

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

15 May 2001

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By authority of the Victorian Government Printer

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

The Hon. D. V. NAPHTHINE

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Mr P. J. RYAN

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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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Tuesday, 15 May 2001

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.07 p.m. and read the prayer.

BUSINESS OF THE HOUSE

Photographing of proceedings

The SPEAKER — Order! I advise the house that I have approved the taking of still photographs by the *Herald Sun* from the public gallery after question time today. No additional lighting will be used.

CENTENARY OF FEDERATION

Victorian Parliament

The SPEAKER — Order! Last week saw a series of events in Melbourne relating to the centenary of Federation celebrations. I wish to thank all honourable members for their cooperation and acknowledge the efforts of those officers of this Parliament who were closely involved in the detailed planning of those celebrations. It is a tribute to everyone that the centenary of Federation was a huge success.

QUESTIONS WITHOUT NOTICE

Mission Aviation Fellowship

Dr NAPHTHINE (Leader of the Opposition) — I refer the Minister for State and Regional Development to the decision by the Ballarat firm Mission Aviation Fellowship to relocate to Queensland after 40 years of successful operation at Ballarat Airport, and I ask: when was the minister first advised of the decision and what action did he take to keep these 25 jobs and families in Ballarat?

Mr Leigh interjected.

The SPEAKER — Order! I ask the honourable member for Mordialloc to cease interjecting.

Mr BRUMBY (Minister for State and Regional Development) — As I mentioned last time we had a question like this from the Leader of the Opposition, we never get a single positive suggestion or idea from this Leader of the Opposition. There has not been one new policy in the 19 months he has been there. He does not have long to go, but he has been there for 19 months. The opposition is showing plain old envy.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Monbulk!

Mr BRUMBY — The opposition hates the fact that Victoria has the best jobs performance of any state in Australia. Who said that? Last week, the chairman of the Reserve Bank of Australia — —

Dr Napthine — On a point of order, Mr Speaker, the minister is debating the question, which was specifically about the jobs lost from Ballarat. I ask you to ask him to come back to the question rather than debating it.

The SPEAKER — Order! I do not uphold the point of order. However, I remind the minister of his obligation to answer the question.

Mr BRUMBY — Last week the chairman of the Reserve Bank of Australia board, Ian Macfarlane, said in his report — —

Honourable members interjecting.

Mr BRUMBY — The opposition hates the jobs success that is occurring in Victoria. Does it know which state generated 64 per cent of all new jobs in Australia over the past year? The answer is Victoria. Why is the opposition not proud of that? Why would the Leader of the Opposition not be proud of the fact that two-thirds of all new jobs are being generated in Victoria. Why would he not be proud that, of that record jobs growth, 42 per cent were generated in regional Victoria. The best jobs performance of any state in Australia — why would he not be proud of that?

Prisons: rural Victoria

Mr RYAN (Leader of the National Party) — Given the recent announcement by the Minister for Corrections about the new prison facilities to be established in the metropolitan area, will the minister confirm that no country prisons will be closed?

Mr HAERMEYER (Minister for Corrections) — A few weeks ago there was a leak to the *Herald Sun* of some of the prison initiatives of this government. If the honourable member for Gippsland South can sit tight for about an hour longer, all will be revealed.

Centenary of Federation: celebrations

Mr LANGUILLER (Sunshine) — I refer the Premier to the centenary of Federation celebrations in Melbourne last week and ask him to inform the house of the response of Victorians to those celebrations.

Mr BRACKS (Premier) — I join you, Mr Speaker, in congratulating the parliamentary officers and the members of this house who organised and conducted the sittings of the House of Representatives and the Senate. The sittings went well and were successful. I ask you, Mr Speaker, to pass on to all those involved, including Mr President, our warm regards on how well celebrations were conducted during the week.

Overall, the centenary of Federation celebrations in Victoria were excellent. They started well on the first weekend with the federation netball and football matches, with new cups being awarded to the winners to celebrate the centenary. Those cups will be played for long into the future.

The pièce de résistance, the best public participation of any centenary of Federation celebration in Australia, occurred in Victoria the Sunday before last, with 300 000 Victorians watching the parade on the streets of Melbourne. The quality of that parade was second to none and was commented on not only by the centenary of Federation organisers but also by commentators from around Australia. Victoria can be rightfully proud about its contribution to the public celebration of the centenary of Federation and the formation of the nation.

The Nation United event at the Royal Exhibition Building was well attended, well orchestrated and successful, as are the ongoing Deakin lectures, which have been booked out by about 11 000 people. There is no place other than Melbourne, Victoria, where such lectures with world-class speakers on the future of the globe and our country would be booked out. That is an indication of the community's interest in the history and future of the state.

In conclusion, I thank the Centenary of Federation Victoria Committee and, in particular, its chair, Sir Gus Nossal, who did an excellent job.

Dr Napthine interjected.

Mr BRACKS — I welcome the support from the other side. I also thank the executive officer of the Centenary of Federation Victoria Committee, David Pitchford, who did a magnificent job in orchestrating all the events. He proved himself to be a successful organiser of such a big logistical task. I also thank the previous minister who served on the committee, the Honourable Mark Birrell in the other place, and his successor, the Minister for Education, Mary Delahunty, who also did a great job.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The honourable member for Footscray!

Mr BRACKS — I congratulate the minister responsible for the celebrations of our Federation, Mary Delahunty, who did a fantastic job. Victoria's reputation as an events state was enhanced during last week. We did it well and effectively; we did it with style and with mass participation. My congratulations go to the thousands of Victorians who volunteered to be part of the event and all those who planned and organised the events, which were an outstanding success.

HIH Insurance: government assistance

Ms ASHER (Brighton) — I refer the Minister for Finance to her announcement yesterday regarding HIH Insurance. Why is the government continuing to double-dip — to collect stamp duty on reinsurance and pocket that windfall gain?

Ms KOSKY (Minister for Finance) — The Deputy Leader of the Opposition has conveniently forgotten the opposition's part in the agreement to introduce the GST. Part of the intergovernmental agreement —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition!

Ms KOSKY — The agreement put in place by the previous Kennett government and the Howard government includes the reduction of a certain number of taxes. The tax now held up by the opposition was not one of those taxes. As I said in the house a couple of weeks ago, the proposition put forward by the opposition would yield \$1 million, if that, towards a \$35 million rescue package. The previous government was mute when it came to this issue. Suddenly the opposition has found a voice: it is the wrong voice, and it is on the wrong train!

Mr Rowe interjected.

The SPEAKER — Order! The honourable member for Cranbourne!

HIH Insurance: government assistance

Mr SEITZ (Keilor) — Will the Minister for Finance inform the house of the government's response to the federal government's latest announcement on HIH Insurance — or should I interpret HIH as Howard in Hiding, as the minister put it so adequately yesterday?

Ms KOSKY (Minister for Finance) — As honourable members would be aware, for two months the Bracks government has been pushing for national action on the collapse of HIH Insurance. The government has sent several letters and made many phone calls to the federal Minister for Financial Services, Joe Hockey. He has refused to meet with us. The Premier has directly approached the Prime Minister, but he has no answers. The government has called for a national conference and a national inquiry in response to the issue.

The Bracks government could not wait any longer in relation to builder's warranty. We had reached an impasse and needed to act. Yesterday we announced a \$35 million package over eight years to fund builder's warranty insurance. It is for those people with HIH Insurance who have partly completed a house and the builder has gone out of business; or those with HIH Insurance who over the next six and a half years will find defects in their properties after the builder has gone out of business. It will also allow home owners with HIH Insurance to sell their houses because they will have policy cover.

We have just heard from the opposition that it would be prepared to put only \$1 million into a rescue package. That is what the opposition proposes. The government has committed to a \$35 million package which is a fifty-fifty split between the government and the building industry, where the levy will be increased by \$32 per \$100 000 of building investment. The government is also picking up workers compensation liability — \$17 million for pre-1985 workers compensation liabilities; and a \$25 million to \$35 million reduction in recoverable claims by Workcover met from within existing Victorian Workcover Authority funds — and no worker will be out of pocket as a result.

However, when it comes to the Howard government, yesterday we saw a massive backflip. It was a cobbled-together response from the federal government. It is not quite sure what it is going to do, when it is going to do it or how it is going to do it, but it will do something. That is basically what was said. We do not know who will benefit or when the money will start to flow. Basically, the federal government's response highlights its disarray in dealing with this matter.

A range of senior ministers have put different viewpoints. One day Treasurer Costello supports a levy and the next day the Prime Minister rules it out. One day the Premier calls for a national conference and the Prime Minister says that is nitpicking and the next day

he says it is a federal solution. One day Minister Hockey rules out a national conference and now it is a good idea. We have had a backflip bonanza with the federal government.

The question that needs to be asked is: what does Prime Minister Howard have to hide over this issue? The Australian Prudential Regulation Authority is the national regulatory body established under the Howard government. When APRA was established in 1998 Peter Costello said that Australia would be a world leader with best-practice, leading-edge financial sector regulation. He said 'best practice'. That was just over two years ago. Now they want to urgently strengthen that legislation — in this session!

Industry has been voicing concerns about HIH for some time.

Mr Ryan — On a point of order, Mr Speaker, it is an important issue but the minister has been speaking on it now for several minutes. I wonder whether the minister could conclude.

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

Ms KOSKY — It is a shame there is not enough interest in the house on what is a significant issue across Australia.

Graeme Thompson, the chief executive officer of APRA, has admitted they were worried and had been working on the HIH matter for nine months. Under commonwealth legislation APRA is required to notify the federal Treasurer when a company under its regulation is experiencing financial difficulties. When did this happen? When did the federal Treasurer, the Honourable Peter Costello, know about this? When was he told, and when he was told what did he do about it? Those are the questions the Victorian government wants answered, and I should have thought the opposition would also want to know.

The Bracks government is calling for a national inquiry into the issue because it needs to know when the federal Treasurer knew about the matter and what he did at the time. For the sake of HIH policyholders, answers are required to those questions. The Bracks government calls for a national conference now, not in the distant future, so that those who should be brought to account are brought to account.

Mr Seitz interjected.

The SPEAKER — Order! The honourable member for Keilor!

Hospitals: nurses agreement

Ms DAVIES (Gippsland West) — I refer the Minister for Health to the fears of management of the Koo Wee Rup hospital that extra salaries following on from the nurses agreement will cause it an additional budget shortfall of almost \$150 000 in this financial year, and I ask what action the minister will take to ensure that does not happen.

Mr THWAITES (Minister for Health) — As previously indicated, all hospitals across the state will be funded for the cost of the nurses enterprise bargain agreement. That is of significant benefit to Koo Wee Rup and other hospitals, because they will receive more nurses — —

Honourable members interjecting.

Ms Davies — On a point of order, Mr Speaker, I ask for your guidance. The honourable member for Mordialloc is making comments that I believe impugn my reputation. I ask that you request him to withdraw.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order! The honourable member for Forest Hill will not be warned again.

The honourable member for Gippsland West has taken offence at the remarks made by the honourable member for Mordialloc. I seek his cooperation in withdrawing.

Mr Leigh — I have no idea what the honourable member for Gippsland West has taken offence to, Mr Speaker. If she will identify what offends her, I will be happy to withdraw.

The SPEAKER — Order! I have asked the honourable member for Mordialloc to withdraw, and I seek his cooperation.

Mr Leigh — I withdraw, but I have no idea what I am withdrawing!

The SPEAKER — Order! The honourable member for Mordialloc has withdrawn.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster!

Mr THWAITES — As I have said, hospitals across the state will be funded for the cost of the additional nurses coming into the system. The Department of

Human Services is working closely with individual hospitals to ensure that those costs can be met.

Scoresby freeway: funding

Mr WELLS (Wantirna) — I refer the Premier to the Minister for Transport's comment that there will be no funding in today's budget for the Scoresby freeway-Eastern ring-road. Will the Premier inform the house why in the next financial year the government will not allocate \$1 to the biggest and most vital infrastructure project for the 2 million people living in Melbourne's east?

Mr BRACKS (Premier) — I welcome the question from the honourable member for Wantirna. I cannot anticipate the budget, but I believe it contains something for that corridor. I also indicate that the government — —

Mr Rowe interjected.

The SPEAKER — Order! The honourable member for Cranbourne!

Mr BRACKS — The government, as it always does in planning projects with the commonwealth for roads of national importance (RONIs), has unallocated amounts in its road funding. The government is still waiting on the closed arrangement with the commonwealth, but unlike the commonwealth it is committed not just to the first stage of the project.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Geelong North!

Mr BRACKS — What they effectively want is to make a contribution and then to walk away from the project. We want to complete every stage, not just the first stage. What the commonwealth has committed to is simply a one-off contribution, without any suggestion that it will do what has happened with every road of national importance where there is split funding, dollar for dollar — provide for the completion of the whole project. The commonwealth simply wants to walk away after the first stage. We want to conclude it so that the whole of the road is completed, not just part of it.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mornington!

Rail: Sydenham line

Mr NARDELLA (Melton) — Will the Minister for Transport inform the house of contractual arrangements entered into by the previous government for the electrification of the rail line to Sydenham?

Mr BATCHELOR (Minister for Transport) — Honourable members would be aware that there are plans to electrify the metropolitan rail line to Sydenham.

Dr Napthine interjected.

Mr BATCHELOR — Yes, it does. I will get you a *Melway* so you can find out where it is! The honourable member for Mordialloc drives around with his *Melway*.

Honourable members interjecting.

The SPEAKER — Order! The Minister for Transport will address his remarks to the Chair. I ask the Leader of the Opposition not to interject.

Mr BATCHELOR — The Leader of the Opposition asked a supplementary question. He wanted to know whether St Albans was on the line to Sydenham. It is. You should visit there one day.

Honourable members would also be aware that this project to extend the metropolitan rail service is being opposed by some local traders, and now by the opposition — it is demanding that the St Albans railway station be undergrounded at a cost of more than \$33 million. The honourable member for Mordialloc, in particular, has been very vocal on this issue recently, but neither he nor the Leader of the Opposition has been saying whose idea it was to keep the St Albans railway station at grade.

We have been doing some checking, and I can inform the honourable member for Mordialloc, the Leader of the Opposition and honourable members opposite that it was the previous Kennett government, of which both the honourable member for Mordialloc and the Leader of the Opposition were crucial and leading members. It was the previous Kennett government that made the decision to keep the St Albans railway station at grade. In fact, it was the previous Kennett government that undertook a — —

Honourable members interjecting.

Mr Leigh — On a point of order, Mr Speaker, given that this is a very open and transparent minister we have sitting opposite us, perhaps he could release the

\$100 000 study the Kennett government organised to find out — —

Honourable members interjecting.

The SPEAKER — Order! That is clearly not a point of order, and I ask the honourable member for Mordialloc to desist.

Mr BATCHELOR — As the Leader of the Opposition would remember, because he participated in the decision to do this, it was the Kennett government that undertook the feasibility study for the electrification of the project. They designed the project. They wrote the contract specifications for the project. I have their plans here, Mr Speaker, dated April 1998 which detail that the St Albans station would be at grade. The previous Kennett government — —

Mr Cooper interjected.

The SPEAKER — Order! The honourable member for Mornington!

Mr BATCHELOR — These Liberal government plans specify that the St Albans station was to remain above ground as part of a mandated project and a privatisation process that the government had entered into. The former Liberal government required it — not only did it make the decision, it required it — under contract. The Kennett government wrote this franchise agreement that required the St Albans station to remain at grade. Incredibly, at the same time the previous government also neglected to include any roadworks for main roads or to improve the traffic management around the proposal.

Unlike the Kennett government, the Bracks government is trying to find a genuine and realistic solution to the traffic problems in this part of Melbourne. Vicroads is currently preparing a traffic report on management options which will be considered by the government when the report is completed. At the same time the funding implications will also be taken into account.

The honourable member for Mordialloc should be condemned for recently leading a blockade that disrupted country train services on the St Albans line — —

Mr Leigh — On a point of order, Mr Speaker, unlike this minister I was never involved in any illegal activity.

The SPEAKER — Order! Again the honourable member for Mordialloc has used the opportunity of taking a point of order and proceeding to make a point

in debate. I shall cease to call him for points of order if he persists in going down this track.

Mr BATCHELOR — After these considerations, if the St Albans station remains at grade I will give consideration to renaming the station the Geoff Leigh Memorial At Grade station.

Mr Leigh interjected.

The SPEAKER — Order! Before calling the honourable member for Mordialloc — —

Mr Leigh — It is a real point of order.

Honourable members interjecting.

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

Mr Leigh — On a point of order, while I am flattered that the minister wants to name the station after me, he did impugn my reputation prior to that remark. He accused me of taking part in an illegal act, which I did not, and under standing order 108 I ask him to withdraw.

The SPEAKER — Order! The honourable member for Mordialloc has found the minister's remarks to be offensive. I ask him to withdraw.

Mr BATCHELOR — I withdraw. I would have thought — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The minister has withdrawn and will conclude his answer.

Mr BATCHELOR — I made a genuine offer to rename the St Albans station after the honourable member for Mordialloc. As he now objects, I will not proceed with it. However, it will stand there as a monument to Liberal Party hypocrisy!

MAS: royal commission

Mr DOYLE (Malvern) — Given that the Minister for Health, as the then shadow minister, met with the Victoria Police on 26 May 1997 and complained to the Ombudsman on 23 September 1998 regarding freedom of information material which he claimed had been improperly denied to him, when did the minister disclose to the police, the Auditor-General and the Ombudsman that he had been in possession of the disputed documents since March 1996?

Mr THWAITES (Minister for Health) — I do not even understand the question asked by the honourable member for Malvern. These are all matters that are before the royal commission and they are properly decided there.

International Year of Volunteers

Mr LEIGHTON (Preston) — In this week — Volunteers Week — will the Minister for Community Services inform the house of what action the government is taking to mark the International Year of Volunteers?

Ms CAMPBELL (Minister for Community Services) — I thank the honourable member for his question. In this year, the International Year of Volunteers (IYV), as a result of the government's initiatives Victorians celebrate, encourage and strengthen their band of volunteers. We pay tribute to the state's 700 000 volunteers — that is roughly 20 per cent of the adult population who are engaged in some capacity in volunteering.

Honourable members will be interested to know that a higher percentage of country Victorians than their metropolitan counterparts engage in volunteer activities, and that a greater number of women volunteer than men. Twenty-nine per cent of Victorians living outside the Melbourne metropolitan area volunteer, compared to only 16 per cent of people living in the metropolitan area, so metropolitan Victorians need to improve their act in volunteering. Men also need to pull up their socks. Regardless of age, occupation, family status or location, more women volunteer than men, and of Australia's 2.6 million volunteers 57 per cent are female and 43 per cent are male.

Honourable members interjecting.

Ms CAMPBELL — The question of their motives I leave to the imagination of honourable members.

This year is a unique opportunity for Victorians and Australians to highlight the achievements of thousands of volunteers. Victoria has picked up the United Nations theme of celebration, encouragement and promotion of volunteering. The government is doing that through each of its departments. I urge honourable members also to be engaged in thanking volunteers and acknowledging their wonderful work and to encourage others who are not volunteering to become volunteers. The Victorian and Australian communities are enriched by the work of volunteers.

Through the Victorian government International Year of Volunteers program, throughout every program area of government and through the ministers and the workers in every single government department, great initiatives are being undertaken. The government has allocated \$1 million on top of what each department is already doing. Through the government's IYV grants program one-third of government IYV expenditure will be for community building programs to equip local communities to celebrate the International Year of Volunteers. The government is also developing grants for seeding projects that will provide an enduring IYV legacy.

The IYV program also provides the community with opportunities to develop partnerships with local councils by developing IYV projects in their own local areas.

To quantify the economic contribution of volunteering to the state, the Victorian government, through the Ronald Henderson Foundation, has commissioned a research project called the Social and Economic Value of Volunteering.

This week, which is Volunteers Week in the International Year of Volunteers, I encourage honourable members to celebrate, encourage and strengthen volunteers through their own networks and to acknowledge their fabulous work.

The SPEAKER — Order! The time set down for questions without notice has expired, and a minimum number of questions has been dealt with.

RULINGS BY THE CHAIR

Webcasting of proceedings

Mr Ryan — On a point of order, Mr Speaker, I seek your clarification on a proposal advanced to me by the Treasurer in a letter of 24 April and on events surrounding the proposal to conduct a live webcast of his budget speech today.

Events culminated last night some time after 6 o'clock in a letter addressed to me being put under the door of my deputy, the honourable member for Swan Hill. The letter indicated, among other things, that the intention of the government to conduct the webcast had been withdrawn.

It is an unfortunate development, because the National Party strongly supports the initiative. However, I seek your clarification regarding three matters, Mr Speaker.

The SPEAKER — Order! Has the honourable member concluded his point of order?

Mr Ryan — No, I seek your clarification on three matters, Mr Speaker. I wrote to you on 30 April this year concerning the matters proposed by the government. I put to you some options that I believed were fair from the National Party's perspective in ensuring that a webcast would proceed. I seek a response to that letter.

Secondly, I seek your direction, Mr Speaker, on the bases you regard as reasonable for the webcasting of Parliament, bearing in mind the rulings you made last year.

Thirdly, I believe this is an issue that should be clarified, because the following statement appears on the government web site today:

The second budget of the Bracks government will be tabled in the Victorian Parliament by the Treasurer, the Hon. John Brumby, MP, at approximately 3:00 p.m. on Tuesday, 15 May 2001.

Full details of the 2001–02 state budget will be available from this site at that time.

If the webcast is not to take place I seek clarification from the government as to its position on the matter.

The SPEAKER — Order! The Leader of the National Party has raised a point of order about the correspondence sent to me by him, the Treasurer and the Leader of the Opposition. In a ruling on 10 May 2000 in relation to webcasting I set out my expectation that the requirements of the televising and broadcasting rules of the Assembly would be adhered to before any further approval was given. It became apparent to me over the past two weeks that such an agreement was unlikely to occur.

In response to the point of order about the bases on which such webcasts could be conducted, I believe, as I have previously expressed to the house, that webcasts should be conducted under the auspices of this Parliament. Until such time as the information technology subcommittee of this Parliament deals with the matter, I will not be able to report further. There is no point of order.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 5

Ms GILLETT (Werribee) presented *Alert Digest No. 5 of 2001* on:

Agriculture Legislation (Amendment) Bill
Building (Single Dwellings) Bill
Community Visitors Legislation (Miscellaneous Amendments) Bill
Corrections (Custody) Bill
Corrections and Sentencing Acts (Home Detention) Bill
Gas Industry Bill
Gas Industry Legislation (Miscellaneous Amendments) Bill
Health (Amendment) Bill
Judicial and Other Pensions Legislation (Amendment) Bill
Judicial College of Victoria Bill
Land Surveying Bill
Liquor Control Reform (Amendment) Bill
Post Compulsory Education Acts (Amendment) Bill
Racing (Racing Victoria Ltd) Bill
Transfer of Land (Amendment) Bill
Urban Land Corporation (Amendment) Bill
Victorian Managed Insurance Authority (Amendment) Bill

together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Drugs, Poisons and Controlled Substances Act 1981 — Documents pursuant to s 12H — Poisons Code

Standard for the Uniform Scheduling of Drugs and Poisons No. 15 Amendment No. 4.

Notice regarding amendment, commencement and availability of the Poisons Code.

Financial Management Act 1994:

Budget Paper No. 2 — 2001–02 Budget Statement

Budget Sector — Quarterly Financial Report for the period ended 31 March 2001

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal under s. 65AB

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2000

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Banyule Planning Scheme No. C1

Bayside Planning Scheme No. C5

Brimbank Planning Scheme No. C28

Cardinia Planning Scheme No. C9 Part 1

Greater Bendigo Planning Scheme No. C3
 Greater Geelong Planning Scheme Nos C8, C12
 Knox Planning Scheme No. C11
 Macedon Ranges Planning Scheme No. C3
 Mornington Peninsula Planning Scheme No. C19
 Nillumbik Planning Scheme No. C4
 Warrnambool Planning Scheme No. C13
 Whitehorse Planning Scheme Nos C10, C17
 Yarra Ranges Planning Scheme No. C17

Mt Buller Alpine Resort Management Board — Report for the year ended 31 October 2000

Mt Hotham Alpine Resort Management Board — Report for the year ended 31 October 2000

Statutory Rule under the *First Home Owner Grant Act 2000* — SR No. 37

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No. 37

Surveillance Devices Act 1999 — Reports pursuant to s. 37 from the National Crime Authority, Chief Commissioner of Police and Department of Natural Resources and Environment

Wildlife Act 1975 — Wildlife (Control of Hunting) Notice No. 6/2001.

ROYAL ASSENT

Message read advising royal assent to:

City of Melbourne Bill
Corporations (Commonwealth Powers) Bill
Environment Protection (Liveable Neighbourhoods) Bill
Forestry Rights (Amendment) Bill
Police Regulation (Miscellaneous Amendments) Bill
State Taxation Acts (Further Miscellaneous Amendments) Bill
Statute Law Amendment (Authorised Deposit-taking Institutions) Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Corrections (Custody) Bill
Corrections and Sentencing Acts (Home Detention) Bill
Gas Industry Bill
Health (Amendment) Bill
Judicial and Other Pensions Legislation (Amendment) Bill
Judicial College of Victoria Bill
Land Surveying Bill

Post Compulsory Education Acts (Amendment) Bill
Transfer of Land (Amendment) Bill
Urban Land Corporation (Amendment) Bill
Victorian Managed Insurance Authority
(Amendment) Bill

And we continue to put in place the frameworks for long-term improvement in our social services.

This budget builds on the achievements of our first 19 months in office and equips Victoria for the future.

It is a budget that is right for the times.

In this, the second budget of the Bracks Labor government, we deliver today — and build for tomorrow.

APPROPRIATION (2001/2002) BILL

Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2001–02.

Responsible financial management

Estimates ordered to lie on table.

A sound and stable financial platform is fundamental to Victoria's economic, social and environmental wellbeing.

Introduction and first reading

Mr BRUMBY (Treasurer), pursuant to standing order 169(a), introduced a bill for the appropriation of certain sums out of the consolidated fund in respect of the financial year 2001–02 and for other purposes.

All the initiatives in this budget will be delivered within a framework of responsible financial management.

Read first time.

A substantial budget operating surplus of \$509 million is forecast for 2001–02.

Second reading

Mr BRUMBY (Treasurer) — I move:

Surpluses averaging around \$500 million are projected in the following three years.

That this bill be now read a second time.

Last year the first budget of the Bracks Labor government delivered on our election commitment to govern for all Victorians.

The international ratings agency, Standard and Poor's, recently affirmed Victoria's long-term AAA credit rating.

It delivered responsible financial management.

Both Standard and Poor's and Moody's Investor Services have cited Victoria's exceptionally low debt levels, strong fiscal position and the government's responsible financial management as the key reasons for Victoria's AAA credit rating.

It demonstrated our commitment to the people of rural and regional Victoria.

The government is committed to keeping these excellent ratings by maintaining the state's net financial liabilities at prudent levels.

It met each and every one of our promises in education, health and community safety.

And it introduced a new level of openness and accountability in government decision making.

General government net financial liabilities, excluding Growing Victoria financial assets, are expected to fall from 10.8 percent of GSP as at June 1999 to 7.2 percent by June 2005.

This year, we take the next step.

We set the scene for continued economic and jobs growth in the state — by investing in new infrastructure, by cutting taxes and by encouraging a creative and innovative economy.

State government net debt, excluding Growing Victoria, will decline from \$4.9 billion at June 1999 to \$2.5 billion by June 2005.

We look to the skills and technology Victoria needs in the medium to long term.

Lower net debt means a reduced interest burden for the state, freeing up our capacity to improve services in the government's priority areas of health, education and community safety.

We recognise that for our economic growth and social development to be sustainable, we must manage our natural resources wisely.

Honourable Speaker, under the Bracks government, Victoria's net debt will be cut by half.

Victoria's financial platform is sound — and our financial position is strong.

Honourable members interjecting.

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

Mr BRUMBY — I turn to the next heading.

Growing the whole state

The Victorian economy is also in good shape — and for the first time in many years, regional Victoria is benefiting from new economic and employment opportunities.

Over the next year, the Victorian economy will continue to grow, although at a more moderate pace — 2.5 per cent this year and 2.75 per cent in 2001–02.

This softening in growth is due to weaker global economic conditions and the adverse impact of the Howard and Costello GST.

However, the government's commitment to sound financial management and policies designed to attract investment and generate employment is serving Victoria well.

The Victorian economy continues to perform better than the rest of Australia — particularly when it comes to creating jobs.

Victoria accounted for well over half of all new jobs created in Australia over the past year — significantly higher than the state's 25 per cent share of national output.

As at March 2001, 2.3 million Victorians were employed — 68 500 more than a year ago.

More than one in three of these new jobs is in regional Victoria.

This is not only a case of rural and regional Victoria enjoying stronger employment growth than Melbourne — it is the best jobs performance in Australia.

The Bracks government's policies have focused on rebuilding rural and regional communities.

There is a new-found confidence and optimism in many regional areas — and the government is very, very proud to have contributed to the revitalisation of country Victoria.

The government is committed to growing the whole state.

In this budget, we take the next step.

We put in place the programs to further improve the productive capacity of the whole Victorian economy — by investing in Victoria's infrastructure, driving innovation, enhancing the competitiveness of Victoria's business tax regime and ensuring environmentally sustainable development.

Infrastructure

In this budget, the government delivers record investment in projects that will provide jobs and benefit the whole state — now and into the future.

New infrastructure projects totalling \$2.13 billion will commence in 2001–02 — the biggest new budget investment in public infrastructure in Victoria's history.

It is an unprecedented program of capital works, laying down the foundation for long-term, sustainable growth.

It is something Victorians have told us they want to see.

They have told us they want us to invest for the future — responsibly and wisely — putting the financial strength of the state to work for all Victorians.

They want schools and hospitals upgraded. They want better public transport, particularly rail services. They want access to information and communications technology. They want their government — the Bracks government — to invest in those things and to deliver those things.

Over the next four years, Victoria's net spending on asset investment will increase by a massive 45 per cent.

And we will do this without one additional dollar of new debt.

Victoria's investment in infrastructure will be entirely financed from budget surpluses and the planned allocation of the Growing Victoria infrastructure reserve.

Recognising Victoria's strong financial performance this year, the 2001–02 budget also allocates a further \$175 million to the original \$1 billion Growing Victoria reserve.

Transport

The government is revitalising Victoria's transport infrastructure.

We are joining up the state and linking Victoria to the national system.

In this budget, the government addresses more than 120 years of different rail gauges in Victoria by providing \$96 million for the standardisation of regional railway gauges.

This will deliver a seamless freight system across the state, integrating Victoria's industries with the national and global economies.

It will reduce freight costs and improve access to Victoria's ports for regional business and industry.

And it will bring significant economic and environmental benefits to regional communities across Victoria.

The government is also providing \$30 million for the realignment of the current railway through Wodonga, promoting industry development and improving freight and passenger facilities on the most critical land transport link in Australia, the corridor between Melbourne and Sydney.

We are bringing train services back to the people of country Victoria, with \$33 million for capital works for the reopening of country rail services to Mildura, Ararat, Bairnsdale and South Gippsland.

We are reopening lines closed by the previous government, giving country Victorians the rail services they want and opening up new opportunities for regional tourism and economic development.

This year's budget also gives effect to the government's decision to allocate an additional \$470 million towards fast rail links between Melbourne and the key regional centres — Melbourne–Ballarat, Melbourne–Bendigo, Melbourne–Geelong and Melbourne–Latrobe Valley.

Other key initiatives include:

\$40 million towards upgrading a major tourist route, the Bass Highway, and to upgrading and replacing bridges over the Murray River; and

\$20 million to facilitate public transport extensions in metropolitan Melbourne — the Mont Albert tramline to Box Hill and the St Albans-to-Sydenham train line.

The budget also provides for the government's announcement of an additional \$71 million for the construction of the Eastern Freeway extension to Ringwood and \$2 million towards planning and development of the Scoresby transport corridor.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Warrandyte!

Mr BRUMBY — The Bracks government will do what the Kennett government failed to do.

We will build an integrated transport system for the whole of Victoria.

We will meet the challenge of revitalising Victoria's roads, rails and ports and we will drag Victoria's transport system into the 21st century.

Innovation — leading the way

As well as building a 21st century transport system, the government is determined to position Victoria as a world leader in innovation, science and technology.

Innovation and creativity are fundamental to traditional and new industries, to sustaining existing jobs and encouraging jobs growth in the future.

Victoria's strong research and knowledge-creation credentials have already put us on the map as one of the world's technology hot spots, with an economy characterised by innovation, leading-edge use of technology and a highly skilled and educated work force.

We are a leading location for biotechnology, accounting for one-third of Australia's biotechnology companies and almost 50 per cent of all biotech start-ups over the past year.

The government has put strategies in place to boost advanced and high-tech manufacturing, and we are on track to meet our goal of making Victoria a centre for manufacturing excellence for the Asia-Pacific region.

This budget builds on these strengths to position Victoria as a global leader in ICT, biotechnology and advanced manufacturing.

Enhancing Victoria's learning environment

The Bracks government understands that Victoria's capacity to be a world leader in these areas depends upon how well we foster our skills and knowledge, and how well we develop our capacity for innovation and creativity.

Creativity, innovation, flexibility and skills are the emerging hallmarks of the globally oriented Victorian economy.

In this budget, we will invest an additional \$386 million in education and training infrastructure over the next four years — the biggest investment in education and training infrastructure in decades.

This includes:

a \$90 million program for the modernisation of science laboratories, libraries and other facilities in our schools;

\$64 million to provide TAFEs with high-technology learning tools and to upgrade obsolete and deficient ICT infrastructure; and

\$40 million over two years to modernise ICT facilities in schools.

To build a successful, innovative and creative economy, we must give all Victorians access to skills development and information technology.

The Bracks government is bridging the digital divide by investing \$23 million to achieve a better than 1:5 computer to student ratio in all government schools, to provide computers for distance education students and to enhance Internet access in all of our schools.

We are improving opportunities for young people in country Victoria by allocating \$10.5 million for the Gippsland education precinct, \$5 million for the Ballarat Vocational Education and Training Centre and \$600 000 to develop a master plan for the Maryborough education precinct.

These are substantial, important and necessary investments in Victoria's future.

Expanding research and knowledge creation

This budget builds on Victoria's position as Australia's leading location for research and development.

The government will drive the expansion of Victoria's knowledge-creation capabilities by investing in research and education institutions.

We are targeting the areas of agriculture, viticulture, gene technology and space science through:

\$50 million over three years to modernise regional research and development institutes;

\$7 million to develop the Australian College of Wine, providing world-class training in an industry of growing importance to Victoria; and

\$15 million to establish a new science and technology centre at Bacchus Marsh Secondary College, a new world-class gene technology access centre at University High School and a new centre for space science education at Strathmore Secondary College.

In addition, we have allocated \$2 million to support an application to the commonwealth government to construct a national synchrotron facility in Victoria.

Driving innovation and creativity

The government is also committed to keeping our best young scientists and researchers here in Victoria and bringing experts back from overseas.

We will do this in a number of ways.

We will provide \$10 million in seed funding to establish the Victorian Endowment for Science, Knowledge and Innovation, or VESKI.

Through VESKI, the government will seek matching contributions from the private sector to kick-start activities that contribute to the growth of knowledge-based activities in Victoria.

The government will also commit a further \$11 million to increase the number of ICT graduates, open up additional places for ICT apprentices and trainees, provide ICT scholarships in Victorian universities and encourage research activity.

The government is also making a major investment in Victoria's film and television industry — an industry at the forefront of a creative and innovative economy.

The government will provide \$32 million over the next four years towards industry development and investment in film and television production.

This funding will mean more jobs for Victorian actors, writers and production staff. Victoria will once more be the envy of other states in terms of domestic television drama and independent feature film production.

Modernising government

Building an innovative and creative economy requires that government lead by example — doing things better and smarter.

The government's willingness to embrace new technologies to deliver increased efficiency and improved services makes it a world leader.

Initiatives in this budget include:

\$4 million for the redevelopment of the vic.gov.au portal, improving access to online government services and information;

a \$30 million ICT strategy for health care, linking metropolitan health services, regional and rural hospitals and primary care partnerships throughout Victoria;

\$30 million for an electronic version of the land titles register; and

a \$3 million regional telecommunications infrastructure program to install high quality collaboration, videoconferencing and Internet facilities in 30 regional centres across Victoria.

These initiatives will improve both the quality of services delivered by the government, and the quality of people's lives throughout Victoria.

Competitive business environment

The government is committed to driving innovation and building infrastructure to create jobs across the whole state.

Job creation also requires a competitive business environment in which the private sector can prosper.

The government has developed a state business tax regime that will reduce business costs and raise business confidence.

The government's Better Business Taxes — Lower, Fewer, Simpler package is based on the belief that Victorian businesses throughout the state, large or small, should receive a fair deal from tax reform.

It reduces the burden of payroll tax, cuts the number of state business taxes and reduces paperwork and red tape.

Lower, fewer and simpler taxes.

The government has delivered its promise to cut business taxes by \$100 million per year from July 2001, increasing to \$200 million per year by July 2003.

In addition, further tax cuts rising to \$151 million in 2004–05 are delivered in this budget.

That makes a total of \$774 million in tax cuts over the next four years.

Environmental sustainability

Building for tomorrow also means putting in place long-term strategies to ensure that economic growth is environmentally sustainable.

This budget gives effect to the historic agreement with New South Wales and the commonwealth to restore flows to the Snowy River.

Fifteen million dollars has been allocated in 2001–02 to fund Victoria's contribution, with a total contribution over 10 years of \$150 million.

An additional \$5 million has been allocated for environmental monitoring and riverine works.

Victorians can be proud of the environmental leadership shown by the Bracks government in restoring flows to the Snowy — one of Australia's great rivers.

The government is also showing leadership in protecting Victoria's marine environment.

Over the next four years, almost \$40 million will be provided to create a comprehensive and representative system of highly protected marine areas, including the establishment of the Port Phillip Heads Marine National Park.

The government is also tackling salinity — a major environmental issue that is restricting economic and regional development across Victoria.

The commonwealth and the states are signing a national action plan for salinity and water quality.

This will further enhance the Victorian government's efforts to address this issue — and Victoria has allocated \$157 million over seven years as our contribution to the action plan.

Honourable Speaker:

infrastructure;

innovation;

competitive business taxes;

environmental sustainability.

These will underpin long-term jobs growth in Victoria — and, in this budget, the government makes a substantial investment in each.

Delivering improved services

Delivering new jobs for Victorians is fundamental to the Bracks government.

So too is delivering high quality services.

In 2000–01, the government honoured its commitment to improve services and boost expenditure in key areas in health, education and community safety.

In the 2001–02 budget, the government is building on last year's investments by adopting medium to long-term strategies to improve service quality, access and equity.

Health and community services

In this budget, the rebuilding of Victoria's health and hospital system continues with a \$1.4 billion boost to treat more patients, employ more nurses, ease emergency demand and upgrade hospital buildings and equipment.

This increase will result in an extra 30 000 patients treated each year and reduce waiting times in emergency departments.

The Bracks government will fund a four-year hospital demand strategy, including:

\$150 million to improve management of chronic conditions and reduce hospital readmissions;

\$384 million to treat an extra 11 000 elective surgery patients and an extra 14 000 emergency admissions a year, provide extra support to intensive and neonatal care units, provide 280 additional renal dialysis treatments a year, and open 300 new hospital beds; and

\$48 million for sub-acute care and home-based alternatives so elderly patients can be treated in a more appropriate environment than hospital emergency departments.

The government is also undertaking a major capital works program for hospitals and nursing homes, including:

expansions to the Maroondah and Angliss hospitals;

upgrading the Frankston, Ararat and Stawell hospitals;

building a new community health service in Werribee;

redeveloping the Grace McKellar Centre in Geelong;

redeveloping the Austin and Repatriation Medical Centre; and

upgrading nursing homes across country Victoria — Wonthaggi, Rainbow, Hopetoun, Avoca, Dunolly and Omeo.

We are also building two new regional ambulance stations in Romsey and Barwon South.

In other funding initiatives, the government is providing:

\$35 million for improved ambulance services;

\$9.6 million for free needles and extra support for diabetics and an expansion of breast screening;

\$8.4 million to treat an extra 3000 Victorians in public dental services; and

\$14 million to improve mental health services.

This massive boost to health funding continues the Bracks government's commitment to rebuilding Victoria's public health system after years and years of decline and neglect.

The government is delivering better community services to families, children, the homeless, people with disabilities and older Victorians.

The government's \$100 million land and residential redevelopment of the century-old institution formerly known as Kew Cottages will improve the lives of 462 people with disabilities and their families.

New homes will be built on site and around Victoria so that residents can be close to family, friends and support services.

Education and training

The Bracks government is committed to a world-class public education system.

Giving young people the opportunity to succeed in education is central to every modern society.

Since 1998–99, Victoria has moved from being the lowest spending state per capita on education to being the second-highest state.

Honourable members interjecting.

Mr BRUMBY — You hate success.

The SPEAKER — Order! I ask government benches to come to order. The honourable member for Bentleigh should cease interjecting.

Mr BRUMBY — We have set formal goals and targets to improve literacy and numeracy, increase year 12 retention rates and improve the level of participation and achievement in rural and regional Victoria.

We have reduced class sizes for years prep to 2 and we are on track to meet our target of an average class size of 21 by 2003.

We are bringing more than 2000 new staff into Victorian schools, including 800 additional primary schoolteachers.

We have put in place a middle years of schooling initiative, aimed at enhancing student engagement, improving literacy and numeracy and increasing student attendance rates in years 5 to 9.

We have also enhanced Victoria's training system.

It is now much better placed to provide the quality education and training so essential to promoting economic and social opportunities.

As at March 2001, there were a record 97 827 Victorian apprentices and trainees — 21 per cent higher than a year earlier.

In this budget, the Bracks government continues our investment in public education and training.

This year, we will invest \$386 million extra in education and training infrastructure.

We will enhance learning environments with new science, library and IT facilities.

We will link up schools and TAFEs to give Victorian students access to the best technology money can buy.

And we will build new schools to meet the needs of our growing population.

We will make sure that young Victorians have the skills and opportunity to participate fully in a knowledge society.

Community safety

One of the government's key priorities is to ensure that Victorians feel safe in their homes, streets and communities.

Through the efforts of government agencies and local communities, Victoria remains a relatively low-crime state.

In 1999–2000, for the second year in a row, Victoria had the lowest proportion of all states of victims of recorded crime against both property and the person.

The government is on track to provide an additional 800 operational police by June 2003.

This budget provides an additional \$34 million over four years to upgrade and replace existing police stations throughout Victoria, including stations at Bellarine, Croydon, Diamond Creek, Endeavour Hills, Gisborne, Kilmore and Maryborough.

Despite having the lowest imprisonment rate of all the states, Victoria's total prison population continues to increase, and prisoner numbers have reached or exceeded our prison capacity.

The challenge for the government is not only to meet current requirements but also to develop a long-term corrections management strategy.

The government will meet this challenge through a 10-year master plan for the corrections system.

In this budget, we will provide \$73 million over four years for prison diversion and offender rehabilitation initiatives.

Over the long term, the strategy is expected to reduce the demand for adult prison beds by up to 600.

In addition, the government will expand overall permanent capacity by a further net 716 prison beds.

These initiatives strike a balance between reducing the number of offenders entering the system, delivering appropriate rehabilitation services and ensuring that Victoria's prisons are able to meet future requirements.

Community building

All these investments — in infrastructure, in people, in services, in community safety — are directed towards the government's goal of promoting sustainable economic and social development across the whole of Victoria.

But some parts of Victoria are doing better than others.

The government's strategy of community building is designed to target those areas being held back by geographic or socioeconomic disadvantage — those communities, regions and suburbs which are facing

difficult issues such as high unemployment, lack of educational opportunity and social isolation.

This whole-of-government strategy will provide new opportunities for partnerships with communities, local government, business and philanthropic trusts.

To encourage local community leadership and assist communities to develop local solutions to local problems, we will provide up to \$7 million over three years for up to 10 pilot projects in Victorian communities to tackle social and economic disadvantage.

To drive these initiatives, a minister with special responsibility for community building will be appointed to assist the Premier.

In addition, the government will develop a statewide capacity building program for indigenous Victorians and is providing an additional \$2.1 million for the management of native title issues and local reconciliation initiatives.

Restoring democracy and accountability

Finally, this budget demonstrates the Bracks government's commitment to accountability and transparency and ensures that its financial operations are subject to enhanced scrutiny.

The budget has again been examined by the Auditor-General as required by the new standards of financial reporting introduced by the government last year.

He has reported that nothing has come to his attention that would cause him not to believe that the financial statements are consistent with the government's key financial target of achieving an operating surplus of at least \$100 million in each year.

This assures Victorians that the government's budget decisions are consistent, reasonable and properly prepared.

Right across the board, we have opened up the processes of government.

We have given Victorians a say in what they want for their families and communities.

This budget reflects what Victorians want for the future of their state.

And it is proof of this government's commitment to consultation, to openness and to working in partnership with Victorian communities.

Appropriation bill

The Appropriation (2001/2002) Bill provides authority to enable government departments to meet their agreed service delivery responsibilities in 2001–02.

The bill supports a financial management system that recognises the full cost of service delivery in Victoria and is thus based on an accrual framework.

Schedule 1 of the bill contains estimates for 2001–02 and provides a comparison with the 2000–01 figures.

In line with recent practices, the estimates included in schedule 1 of the bill are provided on a net appropriation basis.

These estimates do not include certain receipts that are credited to departments pursuant to section 29 of the Financial Management Act 1994.

Conclusion

Honourable Speaker, the Bracks Labor government is getting on with the job:

by reforming the business tax system;

by dragging our transport system into the 21st century;

by driving innovation and creativity;

by overhauling and reforming the corrections system;

by building stronger communities;

by putting in place the framework for improved services in education, health and aged care; and

by maintaining a strong and secure financial base.

This budget is financially responsible and socially progressive.

It is a budget that invests in infrastructure and in Victoria's greatest asset — our people.

It is a budget that is right for the times.

It positions Victoria for the 21st century.

This budget delivers today — and builds for tomorrow.

Honourable Speaker, I commend the bill to the house.

Government members applauding.

The SPEAKER — Order! I ask government members to take their seats.

Honourable members interjecting.

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

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 31 May.

APPROPRIATION (PARLIAMENT 2001/2002) BILL

Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2001–02.

Estimates ordered to lie on table.

Introduction and first reading

Mr BRUMBY (Treasurer), pursuant to standing order 169(a), introduced a bill for the appropriation of certain sums out of the consolidated fund for the Parliament in respect of the financial year 2001–02 and for other purposes.

Read first time.

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

The bill provides appropriation authority for payments from the consolidated fund to the Parliament in respect of the 2001–02 financial year including ongoing liabilities incurred by the Parliament such as employee entitlements that may be realised in the future.

Honourable members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the Appropriation (Parliament 2000/2001) Act 2000 have been estimated and included in the budget papers. Prior to 30 June actual unapplied appropriation will be finalised and the 2001–02 appropriations adjusted by the approved carryover amounts pursuant to the provisions of section 32 of the Financial Management Act 1994.

In line with the wishes of the Presiding Officers, appropriations in the bill are made to the departments of the Parliament.

The total appropriation authority sought in this bill is \$71 million (clause 3 of the bill) for Parliament in respect of the 2001–02 financial year.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 31 May.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to sessional order 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 17 May 2001:

Benefit Associations (Repeal) Bill

Tobacco (Further Amendment) Bill

Liquor Control Reform (Amendment) Bill

Electricity Industry Acts (Further Amendment) Bill

Judicial and Other Pensions Legislation (Amendment) Bill

Judicial College of Victoria Bill

Motion agreed to.

MEMBERS STATEMENTS

Police: prisoner accommodation

Mr WELLS (Wantirna) — The opposition condemns the Bracks Labor government and the minister responsible for police and emergency services and corrections for their inability to reduce the number of prisoners serving their sentences in country police stations. The opposition thought the budget would increase prison beds by at least 900, but the fine print suggests it is only 716. The Bracks government has turned a blind eye to the increasing pressure on Victorian police officers in regional Victoria and is allowing small country police stations like Ararat to be turned into pseudo jails.

Last week I visited Ballarat and Ararat and my worst fears were confirmed. In Ballarat three prisoners were serving their sentences inside the Ballarat police station. But to make it worse, in Ararat a prisoner was serving his sentence in a B-category cell. That cell should only ever be used for a 24-hour period. Yet in Ararat valuable police resources are being taken off the streets to look after this one prisoner who is being held there.

The reason that prisoners are being held in Ballarat, for example, is the overflow situation in the metropolitan area. Prisoners are taken to Ballarat and the local police are not given any right of refusal — they have to accept the procedure whether they like it or not. The Ararat cell is not rated so prisoners can serve time there.

Police officers did not sign up to become jailers.

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

Reconciliation Gayip

Mr HAMILTON (Minister for Aboriginal Affairs) — I acknowledge the traditional owners of the land on which this Parliament stands, the people of the Kulin nations, and pay my respect to their elders. It is particularly appropriate that I do so today because, together with the honourable member for Warrandyte, I attended what I believed to be the most impressive ceremony held during the week of centenary of Federation celebrations.

The ceremony organised by the Catholic Education Office under the sponsorship of the Catholic archdiocese of Melbourne was entitled Reconciliation Gayip. The ceremony was a great credit to the people who organised it, to the more than 13 000 students from Melbourne's Catholic school community who attended it and, certainly, to all the wonderfully talented students who participated in it.

I congratulate the Catholic archdiocese on the leadership it has shown in leading the younger people of this community towards reconciliation and to a recognition of the way in which the religious and spiritual beliefs of the Aboriginal and Catholic communities can be — —

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

CFA: volunteers

Mr KILGOUR (Shepparton) — I welcome moves by the Country Fire Authority to tackle problems with the training of volunteers. The appointment of an experienced senior regional officer to head the CFA's operational training and plans for a summit to be held to allow volunteers and staff to identify training issues of concern are steps forward. I wish Graeme Fountain all the best in his new position, but I do not envy him his job, because he is facing a group of annoyed volunteer firefighters.

Many of our magnificent brigade volunteers are disappointed about elements of the enterprise bargaining agreement for full-time CFA staff, which provides for paid training by operational staff who are union members and not by volunteers, as has previously been the case. It is a slap in the face for the volunteers. Some brigades have also been let down by the cancellation of training at short notice — sometimes, they believe, by instructors who did not fully understand rural conditions.

In his short time as CFA chief executive Bob Seiffert has listened to the brigades' concerns. I congratulate him on arranging a summit so that all matters of concern can be brought out into the open. However, the CFA must keep open its lines of communication with the volunteers by doing as it has promised — for example, by publishing its report on the Stawell fires as soon as possible, because a longer wait will only make the volunteers sceptical about the system.

One Nation: Chinese function

Mr LEIGHTON (Preston) — Last Thursday I attended the launch of a book entitled *Melbourne — Chinese Stories*. It was a major function that was well attended by members of the Chinese community and others.

At what was otherwise a successful occasion I was amazed to find One Nation senator, Len Harris, in attendance, even though he was not invited by the organisers. However, I was dismayed to find that he had been invited by Liberal Party senator, Tsebin Tchen. Senator Tchen gave a lengthy speech in Chinese, which a friend translated for me. He was clearly an apologist for One Nation, saying that despite Pauline Hanson most One Nation members were not racist and liked Chinese culture.

I know that in Queensland National Party members of Parliament are playing for One Nation preferences, but I would have hoped that in Victoria both major political parties would shun One Nation rather than breathe respectability into it, which is what Senator Tchen did.

One Nation is inherently racist. Its modus operandi is to exploit prejudices — that is where it gets its votes from — and it is not about to change because Senator Tchen takes one of its members to a Chinese function. Just as I would be sickened to find members of the League of Rights at a Jewish function, I do not believe anything positive comes from One Nation attending a function for the Chinese community.

Women Shaping the Nation: list

Mrs ELLIOTT (Mooroolbark) — I offer for the consideration of the Minister for Women's Affairs, the minister responsible for the centenary of Federation, and her mentor, the Honourable Joan Kirner, the following supplementary list of firsts and founders for consideration on International Women's Day 2002.

They are: first, Henry Handel Richardson, author of the definitive Australian novel *The Fortunes of Richard Mahony* — and a Victorian; second, Mary Grant Bruce, author of the Billabong series, which enthralled and continues to interest generations of children in telling the Australian story in a bush setting — and a Victorian; third, Clara Southern, who painted with and achieved as much artistically as the male members of the Heidelberg School in defining the Australian landscape — and a Victorian; fourth, the late Mietta O'Donnell, who married the arts and fine food in a unique and pioneering way — and a Victorian; fifth, Jan Wade, the first Victorian female Attorney-General and a determined advocate for woman — and a Victorian; and sixth, Kaarene Fitzgerald, AC, founder of the Sudden Infant Death Research Foundation, which dramatically reduced infant deaths in Victoria — and a Victorian.

All these women were notable omissions from the Women Shaping the Nation list.

Wyndham Community Cultural Centre

Ms GILLETT (Werribee) — It is with pleasure that I make a brief contribution to congratulate the community of Werribee, Hoppers Crossing and Wyndham in general on our unique centenary of Federation celebration which took place last Saturday. It was with enormous pleasure that I was able to open the old Centenary Hall building in Werribee which experienced members on both sides of the house will have heard me speak about almost ad nauseam for five years. The new Centenary Hall, renamed the Wyndham Community Cultural Centre, was reopened on the week that we celebrated the anniversary of federation in my community.

It was a special time for a number of people, and I would like to briefly thank them. They are the people who managed to keep Centenary Hall free from poker machines — Barry Main, Heather Marcus and Bob Clements; the 2000-odd constituents who signed the petition to reopen the hall after it had been closed by Kennett government-appointed commissioners; and the dedicated councillors and council officers past and

present who worked so hard to achieve the funding necessary to reopen Centenary Hall.

Preschools: funding

Mr COOPER (Mornington) — I am aware that the Minister for Community Services continues to maintain that there is no crisis in Victoria's preschools. However, the facts show that the minister is not only out of touch but out of her depth on this matter. The minister should stop listening to those in her department who are telling her that everything is rosy and start listening to those who are trying hard to keep their local preschools going.

Many preschool teachers have left or are about to leave their profession. They can go to primary schools and earn a lot more money — and they are almost impossible to replace. Expertise in preschool education is diminishing rapidly as experienced teachers move to employment with greater remuneration and fewer responsibilities.

Carol Allen, the executive director of Kindergarten Parents Victoria, has said:

There's a shortage of teachers, morale is low, the level of responsibility for parents has increased to unsustainable levels. We've reached a point now that, if the issues are not addressed, preschools won't survive.

The time is well overdue for the Minister for Community Services to do something about this crisis. She should stop her procrastination and start taking urgent action.

Nagambie Bowling Club

Ms ALLEN (Benalla) — I take this opportunity of congratulating the Nagambie Bowling Club on an extraordinary effort in qualifying for the *Guinness Book of Records*.

The six players participating — Scott Shead, Robert Page, Dave Dickson, George Pianta, Les Hannam and Harold Salter — began at 12 noon on Friday, 20 April, and played right through until just after midday on the Saturday, 25¼ hours later, stopping only because of rain. The Nagambie players bowled 235 ends, which means a total of 3760 individual bowls were played.

Team B, consisting of Scott Shead, Robert Page and George Pianta, defeated Team A, consisting of Dave Dickson, Les Hannam and Harold Salter, 238 to 212. As a result of that magnificent effort the Nagambie Bowling Club raised \$5000 for the Royal Children's Hospital Good Friday Appeal. I congratulate them on

their outstanding feat, which gained them entry into the *Guinness Book of Records*.

Gas: Barwon Heads supply

Mr PATERSON (South Barwon) — This incompetent government has left Barwon Heads residents to fend for themselves in their efforts to have the town connected to natural gas. The government has done next to nothing to assist, showing no commitment to get involved and assist the town as the Office of the Regulator-General and the energy company TXU fire claim and counterclaim at each other. It seems this government is content to laze around watching the world go by rather than jumping into the driver's seat and delivering results.

Despite the Regulator-General handing down a decision allowing it to recoup its financing costs on the Barwon Heads extension, TXU was not satisfied because other capital expenditures valued at \$29 million were not covered. Did the government seek to find common ground with the parties? The answer is no. Has the government left the people of Barwon Heads stranded? Absolutely! What have we heard from the government since the impasse? Complete silence.

The government pretends to care about regional Victoria. The truth is, it couldn't care less.

International Year of Volunteers

Ms DUNCAN (Gisborne) — After listening to the presentation of a wonderful state budget, with all the benefits it will bring to the whole of Victoria and certainly to the electorate of Gisborne, it is difficult to know where to begin.

Today I sing the praises of the volunteers in the electorate of Gisborne. In this International Year of Volunteers, and especially in Volunteers Week, the house should recognise the huge number of volunteers in the Gisborne communities. Local voluntary organisations, to name just a few, include the Country Fire Association, the State Emergency Service, the various friends groups who do a wonderful job for our environment, and the various hospital and community health centre auxiliaries. That is not to mention all the volunteers who work in our schools, hospitals and kindergartens, including school councils and parents and friends associations. All these people perform wonderful feats such as fundraising and community building, and many vital community structures could not exist without them.

There are also people who care for the sick in our hospitals and our aged care facilities and hostels, people

who offer respite to carers of people with disabilities and serious illnesses and people who run our cricket, football, netball, basketball and Little Athletics clubs, often on the smell of an oily rag.

Then there are all the church groups and the benefits they bring, plus the Rotary clubs, the Lions clubs, the Zonta and Probus clubs — —

The SPEAKER — Order! The honourable members time has expired. The honourable member for Bellarine has 45 seconds.

Leopold Primary School

Mr SPRY (Bellarine) — I direct the attention of honourable members to the plight of the Leopold Primary School, which was vacated in its entirety last week due to structural faults caused by subsidence of the building's foundations over a long time.

The Minister for Education must use all her authority to ensure that the students, the staff and the school community are given top priority in the replacement program so they are not unnecessarily disadvantaged. The acting principal, David Cross, the chairman of the school council, Peter Fisher, and his council, and the entire school community are handling the situation with a good deal of aplomb. They understand the demands being made on their school and are willing to collaborate and cooperate to the best of their abilities. However, they need the assistance of the minister in particular — —

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

BENEFIT ASSOCIATIONS (REPEAL) BILL

Second reading

Debate resumed from 5 April; motion of Mr CAMERON (Minister for Local Government).

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Benefit Associations (Repeal) Bill, which is supported by the National Party. Having regard to the bill's relatively narrow scope and other factors operating on this day of days in the parliamentary year I intend to be brief.

The purpose of the bill is to repeal the Benefit Associations Act 1958. The whole area of benefits has historically had a very poor story to tell. No doubt honourable members are familiar with various schemes

such as prepaid funeral benefit schemes that were an absolute nightmare for the people involved. The stories told about people, particularly elderly people, who entrusted themselves to the schemes that operated under the previous legislation often reflected no credit on the industry.

The problem with the schemes is that people were had: they contributed money, often money that was in very short supply, in the belief that when the funds were called on for the purposes of their burial those funds would be available, but more often than not because of breaches of the legislation those funds were expended in other ways. People close to the deserving people who had contributed faithfully in the belief that the money would be there when it was needed found that that was not the case. It became necessary to enact legislation to deal with the issues pertaining to funeral benefit and other similar schemes.

Age pensioners were particularly badly hit. The second-reading speech refers to the fact that there are plenty of examples of people paying sixpence a week from their pensions into a funeral benefit fund that in the end gave them no benefit at all. The situation was deplorable. One's first reaction might be to think that was not a lot of money, but as honourable members know, for some people in our community who do not enjoy the best of financial circumstances that amount of money, small though it may seem, would have been relatively substantial.

There is plenty of anecdotal material about substandard caskets being provided. In one dreadful instance a crack appeared in a coffin during a funeral service. In other instances referred to in the second-reading speech relatives were obliged to contribute from their own pockets to obtain a decent standard of coffin, even though the deceased had made regular contributions over a lifetime. I can remember in my days in the law — which demonstrates how old I am — people coming to me about these schemes, which produced so much misery in the community.

The legislation was deficient in a general sense. Ultimately federal legislation took effect, and compliance with the state-based legislation and the deficiencies in it were not so pertinent. The capacity of the commonwealth to have overall responsibility for this area under the National Health Act means the Victorian legislation has become largely superfluous. The second-reading speech sets out the passage of events over a number of years that have made it apparent that the state legislation is redundant.

The commonwealth legislation has filled the gap in practical terms, and therefore we have before the house this bill, which repeals the Benefit Associations Act 1958. I make it clear that the important tasks that that act and its predecessors were intended to undertake are now covered by the commonwealth legislation. That is the rationale behind the repeal of the act. The National Party supports the bill.

Dr DEAN (Berwick) — I thank you, Mr Acting Speaker, for alerting me to the fact that my honourable colleague had finished after having spoken for only 2 minutes, which must be an absolute record.

Mr Ryan — I said 5.

Dr DEAN — I will also speak only briefly on this bill because it is one the Liberal Party intends to support, and there is not a great deal to be gained by talking about all sorts of things to fill in time. However, we must not underestimate the importance of the capacity for people to prepay for services they may need at a later time. Burial services are one example, and all sorts of medical services are another.

The whole notion of insurance operates on the principle of making payments in advance for a service to be delivered later. In the case of insurance that service may not be delivered, but the money is paid for a prospective service. It is terribly important that people are protected, because they are vulnerable in a situation where the service will be delivered only at a later date. They rely on the organisation that has agreed to accept their money to come through at that time.

The situation with burials is particularly important. You and I, for example, Mr Acting Speaker, may engage in this program, but if the benefits were not provided in the end we would not be able to do much about it because we would be dead. I am sure we will die at different times, but it is terribly important that there be some outer objective body and some regulatory control.

It was a good idea for the federal government to step in. This is not just a problem for each state, it is a problem all Australians have. When we look at the state Funerals (Pre-paid Money) Act and the commonwealth National Health Act and Insurance Act we can see that there is now a range of legislation to protect people.

Before we agreed to repeal this act I was concerned to ensure that schemes that had been exempted from regulation were not still hanging around. I have been assured by the government, and I believe it to be true, that there are no schemes hanging around, as it were, that could come back to bite us if we repeal this act. That being so, and given that in many cases we have

national protection where we do not we have specific state protection and there are no outstanding schemes, we should get rid of the old act.

The people of Victoria like to see acts being removed rather than being added. Honourable members would be aware of the criticism from many of our constituents that all we ever do is make more and more laws, add more and more complexity and place more and more controls on their lives because it seems that we have nothing to do in this place but pass more bills. It is a good thing when we can turn around and say we have removed an act because it is no longer relevant.

I hope the government continues down the path of the previous government in scanning the statute book to see whether there are other acts which are no longer doing any work and which we can remove. I encourage the government to conduct a review of all legislation to try to find acts which are either no longer necessary or which can be removed from the statute book through consolidation or other processes. We do not want to be a community whose sole purpose in life is to bind ourselves more and more tightly with complex legislation. We would like to be a community that uses less and less regulation because we conduct our affairs without legislative controls.

This is a step in the right direction. I say to the government: continue the process and even make it official. I am relying, of course, on the guarantee from the government that other systems of benefit remaining after the legislation is repealed will be protected. I am sure that is correct, and the opposition therefore supports the bill.

Mr WYNNE (Richmond) — I thank the honourable member for Berwick and the Leader of the National Party for their contributions. I too will limit my contribution today because the Benefit Associations (Repeal) Bill is relatively straightforward. The Benefit Associations Act, which it seeks to repeal, is obviously obsolete. It was enacted in 1958 and is based on earlier legislation from 1951 — well before I was born! Its purpose was to regulate prepaid benefit schemes to protect contributors to those schemes. After a lifetime of contribution into a funeral benefit fund, for instance, people were finding their benefits were either not being repaid in full or not being repaid at all.

The 1958 act applies to associations which undertake or carry on the business of sickness, hospital, medical or funeral benefits. The act regulated those associations through registration requirements, provisions for separate trust funds for contributions of members and close supervision of the rules. The act is obviously now

redundant and the ludicrous situation has developed where, as a result of a series of exemptions, no associations have ever been registered under the 1958 act or indeed the preceding 1951 act. For many years they have been regulated under commonwealth legislation such as the commonwealth National Health Act and have been supervised by the Private Health Insurance Administration Council.

The Benefits Act has been further undermined by the operation of a number of newer regulatory schemes. As has been indicated by the shadow Attorney-General, the Victorian Funerals (Pre-paid Moneys) Act established a more appropriate regime for continuing regulation of funeral prepayment schemes. It is appropriate for many elderly people. They feel the need to get their affairs in order and to ensure that appropriate arrangements are put in place for their funeral arrangements. The Funerals (Pre-paid Moneys) Act was a suitable mechanism to provide people with the level of security they wanted in seeking to plan their funeral arrangements.

Insurance companies and agents are now regulated under commonwealth law by the Australian Securities Investment Commission and the Australian Prudential Regulatory Authority, known as APRA. The current problems with HIH Insurance bring into sharp relief the importance of maintaining proper prudential supervision over those organisations. Indeed, the response of the Victorian government to that significant crisis is a wake-up call for organisations at the commonwealth level to ensure that their prudential responsibilities are more vigorously maintained. However, in general terms there is no demonstrated problem with commonwealth regimes that require supplementation by state law.

As I said, the bill repeals the Benefit Associations Act, as subsequent commonwealth and state legislative developments have resulted in the act becoming redundant and requiring repeal.

In response to the shadow Attorney-General, I indicate that this government is very keen to take obviously redundant legislation off the statute book. We are going through a systematic regime of identifying those acts which are clearly redundant, and this is one of them. We do not want the statute book cluttered with acts that have no practical purpose or have outgrown their usefulness and original intent. In that respect this government is committed to ensuring that on a regular basis it looks very carefully at acts which are clearly redundant. The repeal bill is an important piece of legislation and I commend its speedy passage. I also

welcome the contribution of the opposition in supporting this legislation.

Mr McINTOSH (Kew) — My contribution to the Benefit Associations (Repeal) Act will also be brief. As has already been said, the legislation repeals the 1958 Benefit Associations Act, which is redundant. Originally based on a 1951 piece of legislation, it was introduced for all the appropriate reasons — that is, to protect pensioners and individuals making small contributions to pay for funerals and medical benefits. Most importantly, the purpose of the original act was superseded by the 1958 act, which has also become redundant. Members of the opposition were informed during a government briefing that no corporation or company is now currently regulated by the act, which is the principal reason we are prepared to support this repeal bill.

Firstly, while a few of the old acts may have been regulated under the 1951 act, those corporations had effectively been liquidated or terminated and any of their proceeds distributed and regulated under some alternative form of legislation. Given that no money is involved, no people are currently affected by the legislation and no corporations are regulated by it, it is appropriate to repeal the act.

It is regrettable that it has taken nearly a month for the bill to come before the house since its original introduction, which perhaps demonstrates a lack of consultation. As a member of the opposition's small business committee I attended a briefing at which we expected to hear about the bill from officers of the consumer affairs department. At that briefing those officers indicated that, despite the fact that three members of the government bureaucracy together with several members of the opposition had made the effort to get to that briefing, they were not the ones responsible for this bill and that it was the responsibility of the Attorney-General.

When one considers the travel time, dislocation, and organisation that went into that briefing, one can appreciate how many man-hours were lost. As I said, it is unfortunate that it has taken so long. It is also an indication that it must be dealt with as a separate repeal bill rather than some form of omnibus bill, such as the statute law repeal bills dealt with earlier this year.

Secondly — this is probably a matter of principle — in his second-reading speech the Attorney-General quoted the Honourable William Slater, a former Attorney-General of this state, when talking about the noble provisions of the original Benefits Associations Act:

Their failure inflicted the greatest possible misery on the most deserving section of the community because Parliament had not been careful enough to protect their contributors.

That is also the responsibility of the government. It is always the responsibility of this house to protect those people who, through no fault of their own — be it subversion, incompetence or otherwise — are vulnerable.

Most importantly, as I indicated a couple of weeks ago in my speech about the Australian Workers Union, I am pleased that my call for a judicial inquiry has been heeded by the Minister for Community Services and that she will pass that on to the Premier. I look forward to the Premier making an announcement about an inquiry into the AWU and perhaps looking at protecting those workers who make contributions and whose finances have been mismanaged.

Mr STENSHOLT (Burwood) — I support the Benefit Associations (Repeal) Bill, which is a cleaning-up exercise for the statute book. It was considered by the Scrutiny of Acts and Regulations Committee, which noted the extracts from the second-reading speech, some of which have already been read out by previous speakers.

The act was designed to remove some injustices and maladministration of the past. Interestingly enough, no associations were ever registered or regulated under the act, although a number of exemptions were given, some with conditions. The main purpose of the repeal of the act appears to relate to funeral associations. Other associations have been dealt with by administrative action over the past few years — as an example, insurance associations were regulated by other acts including commonwealth legislation.

With regard to insurance bodies, there is a question mark about commonwealth regulations relating to HIH Insurance. There has been a call for scrutiny of what has happened to that company. There is modern-day suffering, and people with HIH Insurance policies need urgent protection. The state governments of New South Wales and Victoria are taking action now, but Joe Hockey-in-hiding, the federal Minister for Financial Services and Regulation, and John Howard-in-hiding, the Prime Minister, are somewhat behind in looking after policyholders.

This legislation from the past is now redundant, and its repeal is timely. I point out that in its report the Scrutiny of Acts and Regulations Committee, after noting the main points concerning the repeal, states that it 'makes no further comment'. I think that is the operative view.

The act is obsolete, and it is time to remove it from the statute book.

Mr SMITH (Glen Waverley) — As honourable members have said, the legislation should be repealed. It is an act that no longer serves any useful purpose. As the shadow Attorney-General said, the government should be setting up a committee to try to rid the statute book of other superfluous legislation.

It is interesting to note that the act has been superseded by commonwealth legislation that took on board many of its provisions, so that effectively the act has never been used. This is a lesson for state governments, particularly this government, in bringing in bills such as the Judicial College of Victoria Bill. When a similar bill is being considered by the commonwealth government, I would think state governments ought to wait to see just what the commonwealth is going to do. Honourable members can spend a lot of time arguing and discussing these types of issues only to find state acts have been superseded by commonwealth legislation. There should be better liaison between the departments of the state and commonwealth attorneys-general.

Clause 3 of the bill repeals the Benefit Associations Act and clause 4 repeals section 20 of the Funerals (Pre-paid Money) Act. I do not think I have been involved in any bill introduced by an Attorney-General that had more research time spent on it than the prepaid funerals bill. It was initially considered when Jim Kennan was the Attorney-General. It lapsed at the 1992 general election but was brought back to Parliament by the Kennett government in 1993. The amount of effort honourable members made at that stage was quite heartening; they attended briefing after briefing, particularly at places like the cemetery at Springvale.

It is a matter of getting the timing right, but an example of where we get the timing wrong is that I think the government would do better looking at things such as legislation that would make it tougher on drug traffickers and make provision for taking away all their assets, because the drug industry is the area that has the biggest social ramifications for our community at the moment.

My message to the government is that I give it a tick for getting this legislation right, but I ask it to ensure that its priorities are right. The biggest issue facing the community at the moment is drugs, and the government should look at legislation that would make it almost impossible for drug traffickers to have any assets at all. If they are caught they should be deprived of any ability to operate.

The bill has been spoken about favourably by all honourable members, and I add my twopence-worth to that, but at the same time I hope the government takes on board the message I have expressed.

Mr NARDELLA (Melton) — I support the Benefit Associations (Repeal) Bill, which removes old legislation from the statute book. The honourable member for Berwick said there should be a process whereby the government looks at legislation that is redundant and takes it off the statute book. That is the situation.

The Scrutiny of Acts and Regulations Committee has a subcommittee called the Redundant Legislation Subcommittee. Its aim is to go through bills and statutes to see which are redundant and to report on those to Parliament. The government is reviewing redundant legislation, and in a real sense the Benefits Association Act was redundant from the day it was conceived.

This legislation had its genesis in 1951. There have been major concerns about the associations and incorporated bodies that operate in the funeral industry. The charlatans and rogues in that industry were dealt with by the original act, but the industry is now covered by other pieces of legislation. When dealing with funeral and insurance benefits we need to protect people from the charlatans and others who are willing to rip them off in their darkest hours.

It is interesting to note that at the time the second-reading speech was made insurance companies in the industry had not used the legislation because they come under the auspices of the Australian Securities and Investments Commission and the Australian Prudential Regulation Authority, which, as honourable members know, is in hot water as a result of the debacle surrounding the collapse of HIH Insurance, which is the responsibility of the commonwealth government.

I support the bill, which is commonsense given that the legislation has not been used since 1951. I commend the bill to the house.

Mr HULLS (Attorney-General) — I thank the Leader of the National Party and the honourable members for Berwick, Richmond, Kew, Glen Waverley, Burwood and Melton for their contributions to this important debate. As previous speakers have said, the purpose of the bill is to repeal the Benefit Associations Act. Removing obsolete pieces of legislation contributes to effective government. The government is committed to streamlining Victoria's statute book and removing any unnecessary burdens on business. However, the government is not just content

with removing burdens on business; it also wants to assist business to thrive in Victoria.

That is evidenced by the great budget delivered today by the Treasurer. I am sure the budget will be welcome, not only by members of the business community but by all Victorians, including those right-minded members of the opposition. I have no doubt they — particularly the shadow Minister for Health — will praise the budget in their electorates. It is a great budget that will be of huge benefit to many people, particularly those using our hospitals.

The government will continue to bring bills before the house to repeal redundant legislation, because that is what effective and appropriate government is all about. We expect to be in office for many years, and when from time to time redundant legislation is brought to our attention we will be more than happy to deal with it.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

TOBACCO (FURTHER AMENDMENT) BILL

Second reading

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

The ACTING SPEAKER (Mr Lupton) — Order! As the required state of intent has been made pursuant to section 85(5)(c) of the Constitution Act, I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

Mr DOYLE (Malvern) — The house has before it another amendment to the Tobacco Act. The house considered an amendment to the act recently. It is a matter of no small pride for both past and present members of this house that legislation on tobacco has always had bipartisan support. I am pleased to say that that arrangement continues today.

I will make a few brief comments about the bill, as I know a number of other honourable members wish to speak on it. The bill is small: it cleans up a number of technical aspects and provides a couple of time lines that I will deal with shortly.

Essentially the bill clarifies and amends some of the regulations on the advertising and sale of tobacco products. It widens the ban on smoking to include all areas of shopping centres that have more than five retail shops; it allows the inspection and measurement of tobacco advertisements; and it contains a section 85 statement that may seem arcane but is nonetheless necessary. As I understand it, the bill will prevent business people who are now bound by smoking restrictions from being sued for the performance of contracts that require no such smoking restrictions. It would seem obvious that as the law is changed to ensure smoking bans are extended further into society, people should not be put at risk because of decisions of Parliament.

Specifically, the bill provides that enclosed shopping centres in Victoria will be required to be smoke free. I will return soon to that provision because of the definitional aspects the opposition wishes to raise.

The legislation also provides that signs will need to be displayed by retailers stating it is illegal to sell tobacco to minors. The sale of single cigarettes will be prohibited by the legislation. The A-frames we sometimes see outside tobacconists advertising cheap smokes or discount cigarettes will be prohibited. The provision of gifts with tobacco as an inducement to smoke will also be prohibited. Mobile sales of cigarettes will be banned, and, as I said earlier, one of the time lines will be pushed out. Although small in scope, those provisions appear to be worthy additions to the headline act.

The opposition certainly supports an extended ban on smoking in shopping centres. When the legislation was last debated I actually suggested that the opt-in system should be mandatory. At the time the opposition consulted the Property Council of Australia, which said it had no problems with that. It seemed to be a sensible addition that we should move to a smoking ban in all shopping centres.

There are two small anomalies in the bill regarding retail shopping centres, which I am sure can be addressed by the government while the bill is between here and another place; or the government can make it clear in regulations that it is not intended that the legislation should provide loopholes.

The first anomaly is that a retail shopping centre, according to the definitions clause, means a cluster of premises, five or more of which are retail premises. Other parts of the proposed legislation stipulate that the premises should be on a particular level. My example of the anomaly is not specific but hypothetical. On the

ground floor of the Melbourne Central shopping centre there may be more than five retail premises; that area will be caught by the legislation and smoking will be banned. However, the entire second level may be taken up by a single entity — say, Daimaru — or another retail chain that may occupy a large amount of floor space. On that level, smoking, according to my reading of the bill, would be permissible because not more than five retail shops are on the one level. The third level may well have more than five retail shops; smoking would be banned on that level. That would mean that an enclosed shopping area, such as Melbourne Central, would have one level smoke free because it had more than five retail shops, the next level would permit smoking, and the third level would be smoke free because of the number of shops there. I am sure the bill does not envisage that that anomaly be allowed.

The other anomaly concerns what defines a cluster of retail premises that represent a retail shopping centre. One example raised with the opposition during its discussions was an arcade of shops with automatic doors at one end or both ends of the arcade. Does that count as a retail shopping centre of five or more shops? I hope it does, but could, for instance, the shopkeepers in that arcade, by the stratagem of removing the doors at one end, or leaving them open during trading hours, say that was not an enclosed space and, therefore, not something caught by the legislation? The definition of 'enclosed' needs to be considered more carefully in a number of the smaller areas.

We would not want arguments at the edge of the bill, given that its intent is so worthy. I do not raise the anomalies by way of cavilling but as issues that need to be addressed while the bill is between here and another place or by way of regulations.

The other small aspects of the bill referring to the inducements, the signs for cheap smokes, the mobile selling of tobacco, and the signage seem to be entirely reasonable. The opposition supports them.

There is one important matter that I raise. I flag what was a concern of the opposition when the legislation was last debated. When the opposition debated the Tobacco (Amendment) Bill it said that the original time line of government, which was to be 1 November 2000, was too ambitious for point-of-sale advertising to be in place. It suggested, with the government's acceptance, an amendment that pushed that time line out to 1 July 2001. This bill will push that time line further out, to 1 January 2002.

Although the opposition does not oppose that provision, it is incumbent on the government to ensure small

business understands the restrictions that will apply as a result of the proposed legislation. The opposition's understanding from a number of people — it may be completely true or apocryphal — is that because the regulations were so tardy in being drafted, by the time they were to be available it was made clear there were not enough shopfitters in Victoria to convert premises to accord with what the new regulations would demand in terms of point of sale. If that is the case the government needs to make sure the further extension of the deadline will ensure it is not inadvertent so that other retailers are not caught by it.

During his summation of the debate at the time the minister said the government would spend a considerable amount of money educating retailers about the requirements and how they might comply. I hope if that were not sufficient the government would further go out and talk to retailers to ensure they know exactly how they will be required to comply with this bill because the last thing needed is to make criminals of people in small business who are trying to do the right thing but perhaps do not know what is the right thing or what changes they will need to put in train in their businesses to ensure they comply.

The bill makes two other small changes that were raised by the opposition when the legislation was last debated. The first was the idea of on-airport duty free display of cigarette cartons. That appears to be reasonable, given that that is the only packaging on which on-airport duty free shops sell cigarettes. The second concerns provision for the sale of humidior cigars. That seems to be entirely reasonable and was something the opposition also said should be examined. All in all, the bill makes a number of minor additions to the legislation. It cleans up three matters the opposition suggested at the time needed to be cleaned up; the opposition is happy to support those aspects.

In his second-reading speech the Minister for Health referred to the percentages of people who smoke in Victoria; he said about 21 per cent of Victorians smoke. However, the more worrying data is that 26 per cent of 16-year-old males and 34 per cent of 16-year-old females had smoked in the previous week, according to a Victorian secondary schools survey. That indicates that although Parliament may legislate and the government may try to make people conform, more needs to be done in the education area to ensure young people do not take up smoking by experimenting from an early age and getting into the habit of smoking. Although we, as members of Parliament, have tried to act responsibly, by framing legislation, the take-up rate, the experimentation rate and the overall smoking rate of young Victorian females need to be worked on.

Ms Gillett interjected.

Mr DOYLE — I am not in any way being sexist, partisan, ageist or discriminatory but it is an area that we should all address. If there is one message that we need to build into our health messages to young people it is simply that: don't smoke! When they experiment, they take up smoking; and when they take it up, it becomes harder for them to give it up. It is better that we prevent that happening in the first place.

Although I cannot prefigure any amendments that may later be proposed to the bill, it is obvious in the public arena that amendments may well be made. I talk hypothetically about what the reactions of the opposition may be if such amendments are proposed later.

It is important to note that Parliament has always been bipartisan on tobacco. That means that even if both sides have not agreed with the other's decision or with the pace or the type of change, honourable members have tried to come together as a Parliament and agree on how that should happen. So far that approach has been successful.

I place on the record the fact that I have been an ardent supporter of every bill that has put further restrictions on smoking, and with the concurrence of my party I hope that will continue.

It is now time to turn our minds to how things may proceed. That is something the Parliament, not just the government of the day, needs to turn its mind to. I congratulate the government on instituting the ban on smoking in restaurants from 1 July, because it is a forward step. As I said at the time, the ban was not well explained to restaurateurs, but most people would understand that smoking while others around them are eating is not pleasant for those affected. Even smokers would admit that.

Once we get past the issue of smoking in restaurants, things become more difficult. If the intention of Parliament is to further restrict smoking indoors, the next area to move to restrict becomes harder to pick. During discussions on the bill it was interesting to discover that there is no prohibition on smoking in shops. However, people do not do it as a matter of courtesy, and many proprietors of clothing stores, for example, ask patrons not to smoke.

As recently as last night I walked past a food shop that had a prominently displayed sign on the counter that said, 'Please do not smoke next to food counter or food preparation area'. One would have thought that not smoking anywhere in the vicinity of a food preparation

area would be better, but it is interesting that there is no such prohibition. I notice the honourable member for Bentleigh is in the house. I am sure that, if necessary, she would declare a vested interest in the subject! I assure her that I will be circumspect and respectful in my comments.

It is interesting that this has come from a community feeling about further restrictions on smoking. I make the following suggestion, which I hope Parliament and the wider community will take up. Until now we have thought of venues as places where people smoke and have asked proprietors to make provision for non-smokers. Perhaps from now on we should consider venues to be non-smoking places and expect the proprietors to cope with smokers.

In previous legislation the government has chosen restaurants, but another area that may be the subject of amendment is gaming venues. Smoking may be proposed to be restricted in areas where electronic gaming machines are played, which may cause a difficulty. I understand the impetus behind it, which I think is a worthy one. However, these are not discrete, closed-off areas. In a pub or a club the restricted area is an imaginary line on the floor that for the Victorian Casino and Gaming Authority corresponds to the floor plan. It is not necessarily something that is shut off.

In the casino, electronic gaming machines sit side-by-side with gaming tables. Even if smoking were banned in an area where playing electronic gaming machines was the principle activity, environmental tobacco smoke would not be prevented from drifting throughout the rest of the venue. I do not wish to be facile. The intention of such amendments would be to restrict the amount of smoking in the venue, which would be a worthy aim, but the point needs to be made that there are no barriers to prevent smoke in gaming areas from drifting throughout the venue.

In the casino, for instance, someone playing an electronic gaming machine may not be able to smoke while, 2 or 3 metres away, someone playing blackjack is able to. In a pub or club it may be that someone in the gaming area is not allowed to smoke but, unseparated by any wall, someone in the bar is able to.

The intention may be to reduce the amount of smoking in venues, but it is difficult to see how we can go on with a tobacco policy just by trying to pick areas that we think should be next. Maybe we need to turn our minds to working out how we can ensure that no one area of industry or employment can say we are unfairly picking on them.

In other words, if there is to be a timetable, we need to turn our minds to what it is, where we start, what the benchmarks will be along the way and what we will do to prevent someone from opting out of a worthy public health imperative. I do not think we have had an open conversation about that, but I would be happy to take part if that were to be the case.

If such amendments to smoking in gaming areas were proposed, members on this side of the house would oppose them at this moment — not because they were proposed by the government but because they would not be part of an overall and coherent plan to attack smoking in indoor areas. That is something we need a wider view on, and quickly.

The starting point should be to consider venues as non-smoking places and ask proprietors to cope with smokers' needs. Again I throw up the following by way of conversation. Although people in the hotel and club industry say to members of Parliament that they understand further bans are coming and that the public will move with them, the disagreement seems to be on the timetable and how benchmarks will be agreed. Will it be by floor space rather than by activity, so that regardless of whether it is a dance venue, a gaming venue or a retail premises we could say that proprietors will have to move to a certain percentage of smoke-free floor space by a particular date? That will not mean environmental tobacco smoke will not drift throughout the venue, but if the period of time is constrained and we reduce the amount of smoking, that may be a way to proceed.

As politicians we have not had an open discussion with members of the community about where they think we should go next. We need to have that discussion. If everyone says there will be further bans on smoking in enclosed public spaces, members on this side of the house will enthusiastically join the debate — and further amendments may be thrown into the mix. As in the past, it is something the Parliament should proceed with together in a bipartisan way.

Apart from those arguments, as shadow Minister for Health one of the difficulties I would have with a proposed ban on gaming areas would be the rationale that it was an antigambling measure.

It may well be a worthy aim, but I would have difficulty agreeing with a policy that says to a compulsive gambler, 'I want you to stop, so go outside and have a cigarette'. That mechanism could cause a break in the nexus between the compulsive gambler and the machine. Both end points — a cessation or a reduction in smoking and breaking the nexus between

machine and player that compulsive gamblers do not seem able to do of their own volition — may be worthy, but the plan should be more coherent than one that merely examines the area of gaming by encouraging a smoko.

It is difficult to hypothesise about amendments that have not been put to the house. The overarching importance in this debate is that worthy initiatives brought forward by government should continue to be bipartisan. The opposition is pleased to support the Tobacco (Further Amendment) Bill, but it will not support any further amendments to the legislation at this time.

Mr MAUGHAN (Rodney) — I am pleased to speak on the Tobacco (Further Amendment) Bill, and I support the thrust of the comments made by the honourable member for Malvern. The National Party does not oppose the legislation. The honourable member for Malvern said the Liberal Party would not support any further amendments to the legislation. The National Party will also oppose any amendments put forward specifically to deal with compulsive gaming.

If those amendments are carried the National Party will vote against the amended legislation. It does not want to minimise problem gambling in any way. It is a massive problem that must be dealt with, but the amendments are not the way to attack the issue. As the honourable member for Malvern said, legislation dealing with tobacco has, generally speaking, enjoyed bipartisan support, and the National Party wishes that to continue because Victoria has made considerable progress in reducing smoking.

Although the bill is a step in the right direction it is a further example of the government's piecemeal approach to many of its actions. The National Party would rather see a strategic plan dealing with the obvious phasing out of tobacco smoking in the community. People who do not accept that over time there will be less smoking in the community have their heads buried in the sand. More consultation with all the players involved should be entered into. The government engages in much rhetoric about consultation that is honoured more in the breach than in the observance. Victorians saw evidence of that last year when the government failed to consult adequately with the restaurant industry about introducing new requirements for smoke-free venues.

As I said, the National Party welcomes the legislation, but it would like to see an overall strategy so that other players in the industry may have time to plan and make some strategic decisions of their own.

No-one doubts that smoking is bad for people's health. To see that one need look no further than the 18 000 Australians who die each year from tobacco-related illnesses. The provision of health care and the like is a huge cost to the community and a huge cost to individuals in terms of their health and wellbeing and loss of productivity. As a community we should do everything we can to reduce the incidence of smoking.

The overwhelming majority of Australians have long accepted those propositions. Victoria can take pride in the bipartisan support given to the introduction of the innovative Quit campaign that taxes tobacco products in order to promote the dangers of smoking. I acknowledge that the Quit campaign has been effective in reducing the incidence of smoking overall. Very few of my contemporaries now smoke. When I go out socially it is rare for any of the group I mix with to smoke. It is now far more of an antisocial activity than it was when I was in my 20s or 30s. I welcome that.

Far less effective has been the campaign to reduce the incidence of smoking among young people, particularly young women. I do not know why that is, but it is of concern that young women still smoke while there is a decline in smoking in the community. It is important that we recognise that the early uptake of smoking by young people essentially leads to heavier smoking patterns, a lower likelihood of giving up smoking and an increased risk of disease. Great efforts should be made to ensure that schoolchildren and young people do not take up smoking.

I have no problem with adults making up their own minds to smoke. As long as tobacco is still a legal product — and it is — informed adults should be able to make decisions about what they want to do. But I believe we should do everything we can to minimise the risk to young children.

Another concerning set of statistics is that last year some 336 000 Australian children spent \$100 million on 370 million cigarettes. Given what I said earlier about the early uptake of smoking leading to heavier smoking later on, the difficulties in giving up and the increased risk of disease, I believe from a public perspective that we need to do everything we can to prevent our young people from starting to smoke before they are mature enough to assess the risks and make an informed decision.

I therefore support the notion on which the proposed legislation is based — that there must be further restrictions on the promotion of tobacco products to minors. Honourable members should be aware of a

very important fact: that 80 per cent of all new smokers are minors — in other words, 80 per cent of those that take up smoking are younger than 18 years of age. Given some of the propositions that I have already put, I suggest that is another compelling reason why we should be doing everything we can to minimise the exposure of young people to cigarette and tobacco advertising. I do, however, support the proposition that as long as tobacco products are legal in this country, as they are, responsible adults should be able to choose for themselves whether they wish to use those products.

In order to achieve the objective of reducing the attraction and exposure of tobacco products to minors, I therefore support not just monetary fines but substantial penalties for repeat offenders by cancelling the licences of retailers convicted of selling cigarettes to minors. I regard that as a very serious offence, so I strongly support heavy financial penalties. I would go further than that and remove the licence to sell tobacco products from those repeat offenders.

It is vitally important to limit the attraction and availability of cigarette products to young people. I therefore support the first objective of the proposed legislation — to regulate the advertisement and sale of tobacco products. I certainly support that objective. It is fair to say that young people are far more sensitive to tobacco advertising than adults. Advertising seems to play a far more significant role in their choice as to whether they will take up smoking than even peer group pressure. That being the case, again given that young people are very sensitive to tobacco advertising, we need to do whatever we can to limit their exposure to that advertising. While the amount of tobacco advertising has been considerably reduced — in fact, banned in a number of areas — much of the advertising budget of tobacco companies has been diverted to point-of-sale advertising. Again, that is what the bill deals with.

Clause 7 of the bill means essentially that generic tobacco advertisements such as those which advertise discount cigarettes may now only be located inside a retail outlet. Clause 8 prohibits the supply of non-tobacco products or other benefits in connection with or for the purposes of promoting the sale of a tobacco product.

Clause 9 prohibits the mobile selling of tobacco products. Clause 10 provides that cigarettes must now be sold only in packages containing at least 20 cigarettes because a number of retailers had been looking after themselves by selling individual cigarettes to young people at very inflated rates, hoping those young people will become regular customers. I regard

that as being quite antisocial and, as I indicated earlier, I believe there should be substantial increases in penalties applied to people who behave in that manner.

Clause 12 imposes an obligation on tobacco retailers to display a sign relating to the prohibition of the sale of tobacco products to persons under the age of 18 years.

The second main thrust of the bill is to reduce further exposure to passive smoking. There is no doubt in my mind that passive smoking — which of course is the inhalation of other people's tobacco smoke — is a health issue for non-smokers and a leading cause of death that can be prevented. I think those of us that choose not to smoke have a right to be protected from passive smoking.

I note that industry is taking this issue seriously. In most workplaces today it is not acceptable to smoke. As I was walking along Exhibition Street this morning I noted that outside a number of offices there were three or four people huddled together having that much-needed cigarette. I think that is good. If they want to smoke, they can. They can get out in the fresh air and do that as long as they do not inconvenience and endanger the health of other people working in the building.

I note as I move around the electorate people huddled outside workplaces, out in the laneways or streets, having a puff. I think that is great. If they want to smoke, that is fine. They can leave the rest of us alone in a smoke-free environment. I believe there is peer group pressure on people, if they want to smoke, to do it elsewhere.

I can recall that when I was in my 20s I used to regularly go to meetings in small, smoke-filled rooms. I would come home reeking of tobacco smoke. I have never been a smoker myself, and at that time I did not really worry too much about it. It was one of those things that one put up with. But I now think of the danger that that was causing. People were getting into my motor vehicle as we would go off to a meeting somewhere, and of the four or five in the car, three or four would be smoking. In the last 8 or 10 years I do not think I have ever emptied an ashtray from the car that I have driven, which indicates — —

An honourable member interjected.

Mr MAUGHAN — They do not make them any more. There are ashtrays, but they are very rarely used. In my own home if somebody wants to smoke they are welcome to do so, but it is very rarely that an ashtray is used. The point I am making is that the culture has changed. Passive smoking is regarded as being

important, and those of us who are concerned about it — and I believe that is the majority of the community — have a right to be able to carry out whatever function it is, in a restaurant, in a workplace, in an office, without being subjected to passive smoking.

In case honourable members have doubts — and I think the argument is well established that tobacco smoking is certainly not good for our health and it is beyond dispute that it is injurious — I will quote from two authorities. Statistics from our own National Health and Medical Research Council show that passive smoking is responsible for asthma symptoms and lower respiratory illness in children, and lung cancer, heart attacks and coronary heart disease in adults.

The World Health Organisation says that exposure to environmental smoke, or passive smoking, is a real and substantial threat, particularly to child health, but to health generally.

Workplaces, because of peer group pressure and also because of the very real threat of litigation and substantial settlements, generally have taken that issue seriously and people now move outside the workplace if they wish to smoke.

The legislation is a step in the right direction. It is generally supported by a range of organisations such as Vichealth, whose chief executive officer, Mr Bob Moody, says the reforms it contains will build on the significant reforms introduced with bipartisan support in May 2000. He says:

The measures that the bill introduces are extremely important as they address both passive and active smoking, particularly in relation to young people.

The Australian Medical Association also supports the general thrust of this legislation.

I reiterate that we would much rather have seen a strategic plan showing where the government is going with tobacco legislation rather than this piecemeal approach. Nonetheless, the bill is a step in the right direction, which I welcome. The community also welcomes the bill, and therefore the National Party will not be opposing it.

I also reiterate my opening remarks that if amendments to the Tobacco Act are introduced to solve problems other than the smoking issue, the National Party will oppose them.

Mr VINEY (Frankston East) — I am proud to support the Tobacco (Further Amendment) Bill. The bill reinforces the Bracks government's election

commitment to improve public health by introducing health promotion and disease and injury-prevention strategies.

Far from being piecemeal, as suggested by the honourable member for Rodney, the bill is part of the government's broad strategic approach to promote public health and in the longer term to reduce the demands on our health system. As all honourable members are aware, the use of tobacco in our community is unfortunately one of the major causes of ill health, despite the extensive reforms undertaken by this Parliament in a bipartisan manner over a number of years.

The main purpose of the bill is to make various amendments to the Tobacco Act and the Tobacco (Amendment) Act. These amendments follow recommendations from broad-based consultations with interested and affected parties, including local council peak bodies, the Shopping Centre Council of Australia and the tobacco retail industry.

As I said earlier, tobacco use is the leading cause of death and disease in Australia. Therefore, lowering smoking rates is the single most effective method of enhancing the public's health and reducing the impact smoking has on rising public health care costs. The health cost of tobacco use in Victoria is estimated at more than \$3 billion per annum. Tobacco is responsible for 80 per cent of all drug-related deaths.

A major focus of the bill is to prevent young Victorians from starting the habit of cigarette smoking. Eighty per cent of smokers begin smoking before they turn 18, and they continue this childhood habit into adulthood. Therefore, given the start-up rate and the flow into adulthood of cigarette smoking, it is clear that the government must target young smokers if its aim to decrease the rate of long-term cigarette smoking in Victoria and reduce the cost to our health system is to be achieved.

In 1999 around 21 per cent of Victorian adults smoked. However, the smoking rate for young people was far higher, with around 30 per cent of 16-year-old school students identified as regular smokers. Additionally, Victorian school students spend around \$25 million a year on cigarettes.

Legislation passed last May aimed to reduce the uptake of tobacco use among Victoria's young people in particular. It also aimed to reduce the incidence of environmental tobacco smoke by abolishing smoking in restaurants and eating places, regulating tobacco displays in places that sell tobacco and requiring

tobacco retail outlets to display health warning or smoking cessation signs. That legislation was passed with bipartisan support. I welcome the indication from the honourable members for Malvern and Rodney that that bipartisan support will continue with these further amendments.

I am sure that neither would mind me taking — or expect me not to take up — this opportunity to recognise that much of the leadership on reforms in tobacco has come from this side of politics. The original Tobacco Act of 1987 was introduced by the previous Labor government. It was the first broad piece of tobacco legislation to be introduced in Australia, and it also passed with bipartisan support. The legislation that was introduced last year further developed Labor's commitment to improving public health through the further regulation of tobacco sales.

The Bracks Labor government has a proud record of pushing through such reforms and ensuring improvements in community safety by protecting people from the harmful effects of tobacco, not only through encouraging people to not smoke and not take up smoking, but also by limiting the harm caused to others by passive smoking. The government can hold high the torch of that proud record as a symbol of its commitment to public health.

The amendments proposed in the bill build on earlier reforms and include prohibiting smoking in all enclosed retail shopping centres, prohibiting the practice of tobacco manufacturers or retailers providing non-tobacco products or benefits in connection with the purchase of tobacco products, prohibiting the practice of mobile cigarette selling or hawking, requiring the display in all retail outlets of signage prohibiting cigarette sales to minors, prohibiting the sale of single or unpackaged cigarettes, limiting advertising of tobacco products by banning the use of discount cigarette signs outside tobacco retail outlets, allowing a small concession to duty-free outlets at Melbourne Airport for the display of tobacco cartons, delaying commencement of the point-of-sale advertising and display provisions of the legislation until 1 January 2002, and exempting cigars in humidors from the limitations that will apply to tobacco display areas in shops that sell tobacco.

Shopping centres can, under current legislation, opt to become smoke free. Initially when this law was introduced the number of shopping centres opting to be covered by the law was high, but applications from shopping centres have unfortunately slowed, and the public health benefits of the policy are starting to reach their limits. Surveys undertaken in 1998–99 by Quit

Victoria show that the community is ready for these reforms. Of Victorians surveyed, 81 per cent supported prohibiting smoking in shopping centres. Legislation to ban smoking in shopping centres has already been successfully introduced in the Australian Capital Territory, Western Australia and New South Wales.

The majority of Victorian shopping centres already have smoke-free policies. However, the proposed changes will mean that such shopping centres will now have a strong legislative basis for enforcing their policies. Peak associations such as the Property Council of Australia and the Shopping Centre Council of Australia have welcomed these amendments.

Recent research by Quit Victoria has shown that in 2000 about 10 per cent of tobacco retailers surveyed provided gifts with the purchase of tobacco, in spite of the fact that such practices are already illegal under current legislation. We know anecdotally that the gifts are targeted at young people. Gifts discovered in the recent Quit study included things like watches, lighters, pens and diaries. Research conducted in the United States in 1998 showed that adolescents who have a favourite cigarette advertisement and have a wish to receive either a smoking gift or a promotional item are more likely to experiment with smoking and take it up in the future than those who do not.

The bill will tighten the legislation to ensure that non-tobacco products or other benefits cannot be provided, regardless of whether or not a cost is attached to the other products or benefits. The legislation is important because it will reinforce the government's reforms of May 2000 aimed at reducing the incentives for young people to purchase cigarettes.

The bill proposes to ban mobile cigarette sellers. The mobile sellers are a further form of promotional activity, one that tends to target young people. Mobile sellers or hawkers of tobacco products typically turn up at events that have a strong youth culture. The sellers sometimes wear clothing that corresponds to the colours of particular brands of cigarette. Anecdotally we also know that mobile sellers often sell all cigarettes at below the recommended retail price and that discounts may be given if more than one cigarette pack is purchased. That proposed amendment in the bill is the first of its kind in Australia and will complement the package of reforms to be introduced in January next year, helping to ensure that incentives and encouragement for young people to smoke are reduced.

The proposed amendment requiring retailers to display signs saying 'No cigarette sales to minors' is an important part of the government's strategy to reduce

cigarette sales to minors. Research in Melbourne's western region has shown that the display of such signs correlates positively with retailer compliance. Tasmania, New South Wales and the Northern Territory all require retailers to display 'No cigarette sales to minors' signs.

Single cigarettes are cheap and affordable for young people. The government is aware that many retailers sell single cigarettes to children. There have been instances of retailers charging GST on single cigarettes purchased by children. Other retailers have reportedly accepted jewellery from children as payment for single cigarettes. In my electorate of Frankston East council-employed inspectors found one retailer selling single cigarettes in white lolly bags to minors.

The government wants to completely stamp out such practices. The proposed reforms to prohibit the sale of single or unpackaged cigarettes are an important part of its strategy to reduce cigarette sales to young people. Young people's demand for tobacco is, as I said before, much more price sensitive than the demand of adults.

The proposal to prohibit the display of generic 'Cheap smokes' signs outside retail outlets that sell tobacco is a further crucial component of the government's strategy to reduce teenage smoking. While that type of advertising is not directly related to specific tobacco products, we know that price is a key driver of consumption. Therefore, such signage may act as an inducement to young people to purchase tobacco. That amendment would be consistent with legislation in force in New South Wales and Tasmania and would complement the government's reform package by regulating generic tobacco advertising in public places.

The bill also allows Melbourne Airport a limited concession regarding the display of tobacco products. It allows duty-free stores located past the customs barrier to have some displays of tobacco advertising. The amendment recognises that Melbourne Airport is a special case because it has a high turnover of tobacco cartons each day, and customers self-select these cartons. The government regards this as a minor concession that will assist in reducing compliance costs for these stores while having a minimal impact on the overall policy of trying to reduce tobacco sale and display.

Preventing the exposure of children to tobacco advertising is particularly important. Research has suggested that tobacco advertising may play an even more important role than peer pressure in influencing teenagers to smoke tobacco. Banning point-of-sale advertising and limiting tobacco displays are positive

steps that will help reduce the number of young people who take up smoking.

However, the government realises the importance of giving retailers sufficient notice of when the new arrangements will be put in place. The amendment will allow them to plan ahead and accommodate the new laws. Retailers have requested some more time to implement these reforms, and the government has listened to those requests and agreed to extend the deadline for the implementation of the reforms by a further six months to 1 January next year. This is an important concession to small business, and the government does not believe that in the longer term the concession will overly compromise its overall policy objective.

The exemption of cigars in humidors from the prescribed maximum tobacco display area for retail outlets is another concession to the retail sector. Research illustrates that cigars tend not to be marketed to young people. Cigars tend not to have the same appeal to the youth market because of their higher price. The government has considered some of the difficulties of not including humidors in the prescribed maximum tobacco display areas and has been prepared to make that concession. The government does not believe that will compromise its overall objective of reducing tobacco sales to minors.

In conclusion, the measures set out in the Tobacco (Further Amendment) Bill represent important strategies to protect our community from the harmful effects of environmental tobacco smoke. They will be a significant step forward in preventing the uptake of smoking by young people. The measures build on the legislation passed with bipartisan support in May last year. These amendments will help to move the government's tobacco control agenda further forward. Victoria has a proud record of leading Australia in these regulations, and in many ways leading the world. I welcome the bipartisan support for this bill. In doing so, I stand here as one who is very proud of the reforms undertaken in this matter by my side of politics over many years.

This is a great day for Victoria. On the same day as we have introduced these reforms to improve public health in Victoria we have witnessed a budget that allocates a further \$1.5 billion for our health system to improve the state of public health, so we can look forward to improved health for Victoria and Victorians into the future. I commend the bill to the house.

Mr WILSON (Bennettswood) — I am pleased to make a brief contribution to the debate on the Tobacco

(Further Amendment) Bill. I congratulate the honourable member for Malvern, the shadow Minister for Health, and the honourable member for Rodney, in his absence, on their contributions. This is not a milestone, but it is another development in Victoria's antismoking strategy.

I note that the honourable member for Frankston East made the comment that this legislation enjoys bipartisan support as has Victoria's antismoking strategy over many years. How true that is. However, the honourable member could not stop there. He had to go further and claim that most of the great achievements in this area have been the result of Labor government policies. He should have stayed with his original contention of bipartisan support and left it at that; we would have been better served by his not going that step further. As he did go that one step further, I would like to reflect on the 1987 legislation and place on the record my regard for the exemplary contribution the Honourable Mark Birrell in the other place made to the original legislation. The development of Vichealth from 1987 onwards was very much due to Mark Birrell's excellent contribution in that period. I know Labor health ministers of that time would agree with me.

As the shadow Minister for Health outlined in his contribution, the bill before the house corrects a number of issues associated with the timetable and strategy outlined by the government in its earlier legislation and reforms. The bill recognises the need to provide sufficient time for retailers to prepare for the new laws. Therefore, through this bill the government has agreed to delay the introduction of the tobacco advertising reforms for an additional six months until 1 January 2002. That is covered by clause 18(2) of the bill.

Secondly, as a concession to tobacco retailers the bill exempts cigars in humidors from the limits on tobacco display areas with which retailers will be required to comply. The government claims that it has listened and responded to concerns raised by small business about the implementation of the reforms. The government claims these concessions have been made in response to issues raised by tobacco retailers.

Thirdly, the government has provided a limited concession to three duty-free operators at Melbourne Airport that will enable the display of one product line of each cigarette carton.

The bill has six main goals and I will comment on two. Firstly, all enclosed retail shopping centres in Victoria will be required to be smoke free. The shadow Minister for Health referred in his contribution to some of the

definition problems that may arise from these clauses. He gave the example of the Melbourne Central shopping centre, and there is no need for me to repeat those points.

Secondly, retailers will be required to display signs stating that it is illegal to sell tobacco to minors. This is good public policy by any standard. It is good public policy because we all know that teenage smoking rates in this state, in this country, in the Western world and in the world in general are too high. I have the benefit of the statistics in the minister's second-reading speech. In that speech the minister said that 26 per cent of 16-year-old Victorian males smoke, as do 34 per cent of 16-year-old Victorian females. In anyone's language those statistics are far too high.

I also saw the statistic that children spend \$25 million on tobacco each year. I do not know where we get these figures from, but my guess is that it is an underestimate. As the member for Frankston East mentioned, 80 per cent of smokers start smoking before they turn 18. I believe the battle to be won is with minors smoking and with stopping those young Victorians and Australians ever starting to smoke.

As an aside, in my spare time — honourable members will appreciate how much spare time we have in this job — I am the team manager for the Kew hockey club under-11 team. After we were defeated 4–1 last Saturday — it is important I get that on the record because it is the first goal we scored this season and a very important achievement for my eldest daughter — we wandered off to McDonalds in Balwyn to celebrate.

Approaching McDonalds in Balwyn I witnessed six young boys, all under 14 and all smoking.

An honourable member interjected.

Mr WILSON — I should point out they were clearly under 14. There was no way known that any shopkeeper could have thought they were young adults, that they were 18-year-olds. They were small boys, all six of them puffing away. It brought home to me that we have a real battle ahead of us, and legislation such as this will go some way towards correcting it.

Mr Maclellan interjected.

Mr WILSON — The honourable member for Pakenham suggests that if they continue to smoke they will stay small and that that should be the incentive for those young men. Had I had the opportunity to speak to them I would have passed that message on.

The opposition has consulted widely on the legislation. The shadow minister and the opposition's bills committee have consulted with Quit, Vichealth, the Department of Human Services, the National Heart Foundation and the Centre for Tobacco Research, among others, and the conclusion is that the legislation is worthwhile. It goes some of the way to correcting several problems that we are facing. If we can stop young Victorians and young Australians smoking, the bill serves a good purpose. I commend the bill to the house.

Independent amendments circulated by Ms DAVIES (Gippsland West) pursuant to sessional orders.

Ms DAVIES (Gippsland West) — I strongly support the Tobacco (Further Amendment) Bill introduced by the government, which adds to a bill to ban smoking in restaurants that I was happy to support last year.

The bill amends the Tobacco Act and the Tobacco (Amendment) Act to include further antismoking or anti-tobacco control measures, including further restrictions on advertising tobacco products, extending the ban on enclosed shopping centres to make it compulsory rather than optional and giving increased powers to inspectors to ensure that advertising signs used in shops comply with the regulations.

The bill will also stop the selling of promotional products with cigarettes, the sale of tobacco from mobile vendors and the sale of single or unpackaged cigarettes. That particular ban is very important as a way of discouraging and reducing the frequency with which young people use cigarettes. Currently they are more likely to buy smaller packets or unpackaged cigarettes. I also believe a greater use of non-smoking signs and giving greater powers to inspectors to ensure that the laws are complied with is very important.

The legislation banning smoking in restaurants is due to be enacted on 1 July. Far from being a very controversial issue which it seemed at the time, it is now widely accepted in the community. Therefore, the bill moves a little further down the road that society must eventually travel, one which will end when we ban smoking in all enclosed public spaces. I am disappointed that the government is travelling down that road more slowly than it needs to.

I am also disappointed that neither the opposition nor the government has been prepared to ban smoking in gaming rooms, which is the thrust of the amendments just tabled. In noting that point I indicate that I have discussed those amendments in some detail with the government but to no avail. I paid opposition members

the courtesy of giving them, very early, a copy of the amendments. However, rather than discussing the amendments with me, the opposition first announced its position in the media, which will not encourage me to do the same thing again!

I am disappointed that both major parties seem to have given in to a heavy scare campaign by Clubs Victoria and the Australian Hotels Association in this case. There is a very close link between problem gaming and heavy smoking. Both the government and the opposition have stated that they would like to do something about them. My amendments were intended to be a simple and practical way of impacting on both problem gaming and the health problems caused to workers and patrons in the dense smoky environments which most gaming rooms are. I know that individual members of both the government and the opposition strongly supported my amendments, but in this case the collective domination of their parties has won out.

One letter that I would like to read out is from an ALP candidate who is perhaps less constrained than sitting Labor members in supporting my amendments. He writes:

As the father of a daughter who is employed at the Crown Casino entertainment facility ... I felt compelled to register my wholehearted support for your efforts to expand the scope of the —

tobacco legislation —

to include venues where gambling is occurring.

My daughter has told me there is almost universal support amongst her work colleagues for the banning of smoking at the facility, notwithstanding ongoing efforts by Crown to minimise the impact of passive smoking on their gaming staff.

Clearly, any attempt to discriminate between employees who are exposed to passive smoking in gambling venues and restaurants is indefensible.

I have had ongoing contact from employees of Crown Casino for some time now. They are universally in support of the idea of smoking being banned in their workplace. Quit published research last year which showed that 69 per cent of Victorians support a ban on smoking in gaming rooms. That is a significant majority of people.

While acknowledging that the government has not been prepared to move at this stage, I urge it to move more rapidly than it had planned towards implementing a full ban of smoking in both gaming rooms and pubs and clubs in general.

It is now becoming much clearer that the health problems associated with smoking are having a disproportionate effect on the poorest sections of our community and a greater impact in rural rather than metropolitan areas. More of the entertainment available to people in rural areas is based in pubs and clubs rather than restaurants. It is not legitimate to expect that people who attend mainly middle class and more expensive venues such as restaurants will now enjoy a smoke-free environment when people in pubs and clubs in rural areas will still be subjected to dense, unpleasant and unhealthy cigarette smoke into the future. The disproportionate effect smoking is having on rural people and people in lower socioeconomic groups needs close and urgent attention.

I commend the bill for its focus on reducing advertising and the promotional hooks used by the tobacco industry that aim to attract our young people to take up smoking. Teenage rates of smoking are too high and I believe they are higher in rural areas and among kids from lower socioeconomic backgrounds.

The house should note that the biggest killers of Gippslanders are diseases relating to smoking and physical inactivity. Gaming venues in particular but also pubs and clubs contribute to both of those health risks. There needs to be an urgent focus on reducing the smoking rates among those people.

I repeat that I commend the bill and the government for its significant efforts at reducing the damage caused by passive smoking in restaurants and shopping centres and the other measures it has been prepared to take. I repeat my disappointment that none of the major parties have seen fit to support an amendment that is practical and simple to implement which would have provided another step along the way towards ensuring that people have a healthier environment in the future.

Ms McCALL (Frankston) — The purpose of the bill is to regulate the advertisement and sale of tobacco products, to widen the ban on smoking in shopping centres and to increase inspectors' powers. The house also has before it some amendments circulated by the honourable member for Gippsland West, but I understand that they are unlikely to go forward to the committee stage. I will comment on the amendments later.

I have spoken many times on bills relating to smoking, as has the honourable member for Frankston East. As ex-smokers we are experts on the subject. I am a child of parents who smoked fairly heavily until the age of 50, but I am delighted to say that at that age they went cold turkey and are now enjoying extraordinarily

rude health. My father has just turned 80, so there is life after smoking — in fact, extended life!

I will mention some of the issues raised by the bill, one of which is the advertising of cigarettes. I worked for the tobacco industry for four years and I can say unashamedly that it was a most interesting part of my life. I worked for British American Tobacco and was part of the smoking beagle brigade who used to test new cigarettes. We went across Europe watching how cigarettes were smuggled from North Africa. The duty stamps were changed on the packets of 20 and 40 cigarettes as they were rowed across the Mediterranean Sea to Sicily where the Mafia would take over the packages. I had a lot of fun in those days; smoking cigarettes in the 1970s was trendy, cool and very acceptable. I spent glorious nights in nasty, dark nightclubs filled with smoke where all the dangers of passive smoking were alive and well. Thank goodness we have grown away from that — —

An honourable member interjected.

Ms McCALL — We did have some good evenings, I have to admit. But in many ways, thank goodness, the recognition of public health has moved forward. The bill is an indication that, with the benefit of age, education and a bit of statistical information, we are getting wiser. However, a large percentage of our young community — and I am alarmed to note how many of them are young women — still see on television programs, most of which come from America, that it is considered fashionable and trendy not only to smoke but also to be grossly too thin. I fail to understand it, and for those of us who have never been under a size whatever-it-is to be fashionable, I say that food is wonderful and should be enjoyed. It keeps you smiling for most of your life.

Because of the health issues, particularly for young women who are attracted to smoking, I can do nothing but support the legislation. I walked down Young Street in Frankston the other day where there is a tobacconist. In the window there was an advertisement, as large as life, which read, 'Ecstasy cigarettes sold here'. That is two strikes so far as I am concerned: firstly, that cigarettes are being sold, and secondly, that they should be linked to the name ecstasy. That is outrageous, and I support without hesitation the ban on cigarette advertisements that are clearly misleading.

The second issue is about smoking in shopping centres. I am pleased that the Frankston town centre has been smoke free for some time. It is now a much more pleasant environment in which to walk and shop. The only thing that disturbs me is the congregations of

individuals who clearly have an overwhelming need to smoke outside the centre, like those outside many other public buildings, which creates piles of cigarette butts on the pavement. I would like the ban in shopping centres to be extended so as to say to those people, 'How dare you litter the pavements with your cigarette butts!'.

I am reminded of a comedy sketch by an American comedian, Bob Newhart — and I am displaying my age. I do not know how many honourable members would remember, but years ago he did a wonderful sketch about a conversation he supposedly had with Sir Walter Raleigh following Raleigh's return from America after discovering the evil weed, tobacco. I will quote a couple of lines from the sketch. He asked, 'You do what with it, Walt?', the reply to which he repeats: 'You roll it up in a piece of paper and stick it in your mouth'. Bob Newhart then says, 'You stick it in your mouth, Walt! Then what do you do with it? You set fire to it, Walt? It will never catch on!'. It is ridiculous — but God forbid, it did catch on! King James I of England and James VI of Scotland was quick — —

Mr Wilson interjected.

Ms McCALL — James I.

Mr Wilson interjected.

Ms McCALL — He was the sixth and the first — the sixth King James of Scotland and the first King James of England. He was the same man. He went to a great deal of trouble — —

An honourable member interjected.

Ms McCALL — I am a history major, so be careful! He went to a great deal of trouble to denounce the evil weed in many of his papers.

An honourable member interjected.

Ms McCALL — He is probably a relative from the past; I don't know!

Mr Maclellan interjected.

Ms McCALL — He was the wisest fool in Christendom, as I am reminded by the honourable member for Pakenham. Perhaps that is a compliment.

I turn to the amendments circulated by the honourable member for Gippsland West. The opposition was aware of the amendments and the move to ban smoking in gaming venues, so in anticipation of the debate I talked to some of the people in gaming venues in my electorate, including the RSL club, the footy club and a

couple of other places. I asked the patrons, the managers and the owners what their views would be if the amendments were passed, and I was fascinated by their responses.

I asked the smokers at the machines whether they would stop coming to the venue if smoking were banned and whether it would limit the amount of time they spent playing the machines. The short response was, 'No, I would just stay here longer, because I would have to nick out to have a smoke'. It would seem that a ban would almost defeat the purpose. Generally, the owners of the venues were of the view that it would not make the slightest difference to their patrons.

I understand the moral stance the honourable member for Gippsland West is taking, but the old-fashioned view is that when something is banned there is a tendency for it to become more attractive. We must be careful to ensure that the community recognises that banning smoking, particularly passive smoking, is a health issue and that it is for the benefit of the community at large, rather than driving it underground and making it more attractive. We must be careful we do not cross that fine line.

I do not support the amendments introduced by the honourable member for Gippsland West, but as a member of the opposition I am delighted to support the bill. I commend the government on taking another forward step in recognising the need to protect the health of Victorians.

Ms LINDELL (Carrum) — As a rabid anti-tobacco crusader, I am pleased to contribute to the debate in support of the Tobacco (Further Amendment) Bill. My feelings about tobacco smoking cannot be separated from the misery and suffering that smoking-related diseases cause for one in every two long-term users.

I can assure honourable members that lung cancer, cancer of the mouth, pancreatic carcinoma, bladder and kidney — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Loney) — Order! There is too much audible conversation in the chamber.

Ms LINDELL — I will repeat the list, Mr Acting Speaker, which includes lung cancer, cancer of the mouth, pancreatic carcinoma, bladder and kidney cancer, stomach cancer and cancer of the cervix. I assure every member of the house that none of those diseases provides a pleasant way for people to spend their last days.

Not only are there diseases that are directly caused by smoking, but there is also a range of smoking-related diseases. I have seen every one of them, having spent 20 years X-raying too many people suffering from heart disease, stroke, chronic bronchitis and emphysema. They and their families suffer as a direct result of smoking tobacco. I am sure there are members whose relatives have suffered from emphysema, which is the most foul and disgusting of the diseases directly related to smoking tobacco.

I do not apologise for my hostility towards the tobacco industry. It is disappointing for me that the Carrum electorate has a higher rate of deaths from smoking-related diseases than the rest of Victoria.

I will comment on the amendments proposed by the honourable member for Gippsland West, whom I thank for her contribution to the debate and her genuine interest in pursuing further reform. The government will be looking at the reforms suggested by the honourable member once the reforms passed last year, which come into effect in July and November this year, are fully assessed. As a government member on the board of Vichealth I know that further reforms will be welcomed by the anti-tobacco lobby. Extending the ban on smoking to all enclosed public spaces seems logical.

The government needs to take the community with it every step of the way in assessing how to go about introducing reforms that produce major economic and social changes for its constituents.

I refer to the provision in the bill that prohibits smoking in all shopping centres. When my children were smaller and walked holding my hands in shopping centres, supposedly safe in my care, I detested people who walked in the same areas holding their cigarettes at my children's eye level. I was always nervous in crowded shopping centres — I am not a particularly nervous mother — as I tried to ensure my small children did not collide with cigarettes. I am glad smoking will be prohibited in all shopping centres.

The bill prohibits gifts being given with the sale of cigarettes and the sale of single cigarettes, and it requires signage to be put into all milk bars, fast food outlets and cigarette retail outlets. The sale of cigarettes to minors will also become unlawful.

It gives me no joy whatsoever to say that I am the mother of a 14-year-old smoker. I often ask him, and myself, where the cigarettes come from. I believe the honourable member for Dandenong North also faces a similar problem in that he has a 13-year-old cigarette smoker in his household. Parents today must face those

challenges. I welcome any changes to the law. I understand that that is not enough and that we must continue the education process, but any changes to the law that make it more difficult for people to sell cigarettes to children can only be for the better.

A further amendment allows for the display of cigarette cartons at Melbourne Airport. Honourable members would agree that that is practical and sensible in that the only cigarettes to be sold there would be in duty-free cartons that are about to leave the country with passengers.

I also applaud the provisions that will allow for infringement notices to be issued for the display of tobacco products at other than the point of sale, the mobile selling of cigarettes and the selling of single cigarettes or cigarettes in packets of fewer than 20.

I concur with the sentiments expressed by the honourable member for Frankston. In the south-eastern corridor we face a challenge in bringing cigarette retailers into line with what is accepted. The area has a high rate of young smokers who have easy access to cigarettes.

It is dreadful that 30 per cent of our 16-year-olds smoke and that schoolchildren spend \$25 million a year on cigarettes. Those figures prove that the tobacco companies are not interested in curtailing the number of children who smoke. The statistic that 30 per cent of 16-year-olds smoke is an indictment of the tobacco companies.

The 4500 Victorians who die each year as a result of tobacco illnesses cost the community \$3.3 billion. There is no way anyone can sensibly equate that tragic statistic to a dollar amount given the families of people who are fighting chronic and terminal illnesses caused by smoking. The \$3.3 billion imposition on health services is extraordinary. That figure of itself means that governments should take all possible steps to reduce the amount of smoking in our community by adults and young people.

The level of support that Victorians in general have for restrictions on smoking is evident from the fact that 81 per cent of people surveyed supported total smoking bans in shopping centres. That should be sufficient evidence for the government and Parliament to push forward on smoking reforms.

In the 1980s Victoria was an Australian, if not a world, leader in introducing smoking reforms. It dropped the ball during the 1990s, but with focused attention and the good will of the community, which is obvious, we should be able to push forward with reform. I hope a

trademark of the present government is that it continues in the same vein in which it started.

I support the bill, which will provide a firm legislative basis for enforcing regulations on where and how people can smoke, and who can buy and sell tobacco. The bill makes good sense, and I am pleased to support it.

Mr LUPTON (Knox) — I am pleased to support the bill. In doing so, I express my appreciation of the work done by the Honourable Mark Birrell in the other place from about 1987 through the introduction of the Quit program. His contribution to the battle against the insidious habit of smoking should be acknowledged by Parliament.

While disregarding for the time being the amendments proposed by the honourable member for Gippsland West, I point out that the provisions that regulate the advertising and sale of tobacco products and widen the ban on smoking in shopping centres are important.

The regulation of advertising will have a dramatic effect on curtailing smoking by young people. Banning A-frame tobacco advertising boards outside particular establishments can only benefit the community. Anything that removes cigarettes from under the noses of young people must be good.

The honourable member for Malvern gave a good example of how the legislation will affect smoking in shopping centres. He spoke about Melbourne Central shopping centre, where more than five retailers could be located on the enclosed ground floor, thereby introducing a ban on smoking on that floor. However, he said that if only one retailer was located on the second floor, despite that level being classified as enclosed, smoking would be allowed there — but smoking would be banned on the third floor if it accommodated more than five retailers.

It would change depending on the number of retailers. That is something the government has to look at because I am certain it is not the intention to allow smoking in a situation like that.

I also raise concerns in relation to the shopping centres. Possibly the owners may prop open or force open the door — is that shopping centre still covered by the ban? I hope it is. I am fortunate that the Knox City shopping centre out my way has had a self-imposed ban on smoking for the past 10 years. While it has been well adhered to there have been glitches. One of the problems faced by all shopping centres is when a person decides to break the ban. How do shopping centres enforce it? It becomes difficult because they

cannot get the council officers down. If it is anything like our council they will not rush down to grab somebody because they are having a smoke.

Over a four-year period between 1993 and 1996 an average of 4695 Victorians died from smoking-related illnesses. Last year the Department of Human Services surveyed a group of children between the ages of 12 and 17. The City of Knox was the second highest of all metropolitan municipalities in the sample covering kids who had had a cigarette within the past 30 days — 31 per cent of the sample group had smoked.

I refer to a particular prison in Victoria — people may ask what this has to do with smoking. There are 80 prisoners in this jail for various reasons between 14 and 18 years of age. Of the people in the prison the majority first used drugs when under 13 years of age; 75 per cent have used heroin; 100 per cent have used cannabis; and 100 per cent have smoked cigarettes. I do not say that cigarettes are a gateway drug, but the example shows that cigarettes have had a detrimental effect on the people in that institution. Anything we can do to assist in stopping young people from taking up smoking has got to be pushed as far as possible. The honourable member for Malvern indicated that there had been bipartisan support on the matter of tobacco use, and it will continue today.

I also wish to mention the sale of single cigarettes. In my area, a mother was upset because her son, who was about 16, had purchased a number of single cigarettes from a local milk bar. I arranged with the council to stake out the milk bar but it wanted evidence that the offence had been committed. The mother would not sign the necessary statutory declaration or make comment other than on the phone, so the council was in a difficult position. It could not take action because it was difficult to pin anything down. It was only her word to me and nothing else.

I believe the legislation is moving in the right direction and will assist in stopping advertising of cigarettes to those younger members of the community who can so easily be trapped into taking up the habit. I have never smoked. I think my only effort was at a camp where I used newspaper and bark — I could not afford cigarettes and tobacco — and it was pretty lousy.

An honourable member interjected.

Mr LUPTON — And look how it has affected me! Yes, thank you.

I now wish to talk about the amendments put forward by the honourable member for Gippsland West. While I sympathise to a degree with what she is saying, her

attempt is naive. She has indicated that the majority of the members of the opposition and perhaps the government have been affected by the various hotels and gaming venue owners to stop this. I have not discussed the bill with any gaming venue owner or operator. I do not give a damn about the operators or the customers; I am concerned about the workers in the venues. They have to be protected. The amendment put forward by the honourable member refers to banning smoking in gaming-machine areas. I do not know how smoke can be stopped from drifting just because a flower pot or screen divides two areas. It is not practical.

I take heart from the fact the government will look at the amendments and try to refine them. The initial attempt is good but the substance leaves a lot to be desired. The example was quoted that at the casino there could be a gaming machine next to a blackjack table and — according to the way I read the amendments — cigarette smoking would be banned at the gaming machine but not at the blackjack table. It is ridiculous to think the smoke will not drift.

We have to take whatever action we can to prevent passive smoking. I hope the government investigates the proposal further because it probably has a lot of good points, but the way it is currently presented leaves a lot to be desired. It has been done in haste. I assure the honourable member that I do not care what the operators or the players say. I am more interested in the people who work there and the detriment to their health which may be caused by smoking.

I request that the government look at the amendment, and if it has to be introduced that it be done in a controlled manner so that the smoke which drifts around does not permeate a whole area.

I commend the bill to the house and congratulate the government. I also recognise the work done by the Honourable Mark Birrell in the other place in 1987.

Ms DUNCAN (Gisborne) — It gives me great pleasure to speak on the Tobacco (Further Amendment) Bill. This is a progressive amendment to a law covering something that is still legal — smoking tobacco. Some people would like to see this go a lot further, and the honourable member for Gippsland West is one of those. Her amendments would progress the issue but, as previous members have said, in order to progress the debate we need to take the community with us.

Last year the government introduced several amendments, the impact and effect of which we are still to see — for example, the banning of smoking in

restaurants and meal areas in pubs is a substantial reform. It is appropriate that we wait to see the impact of that and the other reforms on smoking rates.

I do not know whether any of the earlier speakers have admitted to being current smokers. Unfortunately, I am a smoker, which makes me a fool with a serious health risk. As most smokers would admit, the question is when to give up, not if. They acknowledge that the days of smoking in company with non-smokers and smoking in confined areas are over. At times even smoking in the privacy of one's own home is not appropriate. Some 81 per cent of people support bans on smoking in places such as shopping centres. Although 61 per cent of shopping centres already have self-imposed or total smoking bans, a large number still allow smoking. That causes confusion among smokers. It is also more difficult for local councils to oversee the new laws if the bans are self-imposed rather than legislative. I have seen people resist a request to cease smoking because they argue it is not against the law. The new laws will provide consistency and benefit people trying to enforce them.

The initial changes to tobacco laws were introduced by a Labor government in 1987. To restrict or ban an action that has previously been legal is a radical move. The ineffectual banning of alcohol in America in the 1920s and 1930s is an example of governments acting in haste and imposing unrealistic restrictions. It is difficult to change people's behaviour when smoking is legal and the move to introduce restrictions is a radical one. The Bracks government is committed to the improvement of public health and a reduction in the number of young people who take up smoking. It believes the restrictions will progressively occur worldwide.

Some statistics are startling. While only 21 per cent of adults now smoke, a 1999 survey of Victorian secondary school students indicated that 27 per cent of 16-year-old males and 34 per cent of 16-year-old females had smoked in the previous week. That does not necessarily mean that they are full-time smokers or that they will continue to smoke in adult life, but many people who smoke today started at a relatively young age when they knew no better. That is true of myself. Smoking is an insidious addiction and those of us who continue to smoke against all of the medical advice know how difficult it is to give it up. The best way to progress the issue is to reduce the uptake of smoking.

Several key aspects of the bill extend previous reforms. In summary, smoking will be banned in all enclosed retail shopping centres in Victoria. Retailers will be required to display signs that state it is illegal to sell

tobacco to minors. One might say, 'We already know that and what benefit will the display of signs bring?'. A study undertaken in the western region showed that retailers who displayed those signs were more likely to request identification and more likely to refuse a sale to young people. While signs may not necessarily stop young people from attempting to purchase cigarettes they raise in the minds of the retailers the requirement not to sell cigarettes to young people.

It prohibits the sale of single cigarettes and the provision of other products with the sale of cigarettes. I must have missed out on many of these sale items because I have never been offered anything other than full-price cigarettes. I have never received a freebie with cigarettes. I believe the banning of the sale of single cigarettes is important. As we would know as well, in the days when they had packets of 10 cigarettes, they were what younger people smoked. While many of us are price sensitive to smoking, for younger people that sensitivity to pricing is much more relevant, and there is a direct correlation between the price of cigarettes and the number of young people who smoke them.

Another significant reform in this bill is the banning of 'Cheap smokes' or 'Discount cigarettes' signs outside tobacco retailers. I believe that is also a significant amendment. There is no doubt that seeing such a sign — as I know myself — makes you more inclined to go to that shop and purchase your cigarettes. You might even stock up on cigarettes because of their cheapness. Obviously that is not conducive to trying to give up smoking when you believe every packet you buy is going to be your last packet. You certainly hope that that is the case. Mobile cigarette sellers will also be banned.

These are great reforms. As I said earlier, they are progressive reforms that add to the previous reforms. It is, as has been said by other speakers, a step in the right direction and one that this government is committed to taking.

Concern has been expressed by some in the retail sector about the time frame for the implementation of many of these new laws. This government is keen to ensure that there is sufficient time for retailers to get their heads around these changes and gear up their outlets to meet them. The government has therefore agreed to delay the introduction of the reforms relating to advertising for an additional six months, until 1 January 2002.

There has been a further concession to retailers regarding the sale of cigars. As has been previously put by other speakers, the smoking of cigars is not

something that young people tend to take up. In fact, I would have to say that I do not think I have ever seen a young person smoke a cigar. That is not to suggest they are not a health hazard as well.

The government has been keen to listen and to respond to the retail sector and small businesses that have raised concerns about the implementation of these reforms. I see that as part of bringing the community and industry on board. We know, for example, that research suggests that tobacco advertising plays an even more important role in young people smoking than peer pressure. We have spoken previously about the effects of peer pressure in influencing teenagers to smoke, but the advertising of tobacco certainly has as great an impact as peer pressure.

We know of course of the hazards of smoking and the fact that tobacco directly or indirectly kills 13 Victorians every day. I think that is a horrifying statistic. We also know, and have known for many years, of the effects of second-hand smoke, or passive smoking. This bill goes further in addressing those issues as well.

This bill is a further step in the right direction. It builds on this government's previous reforms, and I believe it is an excellent addition to what might be deemed a package of reforms on the sale of cigarettes and an attempt by this government to reduce the number of people who take up smoking, in particular. We all know from bitter experience how difficult it is to give it up, so it is a lot better not to take it up in the first place. I commend the bill to the house.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Mr MACLELLAN (Pakenham) — The opposition and the government, even the Independents to some extent, seem to be of one mind in supporting the bill. However, I believe we may have an exaggerated view of our own importance in dealing with this legislation. Shopping centres in Pakenham have been smoke free for some time, so I do not think that provision will mean anything in my electorate. Retailers of cigarettes and other tobacco products in my electorate have not indulged in the rather exotic trading practices that have been described in the course of the debate. I do not think they have been palming individual cigarettes to new recruits! I do not think their sole objective has been to attract a new cult following of cigarette smokers. I think they have been trying to do the right thing.

When the retailers were threatened with the original rules on displaying cigarettes that this government proposed, they certainly reacted badly. As people who

had legitimately been selling a legal product, they — rightly, I think — asked that they be given sufficient time to adjust the presentation of the cigarettes in their retail establishments so they conformed to whatever new rules the government was thinking of.

I have not been conscious of mobile vendors in my electorate. I do not doubt that some people may have been going around to sporting events, perhaps selling cigarettes from a caravan together with pies and other products, but I do not think it has been the monstrous problem some honourable members claim it has been. Some of us are in danger of being strangled by our own halos!

The house was taken on an excursion into the economics and sociology of smoking from the I-can't-quite-believe-she's-not-Labor Independent member for Gippsland West. Although she is absent from the house at the moment, I will give her some personal advice: if she wants to give her amendments a better chance with the government while not exercising the balance of power she has, she should be proposing smoking and non-smoking gaming areas in the same venue so people have an enhanced choice.

If as a first offering with regard to gaming she were offering a choice, as we have with restaurants and a number of other establishments in which it is possible for people to choose whether they wish to be in smoking or non-smoking areas, she would have a much better chance to attract the support of the government — and, I imagine, the opposition.

However, the honourable member for Gippsland West made a typical teacher's comment, saying, 'Out of the goodness of my heart I gave my amendments to opposition members and they — naughty boys — publicly rejected them without getting back to me'. If that occurred, perhaps there was an element of discourtesy in it; but there is also an element of righteousness in her standing up in the Legislative Assembly and saying 'Stop, boys! Hush, hush! Lecture time' — as well as that lovely comment to the kept-in class, 'I might not give you my amendments ever again!'

I assume the honourable member for Gippsland West is sincerely anxious to have something along the lines of her amendments incorporated in legislation. If she wants to get them in, the way to do it is not to say to the opposition, 'If you don't handle my amendments the right way, I'm going to cold shoulder you'. She needs to be a little more inclusive of the government and the opposition. If she is, she may well win the point she seeks to make. However, I do not think she will win it

tonight as part of an absolute ban on smoking in gaming areas.

Many honourable members are retired smokers — former smokers — and current smokers. I am not sure that it would advance the debate if I were to name those honourable members who are still on the weed or those who have given it up. But we should agree that this legislation is another small step in a long process of educating the public.

The Honourables David White and Mark Birrell in another place deserve enormous credit for the work they did when it was neither smart nor fashionable to be tackling the smoking issue. Given that beginning, and given the health promotion technique they introduced, which was a first, we will advance things much further and be at our best if as members of Parliament we hold on to the collegiate view rather than trying to score points. We are at our best when we bring public opinion along with us. We need to focus on persuading smokers, not on providing a glorious opportunity for those in this Parliament who have seen the light, given up and reformed to parade their virtues. We need to advance the matter further than that.

Tonight we are taking the matter a couple of small steps further, but what a pity it is that we are not prepared to make even a passing reference to some of the other noxious products that are used by members of the community.

If we were having a debate about substance abuse — for example, heroin abuse — or about smoking marijuana, the collegiate view would dissolve almost instantly. Constituent after constituent continually pins my ears back on what they see as the two-facedness of being piously antismoking while having no view at all on smoking marijuana. Have we heard in the debate such statements as, ‘Oh well, we have to be tolerant of people having a small amount of tobacco for personal use only’? No, instead we hear ‘We are going to ban smoking in shopping centres and restaurants’. We are prepared to roll our sleeves up and get stuck into it if the issue is tobacco, but are we as interested in the mental or physical health of those who are smoking marijuana?

When will today’s equivalents of the Honourable David White or the Honourable Mark Birrell step forward and provide leadership in dealing with the new and difficult problems associated with the use of substances which are equally harmful to health but which are currently banned. That is the area where public opinion needs to be led and where we can start the 20 or 25-year

campaign that is needed to re-educate the public, as was done with road safety.

I was in this Parliament when some honourable members opposed compulsory seatbelts, for heaven’s sake! All that time ago! It takes a generation to move public opinion along. On the sensitive issues of marijuana and other substances such as heroin, it will take us a quarter of a century to get public opinion to the point where we will be able to have a consensus collegiate view expressed through this Parliament.

I welcome this legislation — albeit with some reluctance — and find myself joining with the majority of honourable members in rejecting the amendments proposed by the honourable member for Gippsland West. I reject them because I think they overstate the point and go over the mark. Instead of working towards a collegiate view and working together, they represent an attempt to prove something, maybe independence — —

Mrs Peulich — Or prearranged defiance!

Mr MACLELLAN — It may well have been prearranged. I believe that is not the way forward. The way forward is to discover, to get consensus and to move forward together to provide a good model that might apply to other substances.

Mrs MADDIGAN (Essendon) — I join my colleagues in strongly supporting the Tobacco (Further Amendment) Bill. The bill is a further step in the strong policy development undertaken by the Bracks Labor government in the period since it was elected — policy development designed to try to remove excessive smoking in Victoria, and particularly in public areas.

The government has already passed legislation to provide for smoke-free dining, to regulate the tobacco advertising industry and tobacco displays in public retail outlets and to require retailers to display health warnings. This further bill makes provision for an area in which I am particularly interested, that of passive smoking. The legislation, among other provisions, bans smoking in enclosed retail shopping centres in Victoria. All honourable members who have been inside enclosed shopping centres will know how pervasive smoke can be. The dangers of passive smoking were not recognised before the past 10 or 15 years, even though a great deal of earlier research had been done into the effects of active smoking. The effects of passive smoking on the community have only more recently been examined and understood.

The web page of the Anti-Cancer Council of Victoria details the dangers of passive smoking and has a link to

an extensive briefing paper on the research known to the council. There is now a large amount of evidence that breathing in other people's tobacco smoke is bad for your health. That paper states:

In 1992, the United States Environmental Protection Authority classified environmental tobacco smoke as a class A lung carcinogen — one that causes lung cancer in humans —

as we know. Findings from that major scientific review and others in Australia, the United Kingdom and the United States of America conclude that passive smoking causes:

lower respiratory illness in children ...
lung cancer in adults ...
irritation to the eyes, nose and throat ...

Passive smoking contributes to the risk of:

low birth weight ...
sudden infant death syndrome ...
nasal sinus cancer ...
heart disease ...
Passive smoking contributes to the symptoms of asthma in children ... and may increase the risk of death for infants from all causes ...

That is quite a significant group of effects. Earlier this evening honourable members referred to the environments of their youth, probably environments with which all of us are familiar. Many of us have suffered smoke-filled environments during parts of our working lives. The honourable member for Mitcham has obviously had a lot of problems in his working life.

Mr Robinson — Not to mention TABs!

Mrs MADDIGAN — Smoking in TABs, as the honourable member points out, can also present quite a risk to people, especially to those who spend a lot of time in TABs. Although that is not an experience I have had, I understand many members of the community have had it.

Honourable members have over many years been present at social events, sometimes in hotels and often in private environments, where smoking has been quite excessive and people have been at risk without knowing it.

The Quit web page identifies three types of smoke produced by cigarettes:

mainstream smoke — the smoke directly inhaled by the smoker

exhaled mainstream smoke — the smoke breathed out by the smoker

sidestream smoke — the smoke that drifts from the end of a burning cigarette.

An interesting point is that the particles in sidestream smoke are smaller than those found in mainstream smoke and can be inhaled more deeply into the lungs. Passive smokers can, therefore, in some circumstances suffer even greater effects than do the active smokers smoking near them. Sidestream smoke can, in other words, have a serious and significant effect.

The Quit web page contains evidence that non-smokers who suffer long-term exposure to environmental tobacco smoke have a 20 per cent to 30 per cent higher risk of developing lung cancer than do non-exposed non-smokers, so the risk is significant.

Recent research has shown new links between smoking — including passive smoking — and a range of cancers, of which breast cancer is one. According to research evidence presented on the web page:

When cells are dividing they are more susceptible to carcinogens. Breast cells divide during pre-adolescence, adolescence and the first three months of pregnancy. One study found that girls and women exposed to tobacco smoke at these periods have a significantly greater risk of developing breast cancer than non-exposed women ...

And where do you find a lot of adolescent girls and women? In enclosed retail shopping centres — not particularly in TABs, but in the very environments covered by the bill.

Passive smoking is also associated with nasal sinus cancer. I do not know if any honourable members have met anyone who has died from nasal sinus cancer, but they should know that since the sinus area is so close to the brain, that cancer is one of the most painful cancers of all.

Passive smoking is also associated with an increase in the risk of coronary heart disease. The risk of heart disease for non-smokers with long-term exposure to tobacco smoke is 20 to 30 per cent greater than that of non-exposed non-smokers. The risk increases with increased exposure to tobacco smoke.

Passive smoking causes both short and long-term damage to the heart by reducing the amount of oxygen carried in the bloodstream and reducing exercise capacity. Chemicals in tobacco smoke also help clog the arteries and cause blood clots leading to heart attack. The Australian National Health and Medical

Research Council estimates that 77 coronary deaths occurring each year in never-smokers in Australia could be attributable to smoking by spouses at home. People who have never smoked a cigarette in their lives can die from the effects of smoking just from living in the same house as someone who smokes.

The effects of passive smoking are a lot greater than many people have realised over the years. It is only recently that people have begun to understand the significant damage that can be done to you, especially if you are a young person, from someone smoking nearby. That is why the provision in this bill that relates to retail shopping centres is very important and is a measure the community at large will welcome.

A number of community surveys on public attitudes to passive smoking show that people are becoming more aware of the dangers of passive smoking. As early as 1987 the Anti-Cancer Council of Victoria showed that a majority of smokers and non-smokers believed there should be smoking restrictions at work. A similar study in 1996 showed that a majority of smokers and non-smokers believed passive smoking was harmful to health. In answer to the survey question, 'In your opinion can the health of non-smokers be damaged by other people's cigarette smoke, or not?', 80 per cent of all respondents said they thought it could be. There is a growing awareness of the dangers of smoking to people who do not smoke. Therefore, I think there will be significant public support for this legislation.

I also think the public will welcome other measures in the legislation, such as the requirement for retailers to display signs stating that it is illegal to sell tobacco to minors. It is always good to remind people of their responsibilities in dealing with young people. Another area of the legislation that is relevant to that is the provision relating to selling single cigarettes. The habit of selling single cigarettes is quite harmful and is directed particularly at young people, who frequently cannot afford to buy packets of cigarettes. Being able to buy single cigarettes enables a lot of young people to have access to smoking, access they would not have if they had to buy full packets. That practice should be outlawed, and I am glad to see that it will be. Of course there are many reputable cigarette sellers who have refused to engage in this practice, and they should be commended for that; however, it is still an area of concern.

Other provisions deal with the advertising of cheap smokes and the prohibition of the link between free gifts and cigarettes, and I think they will also be welcomed by the community. Mobile cigarette sellers will also be banned. I have not seen a mobile cigarette

seller for a while, but many years ago they were frequently seen at major public events and at private events.

Overall this bill will be warmly welcomed by Victorians. It continues the actions of the government to further its election policy to restrict the selling of tobacco. The policies associated with the health portfolio to assist people who smoke should help all of the community in the long run. I very much commend the bill to the house.

Mr JASPER (Murray Valley) — I join the debate on the Tobacco (Further Amendment) Bill and support the comments made by the member for Rodney on behalf of the National Party, who indicated that the National Party will not oppose the legislation but will oppose the amendments circulated by the honourable member for Gippsland West. I listened with a great deal of interest to some of the earlier contributions, and I particularly took note of the comments made by the honourable member for Pakenham. He brought to the debate a balance which had not been evident in the contributions of some of the earlier speakers.

I indicate from the outset that I have never been a smoker and have never been interested in smoking. Some members of my family have been smokers, and I am very much aware that health problems are created by people who smoke. However, so far as the general public and I are concerned, it is not an illegal pastime. We should be aware that people have the option to smoke, notwithstanding the wealth of evidence showing that people who smoke face health hazards.

I also point out that the tobacco industry is tremendously important to north-eastern Victoria. It has been a major contributor to the economy. It is estimated that up to 60 per cent of tobacco production in Australia takes place in north-east Victoria, and it is worth about \$25 million to the economy. There is no doubt that there has been rationalisation within the industry. Major changes have been effected. Many people in the King and Ovens valleys have left the industry and have converted to growing grapes for wine production or other forms of horticulture. There has been a reduction in the number of people involved in the industry, which has consolidated into a smaller number of responsible growers who are producing high-quality product. While I am not a smoker and never have been, the importance of the industry to north-east Victoria should not be forgotten.

Many changes have taken place in the 20 years that I have been in this Parliament. The increasing importance of the issue and the history of the debate on

smoking that has taken place in this house, as well as the restrictions that have been brought to bear through legislation, are interesting. On one occasion in the 1980s when Rob Jolly was Treasurer he announced during the budget debate that the excise on tobacco was to be increased by 5 per cent. He said that increasing the excise on tobacco would reduce the incidence of smoking by 10 per cent. However, he went on to say that it would increase government revenue by \$40 million each year. Although he said the excise would be increased and he believed that would reduce the number of smokers in the state, he also quickly acknowledged that tobacco excise is a great revenue earner for the state government. We all know about the huge excises on tobacco products imposed by both the state and federal governments and the huge revenue that brings to those governments.

It is interesting that three areas of federal government taxation revenue were left out of the equation when other taxes were removed by the introduction of the GST at a federal level — the taxes imposed on tobacco products, on alcohol and on petrol. A range of taxes imposed by the state and federal governments were removed or rationalised with the introduction of the GST and a range of other taxes are to be progressively removed, but the high taxes on the tobacco, alcohol and fuel industries are to remain in place. That recognises the huge revenues those industries bring to those governments.

It is interesting to look at the contributions made by members of Parliament over many years to debate on legislation seeking to restrict smoking. Some people have been very sanctimonious about it, and I refer to the current Attorney-General of the state of Victoria. I remind the house that the Attorney-General was for some years a member of the federal Parliament representing the area of Mareeba in Queensland, which is a tobacco-growing area.

Mr Plowman — I wonder what he said then.

Mr JASPER — The honourable member for Benambra raises precisely the point I want to make. I have extracts of many of the speeches the current state Attorney-General made in the federal Parliament when legislation was being introduced to restrict smoking in Australia because of the apparent health hazards.

He spoke strongly in favour of the tobacco growers in his electorate. He said it was a legitimate industry, therefore it should not be attacked. He said we should be more measured in how we deal with the industry and how we encourage people away from smoking. He was

keen to tell the federal government that smoking was not illegal and that he supported his tobacco growers.

Then we saw the action taken by the Attorney-General last year. I quote from a report in the *Wangaratta Chronicle* of Monday, 27 March on a meeting of Attorneys-General throughout Australia where there was some suggestion that they were looking to push for a class action against tobacco companies. As I recall, the Victorian Attorney-General was at the forefront of encouraging that class action against the tobacco companies in Australia. As I see it, there has been some hypocrisy from the Attorney-General. On the one hand, when he was a member of the federal parliament he sought to represent his electorate, which we all seek to do, and strongly defended the tobacco industry; on the other hand, he has now said how dreadful tobacco is and has attacked not only the smokers but also the tobacco companies.

We should recognise that Philip Morris Ltd is a big employer in Victoria. As I understand it, it employs about 1000 people in Moorabbin. That company is also involved with the Kraft factory in Strathmerton in my electorate. Philip Morris has invested huge amounts of money — most recently, \$100 million — in expanding the factory as one of the major producers of cheese products in the Murray Valley. I say to the house that we need to be balanced in what we are doing and how we handle this subject.

I was also interested to talk to an honourable member for North Western Province in the other house, the Honourable Ron Best. As the National Party's shadow spokesman on health and a representative on the Victorian Health Promotion Foundation, Ron Best certainly has an interest in trying to get a balance in legislation that comes before the house. He undertook an extensive investigation into this legislation and sought responses from all responsible organisations in Victoria on whether the legislation was worth while, whether it was worth supporting and whether further consensus should be sought within the industry before seeking to restrict smoking in particular areas.

That brings me to the amendments proposed by the honourable member for Gippsland West. I agree with the comments made by the honourable member for Pakenham that when the honourable member for Gippsland West puts forward a particular argument it is almost like we are in a schoolroom being told what should be done. I wonder whether the honourable member has had extensive consultation with all people who have an interest in this area. To bring forward an amendment to ban smoking in gaming rooms is only one step among many that may be taken in years to

come. The National Party will not support that amendment, although it does not oppose the legislation.

Honourable members should reflect on the changes which have been implemented through the 1980s and the 1990s in seeking to get balance in the industry. Those changes recognise the need for more restriction and control of tobacco products and the need to instruct people about the problems that can result from smoking, particularly excessive smoking. Legislation which came before the house last year introduced new smoking restrictions to pubs and clubs, and that will come into effect in July this year. That legislation was the result of consultation with the industry, which agreed that changes were needed. It was given time to comply with those restrictions, July 2001 being the effective date.

There has certainly been consultation about the legislation currently before the house. There is a belief that we need to go further in seeking to restrict the areas where people can be allowed to smoke — indeed, I get the feeling when I go to functions and activities that people are more responsible in what they do. People who are smokers often recognise that many people in a room or a particular venue may not like to be with smokers, so if they want to smoke they leave the venue and smoke outside. Restrictions are already in place in many areas, such as the MCG.

I have some information about the ban on smoking in gaming rooms. A study conducted by Quit in 1998–99 showed that 34 per cent of people thought smoking should be banned totally, 45 per cent supported smoking in restricted areas and 18 per cent supported smoking anywhere — that is 63 per cent either supported smoking outright or in a restricted area. That finding is apparently consistent with other research which has been undertaken.

The industry generally recognises the need to control areas where people can smoke and the need to protect people who do not wish to be in an area where there is smoking. Smokers must be informed that if they wish to smoke they should leave the area and smoke outside and not disturb others at a particular venue or function. However, the amendment suggested by the honourable member for Gippsland West really comes down hard on the industry because it comes without consultation.

The honourable member for Gippsland West indicated that smoking is a bigger problem in country areas than metropolitan areas. She provided some facts and figures which she claimed showed the higher prevalence of smoking in country areas. I suggest to the house that she provided no evidence as to where those facts and

figures came from. Indeed, earlier in my contribution I indicated that the percentages which I had given on smoking in gaming rooms were obtained from an investigation undertaken by Quit in 1998–99, so I question the figures presented by the honourable member for Gippsland West. They have no backing and she gave no information about from where those figures were obtained.

I got the impression that the figures were just something she pulled out of the air and that just because she represents a country area she thinks there is a greater proportion of smoking in country areas compared to metropolitan Melbourne. She gave no real support for that argument.

An honourable member interjected.

Mr JASPER — I acknowledge the comments made by the honourable member for Geelong.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member should disregard those comments coming across the house.

Mr JASPER — It is interesting, Mr Acting Speaker, because now we have the honourable member for Geelong — his father was a great member — interjecting, apparently defending the honourable member for Gippsland West as to where those figures came from. When he makes his contribution I hope he can provide those figures again and indicate precisely where they came from.

I am trying to indicate to the house that if we are to legislate for restricted areas for smoking we need to take the industry with us. There needs to be an extensive and exhaustive investigation with all the players in the industry involved so they can be taken along with it.

I recognise that this legislation will not become effective until 1 January 2002, and that gives time for the retailers and others affected by it to introduce appropriate changes to the way that they operate. I again acknowledge the comments of the member honourable member for Pakenham, who said that most retailers are very responsible in what they do. They seek to honour and stand by the laws of this state and operate effectively and, of course, profitably. However, we need to understand that these restrictions will affect them and that they need time to introduce those changes progressively.

I say again that if further restrictions on smoking are needed in hotels, clubs and gaming rooms, they must be introduced progressively. Discussions with the

Victorian Health Promotion Foundation and the people involved in the liquor industry, together with all those who may have an opinion, should be sought before restricting where people should be allowed to smoke.

Again I point out that smoking is not illegal. Although it is recognised as a health hazard, there are people who wish to smoke. As the second-reading speech indicates, it is a big problem where young people are concerned, and education must be involved in overcoming it.

In saying that the National Party does not oppose the legislation, I want to put things into perspective. The tobacco industry is important to my electorate and others in north-eastern Victoria, so any changes must be introduced progressively. They should not affect the people who are involved in and gain their income from an industry that has been effective in the north-east, because the people who produce and sell tobacco seek to do the right thing.

Mr BATCHELOR (Minister for Transport) — The Tobacco (Further Amendment) Bill represents another step in the government's ongoing commitment to address Victoria's no. 1 public health problem — tobacco use.

Victoria was once a proud leader in this country's fight against the enormous toll that tobacco use wreaks on the community. The Tobacco Act was groundbreaking, world-leading legislation. Now after seven years of inactivity under the previous government, which saw Victoria fall behind other jurisdictions both in Australia and overseas, the government has started the process of once again making Victoria a world leader. It began with the passage of the Tobacco (Amendment) Bill in 2000, continues with this bill and will and has to continue into the future. It involves a continuum of activity. It is a process that must never be concluded, because in Victoria there are 5000 avoidable deaths every year as a result of tobacco use, and that is 5000 deaths too many.

Tobacco use is a unique public health problem, in both its magnitude and its cause. It is far and away the leading cause of preventable death and disease, and it is promoted by a deceitful and duplicitous industry that has been treated with kid gloves for far too long. Litigation in the United States of America has resulted in the release of documents that reveal all. They tell an extraordinary and shameful story of an industry that has spent almost 50 years lying to its customers and to governments, including this one.

The tobacco industry has been denying evidence that shows the health effects of tobacco use and the

addictiveness of nicotine, which it always knew to be true. It has been meticulously engineering its products to make them more and more addictive — and it has scandalously targeted children in its marketing efforts. It has been designing its products to make them more palatable to children, whom its marketing exploits. In doing so it has killed millions of people worldwide. It has killed nearly 700 000 in Australia alone.

Mr Trezise — It's a disgrace!

Mr BATCHELOR — In this civilised society it is a story that is almost impossible to believe. As the honourable member for Geelong said by way of interjection, it is a disgrace. It is horribly true — and it is an absolute disgrace.

In the past year or two the tobacco industry has tried to put on a new face, but it is only a veneer, a facade. The release of previously secret internal documents means that it can no longer tell bald-faced lies about tobacco not being harmful or addictive. Instead it tries to portray itself as a responsible, new-age industry. That is absolute nonsense and all honourable members must recognise it. The tobacco industry depends for its profits — and, indeed, its survival — on making children and adults addicted to its products, ushering them to early deaths from lung cancer, heart disease, stroke, emphysema and countless other diseases that tobacco use causes. Because it does so it can never be regarded as a responsible industry and should never be treated as one. Instead it should be treated as the killer and compulsive law-breaker that it is.

Last year Philip Morris generously sent one of its New York executives, Joshua Slavitt, to our shores as its Australian director of policy and programs. The previously secret documents that I referred to earlier show Mr Slavitt to be somewhat of an expert on youth smoking issues. The data that was released last year by the Centre for Behavioural Research in Cancer at the Anti-Cancer Council of Victoria showed that the number of smokers in the 12 to 17 age bracket had fallen between 1996 and 1999, which perhaps explains why Mr Slavitt was sent to Australia.

With the overwhelming majority of smokers starting before the age of 18, today's children are the tobacco industry's market of the future. If the industry cannot addict children it will die. The tobacco industry knows that, and it has always known it. So, what does it do? It introduces Mr Slavitt from Philip Morris in the United States of America to bring his expertise to Australia. Mr Slavitt's expertise seems to be in the art of feigning concern about children smoking while doing everything

he and his company can to ensure that children take up the addictive habit.

An internal document of Philip Morris written by Mr Slavitt in 1991 details a tobacco industry youth initiative program on which he is working. It is an interesting term for an initiative of the tobacco industry. In that internal Philip Morris document Mr Slavitt lists three criteria against which his youth initiative program should be measured. One might expect, or at least hope, that the no. 1 criterion would be a drop in the smoking rate among children. That was not the no. 1 criterion. In fact, a drop in the smoking rate among children does not come in at no. 2, and it does not even make it to no. 3 in Mr Slavitt's list of objectives. Instead, Mr Slavitt identifies three different criteria.

An examination of those criteria is illuminating. The first objective put forward by Mr Slavitt on behalf of Philip Morris as part of his youth initiative program is a reduction in legislation introduced and passed restricting or banning sales and the marketing activities of Philip Morris. The second objective is the passage of legislation favourable to the tobacco industry. The third objective is to achieve greater support from business and, amazingly, parent and teacher groups for the tobacco industry. In other words, the goal of the youth initiative program of Mr Slavitt and Philip Morris is to protect the industry's market — to keep in place all the industry's marketing activities that Mr Slavitt knows will continue to hook young children to tobacco and its addictive characteristics.

As a Parliament, as a community and as a nation we are fortunate to have access to Mr Slavitt's memo and countless others like it as a result of litigation in America. The documents exemplify in the most exquisite way just what the tobacco industry is all about. They remind the community of the measures that we as parliamentarians need to take to oppose the tobacco industry. Incidentally, he is the same Mr Slavitt who earlier this month presented the Covent Garden National Opera Studio Scholarship, a scholarship for young opera singers sponsored by the tobacco company, Philip Morris!

Ms Delahunty interjected.

Mr BATCHELOR — The Minister for Education suggests you can't sing if you have lung cancer. That is absolutely right. The ironic and ludicrous situation is that a manufacturer of a product that causes cancer of the tongue, the mouth, the larynx and the pharynx is sponsoring a scholarship for budding opera singers. The odiousness and ludicrous nature of that arrangement hardly needs comment. The tragedy is that it is just

another chapter in the continuing awful story of tobacco.

This bill, which I believe will get widespread support, will put an end to some of the more insidious means used by the tobacco industry to hook children and young adults onto its products. It will prohibit the sale of cigarettes and promotional items that are obviously designed to appeal to young children. By prohibiting mobile retailing the bill will end the industry practice of sending models dressed in tobacco-brand colours to walk around youth venues, such as dance parties, selling cigarettes designed to kill young people.

As I said, this bill is just one more step in a long process for which this government is not afraid to take leadership. Some people advocate the dismantling of the tobacco industry as a profit-making enterprise. That idea gains more and more credibility with each new revelation about the reprehensible past and, unfortunately, the ongoing conduct of the tobacco industry. The notion that a company should not be able to profit from the manufacture and sale of a lethal, addictive product in circumstances whereby the higher the profits the greater the social, economic and personal costs is entirely reasonable. That may be the direction in which we should ultimately be heading. That approach has much to recommend it.

The style and modus operandi of the tobacco industry — the untruths, misleading information and compulsive lying — have not yet finished. The tobacco industry continues to deny the harmfulness of passive smoking, not for any reasons that have anything to do with the evidence. It continues to do that because it knows restrictions on smoking in public places and workplaces designed to protect non-smoking patrons and employees will ultimately impact on its financial bottom line. The tobacco industry continues to want to put profits before the health of the community. It puts profits before people.

Unfortunately, that is the hallmark of the tobacco industry. The government accepts that further restrictions on smoking in public places and workplaces are not far away. This month's \$466 000 damages awarded by a New South Wales Supreme Court jury to a former Port Kembla barmaid who contracted throat cancer as a result of passive smoking in the workplace underlines the need for further restrictions. Such restrictions will undoubtedly form part of the government's ongoing commitment to addressing the tobacco tragedy. They will be one component of the ongoing and comprehensive process of which I have been speaking, and an early part of that process is the bill now being debated, which I commend to the house.

Mr PLOWMAN (Benambra) — I thought tonight's debate on this issue would be bipartisan until the Minister for Transport got to his feet. I am appalled by the speech he made, because he not only denigrated an industry that produces and processes a legal product but he did it in a shameless way. Who wrote the speech for you, Minister? You read every bit of that speech without any of your own heart in it.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member should address the Chair.

Mr PLOWMAN — I direct my remarks to the minister: who wrote the speech for the minister?

Mr Batchelor interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The minister should cease interjecting.

Mr PLOWMAN — How much of his heart did the minister have in his speech? He read every word of it.

As I said, I thought tonight's debate would be bipartisan, based on a bill supported by both sides of the house, but after I heard the minister say that for the seven or eight years the Liberal-National Party coalition government was in government it did nothing to reduce the incidence of tobacco smoking and related disease, I realised I was wrong. I ask the minister why he said that and whether he believes what he said in his contribution. I am appalled and disappointed by his speech.

As do all opposition members, I support the bill, because its aims are highly commendable, but I take exception to the way the minister addressed the house. I support the bill because it aims to reduce the risk of tobacco-related illness and death, and the number of such deaths in Australia has reached 700 000. I admit that is an appalling figure that must be acted upon and reduced. The incidence of youth smoking must also be reduced. Every honourable member is aware of the problem and is appalled when a young person of 12, 13 or 14 is seen smoking.

Mr Smith — Or 40.

Mr PLOWMAN — Or 40, says the honourable member for Glen Waverley — I don't think that is young!

Another aim of the bill that I commend is to reduce the incidence of passive smoking. The aims of the bill include a prohibition on smoking in all enclosed retail shopping centres and areas. That is an excellent move, and all members of the community would support it.

Another provision will ensure that signs displayed by retailers of tobacco products clearly indicate that it is illegal to sell tobacco products to minors. The sale of single cigarettes, which is an inducement to a young person with limited income to buy a cigarette and start smoking, will be prohibited. The advertising of discounted cigarettes is another inducement used by retailers.

The bill contains positive measures to reduce the incidence of young people taking up cigarette smoking. It sensibly addresses the practice of gifts being given with tobacco sales. It also addresses the idea of mobile cigarette vendors. As other honourable members have said, they are almost like walking advertisements directed particularly towards attracting young people into an atmosphere where they will be influenced to smoke.

I turn to the amendments foreshadowed by the honourable member for Gippsland West. I can understand her asking why, if a gaming venue is a public area and smoking is to be prohibited in public shopping areas, the same thing should not be done in gaming areas. She should be honest about it. Is the honourable member for Gippsland West promoting her amendments to try to reduce the incidence of cigarette smoking or are they a direct attack on the gaming industry? Let her be honest about it and say whether that is what her amendments are all about.

I have talked to the gaming operators in my electorate. When you go into a gaming venue you notice that the majority of people are generally smokers. So long as it remains legal for people to smoke, as it is to drink, why should they be restricted from smoking while they are enjoying something that is probably equally unattractive — that is, spending money in a gaming facility? Why single out gaming venues? How effectively can you do that, because most gaming venues have a bar available to smokers near the gaming machines. Honourable members may have noticed that most drinkers in a bar also smoke. So long as tobacco and alcohol are legal products, gamblers should be allowed to enjoy the two pastimes of smoking and drinking. Why should smoking be banned in gaming venues?

In almost every gaming facility I have visited real efforts have been made to reduce the incidence of passive smoke getting to those who do not smoke. The venues generally have expensive and effective evaporative air treatment plants that are able to suck out the smoke immediately above the area where people are smoking so that people who do not smoke are not affected by passive smoke. The strongest argument

concerns the people who work in gaming venues, because they do not have the option of being separated from passive smoke. There is validity in the argument that we should look after the people in the gaming industry who are subject to passive smoking.

Wodonga, in my electorate, has legal gaming venues that are in direct competition with gaming facilities in Albury, across the Murray River in New South Wales. Wodonga has about 300 gaming machines versus about 13 000 machines immediately across the river. The contrast is extraordinary. The number of gaming machines anyone can access immediately north of the river, and in areas along the river's banks, is far in excess of the number available to most Victorians. The New South Wales machines were introduced initially to take Victorians' money, which they did to excess. The clubs in New South Wales built premises to attract people to use their machines.

If we were to introduce a policy of outlawing cigarette smoking in gaming areas in Victoria we should put the onus on the New South Wales government to do the same. It would be hard for people running legal and legitimate gaming venues in Victoria to suffer that degree of competition, bearing in mind that, as I said, the majority of people using gaming venues smoke and would therefore be attracted by the gaming opportunities in New South Wales if they could not smoke in Victorian venues.

My main concern is not about any of those issues but about the fact that although the government is acting to reduce the incidence of smoking and illness or death from smoking, it is not doing enough to reduce the trade in the illegal product known as chop-chop, which is tobacco that is grown legally on tobacco farms but harvested and sold illegally without the excise. It is the most effective means of introducing people to cigarette smoking because it is so cheap, and its use in the community is growing. The government should look at the product more closely and work harder to eliminate it. It is sold under the counter so that you never see it advertised but all you have to do is ask and you will find it — in all sorts of tobacco outlets.

The problem is that it is bringing about a real pressure from the processors to close down the legal growing of tobacco. I have a parochial interest in the issue, as did the Attorney-General when he was a member for a north Queensland federal seat and represented a tobacco-growing area. I have tobacco growers in my electorate; they are growing a legal product, and so long as it remains legal the product has my support. Those growers are professional and in many cases have been growing tobacco for up to three or four generations.

Recently, in the federal Parliament, I met members of a delegation from north Queensland and from Victoria who were going to see the federal minister about the tobacco issue. British American Tobacco will not buy the product from Queensland after this year. The growers there are seeking a departure package to enable them to leave the industry with some degree of grace and financial security and to springboard to another industry. In Victoria Philip Morris has offered the industry a continuation of the prices available to the industry in 2001 for 2002. British American Tobacco, which has 20 per cent of the market in Australia, has a five-year agreement in Victoria. It is suggested that the quantity of Australian-produced product will drop by 20 per cent. Philip Morris has an annual commitment but at the moment its price will remain stable.

The pressure is on the industry because chop-chop has increased its share of the market and is bringing the tobacco industry into disrepute. It is the responsibility of the government to look at the product and do something more tangible to reduce its sale and distribution. It is not only bringing about disrespect for the industry, but so long as it is available the processors will aim to get more of the product sourced offshore and bring an illegal processed product into Australia. I ask: what is the sense of that? If it is a legal product, if we allow people to smoke it here, why should we force the industry offshore?

I conclude by saying that I was interested to hear the honourable member for Pakenham comment that it is rather hypocritical for the government to talk about tobacco smoking with that degree of disrespect — particularly as shown in the remarks by the Minister for Transport — when the reverse is said when it comes to the legalisation of marijuana or heroin. If we are fair dinkum about this we should have a single policy on all three of those products. We should be as hard on marijuana smoking as we are on cigarette smoking. If we are not, why aren't we?

A government member interjected.

Mr PLOWMAN — Why does the honourable member for Frankston East procrastinate about the issue and suggest the current government is not supportive of legalised marijuana and legalised heroin and the introduction of injecting rooms for heroin users?

In time we will look back on this period in the same way as we might now look back on the past 15 or 20 years when the first steps were taken in Parliament to try to reduce the incidence of tobacco-related illness and death.

Mr HARDMAN (Seymour) — It is a pleasure to speak on the Tobacco (Further Amendment) Bill, particularly because it is aimed at preventing young people from taking up smoking. I talk as a newly reformed smoker who took up smoking at an early age. I know how difficult it is to break the habit of smoking and to do so in the long term. There are always many excuses that come your way to have a cigarette, and it takes a great deal of strength to knock one back. As I found myself and as research has confirmed, people who take up smoking at an early age find it harder to give up, have more chance of being heavy smokers and have less chance of giving up smoking in the long term. That means an increased risk of contracting diseases that are smoking related.

I acknowledge the comments of the honourable members for Murray Valley and Benambra on the tobacco-growing economies of their electorates.

I realise the tobacco industry provides benefits to their local areas. As the honourable member for Murray Valley said, the government derives some revenue from tobacco excise. However, if the cost to society of health-related issues were examined, I am certain the damage to the economy would be greater than the benefits derived from growing tobacco. Various ways to help tobacco growers move out of that industry and into industries with a brighter future should be examined.

The legislation includes key reforms to decrease the chances of young people taking up smoking. Smoking in enclosed retail shopping centres will be banned. Already some 60 per cent of shopping centres are smoke free. The government believes the majority of shoppers will support a total ban. Tobacco retailers will also be required to display signs stating it is illegal to sell tobacco to minors. The advertising of cheap smokes or discount cigarette signs will be prohibited. At \$8 or \$9 a packet, cigarettes are not cheap. If a person smokes only one packet a week it may not be too expensive, but people who smoke one or two packets a day may spend more on cigarettes than they do on food.

Mobile cigarette sellers will be banned as will the selling of single cigarettes. Research shows that some 80 per cent of smokers start before the age of 18 years, and the bill is targeted towards preventing young people from taking up smoking.

I am pleased the honourable member for Doncaster is supporting the bill in a bipartisan manner. I commend the bill to the house and wish it a speedy passage.

Mr SMITH (Glen Waverley) — As earlier speakers have said, the Tobacco (Further Amendment) Bill is part of a progression to stop smoking in the community. Honourable members who have been in this place for a while are fascinated by the changes in attitude towards smoking. I am sure that whether they admit to it or not, all honourable members have smoked at some stage. Over the past 30 or 40 years campaigns to prevent smoking have been raised based on the issue of health.

The Minister for Transport and the honourable member for Benambra spoke about their attitudes towards smoking. Some 25 per cent of the population still smoke cigarettes. Those people are addicts and to wean them all from the habit will be almost impossible. We must slowly and effectively continue the Vichealth campaign commenced in 1987 to curb smoking in the community. Remarkable progress has been made. Smoking inside buildings is now banned almost everywhere and that progress will continue. The award of \$466 000 damages to a New South Wales barmaid for illness caused by passive smoking has sent shock waves through the club, hotel and gaming industries. Those industries will have to voluntarily restrict smoking or they will be made bankrupt if those types of awards continue.

There must be a happy medium. In 1987 when the balance between the parties was much the same as it is now, the Honourable David White, the then health minister, and the Honourable Mark Birrell in another place came up with sensible legislation that had the respect of everyone. It became a model to be built on. The current bill is the latest in a stream of minor legislation that will send messages through to the 25 per cent of people who are addicted to smoking.

As earlier speakers have said, we need to ensure that younger people do not take up smoking. Most honourable members have families, some of whom are young. I worry about my 10-year old because many young people are smoking. I recall that in Vietnam almost 100 per cent of the troops smoked.

We have seen the light, for whatever reasons, but we still have 25 per cent of people who are addicted to smoking. In most cases they comply with the rules. We have many of those people here in Parliament. They comply; they go outside. In most cases they do not smoke where it will offend other people. I believe the community has learnt a lot in the 40 years since the first shock waves. In those days, when most people smoked or were involved with people who smoked, their clothes always reeked of cigarette smoke, whether they liked it or not. Today most people are able to avoid that

if they do not smoke, and that is a credit to the addicts who do respect the rights of other people.

But we are going further and further towards the eventual banning of cigarette smoking indoors. I believe that is something that will inevitably occur. In the meantime all we can do — and this is what this bill is about — is keep trying, and I am sure that eventually even those who are so addicted will in fact give up, perhaps from their own health viewpoint. This afternoon I was with an inveterate smoker who, due to a heart condition, has had to go off cigarettes. Even he — a man in his 70s — is quite offended when people smoke because he knows it will harm his health irreparably.

Through one form or another the message will get through. The main thing that is going to send the message is the court case in New South Wales where damages of \$466 000 was awarded to the barmaid who worked in a club. Even the voluntary restrictions that will no doubt follow on from that will ensure that people who do not smoke will be protected as much as they possibly can be and that those who do smoke — and I think that is the bigger worry — will get the message. It is hoped that they will restrict their smoking and younger people will be educated to such a degree that they will not take it up in the first place. But nobody is going to be living on those sorts of dreams. It has to be a hardworking procedure and both sides of politics will have to put their shoulders to the wheel. I support the bill before the house.

Mr STENSHOLT (Burwood) — Like other speakers before me, I support the Tobacco (Further Amendment) Bill. It is legislation that restricts both the sale of tobacco and where people may smoke. I must say from my own experience as a former smoker — and many Australians, many Victorians, indeed many of my own constituents are in the same situation — that it is quite difficult to give up smoking. Indeed, as others have mentioned, tobacco remains a legal drug.

Nonetheless, this is clearly a series of steps in the right direction. It is well proven that smoking is a scourge on the health of the nation. Research has clearly shown the deleterious effects of smoking such as lung cancer and heart problems. Indeed, cigarette packets and other tobacco products have prominent warnings displayed on them saying that smoking kills. It not only does that, it also leads to many people having very bad health, which is a great drain upon the resources of the Victorian health system.

Recently there has been a series of court decisions on smoking, both in the United States and Australia. Not

only have the companies that make cigarettes been forced to admit liability, but the courts have found that there is some liability, either directly or indirectly, as we saw in a recent case in Sydney.

There have long been efforts to restrict smoking and its effects. Bans and restrictions on advertising, for example, have been in force and have taken various forms. Indeed, there has been a progression, and this bill is part of that progression of steps aimed at restricting the sale and provision of tobacco products.

The series of measures in this bill serves to reinforce and extend the previous measures. The measures include restrictions on signage in restaurants, retail signage and advertising — for example, as has been mentioned, forbidding the non-specific display of tobacco products, so that such advertisements as ‘Discount cigarettes. Come in here and buy’ will be outlawed.

The bill imposes further sales restrictions and bans the sale of unpackaged cigarettes and packets of fewer than 20. I am surprised to learn that selling unpackaged cigarettes may be common practice. I know it has been common practice in many countries, but it is a little surprising. It has of course been used as a device to sell cigarettes to minors. I think this prohibition is a good provision. There are also bans on mobile cigarette sales. In the past we have seen people being employed to give away cigarettes as a form of advertising and promotion.

The bill also includes changes in the way cigarette displays are to be managed. There is an extensive provision in the bill, clause 20, dealing with point-of-sale advertisements that restricts how cigarettes can be displayed. It is designed to avoid the impact of extreme displays at the point of sale. The clause also sets out how vending machine displays are to be arranged and organised. There are a couple of exceptions that seem to be quite commonsense.

The bill makes important changes relating to smoking in retail shopping centres. Clauses 3 to 6 talk about banning smoking in retail centres. Clause 11 substitutes proposed new section 15B, which imposes a requirement on the owners of retail shopping centres to display ‘No smoking’ signs. Retail shopping centres are now meant to be smoke free, and appropriate signage has to be in place and prominently displayed in them.

These are some examples of the way this bill extends the restrictions on the sale and smoking of tobacco. A newspaper article on the attitude to smoking of the youth of today, particularly the attitude of young girls, notes that a recent survey shows that there was an

increased acceptance — it was a very small percentage, I must admit — of smoking by teenage girls. That is disappointing and shows that we need to continue to reinforce the efforts of the community by legislation to ensure that our young people do not fall into the trap of smoking and end up suffering its very bad effects on their health and being put at risk of dying from smoking-related illnesses.

This is good legislation. It extends and reinforces the measures that are currently on the statute book, and I support it.

Ms ALLAN (Bendigo East) — I am pleased to support the Tobacco (Further Amendment) Bill. Smoking is an addiction and tobacco is a drug that causes many deaths in our society. Those facts have been widely reported. Because smoking is an addiction that many people find hard to kick, I strongly support the bill. It contains significant reforms in the area of tobacco regulation, which this government is pursuing. The bill should be considered as part of a package of reforms, some of which were introduced by the minister last year.

We know that smoking causes illness and death and that it costs the Victorian health system over \$3 billion each year. That is a considerable amount of money given that today the Treasurer delivered a budget that has increased recurrent expenditure in the health industry by more than \$1.1 billion.

Unlike many other honourable members — the house has heard a few confessions, such as, ‘Yes, Deputy Speaker, I am a reformed smoker’, or, ‘I used to smoke’ — I am proud to say that I have never been a smoker, which I restate at every single opportunity. I am an antismoker and a non-smoker; I am sure many of my colleagues can attest to that position.

I am alarmed at the increasing number of young people, in particular young women, who are taking up smoking at a rapid rate. This in part can be blamed on the perception that smoking continues to be seen as something that is cool. For young women it is also seen as a weight-loss solution, although obviously that is a myth. The fact remains that young women are taking up smoking in ever-increasing numbers. That is alarming, not just for their own health but also for the effect it has on the economy and others around them.

The bill is an important part of the government’s strategy to deter people taking up smoking and, I hope, to encourage those who smoke, including some of my colleagues, to kick the habit. The bill also aims to put controls on an industry that does not necessarily

welcome them. The proposed legislation has been the subject of widespread community debate as was the previous Tobacco (Amendment) Bill which was passed by Parliament last year. That is a positive sign because it shows that we, as a community, are prepared to take on debate in this area and start to tackle a serious health problem. Smoking should be viewed as a health problem, not a society problem. It is indeed a health problem because of the costs incurred in the health system.

In my younger years, during my time in high school and university, I worked in a supermarket. The cigarette counter was one of the more popular parts of the supermarket to work in. When I worked at the cigarette counter — and I note that the supermarket that I worked in fronted a shopping centre —

Mrs Peulich interjected.

Ms ALLAN — I was a checkout chick, as the honourable member for Bentleigh points out. Before the honourable member interjects again, I indicate that yes, I was a member of the Shop, Distributive and Allied Employees Association, or the SDA, just so she is under no illusions.

An Opposition Member — And you’re proud of that?

Ms ALLAN — I am proud of that. Indeed, I was the shop steward at the supermarket for the SDA — another achievement I am very proud of!

I worked at the supermarket during one summer holiday season. It was not much of a holiday because I worked five mornings a week from 7.00 a.m. I certainly did not have much holiday fun during that time. When I worked at the checkout counter of the supermarket where the cigarettes were sold — and this goes to an important part of the bill that amends the point-of-sale advertising undertaken by cigarette companies — every Monday morning when I started my shift I opened the store and was inundated by the cigarette companies’ point-of-sale material, not just advertising but also associated merchandise. It was designed to provide sweeteners to people to buy cigarettes. The marketing was directed particularly at young people. Because it was during the cricket season, a lot of the giveaways were something to do with cricket — such as a key ring in the shape of a cricket ball and posters of cricket players. Extensive merchandising was involved with the sale of cigarettes. It was all designed to appeal to young people.

That is why it is important that this bill amends the point-of-sale advertising options. Point-of-sale

advertising can be quite attractive, apart from the rather tacky 'Cheap smokes' signs in a supermarket or any cigarette kiosk that you might come across in a strip shopping centre. The advertising can be colourful, sophisticated and attractive to passers-by. That is why it is good to see that the bill will put some regulations on point-of-sale advertising and will restrict more excessive advertising.

In particular — and this is what interested me, drawing on my experience as a checkout operator — there will be a restriction on the displaying of the cigarettes themselves to allow the display of just the tops and sides of the packages at the primary point of sale. If you enter any place that sells cigarettes you are inundated — hit — with the vast array of cigarettes that are on offer. There are a number of different cigarette brands and a number of cigarettes of different strengths within a brand. It is good to see that some of these things will be amended to make it less attractive to people to buy cigarettes, which is an important part of this bill.

As I said earlier, anything that restricts point-of-sale advertising, makes smoking less cool and less appealing to young people and makes tobacco less accessible to people generally will, I hope, assist in reducing the number of those who take up smoking or continue with it.

With regard to restrictions on young people's ability to buy cigarettes, when I was working at the supermarket a number of years ago the federal government brought in a regulation specifying that young people who you thought to be under the age of 18 who requested cigarettes had to produce identification, and a special sort of ID was made available for the purpose. I admit the provision was not welcome at the time, but it certainly was effective, because if you did not turn away young people who were seeking to buy cigarettes the company was heavily fined, which did not exactly guarantee your longevity in the work force! We need a similarly strong strategy now, one that includes enforcement provisions for point-of-sale advertising, to reduce the rate of cigarette smoking.

I note that the bill proposes to prohibit smoking in shopping centres. I find cigarette smoke personally offensive. It gives me an allergy, and I get extremely bad hay fever from the smoke.

Mrs Peulich interjected.

Ms ALLAN — I do not take the interjection by the honourable member for Bentleigh too kindly. I ask her to refrain from making comments of that kind across

the chamber. I find cigarette smoke offensive, as I said. It gives me allergies.

I recall going to the cricket a few years ago and being unable to enjoy the match because of the extreme discomfort caused by the people smoking around me. Banning smoking in enclosed shopping centres is therefore a welcome initiative. It would be great if the legislation were introduced from tomorrow, but I acknowledge the importance of having a phasing-in period for the industry and for shopping centre owners and operators so they can adapt to the new provisions.

Research undertaken by the Anti-Cancer Council of Victoria shows that 81 per cent of Victorians surveyed supported the banning of smoking in shopping centres. That is an important figure. In case the honourable member for Bentleigh did not hear, I will repeat it: 81 per cent of Victorians surveyed supported the banning of smoking in shopping centres. Clearly, therefore — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! There is too much audible conversation! I ask honourable members to be quiet.

Ms ALLAN — The proposed initiatives will be welcomed. They form part of a package of provisions dealing with the tobacco industry, including the reforms passed in the Parliament last year. I was pleased to support the ban on smoking in dining areas — and I am certainly looking forward to 1 July this year, when it is introduced. It is good to see that such reforms are being treated as a package.

The bill proposes a number of other reforms that will make it harder for young people to buy cigarettes, particularly banning the sale of single cigarettes. Young people, particularly those still at high school, may not have high incomes. The provision will therefore make it harder for young people to become more addicted to smoking. The banning of 'Cheap smokes' signs will also, thankfully, become a thing of the past, as will mobile cigarette sellers.

The bill is another portion of the package of reforms being introduced by the Minister for Health and the Bracks government that is welcomed by me and by many Victorians. It is important to remember that we want to reduce the deaths and illnesses caused by cigarettes, for the betterment of all Victorians.

Mr NARDELLA (Melton) — In supporting the Tobacco (Further Amendment) Bill I will firstly respond to the comments of the honourable member for

Benambra, who spoke as an apologist for the tobacco industry. He talked about chop-chop, but the only thing that should be chop-chopped is his seat-seat when it next-next comes up-up! He put an outrageous argument to the house on tobacco and the bill.

The bill is about public health, reducing the harm and the deaths caused by tobacco use and reducing the encouragement being given to the tobacco industry. I used to be a smoker, but I now understand that the tobacco industry deliberately sets out to kill its customers.

There is support on both sides of the house for the legislation, which I applaud. Nevertheless, it has always been the Labor Party in government that has legislated for these reforms. It was the initiative, the vision and the foresight of the Honourable David White, when Minister for Health in 1987, that resulted in the original legislation successfully passing through Parliament. That was when we began to control the murderous, megalomaniac companies that sell tobacco. I applaud the pioneers — the David Whites of this world and the former Cain government — for putting in place mechanisms to control the use of this substance in the community.

An honourable member interjected.

Mr NARDELLA — Yes, of course it is legalised. That does not mean the smoke should be blown into people's eyes in shopping centres. The shopping centre proprietors agree with the proposed legislation. They do not want to deal with the smoke and the ash — and the inevitable lawsuits that derive from passive smoking.

This legislation is absolutely valid. It is important to reduce the amount of harm that tobacco does to people. Smoking is a killer. The cigarette companies tell us time and again that they do not promote smoking to young people and kids, but the only reason they sponsor events such as the Benson and Hedges cricket and promote various sporting codes is that it gets to young people; it hooks them in and guarantees the companies' profits for the next generation of their shareholders.

Mr Doyle — You do realise that this is your legislation and you are speaking in support of it?

Mr NARDELLA — Absolutely.

The DEPUTY SPEAKER — Order! The honourable member for Melton will address his comments through the Chair and the shadow Minister for Health will cease interjecting.

Mr NARDELLA — I support this legislation absolutely because it is about stopping the sale of cigarettes to minors. The tobacco companies are very good at the rhetoric, but when it comes to reality, when it comes to selling the single cigarette to the kid who comes up to the counter in the shop and when it comes to the promotion of their product, they are blatantly hitting on young people in our society. As the honourable member for Bendigo East said, young women are taking up this filthy habit in increasing numbers.

The effects of this substance are quite devastating. I remember many years ago seeing my uncle, my dad's brother, in hospital with throat and lung cancer. His family, his two young daughters, were distraught. He passed away and it was awful to see. He left that family without a father and my dad without a brother. It was agonising to see what happened to him and his family. That sort of thing has happened a number of times. My old next-door neighbour, Johnny Miller, was a fantastic bloke. He smoked all his life; he used to roll his own because they were safer than the smokes in the packets! He passed away last year riddled with emphysema and cancer, and that was extremely sad for his family. It is important for the community to embrace this legislation.

Finally, I want to recap to the house a brief story I told to others at dinnertime. In 1992 the Labor Party's political stocks were not that high and I and one of my colleagues, the Honourable Jean McLean, a then member for Melbourne West Province, made a bit of a pact. We were both smoking at the time and we agreed that if we got elected — we thought at the time that it was not a shoo-in — we would give up smoking. Honourable members might recall the Honourable Jean McLean and know that she continues to smoke. I have not had a smoke since November 1992. I still urge her to uphold her pledge to give up smoking.

Mr Doyle interjected.

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

Mr NARDELLA — On that basis I support the bill before the house.

Ms BEATTIE (Tullamarine) — It gives me great pleasure to speak on this bill on a day when we in this house have done so much for young people. The budget announcements for the electorate of Tullamarine were fantastic. There were announcements for the Sunbury and Sunbury Downs secondary colleges.

The DEPUTY SPEAKER — Order! The honourable member will address her comments to the bill before the house.

Ms BEATTIE — Now with this bill we are doing so much for young people. As the member for Bendigo East rightly said, it is young people, and particularly young women, who are taking up smoking at a very unhealthy rate.

At this time I must confess that I have never had a cigarette in my life, not even one. As the honourable member for Melton said, it is a filthy habit and should be discouraged. In my opinion, it is something which should be done by consenting adults in the privacy of their own homes, and in only those circumstances.

I am proud to support this bill, which is a public health initiative. It demonstrates how far we have come as a community in getting rid of these filthy habits and the health risks they pose. It is a well-known fact that 4500 Victorians die each year of smoking-related illnesses. I felt sad to hear the honourable member for Melton's stories of his neighbour and one of his relatives. I also had a relative who died of lung cancer. That person had given up smoking 20 years previously but the diagnosis was that his lungs were so badly damaged by cigarette smoking that he died in his 70s. To watch a person drown in their own fluids is a terrible thing. I can empathise with the honourable member for Melton.

This bill is based on a reform package, not just one issue. It relates to smoke-free dining and the regulation of tobacco displays. We would all have been in a restaurant where we felt like saying to people, 'Excuse me, do you mind if I eat while you're smoking?' We might go to a restaurant and order a wonderful meal and have it ruined by somebody puffing smoke all over it. I will now seek out smoke-free restaurants. I do not think this bill will do any harm to business; I think businesses will gain trade by advertising themselves as smoke free.

I would like to focus particularly on the sale of single cigarettes, which this bill prohibits. Surely the sale of single cigarettes is an inducement to get young people to hit their hip pocket for a couple of dollars and buy one cigarette. That induces them to start smoking. We see the Marlborough girls or the Winfield girls in short outfits giving away cigarettes at various events. I cannot see the point of it. It is unhealthy to give away those cigarettes, and they focus particularly on young people in doing so. That must be limited.

Of course the bill affects my electorate of Tullamarine in that it provides limited concessions to the duty-free operators at Melbourne Airport for the sale of cigarette cartons. Melbourne Airport has been widely consulted on this issue, as is the norm for the Bracks government. This government always consults on the various issues. Melbourne Airport, Nuance Global Traders — the duty-free operator at Melbourne Airport — and Quit Victoria have been consulted about this provision. There has been wide consultation on this bill.

Unfortunately, in the 1990s no progress was made on teenage smoking rates, which is why strong initiatives are necessary to prevent the sale of cigarettes to teenagers. It is a fact that about 21 per cent of Victorian adults smoke. However, data on Victorian secondary school students showed that 26 per cent of 16-year-old males and 34 per cent of 16-year-old Victorian females had smoked in the previous week. Those are alarming facts.

The honourable member for Bendigo East confessed to being a checkout chick; I will also confess to that, although there might be a few years' difference in our times as checkout chicks! We must encourage the retailers to instruct their staff to know the laws on selling cigarettes. I am sure this legislation will do it.

The legislation will come into effect on 1 January 2002. All in all, it is a great health initiative. The Minister for Health is to be congratulated on having the courage to take this initiative in the face of companies such as Philip Morris. Many of us will have seen that movie called *The Insider*, which shows the pressure that is placed on people. Our minister does not succumb to pressure; he does the right thing. He takes the moral high ground and comes out a winner because he looks after the health of Victorians, as is his duty. I commend the bill to the house.

Mr THWAITES (Minister for Health) — I thank and acknowledge all speakers who have taken part in the debate — the honourable members for Malvern, Rodney, Bennettswood, Knox, Frankston, Benambra, Pakenham, Glen Waverley, Frankston East, Gippsland West, Carrum, Gisborne, Essendon, Seymour, Thomastown, Burwood, Bendigo East and Melton. I particularly acknowledge the support of the honourable member for Tullamarine, who has a major interest in protecting public health.

This is an important initiative in health promotion. Certainly it will mean that all enclosed shopping centres in Victoria will be smoke free by November, and that is part of our further crackdown on cigarette smoking. From 1 July restaurants and hotel bistros will be smoke

free. This is an area where there is evolutionary improvement; we are committed to those changes, which will be implemented.

In her contribution the honourable member for Gippsland West foreshadowed some important amendments in her name relating to making gaming areas smoke free. The government has given those amendments careful consideration. We believe, as I understand the opposition also believes, it is appropriate at this stage to continue with the commitments made earlier for the implementation of smoke-free restaurants from 1 July. We will oversee the implementation of that policy, and as part of that oversight we will further consider the issues raised by the honourable member for Gippsland West. This is an area where change is needed but it needs to be change that brings the community along with it. We need to ensure that employees and customers are protected wherever possible from the harm caused by passive smoking.

The legislation also tightens the provisions for the sale of cigarettes in the community. Gifts of cigarettes will be banned under the new laws as will cigarette hawkers and mobile sellers of cigarettes. That is all part of our approach of trying to reduce the risk that young people will take up smoking. We know that something like 80 per cent of smokers pick up their habits in childhood so it is absolutely critical that we stamp out smoking by young people wherever possible. A child who starts smoking at 14 is 15 times more likely to die of lung cancer than someone who has never smoked.

The Tobacco (Further Amendment) Bill introduces a number of important measures which will ensure that the community is safer and that public health is protected. The legislation is a tribute to those who have taken part in its formulation. I would particularly like to thank the departmental officers who worked on it and also organisations such as Quit, who supplied information.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Savage) — Order! Under sessional orders the time has arrived for me to interrupt government business. The question is that the house do now adjourn.

Children: protection services

Mr SPRY (Bellarine) — I raise with the Minister for Community Services an ongoing issue concerning child safety and child protection at one of the primary

schools in my electorate. When this school wrote to me on 16 November last year — that is six months ago — this matter was urgent. In desperation, the secretary of the school council asked me to intervene in the interests of students in need of protection under the auspices of the Department of Human Services.

As the minister is aware, schools are mandated to notify DHS if teachers suspect that students are being abused at home or are in danger of being abused. At this school experience has demonstrated that both community police and the Department of Human Services are relatively powerless on those issues. The shame of this particular incident in my representation on behalf of the school is the inexcusable lack of any response whatsoever from the minister after six months.

Let me detail the chain of events, all sadly one sided: on 23 November last year I raised this issue in the Parliament. On 27 November I followed it up with a letter to the minister and enclosed a copy of the letter from the school concerned. On 15 December I sent another letter to the minister reminding her that the matter was urgent. Still no response. On 7 February, after school resumed for the new year, I sent another letter to the minister, this time imploring her for a response. Once again, silence. I wrote a letter to the school council asking for patience — at that stage even a member of the opposition was trying to protect the minister from herself! On 6 April this year I sent a further letter to the minister, and at that stage I began to realise that the minister is totally incompetent.

I am disgusted. When matters affecting the safety and welfare of children are at stake and a member of Parliament is asked to help, it is inexcusable for this sort of indifference to characterise a government's response. But that is what has happened. I repeat: in this case I am disgusted. The school is outraged and so is the school community.

Children continue to be exposed to risk. I ask the minister in this house this evening what she is doing about the matter. Is she even aware of the situation? If so, has she initiated any action? The school wants to know. If she has not taken action, why not? I repeat: this school community is waiting for answers. It wants to know what she thinks and what she has done about the issue.

Western Highway: Leakes Road flyover

Mr NARDELLA (Melton) — I request the Minister for Transport to make representations to the federal Minister for Transport and Regional Services to build the Leakes Road flyover on the Western Highway at

Rockbank. The Leakes Road intersection on the Western Highway is extremely dangerous; numerous accidents occur there every week with quite a few casualties occurring within the vicinity.

In early January the *Herald Sun* ran an article about the announcement that as part of the Roads to Recovery program the Leakes Road flyover was to be built at a cost of about \$15 million. The Rockbank community, the Melton council and I were overjoyed at news of the flyover — it was most welcome.

I organised for Vicroads to come along to a meeting of the Rockbank Action Group where Rockbank residents were to be consulted about the design of the flyover and so forth. The Vicroads officer, who was terrific, said there was no allocation for that project, which was a cruel way for the community to find out. There were further discussions with Vicroads, the journalist from the *Herald Sun* and the minister's office, but even though the minister's office did not retract the original article it informed us that there was no allocation for the Leakes Road flyover.

On 3 April I wrote to the federal Minister for Transport and Regional Services, John Anderson, about this dangerous intersection, but I have still not received a reply. An urgent allocation is needed to build the flyover. The Rockbank community needs the security. Over the past five years there have been many accidents at the intersection — around one serious accident each week — many of which are not reported. The community is fed up with the carnage at the Leakes Road intersection.

It is important to note that the Western Highway is a federal highway and that the Honourable John Anderson is the responsible minister. He should uphold his responsibility and allocate \$15 million to build the flyover, particularly to protect local residents, who provide quite a bit of money by way of petrol taxes to the federal government, part of which should go — —

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

Prom Meats

Mr RYAN (Leader of the National Party) — I raise for the attention of the Minister for State and Regional Development a matter relating to Fos Meats Pty Ltd, trading as Prom Meats. It is a company with a long history that operates an abattoir in South Gippsland, immediately outside Foster. The company employs 52 people, and about another 34 people work as contractors at the same facility, giving a total work force of 86. I emphasise that those people are drawn

from the local community. Historically the abattoir has been a major player in providing employment.

I regret to say that last Sunday, 13 May, Ernst and Young were appointed as voluntary administrators of Fos Meats after being asked to fulfil that role by the company's directors. The company and the employees who are dependent on it are now in a parlous situation. I seek from the minister an assurance that every possible means will be explored to find a solution to the problems the company now faces. I appreciate that some of the problems may relate to the general operation of the company and are therefore outside the government's province, but once the administrators have had the opportunity of making a full assessment of the issues I suspect the government will have a role to play in either enabling the company to trade out of its current difficulties or working with the company and the administrators to ensure an alternative operator is located.

I emphasise that this is not just about the employees of the company but also about the many suppliers and other people who are dependent on the enterprise. Over the past 12 months the region has regrettably sustained a fair deal of commercial damage. The Bonlac factory at nearby Toora recently closed, resulting in the loss of about 60 jobs in the town. The situation is bleak. There is plenty of room in the short, medium and long term for the government to step in and play a realistic role in making sure that the company is able to survive or, alternatively, in finding another operator.

Darebin: truck ban

Mr LEIGHTON (Preston) — The matter I raise for the attention of the Minister for Transport concerns the proposed banning of trucks from Massey Avenue, Reservoir and the implications for residents of Broadhurst Avenue. I request that the minister ensure his department does not approve the banning of trucks from Massey Avenue.

The City of Darebin, which has been undertaking a traffic management study, now has before it a draft traffic management scheme that proposes banning trucks from Massey Avenue between midnight and 5.00 a.m. While that may sound superficially attractive, a lot of trucks need to access the industrial area around Banbury Road and Edwardes Streets, where firms such as Visy Board Pty Ltd are located. The implication is that if trucks are banned from Massey Avenue, as an alternative they will either come off High Street into Broadhurst Avenue or, if they are leaving the industrial estate, come up Broadhurst Avenue. Broadhurst Avenue is essentially a residential street, and having

heavy trucks running along it from midnight to 5.00 a.m. would present severe traffic, safety and noise problems to local residents.

I am sure the minister will understand the predicament of those residents, because while the southern side of Broadhurst Avenue is in my electorate, the northern side is in his electorate of Thomastown. I have been in close contact with the minister's electorate office, from which a lot of interest and empathy has come. Over 100 residents signed a letter, subsequent to which I wrote to the council and had a meeting with its officers. While I am confident that the officers will recommend to the council that the proposed banning of trucks not go ahead, nevertheless it is up to the council to decide.

The reason I am seeking the minister's involvement is that Massey Avenue is a secondary arterial road, and as such Vicroads would have to approve trucks being banned from using it. I ask the minister to examine the issue with a view to ensuring that, through his department, Vicroads does not approve the banning of trucks in Massey Avenue. Although it is a residential area there is a lot of industry nearby, and much of the through traffic comes off the Hume Highway — —

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

Cyclists: road laws

Mr LUPTON (Knox) — I refer the Minister for Police and Emergency Services to a matter I raised in this house in 1994 concerning courier cyclists, who seem to flash through the city without any regard for the law.

There appears to be an epidemic of cyclists who believe they are exempt from any legal controls. It is common to see cyclists going through red lights and riding along the footpath without any consideration for pedestrians. Many cyclists do not give way to them at pedestrian crossings and otherwise continue to flout the law.

I am concerned that the phenomenon appears to be growing. Although the issue I raised related to courier cyclists in the metropolitan area and the central business district, it is now obvious that the problem is spreading throughout the suburbs.

I appreciate that the police have a great deal of work to do, but it is getting to the stage where cyclists are no longer paying any attention to the law. I ask the minister whether it is possible for the police to be given the power to arrest or book those idiots, because it is only a matter of time before a pedestrian or someone else is injured.

The phenomenon is continuing to grow, and I ask the minister to consider the matter. The only quick solution to this problem is to introduce hefty fines or something similar.

Police: Heidelberg complex

Mr LANGDON (Ivanhoe) — I ask the Minister for Police and Emergency Services to advise what action the government is taking to remedy the shortfall in funding for the Heidelberg police station.

You may recall, Honourable Acting Speaker, that since being elected as the member for Ivanhoe in 1996 I have raised the issue of the police stations in Heidelberg and Heidelberg West on numerous occasions. In 1996 the then Minister for Small Business, the former member for Ivanhoe, promised the electorate new police headquarters at the former Colosseum Hotel site at Heidelberg West, at a cost of \$5.3 million. When I was elected that promise went out the window, despite the fact that an honourable member for Templestowe Province in the upper house, the Honourable Carlo Furletti, also had his name on the promise. Some four or five years have passed, but there has still been no action. We all know about how the former government flogged off the Colosseum Hotel site to Mr Bruce Mathieson's consortium. Rather than the site being used for police headquarters, it was to become a poker machine venue.

A number of promises about that issue and many others in my electorate were made by the previous government, but none of them came to actuality. In May 1999 the Kennett government said it would rebuild the Heidelberg police station, at a cost of \$7.5 million. That government was defeated at the subsequent election, and when I asked the new minister about the police station he told me he would honour the commitment. Since then work has commenced, but more money is required. This government has put \$9.2 million towards the new police station and courthouse, which is a remarkable improvement on the \$5.3 million or \$7.5 million allocated by the previous government.

In an article in the local newspaper of 24 March the upper house member, Mr Furletti, had the unmitigated gall to say that the government does not know what it is doing and that it cannot be trusted. The former government, including Mr Furletti, had absolutely no credibility. The newspaper also reported him as saying that the redevelopment is a hotchpotch and that the government did not have the funding for it.

Mr Honeywood interjected.

Mr LANGDON — I agree with the honourable member for Warrandyte — Mr Furletti never had any credibility.

I ask the minister to inform the house of what the government is doing to remedy the Heidelberg police station issue in my electorate once and for all.

Bonlac Foods

Mr MULDER (Polwarth) — I call on the Minister for State and Regional Development to fund the purchase of the Bonlac factory site in Camperdown and to hand the development over to the Shire of Corangamite, along with a guarantee of infrastructure support for the new tenant.

I ask for that because in September last year the minister said in this place that the Bonlac factory in Camperdown had been sold to a Ballarat company called Biostarch. He said that the company would manufacture calf food and that around 30 jobs would be created for the people in the Camperdown township. However, no sale ever took place and no contract was signed, and as a result the minister has left the entire population of Camperdown in the lurch.

An honourable member interjected.

Mr MULDER — Yes, they were sold a Brumby! Furthermore, in the meantime a number of other parties have withdrawn their interest in purchasing the site. The minister has a moral obligation to return to Camperdown to talk to the local people and the Corangamite Shire Council and to arrange for the purchase of the site to enable it to be utilised by the shire. A tenant company is currently exporting sheep milk cheese from the site, which has great potential for development as a dairy park.

The minister has a moral obligation to go back and work with the community, given that he told the people of Camperdown that the sale had taken place. The minister and every other person involved should have followed the process through to ensure that the i's were dotted and the t's were crossed so the sale could take place. I call on the minister to rectify the situation.

Carlsruhe bypass

Ms ALLAN (Bendigo East) — The matter I direct to the attention of the Minister for Transport concerns the need for funding from the state and federal governments to enable the commencement of work on the Carlsruhe bypass to complete the duplication of the Calder Highway between Melbourne and Bendigo.

What action is the government taking to complete the duplication of the Calder Highway to Bendigo? It would come as no surprise to honourable members that the Calder Highway is an important arterial link between Melbourne and Bendigo. For too long it has been neglected by previous state and federal Liberal–National Party governments. The federal Howard government continues to neglect the Calder Highway, which means that today the duplication of the highway between Melbourne and Bendigo is yet to be completed.

Some years ago the Calder Highway was nominated as a road of national importance (RONI). After a road has been declared a RONI, federal and state funding should flow for work on it. However, we are yet to see funding for the Carlsruhe bypass of the highway. This week the Howard government has managed to find \$220 million for the proposed Scoresby freeway — in Liberal eastern suburbs electorates of Melbourne — but cannot find funding to match the state government's commitment to the completion of the Calder Highway to Bendigo.

In November 2000 the Howard government set aside a \$400 million fuel tax nest egg for highways and RONIs, such as the Calder Highway, but the Scoresby freeway has gobbled up 55 per cent of the \$400 million and left nothing for the Calder Highway. Bendigo and central Victoria continue to be duded by successive Liberal and National Party governments.

Honourable members interjecting.

The ACTING SPEAKER (Mr Savage) — Order! Opposition members who are interjecting are getting out of hand.

Ms ALLAN — The Kennett government undertook to complete the Calder Highway in return for the federal government completing the Western Ring Road. However, the Western Ring Road has long been completed, yet the completion of the duplication of the Calder Highway between Bendigo and Melbourne continues to be neglected. The Carlsruhe section of the highway raises an important safety issue. That part of the highway is consistently affected in winter by frosts and heavy fog. Also, the road carries increasing traffic because the Bracks government is growing country Victoria with an increased number of jobs in Bendigo. We want people to travel safely between Melbourne and Bendigo, but the federal government has let us down.

Dutch elm disease

Ms BURKE (Pahran) — I direct a matter to the attention of the Minister for Environment and

Conservation regarding the elm leaf beetle. I ask the minister to introduce initiatives to deal with the disease problem, particularly on state land. The Dutch elm disease, commonly known as ELB or by its Latin name of *pyrrhalta luteola*, is a major threat to Melbourne's elm trees. Municipalities are dealing with the problem well. The City of Melbourne looks after elms in Alexandra Avenue, the City of Yarra does the best it can and the Royal Botanic Gardens people are doing a great job. But government bodies or departments do not appear to be using sprays or initiatives to try to alleviate the beetle disease on trees on state land.

It is difficult for the municipalities to be setting an environment in which the beetle is attacked and the beautiful elm trees are preserved. If the government will not take up the initiatives, obviously the municipalities are beating their heads against a brick wall. To date the alleviation treatment programs have been effective in maintaining healthy elm trees that have been badly infested, such as in the Fitzroy Gardens. However, ongoing treatment is required now to counter the elm disease, the incidence of which is increasing in South Yarra and Carlton. Anybody walking along the bike track near the Yarra River will see that almost every leaf on the elm trees is pitted with holes. It is clear that Dutch elm disease is continuing to take hold.

I ask the minister to put in place sensible initiatives that will assist the municipalities that are doing a great job in trying to eliminate the Dutch elm disease.

Housing: Seymour

Mr HARDMAN (Seymour) — I direct a matter to the attention of the Minister for Housing. What action is the minister taking to address the social housing needs of the people of Seymour? The recent rental report of the Office of Housing for the September 2000 quarter indicated median private rents in the Shire of Mitchell in my electorate have risen by up to 6.3 per cent over the preceding year, which is consistent with the 7.4 per cent increase in median rates across Victoria.

On 29 August last year I spoke about the need for social housing in Seymour and congratulated the government on new initiatives. I am interested in what is happening for the people of Seymour. As the minister would know, funding for the Seymour heated indoor pool is included in today's budget; the disadvantaged people of Seymour will enjoy the benefits of that facility.

Along with the remainder of the state, pockets of regional Victoria are experiencing a crisis in the provision of affordable housing. Seymour is by no

means immune from that trend. Some weeks ago the minister announced details of a unique partnership between the government, local community organisations, local government and the private sector to create new affordable social housing for Victorian communities. Decent accommodation is important for the self-esteem of all individuals. It is a basic need and is something the social housing innovations project can provide for the communities of the Seymour electorate.

I am pleased that the government has recognised that affordable social housing is a cornerstone to building stronger communities and getting lives back on track. I have been approached by many organisations in Seymour, including the progress house, the rural housing network — Goulburn Options, a non-profit organisation looking after people with local disabilities — and a support agency. They are crying out for greater funding to meet the housing needs of their clients. Will the minister advise the house of what action will be taken to address the social housing needs of the people of Seymour?

VCGA: panel decisions

Mr BAILLIEU (Hawthorn) — I refer the Minister for Gaming to the issue of Victorian Casino and Gaming Authority (VCGA) public hearings, for which there is now provision in some circumstances but, unfortunately, not in all circumstances. Honourable members will recall that the house debated that issue when legislation was last before it.

I ask the minister to clarify the procedures, particularly to relieve the applicants and objectors involved, associated with the confusion about the announcement of decisions. I want to ensure procedural fairness is afforded in the process to all. Any suggestion there may be political interference in any decision should be put to rest.

Those hearings can be held for new or additional poker machines, or new or additional premises or changes to premises. When a decision is made by a hearing panel, particularly when a decision is reserved, I ask the minister to clarify a number of issues: how is that decision advised; to whom is the decision advised; in what order are people advised — for example, are applicants and objectors advised — are the minister, the department and the public advised; and when, after a decision is made, is that advice first made available?

Obviously it would seem procedural fairness would dictate that the applicants would be first advised. When is it required that that decision be published? When must the reasons for those decisions be published? Who

is responsible for giving that advice? The independence of the VCGA and the panels is at stake. How must that advice be published?

A number of hearings have been held already. Some decisions have been reserved, and some advised; of those advised, some have been posted but some have not. With some decisions advance knowledge clearly has been given to some members of the minister's staff because advice has been circulated in advance of the posting of advice.

In that situation there has been room for the minister to influence the decisions. In some of those decisions reasons have been posted; in some cases they have not. In what situations are reasons required and when are they not required?

It is incumbent on the minister to ensure that both procedural fairness and probity survive and are paramount in the giving of notice in those decisions.

Responses

Mr Leigh — Mr Acting Speaker, once again I draw the attention of the house to the fact that — —

Mr Batchelor — That is not a point of order!

Mr Leigh — It is a point of order. The government promised new arrangements in the chamber. Members on both sides of the house asked ministers questions, but we get only two of them. It is a disgrace. The government is not interested in true democracy in Victoria.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Mordialloc knows that is not a point of order.

Ms PIKE (Minister for Housing) — I thank the honourable member for Seymour for raising the important issue of the social housing needs of people in his electorate. As he correctly pointed out, the median private rents in the Shire of Mitchell have risen, and a number of people located in that shire now live in housing-related poverty. It is important that the options for affordable housing are expanded for them. I thank him for his commitment to the housing needs of his constituents.

Recently I announced a massive funding boost for social housing — an important area — of \$94.5 million, representing the first new money invested in social housing for 10 years. The Social Housing Innovations Project has been an exciting collaborative project in which community groups have

contributed \$13.3 million to the first round of funding and the government has contributed \$34.4 million for these joint ventures.

In Seymour a joint venture partnership between Common Equity Housing Ltd and Community Housing Ltd will provide for the construction of a six-bedroom property for people with intellectual disabilities. The partnership will deliver similar properties in Wodonga and Shepparton. The particular feature of these properties is that they will provide for a live-in carer and will have access to a range of Department of Human Services disability services. That type of ongoing support is an important dimension in social housing.

In the Seymour project the government will provide approximately \$1.05 million, but the community contribution of over \$300 000 is a significant element. The Social Housing Innovations project is a major social policy initiative of the government. It delivers on a range of other objectives and creates job opportunities, provides an economic stimulus and helps to rebuild and strengthen communities through partnerships.

Mr PANDAZOPOULOS (Minister for Gaming) — The honourable member for Hawthorn raised a number of issues in relation to procedural arrangements concerning how the Victorian Casino and Gaming Authority announces its decisions now that it has open hearings. I am happy to provide a briefing for the honourable member on those issues from the casino and gaming authority. The honourable member asked a number of questions that cannot be answered in detail in the house and are best dealt with by the authority. I am happy to provide a broad briefing for the honourable member, and I thank him for raising the matter.

Mr HAERMMEYER (Minister for Police and Emergency Services) — The honourable member for Knox raised a matter relating to cyclists disobeying the road rules by going through red lights and pedestrian crossings. It is quite often the case that cyclists are victims of other road users, particularly motorists, but sometimes cyclists are irresponsible in the way they ride their bicycles and often put pedestrians and others at risk. In those circumstances they are breaching the road rules, and the matter raised by the honourable member for Knox is a serious one.

The Victoria Police take the matter seriously, but it is sometimes an issue of enforcement. It is not always possible to catch everyone who is breaching the rules. I will raise the matter drawn to my attention by the

honourable member for Knox with the Victoria Police, and he will get a response in due course.

The honourable member for Ivanhoe raised the now perennial issue of the Heidelberg police station. We all recall that the honourable member for Ivanhoe has been campaigning for the Heidelberg police station for quite some time. Prior to the 1996 election the Kennett government suddenly came out in a vain and desperate attempt to save the seat of Ivanhoe for one of its then ministers.

An honourable member interjected.

Mr HAERMEYER — Nothing was sacred. It came out and committed to a police station in Heidelberg. Lo and behold, the former member for Ivanhoe, the then Minister for Small Business, lost his seat at the election. The site that had been earmarked for that police station was then handed over to one of Melbourne's poker machine kings for a poker machine venue. So much for law and order.

Mr Leigh interjected.

Mr HAERMEYER — The honourable member for Mordialloc says it is a good facility. That shows where his priorities are.

The former Kennett government did not deliver on its commitment concerning the Heidelberg police station. I know the present honourable member for Ivanhoe has worked intensively for some time with the Victoria Police and the Department of Justice to get this up. It is a serious passion of his. Prior to the 1999 election the former Kennett government again promised funding for a police station at Ivanhoe.

Mr Leigh interjected.

Mr HAERMEYER — There was money in the budget.

Mr Leigh interjected.

Mr HAERMEYER — Why don't you pull your head in and listen!

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Mordialloc will cease interjecting across the table, and the Minister for Police and Emergency Services will address his remarks through the Chair.

Mr Leigh interjected.

Mr HAERMEYER — Get your foot out of your mouth and you might learn something!

Funding for a police station at Ivanhoe was again provided in the run-up to the 1999 election. When the Bracks government examined the matter in detail it found that funding was committed for a set of new cells, a lick of paint and a new kitchenette for the existing station. The reality is that the existing police station is structurally unsound and is falling apart at the seams.

After the honourable member for Ivanhoe spoke to me about the issue I visited the station and found it to be held up by steel girders, containing asbestos in parts and totally unsuitable for human habitation, let alone the functions of a modern, state-of-the-art police station. Not only is the government committed to providing the people of Ivanhoe with more than a set of cells and a lick of paint on a decrepit police station that is falling down, but the appropriations for this budget include an allocation for a brand-new Heidelberg police station built from the ground up to completely deliver on what the former Kennett government said it would deliver. Its promise was bogus.

Mr Leigh — On a point of order, Mr Acting Speaker, out of curiosity I am wondering whether the Minister for Police and Emergency Services is anticipating debate on a bill before the house, the appropriation bill, by what he is describing. I do not know whether he is, but I would be interested to know.

The ACTING SPEAKER (Mr Savage) — Order! I do not uphold the point of order.

Mr HAERMEYER — The Mordialloc police station, which the former government promised and promised and promised, will also be delivered by the Bracks government. The honourable member for Mordialloc sat around and did nothing about it. When I open the police station it will be no thanks to the honourable member for Mordialloc, who was missing in action when all the hard work was done.

Mr Batchelor — Hopeless, he was!

Mr HAERMEYER — Absolutely hopeless. He was too busy trying to find his way around St Albans.

Mr Leigh interjected.

Mr HAERMEYER — You do now. It is amazing what a *Melway* will do!

The ACTING SPEAKER (Mr Savage) — Order! The minister should address his remarks through the Chair.

Mr Leigh interjected.

Mr HAERMEYER — That is being delivered too, my friend.

Honourable members interjecting.

The ACTING SPEAKER (Mr Savage) — Order! The honourable members for Mordialloc and Warrandyte should cease interjecting across the table.

Mr HAERMEYER — The government will deliver not a lick of paint and a set of new cells at Heidelberg, but a brand-new, 24-hour, state-of-the-art police station with no asbestos and no bits of steel or chewing gum to hold the thing together. A brand-new police station will be delivered because the Bracks government respects the Victorian police force. It is not about neglecting the police, cutting police numbers or closing police stations as the former government was.

Mr Spry — On a point of order relating to relevance, Mr Acting Speaker, I am concerned that the Minister for Community Services, to whom I addressed my question, is not in the house. She should be here to face her responsibilities.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Bellarine knows that is not a point of order, and he should take his seat.

Mr Spry — She should be here.

Mr BATCHELOR (Minister for Transport) — The honourable member for Bellarine raised with the Minister for Community Services a matter concerning the mandated reporting of suspected child abuse cases. I will ask the minister to respond to the honourable member.

The Leader of the National Party raised with the Minister for State and Regional Development the matter of Fos Meats Pty Ltd, trading as Prom Meats. I am sure the minister will get back to the Leader of the National Party about the issue, as the minister will get back to the honourable member for Polwarth, who raised the matter of the purchase of the Bonlac site on behalf of the local council and proceeded to create the impression that sheep were dairy products. Notwithstanding that, I am sure the Minister for State and Regional Development will understand what the honourable member for Polwarth really meant. I thought rural members would know the difference between a sheep — —

Mr Mulder — On a point of order, Mr Acting Speaker, the issue I raised was not so much a matter of sheep being dairy products as a matter of the Minister for State and Regional Development misleading the

house last September when he claimed that the site had been sold.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Polwarth knows that is not a point of order. He should take his seat.

Mr BATCHELOR — It was a helpful point of order. Apparently the honourable member for Polwarth now admits he knows the difference between a sheep and a cow.

Honourable members interjecting.

Mr BATCHELOR — You do know the difference. That is good to know. You should get re-elected on the basis of that confession!

Honourable members interjecting.

Mr BATCHELOR — You will get re-elected. You obviously know what goes on in your electorate. Once you are out doorknocking, you know the difference.

The ACTING SPEAKER (Mr Savage) — Order! I ask the honourable member for Polwarth to restrain himself, because it is difficult to hear.

Mr Leigh — On a point of order, Mr Acting Speaker, I say with the greatest respect that the minister, who I understand is in a happy mood, should address the Chair. If he does, he may have less of a problem with opposition members who are attempting to interject. I know he has been celebrating something, but nevertheless he should address the Chair.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Mordialloc will take his seat. That is not a point of order.

Mr Mulder — On a further point of order, I understand that the minister has a pet sheep with lovely blue eyes and long eyelashes. I am terribly sorry if I have offended him in such a manner.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Polwarth will not raise frivolous points of order like that.

An opposition member interjected.

Mr BATCHELOR — Jealousy will get you nowhere. We understand — —

The ACTING SPEAKER (Mr Savage) — Order! The minister will address his remarks through the Chair.

Mr BATCHELOR — What is the story about sheep and fear and all that? We have heard stories from Polwarth about sheep and trembling and fear and trepidation. The honourable member for — —

Mr Baillieu — On a point of order, Mr Acting Speaker, the adjournment debate is an opportunity for honourable members to raise serious issues, a number of which have been raised this evening. The Minister for Gaming avoided answering, and the Minister for Transport is now avoiding responding on behalf of a number of ministers. I suggest that the point of this adjournment debate is being lost because of the frivolity of the minister and the non-appearance of other ministers.

The ACTING SPEAKER (Mr Savage) — Order! I ask the minister to address his remarks through the Chair. The situation has not been helped by a number of frivolous points of order raised by the opposition.

Honourable members interjecting.

Mr BATCHELOR — The honourable member for Prahran raised an important matter for the attention of the Minister for Environment and Conservation that relates to the incidence — —

Mr Leigh interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Mordialloc will cease interjecting across the table.

Mr BATCHELOR — It relates to Dutch elm disease, which is caused by the elm leaf beetle. I am sure the Minister for Environment and Conservation will take up the matter and get back to the honourable member.

The honourable member for Bendigo East raised with me the duplication of the Calder Highway, and in particular the Karlsruhe section of this important project. The honourable member has been a fierce champion of this important road duplication. I hear opposition members laughing about the failure of the federal government to live up to its responsibilities.

Honourable members interjecting.

Mr BATCHELOR — I can understand why they are laughing — from embarrassment — because the Calder Highway duplication is an important project for regional Victoria. This missing section of the highway — the missing link — is in need of urgent funding. This government has tried harder than the previous government to get the federal government to

live up to its obligations. When the federal government finally comes to the realisation that the project needs to be funded, it will be because of the hard work of people like the honourable member for Bendigo East and her federal Labor colleagues. If you understand the duplication process, you realise that the failure to start it rests fairly and squarely on the shoulders of the federal government and the Deputy Prime Minister.

Mr Honeywood interjected.

Mr BATCHELOR — The honourable member for Warrandyte asks whether the Labor government has lobbied the federal government, and we have. I have been to Canberra and Sydney to meet with the Deputy Prime Minister to ask specifically for funding for the Karlsruhe section. But we have not only asked the federal government for its contribution. We have allocated \$25 million for this important section of the Calder Highway duplication. We have already committed \$6 million for the first year as part of a funding stream of \$25 million. The second year will see a contribution of \$13 million, with the third year seeing a \$6 million contribution. We have put our money on the table. We have put our money where our mouth is — and we want the federal government to do the same.

Honourable members interjecting.

Mr BATCHELOR — We want the federal government to put its \$25 million on the table.

Honourable members interjecting.

Mr BATCHELOR — If the federal government does not put its money on the table — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Savage) — Order! The house will come to order. The honourable member for Mordialloc!

Mr BATCHELOR — If the federal government does not put its money on the table, this project will not proceed, all because of its irresponsibility and its neglect and indeed hatred of central Victoria. But the federal government will eventually be dragged kicking and screaming to this project because it will realise it has a responsibility to contribute — and when that happens we will be able to pay tribute to the honourable member for Bendigo East for the hard work and the lobbying she and her colleagues have done to bring the project to fruition.

The honourable member for Preston raised with me an important issue concerning Massey Avenue in the northern suburb of Reservoir, which I advise him is currently classified as a secondary arterial road. The honourable member informed the house that the Darebin council has been considering a proposal to ban trucks from the avenue, the consequence of which would be to redirect trucks along the residential street of Broadhurst Avenue. On behalf of the residents of Broadhurst Avenue he expressed concern about the implications of that proposal.

I can inform the honourable member that if the Darebin council wants to proceed with the ban it would have to put in a submission seeking the approval of Vicroads. I will take up this matter with Vicroads and seek its advice. I will keep a close eye on what is going on, given the way the honourable member for Preston has raised it, as is his duty as a local member.

As I understand it, as of this date Vicroads has not received a proposal from the City of Darebin, so I do not know why the council is trying to cause problems in the local population. I assure the honourable member for Preston that he and I will work together to resolve the issue in the best interests of the people of Reservoir. As I said, I will be paying particular attention to it.

The honourable member for Melton raised an issue relating to the lack of funding for the Leakes Road flyover. This is part of the national highway project. He indicated that he had not had success with the federal transport minister in getting the federal government to meet its responsibilities. That comes as no surprise. Victoria has done very badly out of federal road funding. Until recent times Victoria provided 25 per cent of the national tax cake but received only about 15 per cent of federal road funds, even less for roads of national importance. The federal government chooses to abrogate its responsibilities for national highways to Victorian motorists.

However, Victorian motorists are sick and tired of the reality that every time they go into a petrol station and fill their cars they are paying taxes to build roads in Queensland and in other states. The Liberal and National parties at a national level require that Victorian taxpayers, when they go into petrol stations, pay taxes to build roads in other states. It is a ludicrous situation. I am surprised that members of the Liberal Party come into this house to support that proposal and think it is a good idea.

We on the Labor side reject that notion. We think it is a wrong idea. We think the taxpayers and the funds — —

Mr Baillieu interjected.

Mr BATCHELOR — The honourable member for Hawthorn says they are going to hold us to this. Obviously he has already given up hope of the coalition winning at the national level.

An honourable member interjected.

Mr BATCHELOR — The writing is already on the wall. As a former senior official of the Liberal Party he has given up on John Howard — and he has given up on Peter Costello — being able to win the next election. He made that confession here tonight in the Parliament, and all of us over here heard him say it.

But the reality is that at this time the Liberal–National federal government requires Victorian motorists to build roads in other states. We reckon that has got to stop. Victoria's getting its fair share is long overdue. We are not asking for more than our fair share, just for our fair share.

If we got our fair share we would be able to have roads such as the Leakes Road overpass built. We would be able to have a Deer Park bypass built. Recently the Leader of the Opposition suggested that that bypass ought to be funded out of state taxation rather than national taxation, it being a national highway. He wants to upset the equation even more by using Victoria's own funds to build national highways. It shows that he is a bit like the shadow Minister for Transport, who in the western suburbs is known as Melway Leigh. The honourable member for Mordialloc has been seen driving in St Albans with a *Melway* street directory perched on his knee. At least the Leader of the Opposition can be driven out there in his government-supplied car.

We will take up this matter yet again with the federal government on behalf of the people of Melton. We are not prepared to accept our petrol taxes being sent out to other states. It is an important matter, not only on the basis of equity and fairness but on the basis of road safety.

The ACTING SPEAKER (Mr Savage) — Order! The house stands adjourned.

House adjourned 10.59 p.m.