reconsider her decision to continue to use the NATHERS scheme to determine which schools receive airconditioning, and I ask her to heed the petition I will table tomorrow containing 275 signatures from the Corryong people.

Melbourne Exhibition and Convention Centre

Mr LANGDON (Ivanhoe) — I ask the Minister for Major Projects and Tourism what action the government is taking to ensure that Melbourne maintains its reputation as a centre of excellence for conventions and exhibitions. In particular, I ask him what action he is taking regarding the Melbourne Exhibition and Convention Centre.

We all know where the exhibition centre is. It is a large building constructed under the Kennett government — —

An honourable member interjected.

Mr LANGDON — It has been known as Jeff's Shed; perhaps it should now be known as Bracks's Barn.

I want to know what action the minister is taking to make certain that the Melbourne Exhibition and Convention Centre stays at the forefront of Melbourne's exhibition and convention centres. I went to the motor show at the exhibition centre last year, and it was absolutely brilliant. The exhibition centre is obviously a great facility, and its establishment has allowed the old Royal Exhibition Building to be restored to its glory, which honourable members will no doubt be seeing next week.

I ask the minister what action he has taken to make certain that the new Melbourne Exhibition and Convention Centre stays at the forefront of Melbourne's exhibition and convention centres.

Roads: cattle underpasses

Mr McARTHUR (Monbulk) — I refer the Minister for Agriculture to a matter concerning the Wildes family of Western Port Road, Yannathan. I request the minister to provide funding for a worthy project that the family has sought assistance for.

The government announced funding subsidies for dairy farm underpasses under the Regional Infrastructure Development Fund. The Wildes family applied for funding, which was approved in November 2000. Unfortunately, an error was made and their funding was subsequently rejected in March 2001. The only reason given for the rejection was that they lived and farmed in the Shire of Cardinia, which is considered to be a metropolitan municipality under the legislation, so they are therefore ineligible.

There is clearly an anomaly in the legislation. The minister may want to take that up with the Treasurer, but I am unable to do so tonight. I ask the Minister for Agriculture to provide from departmental resources — or perhaps from his generous ministerial discretionary fund — an allocation equivalent to the subsidy for a dairy cattle underpass for the Wildes family, who live near the busy Western Port Road in Yannathan. They clearly meet the criteria and should have the funding subsidy. I seek the minister's support in providing that funding.

Disability services: carer training

Ms DUNCAN (Gisborne) — I ask the Minister for Community Services to explain what action she will take to ensure that carers working with people with disabilities have access to appropriate and ongoing training.

I recently had the pleasure of announcing with Minister Pike a 10-unit housing project in Kyneton for aged people with disabilities. It will be a wonderful and much-needed facility. However, it raised my awareness of the difficulties faced by people working in disability services. Given the complex and multiple disabilities that some people have — it is often said that no one person has the same needs — the need for training is even more vital.

People living with disabilities experience the normal stresses of life and then some. For instance, aged people with disabilities may also have drug and medical needs and ongoing social problems. The necessity for people with disabilities to sometimes support not only themselves but also their families and carers, combined with additional needs relating to behavioural or

communication problems, makes working with them even more difficult — and it therefore makes it even more important that disability services workers have the right training.

Many of the people who work in disability services are doing a fantastic job, but they often have no formal training. The need for ongoing formal education and training is critical, not just for those who have none but also for those who wish to upgrade their skills. I ask the minister what action she will take to ensure that that training is provided.

Gaming: competition policy review

Mr BAILLIEU (Hawthorn) — In the absence of the Minister for Gaming, I ask the Treasurer to convey my request for the immediate release of the national competition policy review on the Gaming Machine Control Act, which has been sat on for months. The report was finished last year, but no information on it has been released. I ask the minister to release the review and to tell the house why the government has been sitting on it for many months.

Responses

An honourable member interjected.

Mr HAERMEYER (Minister for Police and Emergency Services) — We have had a fun night, and I am sorry that the members of the Springvale ALP have left the gallery.

The honourable member for Seymour raised a matter concerning a 24-hour police station for Kilmore. The honourable member seems to be on a bit of a roll, because in his first year in the Parliament he got a new 24-hour police station for Seymour, a new police station for Broadford and a new police station for Kinglake. He is not doing too badly.

It is true that the strategic facilities development plan produced by the Victoria Police in 1994–95 identified the need for a 24-hour police station in Kilmore. At that time the Kennett government, whose representative in the area was the Honourable Marie Tehan, then the Minister for Health, provided the electorate with a 16-hour station, not a 24-hour station.

The previous government spent a lot of money building that station in Powlett Street. It houses one sergeant and six constables, so unfortunately it cannot be used as a 24-hour police station. The previous government built a brand new police station that is incapable of accommodating the recommendations in its own strategic facilities development plan.

In the run-up to the last election the Bracks government committed to delivering on the strategic facilities development plan of the Victoria Police, part of which was to provide a 24-hour police station at Kilmore. That is something we will deliver on. I congratulate the honourable member for Seymour on the tenacious way in which he has represented the people of Kilmore in seeking that police station, which will increase the police profile from 1 sergeant and 6 constables to 34 police, with a growth allowance for a further 10. That will allow the station not only to service Kilmore but also to look after the 16-hour stations at Broadford and Wallan, as well as the smaller police station at Pyalong.

The police station will be a major regional facility for the area, and the government is committed to delivering it. It is currently identifying sites and funding for the station. I am looking forward to the Treasurer, either in this budget or in a forthcoming budget, bringing that funding forward.

I once again congratulate the honourable member for Seymour, because without his tenacity the project would never have happened. The Kennett government made it clear by building a 16-hour station on a site that could not accommodate a larger facility that it had no intention of providing a 24-hour services in the Kilmore region.

Ms PIKE (Minister for Housing) — I thank the honourable member for Footscray for asking what action I will take on receipt of the excellent report entitled *Picking up the Pieces*. As the honourable member said, that report, which was written by Meredith Budge, the project officer, was partially funded by the Department of Human Services. However, it was a genuine collaborative effort by a number of people from the community, including Maribyrnong council staff at the Western Lodge, people in the reference group, people in working groups and people from the Western Homeless Network. It shows the kind of outcome that can be achieved when people who really care about what happens in their local community, people who have compassion for some of their community's most vulnerable members, get together and put their best efforts, their best thoughts, their most creative energies and their commitment into producing a good outcome.

The department has received a draft copy of the report and is looking closely at it. The report identifies the fact that Western Lodge in Footscray is an essential component in the service system, providing support for people with psychiatric problems or difficulties with drug and alcohol issues, frail older people and people in

crisis. The report is special because it is instructive about the way the government does a lot of its work.

Through the process of investigating the issues and finding the best solutions and ongoing work for Western Lodge the project has achieved many things. That is true community development. It is through the process of investigation that learning takes place and discovery is made along the way. A referral process was developed and implemented, which means that people do not have to jump from service system to service system telling their story again and again. Networks were improved between all of the agencies in the community and Western Lodge. The service pathways were mapped and issues like long-term housing support and rehabilitation were linked in. Staff education in mental health and drug education was facilitated so that the people working at Western Lodge were better equipped to deal with the complex needs of the client group coming there.

A system of advocacy was engaged in with the local community for this vulnerable group of people. A clinical assessment service was established two mornings a week through the drug and alcohol services at Western Hospital and was involved in establishing material aid for these people.

The government is excited about the work and the things that have been identified in the report. It is also pleased that the people who were engaged in developing the report saw opportunities in the government's own Social Housing Innovations project, which I was pleased to talk about today in the house. Also they have contributed to the Victorian Homeless Strategy, a critical piece of work that the government is engaged in. The government is looking closely at the recommendations and integrating what it has learnt into other pieces of work that it is engaged in. The government will continue to work with Western Lodge and the City of Maribyrnong to address the requirements of needy people in that community.

Mr HAMILTON (Minister for Agriculture) — The honourable member for Monbulk raised a problem that Graham and Kerry Wildes, a family at Yannathan, had with an application for one of the cattle underpass projects being administered by the Minister for State and Regional Development through the Regional Infrastructure Development Fund. The project was identified as satisfying all of the criteria except one — Cardinia is not identified as a regional municipality under the guidelines for that fund.

An important issue has been raised here, and it is one of great principle. The Bracks government's establishment of the Regional Infrastructure Development Fund has been extremely well received and has demonstrated that there is a great need. In fact, the demonstration has been so great that a conference in the Latrobe Valley just last week organised by the Australian Chamber of Manufactures put a proposition to the federal government that it ought to establish an Australia-wide regional infrastructure development fund along similar lines to that of the Bracks government, which had shown leadership in the matter.

Four million dollars has been allocated from that fund to be used for cattle underpasses or overpasses to enable farmers to conduct their operations more efficiently and to improve road safety where there are traffic problems with cattle passing from one side of the road to the other.

The honourable member for Monbulk suggested that the government could look at providing funds for this purpose as a one-off operation. While I am sympathetic to the case that has been mounted by the Wildes family, I would be somewhat reluctant to set a precedent because it would appear that there are a number of dairy farms in non-regional shires as identified in the legislation.

Mr McArthur interjected.

Mr HAMILTON — The determination had to be made! What I will do — I am very serious about this — is ask my department, in conjunction with the United Dairyfarmers of Victoria, which has established a committee to administer this fund, to examine how we may address the principle of dairy farms not in the identified shires as highlighted in the legislation. We need to make sure that we satisfy the principle as well as addressing this particular case. The honourable member for Monbulk would be well aware, having been part of a government for many years, that governments are always very cautious in setting precedents which have a habit of coming along and starting an open-ended problem.

Mr McArthur interjected.

Mr HAMILTON — The honourable member is wrong. It was not a mistake. It was a decision that the government took to address the need for support by government in rural and regional Victoria. It was a deliberate decision and the fund was welcomed. However, there is an anomaly in relation to the important matter of getting cattle from one side of a busy road to the other. As outlined by the honourable member, many of the roads in the non-identified municipalities are very busy.

The problem exists, so it is a matter of seeing how we may address the problem — but only in relation to cattle overpasses or underpasses.

Mr McArthur interjected.

Mr HAMILTON — I trust the honourable member for Monbulk, having been close to the previous Minister for Agriculture, has identified a slush fund that was available to the previous minister. In the 18 months or so that I have been a minister I have not been able to identify a slush fund with as much as 1 cent in it. Indeed, I spend a great deal of my time trying to convince the Treasurer and the Department of Treasury and Finance that extra funds are needed to be spent in the Department of Agriculture.

Finishing on a serious note, I treat the matter seriously and will get back to the honourable member and to the constituent involved in the case.

Mr PANDAZOPOULOS (Minister for Gaming) — The honourable member for Hawthorn raised the issue of the national competition policy (NCP) review of the Gaming Machine Control Act. That review is still under consideration by the government, and the honourable member will be aware that it involves complex issues coming out of the central issue of competition. The government is required to respond to the commonwealth on the matter by the end of the year, so it is aware of the time frame and will make a decision in relation to the matter — —

An opposition member interjected.

Mr PANDAZOPOULOS — Releasing reports and then not revealing the position the government is taking can be an action that draws a very negative effect. The government wishes to indicate in the marketplace the contents of the report along with its response to it. That is entirely appropriate and quite a normal way to handle NCP reports. The government is considering the report and the issues it raises, and the community will know about its response at the right time.

On the other matter, I thank the honourable member for Ivanhoe for his comments on the importance of the convention, conference and exhibition industry for Victoria.

An opposition member interjected.

Mr PANDAZOPOULOS — Yes, we are aware of the facilities down there. One of the buildings might be known as Jeff's Shed, but it is still the Melbourne Exhibition and Convention Centre, part of the state's outstanding facilities for the conventions and exhibitions industry. The old World Congress Centre is also part of that complex and over time there has been a great deal of development there to ensure that Victoria remains competitive in the exhibition, conference and convention industry.

Victoria's position in the industry has been recognised on numerous occasions. We are performing immensely well in the area, but we do not take that success for granted. This year we had to do an $11 million upgrade to keep the facilities of the old World Congress Centre fresh, and consideration is being given at the moment to expenditure of a further $13 million next year. We have a fantastic team out there, including Leigh Harry and his staff and Bob Annells and his fellow board members, Bob being the chair.

Events bring in people from interstate and overseas and therefore deliver a substantial economic benefit to the community. Of all conference attendees, 41 per cent now visit regional Victoria while they are here, so Melbourne is just the gateway. There is also a growing trend towards bringing one's partner when coming to Victoria to attend a conference, so the partners are out there travelling and spending while the attendees are at their conference. Partners of conference attendees provide the biggest daily spend per person of any visitors to the state.

In the 2000–01 financial year more than 655 events, including international conventions and trade exhibitions, were held at the Melbourne Exhibition and Convention Centre. Included were the 10 000-strong International Baptist Conference, the Wine Australia conference, which was opened by the Minister for State and Regional Development, and Equitana Asia–Pacific.

Last year the Melbourne Exhibition and Convention Centre was recognised by the International Association of Congress Centres as the world's best congress centre. That represents fantastic international recognition. Then, even more recently, last week in Canberra the centre received the national award for the best purpose-built convention and exhibition centre in Australia, again showing that having the facilities is not enough, you have to continually upgrade them as well.

I thank Leigh Harry and Bob Annells again for their great work. The government will continue to support the convention and exhibition industry so that events will continue to attract visitors into our state and provide Victorians with the opportunity to attend exhibitions and conferences side by side with world leaders, as part of our learning and knowledge-based economy.

Ms CAMPBELL (Minister for Community Services) — The honourable member for Burwood spoke eloquently about autism. Thank goodness there is a new member for Burwood! The previous member never mentioned autism in this house.

Autism is a very important topic. Victoria has the opportunity to host the inaugural World Autism Conference, and the government is very pleased to work alongside Autism Victoria to make sure that the congress goes well. I am advised that Autism Victoria has been working for two years to secure the rights to that world congress, and the government is pleased to contribute $50 000 to promote programs for autistic people and solutions to their problems. The government is also pleased to look at the diversity of issues raised by people who have autism spectrum disorder.

I congratulate Autism Victoria on securing the rights to the congress and look forward to working with its members and the honourable member for Burwood to ensure that the congress is run extremely well and is a successful event.

The honourable member for Gisborne, in her normal caring fashion, raised the important matter of training for those working with people who have a disability. The honourable member will be pleased to know that in December I initiated funding for a one-year package of scholarships for workers in disability services. I, too, share her concern to have a work force that is skilled and meets the requirements of people with a range of needs caused by disability.

I am pleased to announce that the honourable member for Gisborne can promote in her area a package of $250 000 for TAFE and university fee scholarships, and $70 000 for travel scholarships for the academic year. That exciting initiative will enable people who want to improve their skills in working with people with disabilities to undertake further training — to up-skill — and people who have not had the opportunity to engage in TAFE or tertiary institutions to commence training to ensure that people with disabilities have more appropriate care.

The aim of the scholarship package is to provide opportunities for workers to develop their skills and knowledge to assist people with disabilities who require a range of specialist skills. The reaction to this announcement will enthuse opposition and government members. By having people with greater skills the government can ensure people with disabilities have a much better quality of life. The package signals that disability service training is an initiative that is on the rise under the Bracks government.

Honourable members interjecting.

The ACTING SPEAKER (Mr Nardella) — Order! I am having trouble hearing the minister because of discussions across the table. The house had a late night last night, and I ask honourable members to allow the minister to continue in silence.

Ms CAMPBELL — In announcing this wonderful initiative to ensure training is improved, I point out that the Kennett government slashed training in disability services. The Bracks government is investing in disability services.

Mr BRUMBY (Minister for State and Regional Development) — I commence by responding to the honourable member for Warrnambool. It is important to put on the record that the Grand Annual Steeplechase is being held tomorrow, and it is unfortunate that the pattern of sitting in this house is such that whenever this great three-day event is held in Warrnambool — —

Honourable members interjecting.

Mr BRUMBY — I have been down there on at least one occasion, and I did extremely well — I tipped the winner on Sky Channel when I was there with the honourable member for Mitcham. It is unfortunate that the parliamentary sittings always clash with this event, because it is a great regional event. I say that with the support of all members of the house.

The honourable member for Warrnambool raised a matter for the attention of the Attorney-General with regard to freedom of information requests. The government has improved the operation of the freedom of information legislation, and is more open and accountable than any previous government in this state. I will provide the house with an example. Under the former government, if you wanted information about government contracts, for example, you would never be able to obtain that information by asking questions on notice in Parliament and would have to apply under freedom of information. Under the Bracks government all contracts over $100 000 are now listed on a departmental web site. That is just one small example.

Honourable members interjecting.

The ACTING SPEAKER (Mr Nardella) — Order! I am having difficulty hearing the minister, and Hansard is having difficulty recording the proceedings. I ask honourable members to please be quiet.

Mr BRUMBY — That is just one small example of the additional information the government is providing for the benefit of all members of the public.

The honourable member for Bendigo East raised with me a matter concerning the Bendigo showgrounds. It followed a matter she wrote to me about on 4 April with regard to further meetings she had had with the Bendigo Agricultural Show Society about the redevelopment of the showgrounds. I do not know how many members of the house have been to the Bendigo showgrounds, but I have been there on a number of occasions. I was there last year and opened the Australian Sheep and Wool Show as the acting Minister for Agriculture. As a result of that visit and discussions I have had with the honourable member for Bendigo East, the government is now looking at the possible redevelopment of the Prince of Wales Showgrounds. The Bendigo Agricultural Show Society is looking for support to establish a multipurpose rural exhibit facility in Bendigo and to carry out detailed maintenance work.

Correspondence to the honourable member for Bendigo East from the society indicates that in a few short weeks the society intends to present a detailed proposal for the establishment of a suitable facility, which is expected to cost in the order of $3.5 million to $5 million. The society wants a facility not just to cater for the annual Bendigo show and all of the other events that the honourable member for Bendigo East referred to, but also for the Australian Sheep and Wool Show, which in the past two years has attracted between 15 000 and 20 000 visitors to Bendigo for the three-day event. Some of the other possible uses for the centre include the development of a central shearer training facility, canine industry shows, country music festivals, car collector shows, dairy and beef shows, equestrian expos, competitions and so on. There is an extraordinary range of potential uses.

Since coming to government Labor has found that show infrastructure in many of the major provincial and country areas has been run down over many years. The government is keen to address that issue. The honourable member for Bendigo East, in her normal judicious and assiduous way, has raised the matter in Parliament. She has written to me about the issue and talked to me, and I have instructed my department to seriously consider the proposal. I believe it will do so.

The honourable member for Rodney raised with me a matter concerning the Cohuna ecacentre. To the best of my knowledge I have not visited the centre, but I listened closely to the honourable member's comments. As I understood them he was saying that although the ecacentre is established and is a great facility, it has an annual funding gap of $10 000 in its continued viability and maintenance operations. The honourable member said that he had contacted three or four ministers for ongoing funding. It is always difficult for a government to provide recurrent funding because it affects budget estimates in the out years.

The only thing I can suggest to the honourable member for Rodney is that either he or the council write to me to seek funding under the Living Regions/Living Suburbs Support Fund. The government could look at it for a period of three years, but it could not consider it beyond that time. The importance of the facility to communal activity and the renewed involvement of young people in the local community should be pointed out. If the honourable member could make the case, the government would closely examine the application.

The honourable member for Bennettswood raised matters concerning Arnott's Biscuits, but his contribution added nothing new. I repeat the comments I made in question time today, that in the past year Victoria has clearly outperformed the other states in jobs growth.

Mr Leigh — Why is that?

Mr BRUMBY — The honourable member for Mordialloc asks, 'Why is that?'. It is because of the strong, decisive and clear leadership provided by the Bracks government. Whether it is investment numbers or employment growth, one of the things — —

Opposition members interjecting.

Mr BRUMBY — After five years or so the honourable members who are interjecting will become used to opposition, even though they are not used to it yet. The former Kennett government could never say that during any of its seven years in power it clocked up close to 60 per cent of the new jobs created in Australia in any one year, which is an achievement of the Bracks government.

The honourable member for Benambra raised an issue concerning education, to which I listened closely. He referred to Corryong Consolidated School, highlighting the fact that last year Corryong recorded the hottest temperatures for 24 days of the year. I have visited Corryong, which is more than the honourable member for Hawthorn has done. The honourable member for Benambra asked about the code under which buildings should be airconditioned. I will refer the matter to the Minister for Education, who I know will closely examine the matter.

The honourable member for Bellarine raised the matter of overcrowding of school buses, which has been an issue over many years. It is being examined by the government and will be properly addressed in a fiscally

responsible way that will ensure the best provision of services to the widest range of students. I will direct the honourable member's comments to both the Minister for Transport and the Minister for Education.

The ACTING SPEAKER (Mr Nardella) — Order! The house stands adjourned — —

Mr Leigh — What about the matter raised by the honourable member for Hawthorn?

The ACTING SPEAKER (Mr Nardella) — Order! The matter raised by the honourable member for Hawthorn was dealt with by the Minister for Gaming.

Mr Leigh — On a point of order, Mr Acting Speaker, the Minister for Gaming was not in the chamber when the honourable member for Hawthorn raised the matter, so how could he have addressed the issue in toto?

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order. The house stands adjourned until next day.

House adjourned 11.05 p.m.