PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

24 November 1999

(extract from Book 3)

Internet: www.parliament.vic.gov.au

By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Languiller, Telmo	Sunshine	ALP	Wilson, Ronald Charles	Bennettswood	LP
Leigh, Geoffrey Graeme	Mordialloc	LP	Wynne, Richard William	Richmond	ALP

[1] Resigned 3 November 1999

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WEDNESDAY, 24 NOVEMBER 1999

Wednesday, 24 November 1999

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

PETITION

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

Grace McKellar Centre

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

The humble petition of the undersigned citizens of the state of Victoria sheweth we strongly object to the Kennett government privatising the beds of the elderly citizens who are residents of Grace McKellar Centre in Geelong.

Your petitioners therefore pray that the Kennett government reverse its decision with regards to the privatisation of the said beds and allow those affected citizens to remain at Grace McKellar.

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

By Mr TREZISE (Geelong) (5334 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

Housing Guarantee Fund Limited — Report for the year 1998–99

Parliamentary Committees Act 1968 — Interim Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Report on Criminal Liability for Self-Induced Intoxication

Patriotic Funds Council — Report for the year 1998

Planning and Environment Act 1987:

Notices of approval of the following new Planning Schemes:

Buloke Planning Scheme

French Island and Sandstone Island Planning Scheme

Knox Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Baw Baw Planning Scheme — No C6

Brimbank Planning Scheme — No C3

Casey Planning Scheme — No C4

Glen Eira Planning Scheme — No C1

Macedon Ranges Planning Scheme — No L29

Mornington Peninsula Planning Scheme — No C3

Nillumbik Planning Scheme — No L22

Wyndham Planning Scheme — No C10

Yarra Planning Scheme — No C8.

MEMBERS STATEMENTS

Parliament: sitting hours

Mrs ELLIOTT (Mooroolbark) — Honourable members have had delivered to their offices over the past few days a broadsheet about the health of members of Parliament. The document contains an article by the Minister for Post Compulsory Education, Training and Employment about the challenges of combining family life with being a parliamentarian. Last night Parliament sat until about 11.30 p.m. and today commenced at 9.30 a.m. Those hours can be accommodated, but the new procedure of sitting through lunchtime is hard not only on members of Parliament, but also on Hansard, the Clerks and the attendants, who have to keep working through that period.

The broadsheet on health recommended that members of Parliament take plenty of exercise, eat healthily and get plenty of sleep. None of those are possible under the current sessional orders. A lunch break where members can take a walk, or even dash out and do some shopping, should be restored.

Remembrance Day

Mrs MADDIGAN (Essendon) — I pay tribute to a moving ceremony held on Remembrance Day this year involving the rededication of The Boulevard in Essendon. In 1920 sailors from the British ship HMS *Renown* planted trees in memory of ships lost in the Battle of Jutland, a significant battle fought in 1916 involving British and German navies. The British navy lost 14 ships and the German navy 11, but for the rest of the First World War the British navy held control of the North Sea and the German navy was forced to stay in the Baltic Sea.

The trees planted by the sailors in 1920 have been replaced by memorial plaques because they were in a dangerous condition. The plaques mention all the ships involved in that battle. I pay tribute to the deputy mayor of the City of Moonee Valley, Cr Trevor Sinclair, the Essendon and East Keilor RSL sub-branches, the Essendon Historical Society and many of the local

people who worked hard to research the history of this event and to be part of the dedication. The trees that were cut down have been used as the basis for the name plates to record the British ships involved in that battle.

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

Leopold Primary School

Mr SPRY (Bellarine) — I express regret at the apparent oversight in the government's funding priorities of the Leopold Primary School. A hastily made vote-buying promise by the Labor Party in the lead-up to the election to fund a $700 000 indoor community centre at the Leopold Primary School ignores the real priorities for that school community, which has been working hard to develop a master plan to accommodate an increased number of students in the early years of the next century and to plan for the upgrade of the existing facilities.

The former Kennett government announced that nearly $1 million would be applied for that purpose during the next two years with immediate additional funding for the finetuning of the master plan. The neighbourhood centre and school expansion program have my enthusiastic support and encouragement and that of the entire Leopold community which, as I said, has been working hard to achieve this end. But the school's first priority is the essential expansion and upgrade of the facility. The new minority government must recognise that and move quickly to assure the school that it will provide the cash for both programs simultaneously.

Dairy industry: deregulation

Mr MAXFIELD (Narracan) — Next week I will table in this house a petition regarding deregulation of the dairy industry; it has been signed by many Victorian dairy farmers. Deregulation is a major issue in my electorate, and if we do not get this right, many farmers could lose their livelihood. The job losses that could flow from the deregulation, if it does not go well, will have major impacts on many rural centres.

I welcome the chance for farmers to vote on the proposed deregulation of their industry. The time has come for open and democratic processes, with no more secret deals, in Victoria. Many dairy farmers have put enormous efforts into having their say about the deregulation of the industry.

Chillin' Out

Mr SMITH (Glen Waverley) — I congratulate two young men who have been involved in a remarkable initiative in my electorate. They have published a brochure or pamphlet, entitled *Chillin' Out*, which is meant to reward grade 6 students for their literary skills. It grew out of an initiative launched last year when the captains of 26 schools in the area came together for a leadership program. Consequently, it was decided that sponsors would be sought to provide prizes for the best compositions, essays, poetry, book reviews or the like that young people could provide for the magazine. Two of the young people involved are Vic Rajah and Asher Judah. The sponsors are Novotel at Glen Waverley, Piping Hot, Scallywag Socks, Callen Cricket, which provides the cricket bats, Mitch Dowd Design and Faber-Castell Pty Ltd.

The initiative has generated an incredible amount of interest from the young people who have managed to contribute about 50 original articles.

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

Mount Pleasant Primary School

Mr HOWARD (Ballarat East) — Recently I had the pleasure of attending the Mount Pleasant Primary School's 125th anniversary. It was an enjoyable occasion for me, the students who attended, and former students, teachers and parents. It was a terrific day, when the older former students shared their history with the present students. They talked about how the school operated in the past and how it operates now. I enjoyed being part of the celebrations, being shown around the school and seeing the new master plan developed by the school. I look forward to working with the school to ensure its master plan is implemented in the years to come.

The only unfortunate aspect of what was a great occasion for the school was that the other five schools in the zone, which used to be my council ward — Golden Point, Eureka Street, Richard Street, Humffray Street and Queen Street primary schools — were all closed during the term of the last government. None of those former schools will have the pleasure of celebrating its 125th anniversary.

Kyabram and District Memorial Hospital

Mr MAUGHAN (Rodney) — Recently the Kyabram and District Memorial Hospital has been rebuilt at a cost of about $6.5 million and is about to be opened. The Victorian government provided a mere $1.2 million or about 20 per cent of the total cost. Kyabram is a generous community, particularly when anything to do with the hospital is involved. It has

raised the remainder of the money required, either through direct contributions or from reserves.

Last Friday my wife and I attended the hospital fete, which turned out to be a successful fundraising venture. The local community has made generous contributions and, as I said, the government has given a mere $1.2 million, but the hospital still needs to complete its car park and landscaping. I seek from the government a capital contribution to assist the hospital to complete its successful rebuilding program through the completion of the remaining car park and landscape works.

Melton youth activity service

Mr NARDELLA (Melton) — I congratulate the young people of the Melton youth activity service on their staging of the *Planet 2000* performances on 19 and 21 November at the Melton community hall. The performances, which were well received, revolved in an innovative way around the year 2000 bug. The production was directed by Jenny and Crystal, and starred Sarah, Samantha, Stacey, Kim, Lauren, Jodie, Sabrina and Darcy.

The concept was the Y2K bug being a global threat, and the young people had to visit the planets of Janet, Dance, Will Smith and Prince to look for another world in which to live. The production was a success thanks to the work of Lisa Mete, Brook Bugeja, Melanie Doherty, Felicity Wooden, Bridget Riley and Tennille Alivizatos, as well as the women who made the costumes.

It is great that young people are developing their skills in dancing, choreography, drama and stage presentation in staging the performances, which were well supported by the community, in their endeavours to further their careers and education. The assistance of the Shire of Melton and the Department of Human Services was also appreciated.

Electronic document management systems

Mr PERTON (Doncaster) — I refer to the *Connecting Victoria* ministerial statement made in this place by the Minister for State and Regional Development. An omission from the statement was reference to the electronic business framework legislation which was on the Multimedia Victoria web site for some time and involved a lot of work by many people in the last government.

Records Management Australia Association (Victoria) (RMAA) is concerned that the Victorian legislation on electronic data and, more specifically, the state Evidence Act have not appeared in the government's agenda. The RMAA (Victoria) branch understands the introduction of the commonwealth Evidence Act was to be the forerunner of amended state legislation; that would have happened under the Kennett government.

To date, the branch has been unable to obtain any further information from the Bracks government regarding the issue. In a letter to me the branch indicated that it is well aware that the Public Record Office Victoria has released a Victorian electronic record strategy and will publish a standard electronic records management to be used by Victorian government agencies in establishing and maintaining its electronic records.

Reports indicate there has been substantial international interest in the strategy. In its letter to me, the branch asks the Bracks government to address the issue urgently and to introduce amendments to provide an up-to-date and adequate Evidence Act for Victoria. Because of the framework of the current legislation, several organisations have resorted to using the federal Evidence Act to establish electronic document management systems. Australia was the first country to introduce a standard on records management — that is, AS4390 — —

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

Pascoe Vale RSL Pension and Welfare Office

Ms CAMPBELL (Minister for Community Services) — I wish to place on record the importance of the Pascoe Vale RSL Pension and Welfare Office for the residents of the northern and western suburbs, which provides services to veterans and their families from around Victoria and in my local area.

John Horan's vision and commitment was the driving force behind the establishment of that office, and that commitment has continued through John Horan, Ted Richards, Kerry O'Connor and Brian Thomas. The Pascoe Vale RSL Pension and Welfare Office has assisted many of my constituents, their families and friends and other local people. It provides pensions to people who are entitled to them and assists with any administrative difficulties experienced at the local hospital, including inappropriate billing that has occurred. It has fought and won many battles with the Commonwealth Veterans Affairs Office, and it provides a huge amount of reassurance to families in my electorate.

I wish to express my gratitude and that of many veterans and their families for the approachable and personal way the office performs its work.

Werribee swimming pool

The SPEAKER — Order! I advise the honourable member for Werribee that she has only 15 seconds.

Ms GILLETT (Werribee) — I wish to thank some of the wonderful constituents of Werribee who have saved our local swimming pool, which was built by the community 30 years ago.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Government leadership

Dr NAPTHINE (Leader of the Opposition) — Today I grieve for Victoria because of the lack of genuine leadership provided by the Bracks Labor government.

In the government's mediocre six weeks in office the Bracks Labor government has demonstrated that it is more interested in a retrospective consideration of the previous government than it is in providing vision, leadership and direction for the future of Victoria.

We are only 40 days from the turn of a new century and a new millennium, and Victoria needs genuine leadership and direction. What situation do we want for Victoria in 2005? What sort of Victoria do we want in 2020? Victorians are asking those questions and seeking leadership, and the government should be providing that leadership.

The government has an absolute obsession with the previous government rather than providing any leadership or direction. Time and again in question time dorothy dix questions are put to the Premier and government ministers about the past rather than the future. It is clear that the government has no vision for the future and no plan or direction for Victoria. We need to know what new projects are on the agenda for Victoria.

What will the major developments be? Where are the visions for projects such as City Link or the new museum development? Where are the major developments that will bring economic growth to Victoria? Where are the plans for agriculture? The previous government had plans to increase agricultural exports to $12 billion by 2010. Is the current government committed to or doing anything about that plan? Is the government interested in the economic development of regional and rural Victoria?

We are already seeing the first evidence of that lack of leadership, direction and vision for Victoria. Recent surveys have shown that small business confidence is already plummeting in Victoria; it has dropped seven points below the national average. Small business confidence has fallen seven points since the election of the Bracks Labor government. Under the previous government the level of small business confidence in Victoria was always near the top for all the states and territories. Under this government it has already fallen behind the national average. No wonder small business is losing confidence in the government when its long-term vision is about what will happen at 5.00 p.m. The government has no vision, no plan and no direction for the long-term future.

Clearly the new century we are entering will revolve around information technology and communications, which the government seems to have forgotten. Victoria led the world by having the first minister for multimedia and information technology. In the book Bill Gates wrote after visiting our state he praised Victoria for its leadership on information technology and multimedia and said Victoria's schools provided the best IT education in the world. Our schools had the best computer-to-student ratio in Australia. Under the previous government there was a clear vision for the future of Victoria as an information technology and multimedia state. Unfortunately, this government has dropped the ball and does not even have a minister responsible for these issues. The government does not accept that the future of Victoria is in information technology and multimedia.

They do not want to create world-competitive information and communications technology (ICT) in Victoria. They do not understand that for many young people future employment opportunities arise from ICT or that the world will pass us by and we will become irrelevant if we cannot equal the world's best in that area.

The growth and development of opportunities in regional and rural Victoria is heavily dependent on improved ICT, even more so than in metropolitan areas. The previous government recognised that and established Ballarat as a major IT centre.

As we enter the new century it is perfectly clear to anyone looking into the future that the heart of economic growth and opportunities for the people of Victoria lies in IT and multimedia. It is, therefore, terribly disappointing that the current government does

not have a minister responsible for that area. It has no vision, no plan and no strategy. It is essential that the Bracks Labor government reconstruct its ministry and appoint someone to that position.

The Minister for Education, too, must take up the challenge and recognise that the previous government was a world leader in IT education in both primary and secondary schools. She must make sure that under the current government Victorian schools continue to lead Australia and be equal to the best in the world in IT education.

If we are to have a strong, vibrant and healthy state we must have a strong and vibrant economy. That requires genuine government leadership, not government inaction with ministers sitting by or following others who are trying to set the direction of the state. There must be genuine leadership from the top. This government is devoid of that leadership.

In particular there is a lack of long-term vision. For example, the government has decided to scrap the Scoresby freeway proposal. People might see that decision initially as purely a road transport decision, but that would be to take a narrow view. I believe the current government has made its decision based on that narrow view. The Scoresby freeway is about more than just transport.

Consider the Western Ring Road, which has become an absolute boon to the western suburbs. It delivers enormous economic benefits to the local area as well as to Melbourne as a whole and to regional areas. It provides for an efficient transport system and therefore attracts industry and investment to its vicinity. The Scoresby freeway could have done a similar job in the east, opening up all of the eastern and southern suburbs as far as Frankston and the Mornington Peninsula. It would have delivered job opportunities into the next decade. That is what the government should be on about.

The Melbourne–Geelong road redevelopment, another major infrastructure project, is already the subject of strong rumours to the effect that the government is planning to delay and frustrate it. What a disgrace! That road, in line with the leadership, vision and direction shown by the Kennett government, was to have been upgraded. Money was allocated, and the federal government was forced to come up with matching funding. By contrast, this government is backing away from the project and slowing it down so that it is now a five-year project rather than a two-and-a-half-year project. Another disgrace! Again, economic growth and development, as well as opportunities for Geelong and western Victoria, have been lost.

The government should have the vision and the direction to look at the next stage. It should consider linking an upgraded Melbourne–Geelong road with a bypass around Geelong.

Mr Trezise interjected.

Dr NAPTHINE — I am pleased to hear the honourable member for Geelong saying, ‘Hear, hear!’.

I suggest that instead of a bypass to the west of Geelong, as previously discussed, a more innovative approach would be an eastern bypass through Avalon and across the bay to Point Henry. That would offer enormous opportunities and would open up the Avalon and Point Henry areas for industrial development just as the Western Ring Road opened up the western suburbs of Melbourne, and it would show the sort of long-term vision the government should be providing.

I suggest that the government immediately provide funding for a feasibility study for a Geelong bypass, and I urge the government to do it as soon as possible so that the work can go ahead. The Melbourne–Geelong road must be upgraded within the shortest possible period and we should then move straight onto the bypass.

The government must also pick up the previous government’s commitment to duplicate the Princes Highway as far as Colac to remove the bottleneck in the Waurn Ponds area. As I said before, such projects are not merely about road transport, they are about opening up whole areas to economic opportunities, in this case western Victoria.

Similarly, the government should be considering linking the major regional centres of Geelong, Ballarat, Bendigo, Shepparton and the Latrobe Valley so that they can all be opened up for growth and development.

Projects of the kind I have just outlined, projects with a 5, 10 or 15-year time line, are the sorts of things the government should be thinking about. That is what leadership and vision are about. That is not, however, most unfortunately, what the government is about. The government is concerned with procrastination, not decision making. Consider dairy deregulation as an example. It is as plain as the nose on your face that dairy deregulation will go ahead. The Senate select committee says it will go ahead and the dairy farmers, through the United Dairyfarmers of Victoria, want it to go ahead.

The government's procrastination is putting at risk Victorian dairy farmers and opportunities for investment and growth in value-adding for dairy products. It is putting at risk $760 million in compensation payments.

This government's lack of decision making can also be seen in a simple thing such as payments for public servants who must work on New Year's Eve. The Premier of this state — the leader of this state — says, 'Don't ask me about what public servants should be paid on New Year's Eve; ask the department secretaries'. That is a total abdication of responsibility, leadership and direction.

The Bracks Labor government has inherited a state in good condition. The previous government generated a significant budget surplus and left a significant lower unemployment rate than it inherited in 1992. The infrastructure the current government has inherited — that is, schools, hospitals and roads — is in much better condition than it was in 1992. In 1999 people are returning to Victoria after leaving the state in droves in 1992. Victoria is now known as a leading state — it is not a follower. People around Australia say, 'I wish we were like Victoria'.

It is incumbent on this government not to drop the ball and waste the good work that has been done. As we move into the 21st century the government must move away from its blinkered vision and pick up the binoculars to look forward to provide the state with the direction and leadership needed to take it into 2005, 2010 and 2020. Victorians must be absolutely confident that they have a secure future for themselves and their children.

Film and television industry: government support

Ms DELAHUNTY (Minister for Education) — Today I grieve for the Victorian film and television industry in decline. The Victorian industry led the renaissance in Australia's film and television in the 1970s. After seven years of the Kennett government's neglect of the industry Victoria is now sadly lagging behind New South Wales and Queensland. The Leader of the Opposition bleats, whines and carps about lack of vision. That goes with the territory. If he wants to know about vision for the Australian film industry. particularly Victoria's revival under the Labor government, he might learn what real vision is.

The Victorian film and television industry working party comprises representation from all areas of the illustrious industry: the Screen Producers Association of Australia, the Australian Writers Guild, the Australian Screen Directors Association, Australian Screen Editors, the Media Entertainment and Arts Alliance, the Australian Guild of Screen Composers, the Australian Cinematographers Society and the Australian Interactive Multimedia Industry Association. The working party has produced a comprehensive report looking to the future of the industry and the options for the Victorian sector.

The report was presented to the former government in July this year. What did the working party report to the Kennett government about the parlous state of Victoria's film and television industry?

The report said bluntly — the alarm bells were ringing all over Victoria, but unfortunately the Kennett government was not listening — that the contraction of the Victorian film production industry represents a serious decline. Ten years ago there was relative parity between the New South Wales and Victorian film and television industries. The Victorian industry was worth $73.1 million and the New South Wales industry was worth $92.3 million. Since then the growth in the New South Wales and Queensland industries has outstripped the growth in Victoria. In July the working party told the Kennett government that if parity had been maintained the Victorian industry would be worth around $200 million today.

Mrs Elliott — How much?

Ms DELAHUNTY — Around $200 million. Instead, it is worth less than half that — $94 million. There is your vision. That is what the former government left this government to fix up. It wanted vision; this government will give it vision.

Firstly, let us get the facts on the table. The working party presented the detailed submission to the Kennett government — the can-do kind of government, the great government for the arts. The rhetoric was terrific, but what was the reality?

An honourable member interjected.

Ms DELAHUNTY — I will get to that. The working party went through chapter and verse where the gaps were and said to the previous government, 'You have completely ignored the Victorian film and television industry'. Those in the industry are the storytellers of Victoria's culture, but the Kennett government was not interested in anybody who wanted to talk about ideas.

The Kennett government's arts policy was an obsession with edifices — it was about saying, 'Mine's bigger

than yours, and if we haven't got a big one we'll build a big one'. Furthermore — and the emphasis on how destructive it has been should not be diminished — the Kennett government's arts policy was built on an obsession with imported popular culture. That is why our film and television industry was the poor cousin. It was left languishing by a government that did not care about Australian culture — about Victorian stories and Victorian storytellers.

The executive summary of the working party report dealt with content creation, production investment, services industries, training — a vital part of increased development of the industry — distribution and marketing. It said that at present there is no strong distribution presence in Victoria. That was the can-do kind of government Victoria had during the past seven years. That was the problem presented to this government.

What did the former government's arts policy for the last election campaign say? I looked and looked — and I am still looking. Its arts policy was silent on the state of the Victorian film and television industry. I do not know what the former parliamentary secretary for the arts was doing. We know what the Premier was doing. But together they were doing nothing for the industry. Their policy was absolutely silent on the matter. That silence can be compared to this government's arts policy. Its policy agrees that the problems as outlined by the film and television working party are absolutely accurate and that Labor wants Australian stories told in Australian voices. That means there must be government support for a Victorian film and television industry.

The government wants Victoria to again be at the centre of excellence for new media, film and television production. It must back Victorian product and provide the training facilities to encourage and develop new talent. The government's policy contains part of the solution to fixing the savage decline. Spending on film production in New South Wales is three times that in Victoria, and Victoria's share of domestic production and post production is 21 per cent, compared to 58 per cent in New South Wales.

Under the last government people in the industry did not look across the border at Victoria and say, 'We wish we were like them'. People who were formerly in Victoria's film industry have moved to New South Wales. They have picked up their cameras, editing machines and money and moved north. That is what you left. How will we fix it? That is what you are interested in. You could not fix it, because you did not acknowledge there was a problem and you did not care. So how will we fix it?

The SPEAKER — Order! I point out to the minister that debate must be directed through the Chair. The constant use of the word 'you' across the table is not part of normal parliamentary debate. I ask her to make all her remarks through the Chair.

Ms DELAHUNTY — Thank you, Mr Speaker; I am suitably chastened. The Labor policy to revive the Victorian film and television industry has several components. Today I would like to announce two of its initiatives.

Firstly, the government will reprioritise the budget of Cinemedia. Under the last government Cinemedia spent a lot of energy on multimedia and the proportion of its budget spent on film encouragement and investment dropped by 31 per cent. This government will reprioritise the budget so that Cinemedia's money will return to supporting the Victorian film industry. The government will ensure that funding to Film Victoria is commensurate with the level it was at before it was consumed by Cinemedia. It will also provide extra incentive for novice film-makers under a novice film-makers fund. It will commit an additional $400 000 over four years to creative producer, writer and director teams for short film productions. It will also put money into regional Victorian — —

An honourable member interjected.

Ms DELAHUNTY — That's new. There was no debate for seven years when everyone was gagged or napalmed. The government will also introduce a regional Victorian film location assistance fund. The former Deputy Premier would be aware that any film company that shoots a film in the country increases the disposable income of that regional centre exponentially. The government wants to encourage that effect and the $400 000 over four years will be allocated for that purpose. The former government did not bother encouraging it and all the film-makers moved north.

The government will also encourage filming around Melbourne and cut through a lot of the red tape involving the service sector. It also wants to revive cinemas in country Victoria. That is another initiative for country and regional Victoria, which I know all country members will welcome. Another component of the policy is to encourage the professionals of the future, which will include nurturing the young talent in film-making and film production at the Victorian College of the Arts. The former government was silent on supporting the Victorian College of the Arts. The

new government is putting money into its recurrent and capital budgets.

A further investment by this visionary government is its restoration of the pre-eminence of the Victorian film and television industry by moving Cinemedia to the arts portfolio. The move is in response to an overwhelming demand, particularly by the film and television industry, which believes it belongs in the arts portfolio — and the shouts of joy can be heard all over Victoria.

In conclusion, I refer to the words of a man who has been central to popular culture around the Western World over the past 30 years. Last night I welcomed to Melbourne Lord David Puttnam to give the 1999 Cinemedia Grierson lecture.

The lecture had not been given under the last government. The last government did not want debate, ideas, democracy or any sort of discussion, particularly about the film industry, for obvious reasons. The Bracks government has revived the lecture. The Grierson lecture was given by no less a person than Lord David Puttnam. Honourable members will recall some of his film credits — *Chariots of Fire*, *Midnight Express*, *The Killing Fields*, *The Mission* and *Local Hero*. Last night he delivered a powerful cri de coeur about the nexus between journalism, visual media, movies, education and the arts. I was delighted to hear that not only is he such an eminent and successful film-maker, but he is a Labour politician who has just finished reforming the upper house in the United Kingdom, which gave me a lot of heart that the Victorian Labor Party will also be able to renovate that other place.

It is the responsibility of government, and particularly the education and arts areas, to work together to undo the damage that some of the violence in our popular culture is doing to our young people. The government will focus on screen literacy and attempts to diminish the damage of crude violence in some of our movies and multimedia. I look forward to accepting David Puttnam's invitation to work further with him to achieve that. It is a vision the government will pursue as it revives the film and television industry in this state.

I was terribly disappointed to learn that the honourable member for Mooroolbark has stooped so low by issuing reckless press releases. If the honourable member would like to work with the government to revive the industry that she was so silent about for seven years, I welcome her assistance. But I urge her: please do not be a ninny!

Dairy industry: deregulation

Mr McNAMARA (Leader of the National Party) — The issue I raise today concerns the lack of leadership shown by the government in the Victorian dairy industry. At the outset we need to recognise the importance of the dairy industry to the state. It is our largest agricultural industry and our largest food exporter. It comprises 40 per cent of Victoria's food exports and in an international sense Victoria is very much a major player. In fact, half of the world trade in dairy products comes from Victoria and New Zealand. So on any scale it is an important industry.

It has been built up by a lot of investment over many decades and has experienced further acceleration in the past seven years under the coalition government. In fact, the value of Victorian dairy exports in the past seven years has grown from $600 million to $2 billion.

It is one of our fastest growing industries in the state. It is our largest export earner and is a major industry across many regional areas of Victoria, with important investment and employment on farm, processing undertaken in areas adjacent to farming areas, and providing valuable investment in factories across the state.

I will give the house an idea of the level of confidence the industry has had up to date. Under a coalition government companies across the state made investments worth billions of dollars, upgrading their process and capacity. The recent plant built by Bonlac at Darnum in Gippsland was the largest dairy processing plant ever built on a greenfield site in the world.

I am concerned that the government, when in opposition, was opposed to deregulation of the dairy industry. It was poorly advised when it took that view and had little understanding of how the industry operates. It locked itself into that position. It has now come into government and is in a bind because it promised to hold a plebiscite of dairy farmers across the state. It has spent the past 12 months running a scare campaign. The Minister for State and Regional Development was gleefully going around country Victoria telling people that half the dairy farmers in Victoria would go broke under deregulation. He is on the record as saying that between 3000 and 4000 dairy farmers will go broke under deregulation. The government is now in the bind that if the plebiscite gets up a revenue stream of $760 million will be lost.

A very good arrangement has been reached by the Australian Dairy Industry and by dairy farmers across

Australia, led in Victoria by people of foresight such as Max Fehring, head of the United Dairyfarmers of Victoria, and unanimously supported by his state council which all take the view that they support deregulation. It is also supported by all the dairy processing companies in the state. The national leader of Australia's dairy farmers, Pat Rowley, has also been one of the main driving forces in getting the program up. The commonwealth government has agreed, through a levy process on consumers, to provide by way of compensation to dairy farmers a package totalling $1.8 billion. Some $760 million from that total will come to Victorian dairy farmers, but not unless the government deregulates the dairy industry by 30 June next year. If that fails to occur the deal is off, and there is no compensation.

One must then ask the question: what will be the impact? Clearly we will have deregulation without the parachute. The recent Senate inquiry headed *Deregulation of the Australian Dairy Industry*, a report of the Senate Rural and Regional Affairs and Transport References Committee, states at page xiv:

> The committee concludes that sooner rather than later the market will force deregulation and that a managed outcome with a soft landing is preferable to a commercially driven crash. The committee also concludes that the proposed adjustment package will need significant refinement.

That refinement was to make it tax effective. Previously the commonwealth government was offering $1.3 billion. Now it is offering $1.8 billion, and $760 million of that will flow to Victorian dairy farmers — but only on the basis that the government legislates prior to 30 June. We must have legislation in the house by March or April next year or the package will not be passed.

The government has not given an indication about what will happen if the plebiscite is not carried — if Labor's scare campaign prior to and during the campaign frightens dairy farmers into voting no. If you are not sure about something many might say the safest course is to vote no, as we have seen with the republican debate. If we get a no vote at the urging of statements by current ministers, will the government give an assurance to the house that it will supplement the money that was coming from the commonwealth? Will it provide, out of state coffers, the $760 million to make up for the money that will now not be coming from the commonwealth? Will it also advise the house on how it will budget for the lost revenue stream through national competition policy? If we do not deregulate for six years Victoria's national competition payments — on an annual basis they are expected to be $200 million — will be affected.

In discussions I have been having with the National Competition Council, it has indicated that the penalty for non-compliance, without removing deregulation, will be equivalent to what it would see as a cost to consumers when the regulation system is in place — for example, in New South Wales, where that state was not fully deregulating the rice industry, the National Competition Council estimated the cost to consumers would be between $2 million and $12 million. As a result of there being no move to deregulate that industry in New South Wales, the National Competition Council and the commonwealth government are placing an annual penalty of $10 million on the New South Wales government.

Existing regulations are estimated to cost consumers $500 million a year. Victoria's share of that is between $95 million and $120 million. So, over the six-year period, Victoria runs the risk of losing 60 per cent of those payments — $120 million out of our $200 million annual payment or $700 million in total. That is on top of the $760 million that will be lost to Victorian dairy farmers to enable them to pay off debt, buy the adjoining paddock, expand their operation, put in a rotary dairy or adjust to the issues involved in this deregulation process.

The Senate Rural and Regional Affairs and Transport References Committee produced the report entitled *Deregulation of the Australian Dairy Industry*. The committee was chaired by Senator Woodley, who started clearly on the basis that he was totally opposed to deregulation. He has done a full circle after considering the issues for obvious reasons. There is no constitutional basis for the existing regulated system to be sustained.

I draw the attention of the house to section 92 of the constitution, which provides for free trade between the states. Apart from whole milk no other product I can think of, agricultural or otherwise, is subject to restriction. There are no restrictions on horticultural product from Sunraysia. Growers from that area ship their food produce to Brisbane, Sydney and Adelaide. There is no restriction on beef cattle producers or manufacturers. Ford motor vehicles produced in Victoria are shipped around the country. Is the sale of materials extracted from mines restricted? Of course not!

It has been stated clearly by companies such as National Foods and other milk producers that they will test whether state legislation regarding milk regulation is sustainable under the commonwealth constitution. I can tell the house now that that will last 5 minutes. Those companies will go straight to the High Court.

From 1 July next year, as National Foods have said, we will have deregulation with rigour. That was the word used by National Foods. There is no way Victorian milk tankers can be stopped from delivering milk to Canberra, Sydney, Adelaide or anywhere else. Every other state knows that and is waiting to see what Victoria does. Representatives of every other state have said they are against deregulation but that if Victoria deregulates they are in favour; they realise it is a fait accompli.

Victoria produces two-thirds or about 66 per cent of Australia's milk. That percentage is growing year by year. The premium price of whole milk is twice the price of the manufactured product in Victoria. The proportion of whole milk sold at the premium price is shrinking every year. Victoria is getting a premium price on only 6 per cent of the milk produced, which amounts to roughly 44 cents a litre. The other 94 per cent of milk produced is sold at about 22 cents a litre — half the price.

Other states are fearful because they produce around 50 per cent of their milk at the whole milk price. In some cases the percentage is as high as 65 per cent. Following deregulation the phoney cross-subsidies in other jurisdictions will help Victoria's long-term investment. Anyone who wants to have a future in the dairy industry processing area in this country will have to move processing plants into Victoria to be competitive.

Our farmers are competitive. They are producing milk on farms on average for between 16 and 22 cents a litre. The cost of producing milk in New South Wales and Queensland is between 30 and 35 cents a litre. When visiting the electorate of the honourable member for Rodney I met a New Zealand farmer. He milks 1000 cows and is planning to milk 2000. He believes he can get his milk production costs down to 10 cents a litre — about a quarter of the cost of producing milk in states such as New South Wales and Queensland.

Deregulation is not in any way going to reduce the size of the Victorian dairy industry but will expand it further. We will have to lift production by at least 50 per cent to meet the demands of the processing industry. Companies such as Bonlac, building the largest processing plant on a greenfield site in the world in Gippsland and with other plants in the Murray–Goulburn area in northern Victoria, and Nestlé in Warrnambool are investing between $30 million and $150 million in plants across the state because they believe there is a future in the industry.

I am concerned about the scurrilous comments we heard from the Minister for Finance, telling the dairy industry that half the number of farms would go out of business and that there is no future in the dairy industry. The minister is mute now because he realises the comments he made in opposition were wrong. He realises that the only future for the industry in this state is to deregulate. That will expand the industry.

The package of $760 million is being put at risk. I want a firm assurance in the house from the government that it will substitute that $760 million from the finance coffers of Victoria if the state does not deregulate the industry by 30 June this year. The dairy industry has a great future. It is an international player. It must be given a vision for the future, and needs a government that shows some leadership.

The DEPUTY SPEAKER — Order! For the future reference of Leader of the National Party I point out that my title is Deputy Speaker, not Mr Speaker or Mr Acting Speaker.

Rural Victoria: services

Mr SAVAGE (Mildura) — Honourable Deputy Speaker, I grieve for the citizens of rural Victoria, especially those in my electorate. One of the positive results of the recent referenda was that they highlighted in a way that can no longer be ignored the differences between the attitude of white-collar professionals and blue-collar workers and people living in regional Australia. The widening gap has been evident for some time but, with the tendency of political commentators to analyse elections within a political framework, it has been ignored or has gone unnoticed.

Explanations for this development such as the inference that most Victorians who live in rural Victoria are stupid are counterproductive. Observations of the benefits of economic progress during the 1990s have been unevenly distributed between inner metropolitan Melbourne and the rest of Victoria and do not give people an appreciation of why regional Victorians increasingly are seeing things differently from the way Melburnians see them.

Perhaps the view from where I live can be summed up by a conversation that took place between a Melbourne resident and a friend in regional Victoria whom he visits regularly. The friend said that regional Victorians had once thought of Melburnians as brothers and sisters. In recent years, however, they had come to think of Melburnians as cousins. Now they wonder whether Melburnians even knew they were on the planet.

The story about Hopetoun that Kerry Conway told the State of the Environment Advisory Council in my electorate three or four years ago gives some understanding of why the sentiment has changed so dramatically. In 1976 the population of the town was about 850 people. By 1996 it had fallen to 700. As farm income fell the solicitor left and the courthouse closed, as did the branch of the Westpac bank, the State Rivers and Water Supply office and the Elders office. The weekly visit by the dentist ceased. As teachers left they were not replaced. The youth headed to Ballarat, Bendigo and Melbourne to find jobs. The population in 1996 included 80 widows and widowers living alone.

Farming families have had to take part-time jobs, as have shearers. Today the population has fallen to 650 people, and it continues to decline. The Shire of Karkarooc has ceased to exist, as has the shire office. The future for Hopetoun looks bleak. Hopetoun may be an extreme case but it is not an isolated instance of what is happening.

One person most conscious of this increasing gulf and who spends a great deal of time trying to quantify the differences in the social and economic environments of Melbourne and regional Victoria is Dr Bob Birrell from Monash University. He has analysed differences in income levels by age group, job growth rates and levels of service.

Dr Birrell's latest research is into medical services available to Victorians living in different parts of the state. Dr Birrell's findings are disturbing. He ascertained that in 1997–98 the 81 000 people living in the Mallee general practice division were served by an equivalent of 50 full-time doctors, translating to 1 doctor for 1620 people, the highest ratio in the state. Since then the number of doctors has increased to 56, of which 8 are overseas trained and therefore subject to visa restrictions. Since then the population has increased by 3000 so the ratio has also increased. That number is of even greater concern if one excludes Mildura, which has a population of 24 000 and is serviced by 22 general practitioners, an average of 1 doctor for every 1090 residents. However, Swan Hill, with a similar population of 21 000, has barely half the number of general practitioners — 12. By comparison, in Melbourne there is 1 general practitioner for every 998 residents.

One response to those statistics could be that they demonstrate that people living in regional Victoria are healthier than Melburnians and they do not need the same level of medical services. As one who sings the praises of regional Victoria at every opportunity, I wish I could say that such an assumption was justified. Regrettably that is not the case.

The publication *Australia, State of the Environment 1996* is worthy of study by anybody who wants to know the reasons that lie behind the election results in Victoria in 1996 as well as this year — despite the former Deputy Premier's claim on the night of the election that it had been a great victory for the National Party — the Queensland results last year, the New South Wales election results this year, and the results in the latest federal election, in which One Nation attracted 1 million votes, despite Tim Fischer's pronouncements of victory over One Nation on the night of the election.

The State of the Environment Advisory Council, which commissioned the report, states:

> The health of Australians as measured by broad indicators shows little variation between metropolitan and non-metropolitan settlements … Rural and remote settlements have higher mortality rates for coronary heart disease than metropolitan ones.

Between 1990 and 1992, the standardised mortality ratio for cardiovascular diseases in metropolitan areas was 0.97 per cent, but for rural Australia it was 1.05 per cent. Those figures are significant because cardiovascular disease, according to the council, is Australia's biggest health problem, contributing to 25 per cent of all deaths in Australia.

A similar story can be told about respiratory diseases. The standardised mortality ratio for deaths caused by pneumonia, influenza and bronchitis was 0.97 per cent in the metropolitan area and 1.05 per cent in rural areas. For asthma sufferers the numbers were 0.96 per cent and 1.16 per cent respectively.

Turning from health to economic indicators, the Australia Bureau of Statistics (ABS) is continuing to develop an index of economic resources that enables comparisons between urban, rural and remote regions. The index measures employment and housing as well as the economic circumstances of households. The more resources households have the higher the number of units they accrue. In 1994 the index for households in major urban areas was more than 1000. For other urban areas it was slightly less and in rural areas it was about 950.

Not surprisingly, an examination of employment statistics reveals more of the same. *Australia, State of the Environment 1996* publishes the 1991 ABS data which reveals that the level of unemployment in major urban areas was about 11 per cent. For other urban areas the level was more than 12 per cent and for rural

areas close to 13 per cent. Since then the national unemployment rate has declined appreciably. However, the gap between metropolitan and regional areas probably has widened.

A report to be published shortly by Bob Birrell and Jo Wainer, *Regional Victoria: Why the Bush is Hurting*, states:

> Since the recovery from the early 1990s recession, Melbourne has outstripped regional Victoria in job growth. Most of this has been in the property and business services area. The numbers employed in the cultural and recreational services sector, which include sport and gambling, have also grown rapidly, again primarily in Melbourne. The former Liberal government's initiatives in this area have worked! Regional areas have also benefited from growth in these two service areas, but from a much lower base than is the case for Melbourne. Regional Victoria has also suffered more — in employment terms — from the rationalisation of government services initiated by the Kennett government. Since 1991, employment in education and health services has held up better in Melbourne against the Kennett onslaught than it has in regional Victoria.

I turn to a comparison of employment in Melbourne and the rest of Victoria. In 1991, the number of employed persons in Melbourne was 1 434 700 and the rest of Victoria was 529 300. From 1991 to 1999 the percentage increased in the city by 13.3 per cent and in the country by 4.6 per cent.

To complete the picture I turn to income, and again I am indebted to the work of Dr Birrell. A couple of years ago he published his analysis of incomes based on the 1996 census. He drew attention to the income of males aged 25 to 44 years, the years in which the average male faces major financial responsibilities because he has obligations to children. Therefore, those years need to be the prime income-earning ones. The result of his research warrants greater attention than the 24-hour headlines it received at the time. The figures for males earning between $0 and $15 000 in Melbourne were 15.6 per cent and in country Victoria 23.4 per cent. At the highest end of the scale, which is $52 000 plus per annum, it was 15.2 per cent in Melbourne and only 7.3 per cent in country Victoria. It is not easy to find ways to turn those trends. If it were, something would have been done by now.

The concern is that because there is no easy answer regional Victoria has always been put in the too-hard basket, or worse still, the decision-makers in Melbourne have been seduced into taking the easy way out and saying that the decline is inevitable, that that is the price that must be paid for progress and that there are no answers. Understanding the problems may not be the answer, but it is the start. The challenge that faces us all is to take that first step and to persist in looking for effective responses until they are found. It is important to take up this challenge. If we do not, it will reinforce the sense of alienation and disillusionment of country Victorians that can no longer be denied in today's political consequences and emerging signs.

Unions: funds

Mr LEIGH (Mordialloc) — I raise a matter that concerns political intrigue, the loss of money to various members of the community, and a lack of trust that some people may have in particular individuals. This trail commenced in the 1980s, when a gentleman by the name of Mr Felix Dias came to Australia from Uruguay. He and a number of other people participated in the collection of $100 000 from local churches, social organisations and political parties — definitely not from the Liberal Party, I hope. The money was supposed to be returned to Uruguay but allegedly was not.

I should say at the outset that I am not making these allegations — they are allegations and material that I have been given. I can supply the house with a statutory declaration if needed.

The matter also involves the potential misuse of a significant amount of money, at least $5000 of one individual's money, that was used for travel to both Cuba and Switzerland. For the interest of honourable members I have a copy of postcards that were sent describing what a wonderful time some of those individuals were having. For a communist to invite a person over because that person pays suggests communism has some elements based on capitalism after all.

In the course of all this, other individuals who, to my knowledge — and it is alleged in documentation — —

Mr Nardella interjected.

Mr LEIGH — In fairness, I spoke to the individuals and I understand the value of a statutory declaration. Making a misleading declaration is, in effect, an offence of perjury. Up to $200 000 has gone missing, $5000 was used in another way and $17 500 was supposed to go into a bank account but did not go to any account, and the person who signed the statutory declaration ended up in hospital undergoing a coronary bypass operation. I will pass on information to the police and I hope the matter will be investigated. I have told the individuals concerned that if they are wrong they should be charged with perjury, because they raised the matter with me in good faith.

Consequently, they filled out the form in Spanish. I had a Spanish-speaking person translate the document and I took it back to them. They agreed that what the document stated is what was said. They signed it and I co-signed it, and if the house is interested I can make a copy available. This matter also involves a takeaway business in which a substantial amount of money was lost.

Mr Nardella — You had better table it.

Mr LEIGH — It involves a takeaway shop that went bust and an individual who worked in the Honourable Brian Howe's office who had an involvement with Andrew Theophanous, who is in another place and, at the moment, as I understand, is facing — —

The DEPUTY SPEAKER — Order! I ask the honourable member for Mordialloc to resume his seat. I remind the honourable member, who has been here for many years, of standing order 108. I will read it to him. The standing order states:

> No member shall use offensive or unbecoming words in a reference to any member of the house and all imputations of improper motives and all personal reflections on members shall be deemed disorderly.

I remind the honourable member for Mordialloc of that provision and if he makes any personal reflections on members of this house or this Parliament, I will no longer hear him.

Mr LEIGH — At this point I have named Mr Felix Dias, who is not a member of any Parliament that I know of — —

The DEPUTY SPEAKER — Order! I ask the honourable member to resume his seat. The honourable member for Mordialloc seems to have a memory problem in that he referred to a member of the other house. I inform him that I will not tolerate such reflections on Mr Theophanous.

Mr LEIGH — I made the point, and I said 'Andrew Theophanous'. If I did not, that is my first point, but I accept what you say, Madam Deputy Speaker.

Many questions need to be asked. Can people take money from other individuals and not account for it? There is, in effect, a union known as the ALHM union. It, along with its organisers, participated in the scheme. A gentleman by the name of Warren Butler was involved in extracting — a fair word, I believe — $4300 from the takeaway shop owner. It has been alleged — —

Mr Nardella — Where is your evidence?

Mr LEIGH — In the old days of the Mafia in the United States of America that action would border on criminal activity, because somebody can claim money has been taken from an individual without having any real evidence. The individuals allegedly went to the union, but were told that Mr Butler was not involved there any longer and they knew nothing about it.

I have a handwritten note about the $17 500. It was alleged to me that the money should have gone to individual bank accounts on behalf of several people, but it did not. We are talking about the livelihood of people. I met two of the people after they contacted me; they are now on the pension. They seem to be a nice old couple with a son in the real estate industry. They are obviously hardworking people who, as migrants, have made a great contribution to our country. I can only take people at face value.

According to my information, the bank account held $10 000, of which $5000 was withdrawn on 20 January 1989 and used for travel to Cuba and Switzerland. When you trust somebody to look after your money you literally sign a power of attorney. I have a copy of the document, dated 13 October 1988. The power of attorney was used to hand over the bank account and assets including unit 2, 504 Punt Road, South Yarra; unit 706, 500 Flinders Street, Melbourne, and $10 000 in a bank account. According to the statutory declaration, $5000 was removed from the bank account and used for personal holiday travel.

It was not until 1990–91 — or was it 1999 — when the people returned to Australia that they became aware the money had been removed from the bank account and used for personal travel. These are serious allegations. There was an involvement by some elements of the extreme left of the Labor Party and the way it is mismanaging money. It must be remembered that when the Communist Party of Australia collapsed, they all joined the Socialist Left arm of the Labor Party.

Honourable members interjecting.

Mr LEIGH — You can laugh, but John Halfpenny was a member of the Communist Party. The Socialist Left faction effectively became the Communist Party of Australia. You could say a more extreme group was the Pledge Group, whose members on more than one occasion seemed to have more principles than many of the Socialist Left members.

The individual I mentioned came to Australia from Uruguay to collect the money — —

Mr Nardella — On a point of order, Madam Deputy Speaker, the honourable member has referred to a number of documents. Will the honourable member table the documents?

Mr LEIGH — I have my notes and they will all be made available to the house when I conclude; it is not a problem.

I seek a police investigation, at the very least. This matter needs to be aboveboard and the truth needs to come out, because the people I am talking about — Mr Roberto and Mrs Lillian Martinez, who struck me as nice people — are owed an explanation of what happened to their $200 000. They are owed the cost of the pain they have endured, and they have lost their livelihood. They have lost everything: they have nothing. If the Bracks government is to be the open government it talks about, here is its first challenge.

I never thought I would quote the former honourable member for Sunshine, the Honourable Ian Baker, but when he left this house he said that unless the ALP gets a solid injection of participating democracy its support base will continue to dwindle at an alarming rate. He described the Labor Party as being full of bodgies and goats who are used for preselections.

Ian Baker was the architect of Workcover. He was a minister and probably was the most likely person to replace the honourable member for Broadmeadows had he fallen over earlier.

This is one of those great mysteries — one of the whodunits. Who did it? Which person seems to be a socialist — a communist — and is allegedly good at taking other people's money? I wonder whether we should play pick-a-box. Are we talking about a member of the Communist Party — the Labor Party? Are we talking about the likes of ex-ministers such as Ian Baker, who was a very credible person to stand up and say what he did. We are talking about the current member for Sunshine.

The DEPUTY SPEAKER — Order!

Mr LEIGH — On a point of order, Madam Deputy Speaker, one of the things I have noticed, and I have found references to it in the past so I think it is appropriate for me to raise a point of order — —

The DEPUTY SPEAKER — Order! What is the point of order?

Mr LEIGH — If you look to — —

The DEPUTY SPEAKER — Order! What is the point of order?

Mr LEIGH — If you look — and material supplied to me — —

The DEPUTY SPEAKER — Order! What is the point of order?

Mr LEIGH — Just listen. What I am trying to say is that since 1983 the procedures of the house have changed. If you look at the references you will see that prior to 1983 you were able to raise matters.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc was told previously about standing order 108. It was read to him and he was informed that if he breached that standing order he would no longer be heard. I now call the Deputy Premier

Burwood: Liberal candidate

Mr THWAITES (Minister for Planning) — I grieve about the way the previous government conducted planning in Victoria, in particular the special deals that were done by the previous planning minister for Liberal Party mates.

One particular matter brought to my attention prior to the election was described to me as an absolute shocker. I could not understand why the then minister had intervened in the way he did — that is, until the government found out that the applicant in the particular case had Liberal Party connections. The matter became even more interesting when the government discovered that the applicant was Lana McLean, who was at that stage the Liberal candidate for the seat of Melbourne. She has now gone on to bigger and better things and is the Liberal candidate for Burwood.

Despite Mrs McLean's claims about her origins and where she grew up, she in fact lives in Prahran. The planning matter concerns her property in Alfred Street, Prahran. Mrs McLean wanted to develop her property and wanted to remove a carriageway easement that runs along one side of the property. The easement was of considerable benefit to her neighbour, Mr Ian McDonald, who lives on Punt Road at the back of her property, but Mrs McLean wanted to remove it so she could develop her property to increase its value.

Not surprisingly, Mr McDonald was not keen to lose the benefit of that easement, which was valued at some $51 000. Mrs McLean could have applied to the Supreme Court to have the easement removed, which

would have been the proper course. Instead she went to the Stonnington council and applied for a planning scheme amendment to take away the property rights of her neighbour, Mr McDonald. Her aim was to benefit herself at the expense of her neighbour.

She was not prepared to go through the proper process by applying to the Supreme Court; she wanted to get a planning scheme amendment so she would not have pay. The Stonnington council did the right thing. It refused to remove the easement on the basis that it was an improper avenue to settle a civil matter — the amendment process should be reserved for wider strategic needs — and there was no net community benefit for the amendment. The council was not prepared to grant a planning scheme amendment to take away a neighbour's property right, which is what Mrs McLean wanted.

Mrs McLean was not satisfied with that determination. She did what so many Liberal Party members did under the previous administration, she applied to the minister for a ministerial amendment, which was done in 1998.

In support of her application to remove the easement she swore a statutory declaration before the police. If a person makes a false statement in a sworn statutory declaration he or she is liable for perjury. Mrs McLean needs to look carefully at that declaration and obtain careful advice about the statement she made. She said in her statutory declaration that her neighbour, the owner of 170 Punt Road, Prahran, had not used the right of way over 1 Alfred Street, Prahran, since he moved into the property in 1987. A blatant statement — her neighbour had not used the right of way. That statement in the statutory declaration is false, and Mrs McLean may well be liable.

Mr Perton — On a point of order, Madam Deputy Speaker, this is clearly an attempt by the minister to slur the name — —

The DEPUTY SPEAKER — Order! What is the point of order?

Mr Perton — The point of order, Madam Deputy Speaker, is that this is an abuse of process and an abuse of the grievance debate. In a grievance debate a minister of the Crown should be restricted to matters of government business and his or her own responsibilities. The minister is abusing the forms of the house in order to attempt to pervert the Burwood by-election.

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

Mr THWAITES — As I said, Mrs McLean sought ministerial intervention.

Recently, as a candidate, Mrs McLean claimed in an interview on this issue that the matter had now been resolved. She also implied that the whole thing was handled by a town planner. The neighbour, however, had no knowledge of the matter being resolved and, as for a town planner being involved, the file reveals extensive personal involvement of Lana McLean in applying to the minister to get him to intervene.

Following Mrs McLean's request the former minister appointed a one-man committee to advise him on a proposed amendment. In June 1998 the advisory committee in the person of a Mr Kneebone recommended that the minister refuse to accede to the request and gave a number of reasons, the principal one being the reason the council had given — namely, that it was not a matter for a planning scheme amendment and should be handled by the Supreme Court.

Mrs McLean was not prepared to abide by the umpire's decision. She attacked the umpire and wrote to the minister on 26 June last year to say that the advisory committee had a clear bias against the removal of restrictive covenants. She asked the minister to reconsider the panel's recommendations.

The minister, in a somewhat unusual move, did exactly that. Rather than adopt the umpire's decision he brought in another umpire and set up another advisory committee, presumably to get the right result. The second advisory committee was set up early this year in the person of Mr Egils Stokans, and the matter was reheard in April. As revealed in the files, in May the second committee reported to the minister in exactly the same way as the first committee had done. It recommended the minister write to Mrs McLean and advise her that the easement would not be removed.

There was also, on 17 May — about the same time — advice from the department to the minister recommending that he send a letter to Mrs McLean to the effect that he would not accede to her request. At the bottom of the letter advising the minister something is written in handwriting that I believe to be the former minister's own. The text is as follows:

> Hold and discuss.

That shows that the former minister got the advice and failed to act on it. Very interesting! He did nothing to follow the advice of his department or of the two committees. Why would that be? The file reveals that in the meantime Mrs McLean had written to the minister — —

Mr Perton — On a point of order, Madam Deputy Speaker, in his last contribution to this debate the honourable member for Mordialloc was warned by you on a number of occasions about imputations against another member. You went so far as to prevent him from completing his speech. I ask you now to give the same warning to the Deputy Premier, and if the Deputy Premier strays, as the honourable member for Mordialloc did according to your ruling, you immediately rule that he be no longer heard. That would ensure that the Chair may continue to act in a fair way towards all members. I ask you to give that warning to the minister because, as you can quite clearly see, Madam Deputy Speaker, he is trying to cast some very wide slurs in order to gain political advantage, and he is misusing the forms of the house.

The DEPUTY SPEAKER — Order! There is no point of order. I have been listening carefully to what the Deputy Premier is saying. He has quoted words of the previous Minister for Planning, and I am sure he will continue in a manner that does not infringe standing order 108.

Mr THWAITES — I am simply laying out the facts as they appear in the file. The minister failed to follow the advice of the expert committee and his own department to send a letter to Mrs McLean. Instead, he sat on the advice he received and waited until the election so that Mrs McLean would be able to get her special deal.

Mr Perton — On a point of order, that was a clear imputation, Madam Deputy Speaker. If the minister merely wants to lay out the facts as they appear on the file, he is entitled to do so. The minister is now, however, trying to impute a motive to the minister. I put it to you that that is a clear breach of standing order 108. I ask you to rule that, in so far as the Deputy Premier is reading from the file, that is appropriate, but when he tries to interpret the reasons for the minister's conduct I ask you to rule that that is inappropriate and a breach of standing order 108.

Mr Brumby — On the point of order, Madam Deputy Speaker, having listened through this and the previous debate, I see clear differences. The minister is relying on facts. He has presented those facts to the Parliament. The only observation he has made is that the former minister did not make a decision on the matter until the election, which is factually accurate. I ask that you rule him in order.

Mrs Peulich — On the point of order, reading from *Rulings from the Chair 1920–1999* a ruling made by former Speaker Coghill — —

Mr Thwaites interjected.

Mrs Peulich — Am I allowed to take a point of order or not?

The DEPUTY SPEAKER — Order! Is the honourable member addressing the Chair?

Mrs Peulich — I am expecting to be protected by the Chair impartially, as would any other member who attempts to raise a point of order.

The DEPUTY SPEAKER — Order! Perhaps the honourable member for Bentleigh would sit down. If the honourable member for Bentleigh wishes to be heard she will address the Chair in an appropriate manner.

Mrs Peulich — I appreciate the directions of the Chair and expect that the rules will be applied impartially to all members irrespective of which side of the house they sit on. I attempted to raise a point of order and quote a ruling of former Speaker Coghill:

> A member is not allowed to make imputations against members of this house and the other place in debate by using documents prepared by someone else or in someone else's name.

Clearly, the minister is breaching the conventions of this house.

The DEPUTY SPEAKER — Order! I will hear no further speakers on the point of order. I do not uphold the point of order. The Minister for Health is referring to actions taken by the previous minister, and he is going through that process.

Mr THWAITES — I am simply laying out the facts, which I propose to continue to do.

Lana McLean has filed a false statutory declaration. The declaration states that since moving into the property the neighbour 'has not used the right of way'. That is false; the expert committee found that the right of way had been used. The expert committee specifically stated that it preferred the evidence of the neighbour regarding the use of the carriageway over that filed on behalf of the McLean's.

The poor old neighbour who was suffering under the attack by Mrs McLean states that he had used the road on a number of occasions:

> On one occasion I became bogged in the road when using it after some sewerage works had been carried out … On one occasion my eldest son stalled his vehicle on the road and was verbally abused by Lana McLean. Subsequently I was also verbally abused by Lana McLean regarding the same incident.

It is clear from the file that Lana McLean knew the carriageway had been used during the time the neighbour had lived there. Despite that, she filed and swore a false statutory declaration. Is that the sort of person who should be standing for Parliament? Mrs McLean is not a good neighbour. She says she will move into Burwood. No-one in Burwood would want her as a neighbour! She is not fit for office; anyone who swears a false declaration is not fit for office.

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

Burwood: Liberal candidate

Mr MACLELLAN (Pakenham) — I join this grievance debate to briefly respond to the matters raised by the Deputy Premier and Minister for Health. He has sought to use the privilege of Parliament to attack a citizen. He has shown his political motivation in the matter. One of the few things I share with the Deputy Premier is that I am qualified as a lawyer. I would have thought that he would have known that if he wished to raise issues about a statutory declaration and the truthfulness of such declaration the Parliament is not the place for a deputy premier to do that. If he wished to attack the reputation of a citizen for political purposes, I would have thought he would know that Parliament is not the place to do it. Who is there to defend the citizen?

The Deputy Premier has ascribed motives and has attempted to interpret in a way which has led him into error, and his error is gross. I am not sure whether he was using the term in relation to the honourable member for Bentleigh or a citizen or me, but I heard him use the word 'crook'. I do not know whether Hansard recorded it or whether you, Madam Deputy Speaker, heard it. He used the word while the honourable member for Bentleigh was attempting to raise a point of order. Being a man of honour, the Deputy Premier would not deny that he used the word 'crook' in the house. He will, of course, take advantage of the fact that he did not say who he meant to be the crook. I start by saying that I am not.

Mr Thwaites — Do you want to start getting to the point?

Mr MACLELLAN — The Deputy Premier is interjecting in an attempt to cover his tracks.

What the Deputy Premier said — and he knows it not to be the case — by which he inadvertently misled the house was that I appointed a second panel. The answer is that I did not appoint a second panel. The second panel was appointed in the name of the minister — —

Mr Thwaites interjected.

Mr MACLELLAN — The reaction from the Deputy Premier is what I would expect. The Deputy Premier, who is also Minister for Planning, knows that panels are appointed by the three permanent panel people, and that it is not a personal — —

Mr Thwaites interjected.

Mr MACLELLAN — It is not, and has not been a personal decision of the minister; it has been put at arm's length from the minister. I hope the Deputy Premier will continue that practice and will allow the independence of the appointment of panels to be of great and continuing benefit.

Mr Thwaites interjected.

Mr MACLELLAN — Of course the Deputy Premier is still trying to smudge the issue and justify his use of Parliament to besmirch the name of a citizen by his ascribing of motives beyond facts, because he does not like facts coming out when he is corrected. The truth of the matter — and he knows it but did not share it with Parliament and therefore inadvertently misled Parliament — is that he knows the appointment of panels is done independently.

The first panel report to which he referred by Mr Kneebone was observed by the chief panel person to be, in effect, protested about. I might add that all panel reports become public. There is nothing strange about them, they are made and become public.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I would like to be able to hear what the honourable member for Pakenham is saying.

Mr MACLELLAN — Madam Deputy Speaker, it is not as if the Deputy Premier has revealed some panel report that was hidden to the world, far from it. The panel reports become public documents, and Mr Kneebone's panel report became a public document. On its receipt it was reviewed by the chief panel person and it was that person who decided that Mr Stokans should conduct a further panel review of the matter. Why did the matter get to the minister at all?

Mr Thwaites interjected.

Mr MACLELLAN — I suppose the present minister is finding it hard to come to terms with the fact that he is the minister and people will be making requests to him. How did it get there? It was as the

result of a letter which was reported about in the press. The good officers of the City of Stonnington said, 'If you don't like the decision, Mrs McLean, raise the matter with the minister', which is exactly what she did. She wrote a letter, and the letter is on the file.

Mr Thwaites interjected.

Mr MACLELLAN — Having had his chance, the poor Deputy Premier wants to deny other people theirs. Madam Deputy Speaker, I note that I did not interject during his presentation, I wonder why he feels he has to interject during mine. However, Mrs McLean was advised by officers of the good City of Stonnington that if she did not like their decision on her request for an amendment to remove the easement and free her property to have a reconfiguration of its car parking, she should take the matter up with the minister. That is what she did. The same amendment which she had requested and which the City of Stonnington had refused to advertise or put into any process was put into the public arena, and responses to it were made by the neighbours.

There was an objection to the requested amendment and the matter went to an independent panel for report. Those reports are public. Because both panel reports were adverse to the suggestion of the amendment — that is, they both reported on the facts that they did not believe the amendment ought to be approved — it was not approved. So the person — —

Mr Thwaites — You deliberately sat on it.

Mr MACLELLAN — Again the Deputy Premier is anxious to ascribe motives to people. He said, 'You deliberately sat on it'. His reference is to the words 'hold and discuss', which he alleges — and I have not seen the document, but never mind — were written by me and discussed, meaning discussed with the department. The Deputy Premier would not allow that proposal or that idea to infect his mind. He has a keen desire to make his own fevered imagination the truth. His own fevered imagination is that there were two publicly available panel reports, both of which in their end recommendations said that the amendments should not be approved. That was the appropriate outcome to the request made by Lana McLean. She did not get the amendment; she did not get the removal of the easement.

If any process other than approval of the panel reports had been even contemplated it would have been a public matter that would have been made public in Parliament, because any amendment made to any planning scheme is presented to Parliament. Parliament then has the opportunity to not only debate its merits and other aspects, but also to disallow it. It was inappropriate for Lana McLean to be given the amendment, and the amendment was not approved.

Mr Thwaites interjected.

Mr MACLELLAN — The Deputy Premier has such concern about the matter that he is going red — I presume with some embarrassment — and interjecting.

Mrs Peulich — Either that or blushing.

Mr MACLELLAN — Maybe it is blushing. It does credit to him that he blushes, even if he has left it a bit late. In his anxiety to try to influence the good electors of the Burwood electorate, he has gone right over the top. It is a misfortune that the minority Labor government, in its desperation to influence the outcome of a by-election in Burwood, would involve the good reputation of the Deputy Premier in such a sordid little assassination exercise. It might have sounded rather good if, after two panel reports against it, I had approved the amendment. That might have been something he could well have raised through the parliamentary process — not about the citizen, but about me. But he knows he cannot do that because the amendment was not approved. He then covered that little possibility with the suggestion that the matter was being held for five months.

Mr Thwaites interjected.

Mr MACLELLAN — Let me assure the honourable member that during the five months the panel reports were perfectly clear and perfectly public, and the result of the application was perfectly clear — the amendment was not approved.

Mr Thwaites interjected.

The DEPUTY SPEAKER — Order!

Mr MACLELLAN — It seems to me that the Deputy Premier is desperate in his assassination attempt on a citizen's reputation. His political motivations are all too clear. His excess in interpreting the file in Parliament is simply directed at trying to make something out of nothing. The bare facts were that an application was made to the Stonnington council and it refused to process the amendment.

But very thoughtfully they added that if she did not like their decision she could go to the minister. She then wrote to the minister and the minister arranged that the same amendment would be made public and that people could object to it in any way they liked.

Objections were received and the matter went to a panel. The chief panel person, Helen Gibson, reviewed that panel report and decided to ask Mr Stokans to undertake a further panel report, which was done. It maintained that the amendment should not be approved, and the amendment was not approved.

The bare facts of the case do not support the assassination attempt made in Parliament by the Deputy Premier. I believe he has dishonoured his reputation.

City Link: air-quality monitoring

Ms GARBUTT (Minister for Environment and Conservation) — I grieve today for those people living near the City Link Domain and Burnley tunnels. I advise the house and the people of Victoria of a serious failure by the City Link builder, Transfield Obayashi Joint Venture (TOJV), to meet its obligations to the public regarding background air quality monitoring prior to the opening of the City Link tunnels. Unlike the previous government, which no doubt would have covered up the matter and told nobody, I will provide the information today so that everyone is fully informed. I have also asked the chairman of the Environment Protection Authority, Dr Brian Robinson, to be available to answer further questions on the problems revealed and the actions undertaken and proposed by the EPA.

Serious flaws have been uncovered in the data from the monitoring of background air pollution from the City Link tunnels by TOJV. It is not clear how much of the data will be useful and accurate for the Domain and Burnley tunnels. That is an outrageous situation. The community was depending on those figures. They were fundamental to establishing the base line for measuring the impact of City Link on existing air quality. Without those figures the local residents have no way of knowing what impact City Link will have on their health and their quality of life. Such information is essential to building public trust in the project.

There has been serious concern and controversy about the levels of pollution to be expected from the City Link, and the background monitoring was an attempt to reassure the public, but particularly local residents, that their concerns were understood and could be addressed if they were proved correct and the previous government was wrong.

The community has been let down again by this project. The public has a right to be angry because its protests were ignored by the previous government. Now the information it was promised to give assurance about the health concerns is in doubt. The works approval required TOJV to provide monitoring data to the EPA each 12 months. The data was required to be provided in a National Association of Testing Authorities (NATA) certified report.

The initial data provided to the EPA in April of last year for Burnley was satisfactory. However, the information provided in June of this year, following investigation by the EPA, has uncovered serious problems with the data from South Melbourne and Burnley. The main issues include serious malfunction of sampling equipment and serious problems with quality control, including regular servicing, calibration and record keeping for the monitoring equipment. The collection of the data was undertaken by a contractor, Enviroeng, a NATA-accredited organisation, on behalf of TOJV.

I will outline the action the EPA has taken. It has been taking strong action and is following it up. The authority has advised me that it has now served a notice on TOJV requiring monitoring equipment and procedures to be fixed. It has issued two penalty infringement notices on Transfield Obayashi in respect of the provision of misleading monitoring data to the EPA for the South Melbourne site.

The Environment Protection Authority is currently undertaking a check of all the data that has been provided and is available, to establish whether it is useful and accurate and for how long and for which particular pollutants. The EPA is also undertaking a formal investigation into the most serious reporting breaches relating to the Burnley Tunnel, and this may well result in legal action being taken by the EPA in the future. The authority will also appoint an independent auditor to audit future data collection, and the works approval will be amended by the EPA to require all outstanding monitoring issues to be addressed.

Although the authority has received a licence application for the opening of the Domain Tunnel, it is unable to deal with it until the works approval has been complied with, including the provision of adequate monitoring data. There is also a need to provide correctly positioned sampling ports at the Grant Street ventilation stack for the Domain Tunnel. The EPA believes the outstanding issues on the Grant Street site can be resolved quickly. There are more doubts, however, about the Burnley site.

In line with the government's clear commitment to community involvement on issues that affect the community, the EPA will ensure that residents and local councils are considered prior to finalising the licence for the City Link tunnels. The EPA will also be

working with the community and local government to establish a monitoring committee, and that committee will provide a forum for the local community to participate in an ongoing review of City Link air monitoring data. It is an open process, and it contrasts totally with the previous government, which was secretive and hid everything as long as it possibly could.

Before the tunnels can be opened TOJV must demonstrate to the EPA's satisfaction that it has complied with the works approval. Only then can a licence be issued to operate the ventilation systems. It is now up to the builders to show their commitment to the community and to ensure that City Link is open on time. The government is demanding answers. It wants a full report from the Environment Protection Authority on what went wrong and why; how it has affected the data on background air pollution and for how long over the 12-month period; what legal action can be taken by the EPA, when and against whom; and most importantly, what impact it expects this problem to have on the opening of the two tunnels.

The government will ensure that public confidence is restored by guaranteeing that the monitoring data will be sufficient to allow accurate and reliable comparison with data collected once the tunnels are open. That fundamental requirement must be met so that the public understands the current situation and a valid comparison is available in the future. There are major concerns about the impact of the project on the surrounding air quality. The project may increase the level of pollution close to the tunnels and have a significant impact on the health of local communities.

Despite those concerns the previous government pushed ahead. It pushed the concerns to one side and said the public could be reassured by having the current air pollution levels monitored accurately for 12 months to allow for seasonal conditions, which would provide a valid benchmark against which the impact of the City Link proposal could be measured. With those background and operating figures the public would know exactly what impact any increase in pollution would have on community health and lifestyles. There is also the possibility of putting equipment into the air vents to allow the pollution to be cleaned up.

All of those promises will have come to naught if this measuring system fails and if there is not that baseline information against which to measure any anticipated increase in pollution. It is a fundamental flaw because it will take away the public's confidence in measuring pollution levels. Without that confidence and those pollution figures the public will feel totally let down, even conned, by the previous government because it will not be able to measure the impact, if any, of City Link pollution.

I stress that the Environment Protection Authority cannot allow the tunnel to open until it is satisfied that the background monitoring of existing air pollution is available. The EPA must be satisfied that the works approval process has been complied with. It is now up to the City Link to show its commitment to the community and ensure the City Link opens on schedule.

Parks Victoria: restructure

Mr PERTON (Doncaster) — I grieve for the state of Victoria's environment and conservation activity under the administration of the government and the Minister for Environment and Conservation. The house has just seen the most extraordinary attempt to slur the names of commercial entities and beyond that to sabotage infrastructure in the state of Victoria.

The opposition certainly supports clean air for Melbourne residents and high environmental standards for air pollution. The minister has full authority over the Environment Protection Authority but comes into the grievance debate and essentially attempts to make a ministerial statement under the guise of a grievance debate. What extraordinary words the minister uses — 'the EPA should'. The minister is responsible for the EPA. She has the power to direct the EPA. Yet she comes into the house like a backbench member of Parliament trying to act in a grievance debate from an opposition perspective. This is not an example of ministerial competence. The government is full of vengeance and is demonstrating a lack of vision, a lack of policy and a lack of management skills.

Mr Hamilton interjected.

Mr PERTON — The Minister for Agriculture interjects, saying, 'Still learning'. Of course the government is still learning.

The matter I raise in the grievance debate relates to the extraordinary policy proposals by the Minister for Environment and Conservation. The policy proposals are shameful. I have copies of two environmental policies from the Labor Party that were issued in the last election campaign. One is called 'Greener cities — Labor's plans for the urban environment' and the other is called 'Our natural assets — valuing Victoria's natural environment'.

The Minister for Environment and Conservation, who is at the table, was the Labor spokesman responsible for

the release of both policies. Either she is not good at proofreading or alternatively she has advisers and groups pushing the agenda and not letting her make a logical decision. Perhaps her decision to make a grievance statement today was a further tribute.

I refer the house to 'Greener cities — Labor's plans for the urban environment'. Under the heading 'Protecting and preserving urban open space' it is stated that the Labor Party, in government, will do the following:

> Revamp Parks Victoria into a new Melbourne Parks and Bays Service under its own act to care for our parks, to protect their recreational, environmental and historic qualities and ensure that they are left intact for the next generation. It will also coordinate development of local parks in partnership with local government.

This policy also states:

> A one-off allocation of $0.5 million will be provided in 1999–2000 to the Department of Natural Resources and Environment to assist in revamping Parks Victoria into a new Melbourne Parks and Bays Service.

It is impossible to do that with that amount of money. The administration and re-signing of every facility of Parks Victoria within the urban area alone would cost many times that. But what is stranger and sillier still — the minister is obviously in consultation with the Minister for Transport, who is shocked that his City Link tunnel is going to be sabotaged by the Minister for Environment and Conservation — is that the Minister for Environment and Conservation in her other policy, 'Our Natural Assets — Valuing Victoria's Natural Environment', states:

> Labor will restructure Parks Victoria and establish a separate government National Parks and Wildlife Service … specialising in the environmental management of conservation areas and endangered wildlife …
>
> A maximum of $4 million will be allocated over four years from 1999–2000 to 2002–2003 as additional funds …

The first question the minister has to answer is whether the figure is $4 million or $0.5 million. Today I rang a sign-writer to get some assessment of the sign-writing cost of engaging in those two absurd policies. Those costs extend well beyond $2 million.

Why is the minister doing this? Is it because the Victorian National Parks Association wants it? Is it because any of the green groups in Victoria want it? The answer is no. There is no organisation working in the green movement in Victoria that wants to shut down Parks Victoria. Why is that the case? It is because Parks Victoria is one of the best agencies in the world. Members do not just have to ask me or other members on this side of the house. They can ask the environment protection agencies and national parks services of Canada, California and New Zealand, all of whom admire the work being done by Parks Victoria and consult Parks Victoria on a regular basis.

Parks Victoria manages 4 million hectares of parks and reserves, 36 national parks, 3 wilderness parks, 31 state parks, 83 regional parks, 11 marine and coastal parks and reserves and 3000 Crown reserves. Parks Victoria works so well because it engages in some of the best professional research and training in the world. If parks administration can be merged so that the people operating in rural areas and those operating in city areas can share their expertise, great synergies result.

Anecdotal evidence I have received from rangers, for instance, is that rangers who have operated in the metropolitan environment and are used to dealing with large numbers of park visitors and who are relocated to national parks in rural and country areas are able to help in that management. That synergy is fantastic. At the same time rangers who have traditionally worked in country areas and are brought to metropolitan Melbourne can identify weeds, pests and the like, bringing new expertise to metropolitan parks services.

The community has to ask itself which policy is right. Is it the $0.5 million or the $4 million? Can $4 million cover the costs, and why should $4 million be spent on what is clearly an ideological pursuit of the minister against Parks Victoria? That money could be spent saving our environment. Why couldn't the $4 million, if it is $4 million — I doubt it could be done so cheaply — be spent on serving the national parks?

Yesterday morning I walked through the Warrandyte state park, a fantastic tribute to Parks Victoria — koalas in the trees, platypuses — all achieved under the coalition government and the administration of Parks Victoria.

Mr Hamilton — How many did you sack?

Mr PERTON — Some $4 million to pursue the ideological agenda of those across the table! I ask the Minister for Agriculture, interjecting across the table, what could be done with $4 million in restructuring Parks Victoria. It is extraordinary.

It is clear that the minister did not read her own policy documents before she released them. She certainly did not proofread them before she released them. Is it a revamp of Parks Victoria? Is it the destruction of Parks Victoria? The people of Victoria expect better than this. The rangers, who do such excellent work, are in an utter state of confusion. They have no idea why this approach has been taken in the policy document. They

have no idea why the minister would want to pursue it. The minister, in an utterly mindless and vengeful way, wants to destroy an organisation that is the best of its kind in the world. She wants to destroy the morale of the work force. She wishes to take $4 million that would be better spent on research and the management of parks out of the budget for re-signing and re-badging.

Does the minister want to run around unveiling signs? The minister believes in grandstanding. She has used the grievance debate to raise the matter rather than delivering a ministerial statement on City Link. There clearly is confusion. The record should show — and the television cameras should show — that Peter Bachelor is as utterly confused as everyone else.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member will refer to honourable members by their correct titles.

Mr PERTON — The Minister for Transport is utterly confused. He is engaged in consultation with the Minister for Environment and Conservation because, rather than behaving appropriately the minister has misused the grievance debate, thus preventing one of her new backbenchers from raising a matter. Perhaps the honourable member for Springvale wishes to talk about the drugs issue. The honourable member for Footscray has been reduced to using the adjournment debate to raise matters. It is strange to see a government minister following another government minister, misusing the forms of the house and misusing the grievance debate. I grieve for environment and conservation in Victoria under the minister's administration.

City Link: air-quality monitoring

Mr BATCHELOR (Minister for Transport) — I begin by making it clear that environmental laws have been broken, as a result of which the Environment Protection Authority (EPA) has issued penalty infringement notices (PINs) against Transfield and Obayashi, the subcontractors that are building City Link. The shadow minister for conservation and environment has just defended the breaking of those laws, which is absolutely outrageous.

Mr Perton — On a point of order, Mr Speaker, firstly I ask the Chair to rule that the minister's statement is out of order as a breach — —

Mr Hamilton interjected.

Mr Perton — Have you read the standing orders? Perhaps the Minister for Agriculture has not read standing order 108.

Mr Hamilton interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The Minister for Agriculture will remain silent.

Mr Perton — Secondly, as you will acknowledge, Mr Acting Speaker, I indicated that the opposition will hold the government to the highest air-quality standards. The minister is misleading the house. I take objection to the words and I ask the minister to withdraw the statement.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Doncaster has taken exception to the words used by the Minister for Transport and I ask the minister to withdraw them.

Mr BATCHELOR — Mr Acting Speaker, you have asked me to withdraw them, and I withdraw. However, environmental laws have been broken and the government will not stand by and allow that to go unheeded. Neither will the government try to keep secret information it has received that is important to the community. Today's grievance debate has enabled the government to bring such matters to the attention of Parliament and the public.

What has happened? The opposition has criticised the government for being open and accountable. The government will not keep things secret, which the previous government did. When things need to be brought to the attention of the public the government has given an undertaking that that will happen. PINs have been issued, and it is only fair that the Parliament and Victorians know about it.

If the City Link project is to proceed on time it must satisfy a number of criteria, one of which is that it must meet the requirements of environmental law. It must meet to the satisfaction of the EPA all the requirements that were laid out in the works approval. The works approval document issued by the EPA sets out the things the contractors and their subcontractors must do. In the agreement between Transfield Pty Ltd, the Obayashi Corporation and the EPA, various requirements were set out as long ago as 10 June 1997, under the administration of the previous government. The opposition wants the government to keep it a secret, but we will not.

Under the works approval agreement, the EPA told the builder of the City Link project, the Transfield Obayashi joint venture, that it must do certain things. If

it does them properly and in accordance with the law, the EPA will issue a licence. TOJV can then take the licence and the evidence of its meeting all the other engineering requirements to the government, which will give it permission to open and operate City Link. I refer to paragraph 2.18 of the works approval document, which states:

> The occupier must conduct an ambient monitoring program acceptable to the authority in the vicinity of each exhaust stack to measure air quality.

To understand what that means, it is worth noting that the exhaust stack at Grant Street is the outlet for the fumes from the Domain tunnel, the shorter tunnel. The exhaust stack at Burnley is the outlet through which the fumes and other pollution from the long tunnel, the Burnley tunnel, are to be discharged into the environment for people to breathe. The proposal is to have a monitoring station at each end of the tunnel to establish the background level of pollution. As City Link becomes operational, the community can measure and monitor the change, if any, in pollution. The system was designed to be clear, accountable and open. For the process to work, a base line is needed. One must know what the prior conditions were. That is what the 1997 works approval process attempted to set out. Paragraph 2.19 states:

> The monitoring program referred to in condition 2.18 must commence at each of the sites no later than within three months of the date of issue of this approval and continue until the ventilation system is operational.

That means, firstly, that the pre-existing levels of ambient pollution at both vent stacks — both sources or sites of pollution — have to be measured. The works approval sets out the time over which that has to be done. It states that the ambient monitoring was to commence no later than three months after the date of issue of the approval. The joint venture was to have commenced the monitoring process within three months of 10 June 1997 and continued to monitor in a fashion acceptable to the authority, providing the EPA with a report every 12 months.

That monitoring process continued. The reports rolled in in due course and were handed to the EPA, which monitored and analysed them. It detected problems and further investigated what was happening. As a result the EPA has issued PINs. Today the government is advising the Parliament, as it should, that there is a further problem with the City Link project that could well result in its being further delayed.

It appears we now have a gap in the background information. The gap in time is not of only one day but of a longer period. You cannot establish definitively the background or ambient level if you have gaps in it. It is as simple as that. That gap must be filled.

Mr Perton — You are the minister.

Mr BATCHELOR — The honourable member for Doncaster interjects. His is the most pathetic defence I have heard.

The ACTING SPEAKER (Mr Lupton) — Order! The minister should ignore interjections.

Mr BATCHELOR — It is clear that a program was in place, but the data has not been collected. If one cannot establish the ambient record over a period, the difficulty that TOJV will find is in being unable to satisfy the Environment Protection Authority's requirements. This is a terrible situation because again, Transurban has been let down by its contractors. We have seen it before with the Data Connection company at the call centre. It massively let down Transurban and the wider community, but now its contractors and subcontractors have let it down. Enviroeng Pty Ltd, a company that is NATA accredited, has been carrying out a monitoring program that is an absolute disgrace. Day after day, month after month it has used equipment there which has been found to be faulty and did not work properly. The equipment had a crack in it. The company representatives would collect the information, package it and send it to the EPA.

Then the EPA started to notice things were not going right. It made inquiries, did not get satisfactory answers and conducted an audit. It went to the vent stacks, opened the monitoring equipment and there it was — cracked and open so it could not work properly! No wonder the data being provided was faulty, and it is no surprise that infringement notices have been issued for providing misleading monitoring data. How can anyone have faith in equipment which, when the EPA inspected it, was found to be cracked and had not been operating properly — not just for that one day but for months, apparently?

This is a most serious matter. The community must know over time that the air people breathe is clean, and the only way that can be ensured is by taking measurements at the commencement and subsequently. But if the first job is not done properly, the second and subsequent jobs cannot be done properly. The government guarantees that in relation to the City Link project, Transfield, Obayashi and Enviroeng will not be able to move away from their responsibilities. They will be required to live up to their responsibilities and to the law.

The project has been one tragic disaster after another. The Kennett government set this project up and structured it in such a way that the risks were to be passed down the subcontract chain. It said the risks should be placed with those best able to handle them. That is what it may have said, but it allowed not only the risk but also the responsibility to be subcontracted. It passed from one person to another. It was a little like using binoculars around the wrong way — when you look through them everything seems far away or small.

That is what the Kennett government tried to do. It wanted to subcontract out and pass the risk down the line. It was warned that it would not work and would create a disaster. It has now created huge difficulties for Transurban in trying to resolve the problem that clearly confronts the company.

The government undertakes that the City Link project will not be allowed to open until it has satisfied the requirements of the EPA, until the tunnel is made safe or until the tolling technology can operate properly. They are the three requirements that the government says must be met. The government will look after the interests of motorists and — —

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

Shepparton: coalition record

Mr KILGOUR (Shepparton) — I grieve for the people of my electorate and country Victoria who in recent days have had to put up with the minister responsible for decentralisation bagging and putting country people down by saying it has to be rebuilt. My electorate does not need to be rebuilt. If honourable members want to see how a vibrant country centre operates, they should come to Shepparton and my electorate, into the Goulburn Valley, and see what is happening in country Victoria.

I also warn the government that it has another think coming if it believes it can get country Victorians onside by servicing the cities of Bendigo, Ballarat and Geelong. In the real heart of country Victoria people are sick to death of the pork-barrelling and promises made to Bendigo, Ballarat and Geelong only because Labor seats were won there.

The real strength of country Victoria is in the outer regions, from where important dairy and fruit products are exported. Things are not so crook in the bush as people will pretend. Yes, we may have problems in some areas, but rural Victorians, who have a great quality of life, understand that and would like their city cousins to understand it.

Rural Victoria does not necessarily need to be rejuvenated. What has happened under the coalition government in the past seven years in my electorate has been magnificent; in every part of my electorate I see evidence of the great things that occurred during that period.

Frequently I travel to visit the 21 or 22 primary schools in my electorate. Each is in magnificent condition. When I was first elected those schools were 14 years behind in the cyclic maintenance program. Now the maintenance program has provided not only maintenance dollars but has made improvements — for example, to erect sails or new roofs in certain areas to ensure children are safe from the harsh sun.

The maintenance program for schools is okay. I have not one complaint in my office from a school in my electorate about maintenance problems. For example, a new science and technology centre has been built at Shepparton's McGuire College. A new arts technology wing is soon to be opened at Wanganui Park High School. Those magnificent facilities will ensure country students are kept up to date with the latest technology to serve them well into the next century.

A new food technology centre is about to be built at the TAFE college in Shepparton. That will be of vital importance because of the importance of food technology and processing in the Goulburn Valley. Students will not need to move to Melbourne to learn about food technology in particular because they will be able to learn it in their home town.

Yesterday I heard the Minister for Education talking about schools being closed without consultation. It is obvious she was not in this place when some of the small country schools were being closed. In my area proposals were put forward at meetings with school communities to decide whether it was necessary for schools to close and for the students to be sent to bigger schools. Not one primary school closed in my electorate at that time, but a couple of schools have closed since then because the school communities went to the education department and said, 'We believe in the best interests of the students the school should close and the students should travel by bus to schools 8 or 10 kilometres away to give them better opportunities'.

The grade 2 child of a former president of a school council came home crying after having a row with the only other child in grade 2. The gentleman came to me and said, 'Under no circumstances will our school close'. Following that incident he took two children out of the school, which meant its enrolment fell below the

criterion. The school community decided to close the school, and I supported that decision.

The former students of the senior secondary college that was closed because it had fewer than 300 students are now being well catered for at the other two schools. The local community is committed to using the site of the old school to bring together the special development school in Shepparton and the Goulburn Valley special school, which will provide a brand new school that will give students the best opportunities in later life. That was all being done under the previous government, and the people of my electorate and country Victoria are very appreciative of that work.

Health is the other area in which a large amount of taxpayers' money is being spent. The Goulburn Valley Base Hospital has a magnificent acute care centre. Some $12 million was spent to provide a psycho-geriatric centre and a new psychiatric centre at that site, and more than $2 million was spent on the new hospital in Tatura, one of the great towns in my electorate. My electorate has been well looked after and does not require anything in the area of acute care. The people of my electorate are appreciative of the excellent facilities in the area.

Crossing the Goulburn River and approaching the town of Mooroopna one sees a brand new art centre, the Westside centre for the performing arts. In the Goulburn Valley performing artists have the best possible facilities to work with — for example, fly towers provide the easiest and best way of creating sets. The centre is a great impetus to the performing arts in rural Victoria. The former government also committed funding for the refurbishment of the town hall, which will provide another great facility.

A brand new, $6 million law-and-order complex has been established not far from my office. It will bring together into one operation the police units that formerly operated from seven different buildings. It will be of great benefit to Shepparton and the Goulburn Valley, and it will support the excellent work in law and order performed by police in my area.

Further funding was allocated to provide new facilities at Dhurringile low-security prison. There will be a great improvement because the prisoners will no longer be housed in one large dormitory, they will be housed in cottages around the prison area.

On the way to Dhurringile from Shepparton is the magnificent Institute of Sustainable Irrigated Agriculture. That institute was to be closed by the Labor Party, but the coalition government ensured that the 130 employees continue to work at the institute. I invite the new Minister for Agriculture to visit that magnificent facility to see the work being done to ensure the continuation of sustainable agriculture that is so important to food production and future exports. I know the minister will visit the facility, and he will then realise that the $7 million being spent to bring together all the agricultural areas is being well spent.

The minister in charge of decentralisation has tried to put down rural Victoria by saying that the facilities need to be rebuilt, but the facilities provided by the previous government are working well.

The best example of what the previous government did for rural Victoria is the huge improvement it made in water and sewerage services. Some $400 million was provided in country Victoria to ensure that country towns have water that meets world health standards. The previous government was able to ensure that country towns had the best possible facilities for treating waste, including the waste from food processing plants. In my electorate more than $40 million is being spent on works of this kind, including setting up a new pipeline to provide good quality water from the new Shepparton facilities to Mooroopna and Toolamba.

When I visited the new Tatura sewage works recently I saw covers being put over the sewage ponds to trap the gases coming from the ponds, which are subsequently burnt to generate the electricity needed to run the aerators. That first-rate infrastructure makes good use of the latest technology. Excellent work is being done in rural Victoria, yet it is being put down by the Minister for State and Regional Development.

The people of wonderful country towns such as Horsham, Warrnambool, Mildura, Swan Hill, Wangaratta and Shepparton, as well as all the others that are contributing so much to the production of wealth in country Victoria, are put down by the Labor government when it says they all need to be rebuilt.

To see what needs to be rebuilt one has only to go across the border into South Australia where towns are either dead or dying because they do not have irrigated agriculture or the same ability as towns in my electorate and the rest of northern Victoria to get up and get going.

Our arterial roads are good but we are being let down by the federal government, which is using too much of the road tax on other areas instead of providing enough funds through the Commonwealth Grants Commission

to enable local government to provide the best quality local roads.

It should be said that local roads are not a state responsibility, but we have to see what we can do. I urge the government to say to the federal government, 'Give back what we need. Give country Victoria what it needs to ensure that its local roads are good enough to allow rural producers to cart their produce to market in Melbourne and the main regional centres'.

I grew up in one of Victoria's small country towns, Katamatite, where my family had a general store for 40 years. It is now closed. Some might ask why that happens, but the answer is that it is because country people have done well. They have bought cars and now go shopping in Shepparton, Numurkah and the bigger country towns. They do not support their own small towns any more — and they wonder why the banks close and why solicitors and accountants need to move out! Centres such as Shepparton, Wangaratta and Wodonga are important for regional Victoria.

We have a thriving vehicle industry in the Goulburn Valley, including the best BMW and Toyota agencies in country Victoria, plus a magnificent Ford agency. Why? Because people are purchasing from those businesses. They are successful and people are buying their products. We have many such retailers and other businesses in the Goulbourn Valley. At the moment I am having trouble getting a builder to do a small piece of work because the builders are so busy at the Kialla Lakes estate at Shepparton. Our unemployment rate is less than 6 per cent. The employment rate is so good it is hard to find people to work on farms and in country industries.

Our train service is good, and the food processing industry is doing well. Our sporting facilities are great. Investment in the fruit industry has been fantastic. Over a million trees have been planted; and fruit-growers do not plant trees if they do not think they will make a dollar out of them. New rotary dairies that can milk up to 80 cows at a time are being installed, and some farms are milking between 800 and 1000 cows.

There is new investment throughout the area, including in the retail marketplace in Shepparton. New restaurants are opening. The lifestyle and quality of life in the Goulbourn Valley are second to none. We do not care about what happens in Melbourne, we need the support in country Victoria. The country areas do not, however, need to be rebuilt. In my electorate people have done extremely well and will do better in the future.

Travel times from where you live to where you work are low. The cost of a block of land to put a house on is much less than an equivalent block in the city. We are happy with the way things are in the Goulbourn Valley.

People in my electorate live there because they choose to. We hope the government will support us and not just concentrate on Geelong, Bendigo and Ballarat. The Goulbourn Valley is a vital part of country Victoria and needs support. Country people don't ask for a lot of government handouts. They are resourceful.

Yarraville: traffic congestion

Mr MILDENHALL (Footscray) — I grieve for the residents of Yarraville, particularly those who live in the areas surrounding Francis Street, where more than 3000 truck movements a day have been recorded. That many trucks have a significant effect on air quality and noise amenity for residents.

Consultants have been employed to identify a solution to the problem, and it appears that a new ramp on the West Gate Freeway may be helpful. Research base data is needed, and councils and honourable members in the area, along with residents, will need to review the base data when it is to hand.

Question agreed to.

WATER (WATERWAY MANAGEMENT TARIFFS) BILL

Introduction and first reading

For Ms GARBUTT (Minister for Environment and Conservation), Mr Bracks introduced a bill to amend the Water Act 1989 to remove the power of catchment management authorities to set tariffs in respect of certain functions exercised by those authorities under the Water Act 1989 and to provide for transitional arrangements for fees previously imposed by those authorities under those tariffs and for other purposes.

Read first time.

CONSTITUTION (REFORM) BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to reform the Constitution Act 1975 by making provision for the constitution, duration and powers of the houses of the Parliament and for the election of members of the Legislative Council using proportional representation, to amend the Constitution Act 1975, The Constitution Act Amendment Act 1958, the Electoral Boundaries

Commission Act 1982, the Parliamentary Committees Act 1968 and the Parliamentary Salaries and Superannuation Act 1968 and for other purposes.

Read first time.

PUBLIC PROSECUTIONS (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Constitution Act 1975 to provide for the appointment of the Director of Public Prosecutions under that act, to amend the Public Prosecutions Act 1994 to remove restrictions on who may apply to a court for punishment of a person for contempt of court, to amend the Supreme Court Act 1986 to provide for the restoration of the common law relating to contempt of court and for other purposes.

Read first time.

MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL

Introduction and first reading

For Mr PANDAZOPOULOS (Minister for Gaming), Mr Hulls introduced a bill to amend the Melbourne Sports and Aquatic Centre Act 1994 to alter the title of that act, to alter the name of the Melbourne Sports and Aquatic Centre Trust and to enable the trust to manage the State Netball and Hockey Centre and other sports, recreation and entertainment facilities and services and for other purposes.

Read first time.

HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL

Second reading

Debate resumed from 11 November; motion of Mr THWAITES (Minister for Health).

Mr DOYLE (Malvern) — The bill had its genesis with the previous government, and it allows visiting health practitioners to provide health care services in this state for special events without the requirement to be registered under state law. A couple of weeks ago the opposition agreed to a shorter adjournment period for debate on this bill because we assumed that the work necessary for a bill of this complex nature would have been done before it was debated. I regret to say that, after looking closely at the bill, it is far too broad in scope, far too imprecise in detail and contains a couple of small alterations which may be technically acceptable but which have been done in a somewhat administratively sneaky manner between the introduction print and circulation print of the bill.

Mr Holding interjected.

Mr DOYLE — The honourable member for Springvale should wait until I point out the anomalies between the two before he opens his mouth.

The opposition has a number of questions about the bill. I believe they may be resolved, and the opposition will look to help resolve them in a bipartisan way. However, I emphasise that answers are needed to some of the serious matters that will be raised. Assurances that the questions will be considered will not be good enough.

Over the past couple of weeks I have listened to the new government's mantra — and I am sure I will get used to it — that the previous government did not consult, did not listen and did not talk to relevant unions and other groups and that this government would be different.

Mr Mildenhall — He is listening at last!

Mr DOYLE — The honourable member for Footscray knows all too well that I have always been a listener!

Clause 3 of the bill lists in detail a number of associations affected by the bill. If honourable members are to believe the mantra of the new government that this is a new world of consultation and discussion with people affected by legislation passing through this place, I have a series of questions to ask. They are entirely rhetorical because I already know the answers.

Mr Thwaites — You had already done it.

Mr DOYLE — The Minister for Health interjects kindly that I had done it all. While I am delighted that is the case and am grateful that we can work together on that, I will not be diverted from this point.

My point is: was the Chiropractors Association of Australia consulted? The answer is no. Was the Chiropractors Registration Board consulted? The answer is no.

Mr Thwaites interjected.

Mr DOYLE — I certainly did it. Was the Australia Dental — —

Ms Pike interjected.

Mr DOYLE — The Minister assisting the Minister for Health — I am not sure of her other portfolios; she is the Minister for Bits and Pieces — said I wrote to them. That is true, and that is part of my job. I am pointing out that the mantra from the other side is that this is the brave new world of consultation. Those boards will have a major stake in the bill and its effect on the way the public of and visitors to Victoria will be treated by health care professionals, and their cooperation will be needed to make it work. I should have thought the government might have talked to them, but the answer of course is no.

Did the government consult the Australian Dental Association or the Dental Board of Victoria? The answer is no. What about the Australian Medical Association, Victoria? The answer is no. What about the Medical Practitioners Board or the Nurses Board of Victoria? The answer is no. What about the Victorian branch of the Australian Nursing Federation? Again I believe the answer is no, and I assume the federation will be upset it was not consulted by those on the other side.

Did the government consult the Optometrists Association of Australia, the Optometrists Registration Board of Victoria, the Osteopaths Registration Board of Victoria, the Pharmacy Guild of Australia, the Pharmaceutical Society of Australia, the Pharmacy Board of Victoria, the Physiotherapists Registration Board of Victoria, the Podiatrists Registration Board, the Psychologists Registration Board of Victoria or the Australian Physiotherapy Association? The answer in every case is no, yet all those associations and boards will be instrumental to making the provisions of the legislation work and to assuring the Victorian public and visitors to Victoria of the proper workings of the legislation.

I wrote to all the associations and boards, and a number have been kind enough to provide me with a response. I understand the Australian Dental Association has sent a copy of its response to the minister. I will raise some of its concerns, but I am sure the minister will respond to the association because its concerns are reasonable and need to be addressed.

My next point is not to criticise but to seek an explanation from the minister, because I do not have a firm view either way on the matter. A bill of this kind is needed for major events in this state, whether it be the Olympics, the Commonwealth Games or the range of other events for which the state would properly wish to provide health practitioners to visiting teams or organisations, so the opposition has no quarrel with its central thrust. However, there are two ways to go about allowing health practitioners to offer health services to visiting teams or organisations.

The first is the way for which the bill provides — that is, to exempt health practitioners from the provisions of the registration boards. It may well be that that is a reasonable way to go, so long as some of the opposition's questions can be answered. The other way is to ask the boards to extend specific registrations to individual practitioners who wish to practise in Victoria. That may or may not be practicable because of time constraints in the lead-up period. Difficulties may also arise if a board were prepared to recognise the qualifications of and register practitioners from one country but not from others. It may lead to concerns about anomalies in the health services provided to different teams.

I do not have a firm conviction about a correct answer. In his response the minister may not have time to address the issue, but I will raise it in committee. I would appreciate an outline of the rationale behind the government's going down the exemption track. I think it will lead to problems later, when a registration board is asked to take a firm hand with things such as the offences provision in the legislation. I see some difficulties with offering either specific or limited registration to particular professionals. I should be interested to hear the rationale behind the bill's approach. One my concerns is the relationship between the visiting health professional and the special order, because in the bill visiting health professionals are not defined or described by the health services they provide but in terms of employer-employee relationships.

The bill also refers to contracted visiting health professionals. That presents a difficulty concerning the qualifications of people the special order will allow to practise in Victoria; for instance, whether their qualifications will be comparable to those obtained in Australia. The opposition has a number of questions about the difficulties that will arise. I refer to a couple of areas as examples. I turn first to chiropractic. In Australia chiropractors do not have prescribing rights, but in the United States they do — and many provisions in the bill provide for the prescription of serious scheduled drugs. The question arises of how the special orders will deal with the issue of Australian chiropractors not being allowed to carry out functions chiropractors in other countries are allowed to perform.

My questions get a bit more serious as I look at some of the other professions. In the United States optometrists are permitted to perform certain invasive procedures,

such as surgery. The question arises of whether the qualifications and realms of practice allowed in each country will be simply recognised and allowed to occur here with the visiting teams and organisations.

One of the most difficult areas of the bill will need to be spelt out in detail. There are some qualifications that our boards simply do not recognise. A particular British qualification in optometry is not recognised here. I do not offer that as a deliberate stumbling block or wish to be a spoiler, because I do not imagine that visiting teams or organisations will need to bring optometrists with them, but offer it as an example of the specific detail that may have to be thought through. I will pre-empt the answer a little. It is not all right just to say, 'They will not be allowed to practise on Victorians; they will only be allowed to practise on the visitors as defined in the act'. That would be an unsatisfactory and inappropriate precedent because it would be like saying, 'We have certain standards here in Victoria, but it is okay for the visiting health professionals to offer a lower standard of care to these people because, after all, they are only visitors'. That would be untenable in both intellectual and health terms.

The issue of not creating an unsatisfactory precedent and how the qualifications of visiting practitioners will be evaluated against the health care standards in Victoria is important. One of the problems I have with the bill is that some issues have not been thought through, including the quality of care issue. The way the drafting instructions have been given effect in the bill is a little sloppy, I suspect because of the haste required to introduce legislation. However, I would not be so ungenerous as to say so more than two or three times during my contribution.

I have particular concerns I will raise in the committee stage. I have some difficulties with clause 5, which talks about the definition of a visitor, and with clauses 6 to 8. I have a problem with the specificity of the order and would appreciate the minister taking it up in his response. The specificity of the order will be one of the real determinants of the success or failure of the legislation. The order will have to deal with such things as the definition of an event; the time and duration of an order — it will need a general approach as opposed to a specific detailing of time and duration; the notice of procedure that will be given and the decisions made about the procedure; and a little about what the health care provided will be. I will go through that in some detail later. The opposition asks that a notice of procedure rather than a description of the health care itself be provided in the bill.

I will also look at clause 10, which is where the real problems in the bill lie — they lie not in the intent or the thrust of the bill but in its implementation. Clause 10 deals with drugs and their prescription for visiting teams. I will not be an alarmist, but I seek some assurances about the specificity of the order to protect against poor or deliberately criminal practice.

I have already briefly mentioned clause 11. It deals with the qualifications of visiting health professionals and what health care they will deliver. I am interested in that provision versus the way such people are defined in clause 4, which is that they have a contractual relationship, and the nexus between the two. I will tease out that matter later on.

I also have concerns about clauses 13 and 17, which deal with offences, complaints, liabilities and responsibilities. It seems that without the advice and input of the registration boards I mentioned earlier, the offence procedures of the legislation will simply not work. The opposition is interested in how the order will be specific about the powers the boards will have to offer advice. I foreshadow — again I do not wish to be a spoiler, but I raise the issue I raised during the briefing — a possibility that this area of offences should be subject to section 85.

I would appreciate it if that could be examined. I give an undertaking that the opposition will not oppose provisions covering offences and complaints using a section 85 provision. It is the area where, if a board is asked to proceed with offences and it transmits its findings or statements about a particular health professional, it may be liable for slander or libel. We simply protect our own registration boards by including a section 85 provision.

The minister may recall a case where a medical practitioner intended to sue a board for transmitting its findings about him to other registration boards around Australia. That would obviously be inappropriate. The practitioner was trying to prevent one board from transmitting necessary information through the *Government Gazette* to a range of other boards. The government inserted section 85 statements in all those registration acts to say that no action lies against a registration board for transmitting information as appropriate about a particular practitioner, and the then opposition supported those safeguards. If boards are involved in determining whether offences have been committed by practitioners, the government may need to offer them the statutory protection of a section 85 against libel and slander for promulgating their findings about a particular practitioner.

I recognise that this is a difficult legal question, and I would not ask for it to be resolved today. Perhaps that could be done informally, and if an amendment were needed while the bill is between houses I would offer bipartisan support for section 85 protection being provided to a board.

I do not want to make too much of this final point because it is a small matter, but it is not an appropriate precedent. In the copy of the bill that was put before the house on the day the bill was read a second time — the so-called introduction print — there was an error in clause 18 which the house would agree was a typographical error. The clause header read 'Act does limit the practice of registered health practitioners'. The body of text underneath clearly demonstrates that the word 'not' was left out in the clause header. The word appears in the bill that was circulated a few days later. So an alteration was made to the original bill, and the opposition is now debating the bill that was circulated when the debate was resumed.

This is a small matter, and legal technicality would suggest that because it is a clause header it is not part of the legislation, but I would argue it does go into the statute book. So although there are no grounds for complaint, and although I would agree that that word should be inserted, it directly changes the meaning of the clause header by reversing the meaning. Although that is not part of the bill — and I agree it is a technical alteration which should have been made and which does not need to be made by amendment — I request in future that if there are such changes between the introduction print and the circulation print, or the circulation print and the 'as sent' print, which goes to the Legislative Council, it is appropriate that the Clerks and the opposition are informed.

Mr Thwaites — And the minister!

Mr DOYLE — Yes, that is not a bad addition. It would be good practice, and in most cases it is entirely appropriate and not a difficulty. I suggest it is a practice that we should adopt.

Although the opposition will not be opposing the bill, it requires answers about how the bill will work. The point has already been made, and I do not wish to enter an across-the-table argument about, 'It is your fault' and 'No, it is your fault'. But it is regrettable that Parliament does not have a Scrutiny of Acts and Regulations Committee (SARC) in place to examine a bill like this because, by its nature, it is generic headline legislation. It requires a copious regulatory regime to go with it. It is unfortunate that such a committee is not in place to inform not only the opposition or the government but also the Parliament about the answers to questions such as, 'If we wish to make this act work — and both sides do — what questions do we need to answer and how can this be more felicitously phrased, in some cases?'. SARC is meant to look at a bill on its introduction. A retrospective examination is not in the spirit of the legislation, but I am sure it will happen at some point down the track.

I will raise my central questions now rather than in committee, and honourable members will probably get through them quickly, even if the answer is that the minister will get back to me or provide assurances on those questions.

My first point concerns the visiting health practitioner, the visitor, and the definition of both. There are some difficulties with the proposed legislation. The first question is: who is a visiting health practitioner? At its worst the bill would allow, under a special order, someone without qualifications to be deemed a visiting health practitioner. Although that may be appropriate in areas like psychology — where a team motivator or a sports psychologist can be brought in — it is obviously inappropriate to bring in a person for the purposes of medical or clinical practice. The opposition would want to be assured about the level of qualifications.

What consultation will occur with the boards to ensure that the qualifications are appropriate for the very strong powers the legislation will confer upon a health practitioner once that special order declares him or her to be a visiting health practitioner? I ask that question because beyond that point the legislation takes a number of steps to allow that practitioner to do a lot of detailed clinical work. That is one area where Parliament requires close consultation with those boards. The boards are disappointed that they have not been consulted. They are disappointed they have not been asked to consider how Parliament would document, for instance, the qualifications of various health professionals coming into the state.

In two of the bill's provisions 'health practitioner' is defined not in terms of qualifications, not in terms of what it is that person will do when he or she is here, but in terms of the relationship to that particular team. The practitioner is an employee or contractor of that visiting team. That creates some difficulty.

The second point I raise is that there are different standards of practice in areas like dentistry, medicine, nursing and chiropractic. The opposition would like some objective standards before someone becomes a visiting health professional in those particular areas. That can be done with appropriate consultation, but

who polices it? How do we know what those practitioners are doing when they are in Australia? I know the legislation says they may treat visitors only as defined in the act, but how will we know that if Parliament gives them the prescribing rights that clause 10 gives them? Who will look at that?

These are not areas that honourable members could reasonably expect officers of the Department of Human Services to examine. They will be peripatetic events subject to a special order from time to time; and even though it is the Olympics or the Commonwealth Games — which may come to our shores only once in a lifetime — they may have long lead times where health professionals are in the country, and prescribing and practising for, in some cases, years before the event is to take place. Who will police what they do? There is also a problem with the definition of 'visitor'. I understand the inelegance and the necessity of the way it is phrased in the legislation, but at its widest definition a visitor to Australia, under this act, can be a full-time resident of Australia. That is obviously an anomaly or paradox that is necessary. I can foresee, for instance, a full-time resident of Australia who is eligible to compete for another country for various reasons. The difficulty is to be able to make allowances for those people and ensure they can be treated as members of a team. It appears to be an unfortunate piece of drafting that the definition of 'visitor' has to include someone who may well be a long-term resident of Australia. I suggest that is not ideal but it may be the only way around it, convoluted though it is.

My second area of concern centres on the event itself. The bill allows a class of events to be described by the special order. Perhaps it would be better if the minister of the day could turn his or her mind to the actual, single event because, otherwise, one could say that a class of events is all international rugby, cricket or soccer, and that would have a specific knock-on effect through the provisions of the act. Instead of this generic approach, it may be better if the minister nominated specific events as the only ones that could be covered by the legislation. That would have particular implications for whoever had the right to treat the members of those visiting teams.

Parliament should get those two things right and define 'visitor' so that everyone knows exactly who visitors are and are comfortable with that. Once a visiting health professional is defined, his or her qualifications meet the required standard and the prescribing rights are outlined under the act, what happens if a competitor is injured outside the event? If there is a motor car accident or a different type of recreational accident involving a visitor to Australia, does the legislation envisage that the visiting health professional can treat a visitor in circumstances that relate to injury outside the event described by the special order? That is a concern with most of these events because that is where many injuries occur.

The third issue I raise is a contradiction within the proposed legislation. I will not raise it in committee because it deals with two different provisions. Clause 5(a)(ii) refers to people who are preparing, training or practising for an event as described in the special order, which is reasonable. It also covers the period of acclimatisation that many top athletes would require well before an event.

But clause 6(2)(a) states that the event must be in Victoria. The anomaly can be seen. That is acceptable for a sport such as Olympic soccer, where the event is in New South Wales but an official part of it occurs in Victoria. So Olympic soccer will take place in Victoria. But what if the event is in New South Wales, as is the case with the Olympics, yet the weight-lifting team, swimming team or gymnasts wish to prepare in Victoria?

Honourable members interjecting.

Mr DOYLE — They can't use it. They are caught by the New South Wales act. That is fine so long as the event is Australia-wide and is caught by another act. My point is that the special event or occurrence might not be Australia-wide, yet someone in a different state may be concerned.

I do not want to overemphasise this point, which concerns a small part of the bill. It might be said that if that occurred a way could be found around it because obviously we want the person to be treated. But it is an example of needing to think about how individual parts of the legislation interact with each other. There will not be many chances to test it because the events will not occur very frequently.

More important is the idea of the resident. That might be a contradiction we have to answer by saying, 'This is the way we have chosen to do it — by exempting the health professionals'. If someone is clearly a resident of Australia but also capable of playing for an overseas team, the health professional registration acts in Victoria are circumvented. That may be the consequence of the act, but the difficulty for any board would be to distinguish between when the normal practice obligations before them and those applicable under such a special event order take precedence. That is a communications issue. The boards must know who is affected and when, and what the practising

obligations are. I mentioned that that is one of the problems the house will come back to when the bill is considered in committee.

The general philosophical thrust of the bill exempts practitioners from registration boards, but we will then rely on those boards to take a view of the qualifications of people coming in, offences that may occur under the legislation, as the act states, or of how the act will work with input from a particular board. On the one hand, the boards are exempted from oversight of those practitioners; on the other hand, the boards will be needed to follow through, particularly with some of the offence provisions.

The fourth matter I raise concerns the timing of the event. Again this is a contrary view that might not necessarily be taken up. Should the minister turn his mind to specifying in the act what the timing of an event is and exempting it if a longer period is needed? The period covered might include 180 days before and 7 days after the event. The special order could make provision for any variation on that, but within the act a period could be specified that would offer a degree of comfort while not being completely open-ended.

The answer may be that that is impractical. Many events have long lead-up times and an individual order may be specific enough. That would be satisfactory so long as each time a special order is made the specific timing required for the event is considered. That goes back to my early point regarding specificity. If two things happen together and it is said an order is okay for a class of events and for an indeterminate time period, I could foresee some problems. I do not think it is something that cannot be fixed if we view it with flexibility to sports with long lead-up times. Again, this may be an anomalous example, but I go back to the case of a visitor resident in Australia. The lead-up time may be four years in the case of the Olympic Games or six years in the case of the Commonwealth Games. It is particularly important to consider that in light of people being caught under clause 5(b) of the bill.

I am interested as a general rule in the interaction between visiting health professionals dealing with their teams and our own health professionals who may be called in to deal with teams. The question would be: what is the relationship, legal and professional, between health practitioners in Victoria and health practitioners brought in under a special order associated with a particular event? The house must consider not just professionals registered in Victoria. What is the role of volunteer organisations such as the Australian Red Cross or St John Ambulance Australia, which would also have some input at large cultural or sporting events?

That matter of communication with registration boards needs to be very clear. One of the opposition's major areas of concern is that the act is silent on much of the interaction between visiting health professionals and our own system. I will give three or four examples of the need to be specific about visiting health professionals and our registration boards.

Firstly, I mention the role of invasive procedures that may need to be taken not just in the course of an event but also if an accident outside an event gives rise to a visitor needing treatment. What is the regime for access to our public hospitals by visiting health professionals? What qualifications would enable someone to perform surgery, and what is the interaction between our system and the visiting health professional?

What is the cost to our hospitals? That has a federal implication. One presumes such visitors would not be covered by Medicare, so would there be full cost recovery to the institution? If a visitor incurred a serious injury, the visitor may well be in Victoria long after the rest of the team has departed. In the grand prix or other major dangerous events that might be the case. What is the cost to the system, and how is that cost recovered? There may be a simple contractual answer, and that is again fine, so long as the order is specific on those matters. Assuming the qualifications of a visiting health professional are accepted, what are the rights for admission to a public hospital and what would general anaesthetic rights be? Visiting teams need to have answers to those questions. There may be an arrangement whereby the visiting health professionals understand they have to pass the responsibility of management for a patient to a registered health professional in our state, but that protocol of management should be clear because the arrangement in the event of such a crisis will need to be outlined before the event.

Finally, when talking about treatment responsibility, interaction with the federal government is particularly important. Will any of the prescribed drugs be subject to PBS prices or quantities? Will they be covered by the National Health Act requirements? Those protocols can be worked out quite simply, but again the act is silent on those points.

Let me come to the area that will give rise to the greatest number of questions and problems, an area that will require people to work together if this is to operate effectively — namely, poisons and drug prescription. I am afraid to say clause 10 of the bill at its worst

construction is quite lax. I will raise specific questions in the committee stage. Victoria has tight regulations on what health professionals can and cannot do. In its worst construction, clause 10 wipes away all those regulations.

Who advises the Department of Human Services and the Minister for Health, for instance, about authorities issued and the monitoring of visiting health professionals? I assume protocols will be in place, but in light of the provisions of clause 10 not just formal protocols are needed. The communication lines are wide-reaching. How do pharmacists become aware of such a ministerial order? Do we have central pharmacists, or are prescriptions able to be filled by any pharmacists around the state? How do pharmacists know who is exempted through the act as a visiting health professional, and who is a visitor? How do we know orders are being complied with?

Although there may be a reason for it, I am a little puzzled as to why schedule 2 and 3 drugs are specifically mentioned in the bill. They are available through community pharmacies so I am not sure why they have been included.

The real problems that need to be addressed concern schedule 4 and 8 drugs and poisons and questions of liability. I am not trying to be alarmist or to point the finger. Schedule 8 drugs are among some of the most serious drugs of addiction — that is, narcotic drugs, anabolic steroids or masking drugs for anabolic steroids, and other illegal drugs. It may well be appropriate to allow those drugs to be prescribed, but where does the liability lie when anabolic steroids or drugs of addition are appropriately dispensed but then misused?

Without being dramatic about it, schedule 8 must be addressed in specific detail. It may well be that the proposed regulatory regime will be able to deal with the problem, which is one of the most serious of those confronting us. I will not regale honourable members with the stories with which I am sure they are familiar about the misuse of anabolic steroids or with the details of the tight controls that are required for drugs of addiction and narcotics.

Mr Thwaites interjected.

Mr DOYLE — I find myself in complete agreement with the Minister for Health. Whose idea was it to sit through the lunch hour? It certainly was not mine. I am enjoying it about as much as I suspect the Minister for Health is — but we will suffer together, if nothing else.

Of course I would not suggest that a person with no demonstrated qualifications should be given prescribing rights for schedule 8 drugs — that would be obviously ridiculous. On the worst construction of the bill, disreputable people or those whose bona fides we cannot be sure of will be able to bypass customs. Anyone in Australia with the right qualifications will be able to prescribe schedule 8 drugs, dispense them and misuse them. I want to know about the protocols detailing the quantities of schedule 8 drugs that can be prescribed, how they will be tracked, including their tracking through the various suppliers, and what the law will say about the movement of such drugs once they are in the possession of a visitor.

For instance, once a visitor has the drugs in his or her possession, will he or she be allowed to take those drugs out of Australia? What offences will apply to the misuse of such drugs? That will not be covered in the various registration acts but may come under the Crimes Act. However, if someone with prescribing and dispensing rights misuses them, it will be hard to know where the charges should lie. Those questions must be addressed. Again, that is the worst-case scenario. I do not wish to be overly dramatic, but we must consider what should be done in the event of an abuse of the legislation governing schedule 8 drugs and the possibility of such prescribed drugs being taken out of the country.

Although I do not want to be a spoiler, my concern is that if three elements of the bill are combined the resultant regime will be loose. If clause 14, which details the circumstances under which a visitor is exempt from prosecution for certain drug offences, is combined with the wide definition of ‘visitor’ and the loose definition of the qualifications a professional must have, and if to that is added the range of drugs and narcotics that can be prescribed and dispensed at wholesale prices, on the worst construction we have a recipe for disaster. I am sure all honourable members would want to work together to ensure that such a disaster does not happen.

I am not saying that because I want to take the worst view of the matter. The recent history of Olympic sports such as cycling, weight-lifting and athletics shows that we need not look too far to be reminded that the protocols that are designed to protect us must not be open ended, vague or sloppy. Although laws should not be predicated on the worst of human behaviour, we need to be cautious and to ensure that disasters do not happen because the converse has been applied — that is, because a law has been based on the best of human behaviour. We must prepare for the worst and ensure,

for instance, that if a visiting health practitioner commits an offence a protocol is in place to deal with it.

I seek some explanation of clause 13, which exempts visiting health professionals from prosecution for certain offences. Clause 17(2) does not prevent the bringing of proceedings for an offence against a visiting health practitioner. How will that work? On the one hand, we will have excluded professional registration boards from the process; on the other hand, we will be relying on them to help prosecute offences under the act. I mentioned that matter before, so I need not go over it again.

If we involve boards in prosecuting offences, as we should, it may well be that we will need to protect them with a section 85 provision to ensure that they are not subject to legal proceedings for merely transmitting information that has been sought about visiting health practitioners. We are talking about some of the world's best athletes potentially losing millions of dollars in earnings if they are wiped out of competition. We are also talking about a highly litigious community. Therefore we need to be sure that our own investigatory bodies are protected so that they can do their work as well as possible. I ask either that the provision be reconsidered or that protection be provided for the people who are investigating misuse or other offences under the registration acts.

Finally, under the heading 'Act does not limit the practice of registered health practitioners', clause 18 provides that:

> This Act does not prejudice or affect the lawful occupation, trade or business of any person who is registered under a health registration Act.

I have no idea what the clause means. If its consideration is based on a normal construction, it cannot be said that the act will not affect the practice of registered health practitioners in Victoria. Unless the bill is passed, those people will have to treat visiting athletes, teams and other visitors. In a sense it affects their practice and the way they conduct their business. Even if that were accepted, what is the purpose of the clause? What does it add either to what our own professionals do or to the powers of visiting health professionals or other visitors? I am not sure why clause 18 is necessary. Again, I am happy to be informed on that. As it is small matter, maybe it can be briefly dealt with in the committee stage.

The opposition does not oppose the bill and is keen to join with the government in making it work. It is an important addition to the way special events in this state are dealt with. However, the opposition has concerns about the generic nature of the bill, which has been hastily introduced. In many cases, the implications and the worst-case scenarios have not been thought through to ensure that the Victorian public and visitors to the state are protected from poor health practices. Victoria has set high standards for health professionals. It would send a bad message and be a bad precedent if we allowed any other standard of care to be practised — even if not on Victorians or Australians.

I am happy to make available to the minister the responses from the members of the various associations and boards who have in their replies raised a number of questions, many of which I have covered. The opposition would be happy to work with the government on introducing a regulatory regime or any other means of ensuring that many of those questions are answered, people are protected and general and practising rights are not abused.

The legislation is necessary not only for the Olympic Games and Commonwealth Games but for a range of other events. Everything will rest on the answers received from the minister and the department on two matters. The first is the specificity of the orders, so that protections are built into each order. The difficulty is that there are no formal protocols for making an order. For instance, will we have a check list? We all know the corporate history of departments and individual ministers. It is important to have a formal protocol for the specificity of an order.

Secondly, it is not good legislative practice to include in a bill on such an important matter a generic set of powers, relying on copious regulations to stitch up all the loopholes. Protections should be clearly stated. The government should not rely on regulations which, after all, are not open to the scrutiny of this place or the public in the same way that legislation is. The adopted process seems to be bureaucratic and not particularly open to scrutiny.

That having been said, the opposition will not oppose the bill. We want to see the bill work for the benefit of the events, the practitioners and the visitors. It may be that answers to our questions can be provided. We look forward to what I hope will be a brief but productive committee stage, during which members can address some of the specific concerns or at least develop an understanding of how we can together to make the legislation work. I look forward to the contributions from other members. I am assured that on this side they will be brief so that the house can go into committee reasonably quickly.

I note again what a pleasure it is to be contributing to a debate at 11 minutes past 1 in the afternoon, but after all we are suffering together!

Ms PIKE (Minister for Housing) — Firstly, I thank the honourable member for Malvern for reminding the house about the significance and importance of consultation when developing legislation. I remind the house also that the approval in principle for the bill was sought from the cabinet of the former government. I assume that in that process a significant amount of consultation with the boards identified by the honourable member for Malvern was entered into, as approval in principle assumes that consultation has taken place.

The government welcomes the overall commitment to a bipartisan approach on this important measure. I thank the honourable member for Malvern for raising a number of questions about process and implementation and I look forward to having additional discussions about some of the questions. I will not be seeking to address all the questions now but I trust that some of the substance will be expanded upon so that some matters are clarified.

The need for the bill should be apparent to honourable members. We are now facing the scenario of an increasing number of international visitors to Australia to engage in significant sporting and cultural events. While they are in our country there is a likelihood that they will need the services of medical practitioners. Many overseas medical practitioners and other health professionals come here to service the teams, and continuity of care is important.

The genesis of the bill is a memorandum of understanding with the Sydney Organising Committee for the Olympic Games. That memorandum outlines details of agreements relating to events associated with the Olympic Games, and Victoria signed it on 3 June this year. The agreement includes requirements that the government must take on board to assist SOCOG in meeting its commitments to the International Olympic Committee under the host city agreement. It has annexed to it an agreement that SOCOG will ensure that no national law or provision exists to prevent Olympic medical staff from providing medical care and treatment to athletes and officials of the respective Olympic teams of the competing countries.

New South Wales was quick off the mark in enacting legislation in 1997. Its Health Professionals (Special Events Exemption) Act enabled New South Wales, as the host state on behalf of Australia, to fulfil the requirement that no legal impediment exists to preclude overseas medical staff from providing necessary care. In 1998 Queensland followed suit in enacting legislation similar to that in New South Wales. Since then, mirror legislation has been enacted in Tasmania and Western Australia. Now Victoria is fulfilling its obligations under the commitment made in the June memorandum of understanding to ensure that this state complies with it.

Apart from the Olympic Games, as has been mentioned, the grand prix is the other significant event in Victoria that attracts large groups of participants and health professionals who are contracted to treat and attend to the needs of participants.

I turn to the broad scope of the bill to enlarge on members' understanding of it. After that I will deal with some specific issues that have been raised by the honourable member for Malvern and so provide further explanation.

The broad scope of the bill includes, firstly, the provision that the Minister for Health has the capacity to declare a special event under the act. Secondly, following that declaration, exemption is provided for visiting health practitioners from the offences provisions contained in the health registration acts and the Drugs, Poisons and Controlled Substances Act and its regulations. Thirdly, visitors who are members of teams or groups visiting as part of the declared special event mentioned previously are exempted from any offence provisions of those acts or regulations, particularly offences relating to the possession or use of a drug or poison where the drug or poison has been prescribed or supplied to them by visiting health practitioners as previously defined.

Fourthly, a person licensed to sell the drug or poison is exempted from offence provisions of the Drugs, Poisons and Controlled Substances Act and subsequent regulations where the sale or supply is to visiting health practitioners. Fifthly, pharmacists who dispense a prescription are exempted from offences under the previously mentioned acts.

Sixthly, visiting health practitioners are authorised to provide health services to any visitor during the exemption period of the special event. Seventhly, any visiting health practitioner is authorised to use any title he or she would usually use in providing health services and to hold himself or herself out as being able to provide those services. Eighthly, visiting health practitioners are authorised to prescribe or supply drugs or poisons to visitors and to obtain or purchase drugs or poisons for supply to visitors.

Lastly, there is a broader explanation and definition of the provision for the minister to specify in the special event order the exemption period that will apply and the conditions, restrictions and limitations on visiting health practitioners relating to services to be provided and, of course, matters such as the security and storage of the drugs and poisons in their possession.

I turn to two specific areas that need a little further explanation. Clause 6 spells out the process for determining what is a special event. The government assures the opposition that it is quite clear. The minister, by order published in the *Government Gazette*, can declare an event or a class of events to be relevant as specified under the act. That does not mean that any international event will be declared a special event. For example, the Melbourne International Flower and Garden Show would not be the kind of event that would be declared as appropriate. It is clear that the events declared will be those where the services of a visiting medical practitioner are required. Cabinet will have to give its approval to the declaration of the special event. A number of constraints will be in place and justification must be provided for cabinet to approve the declaration of a special event.

Following cabinet's decision, an order under the act will be necessary only when the particular constraints exist of overseas teams wishing to employ or contract their own health practitioners to attend them while they are here in Victoria. The approval given will not be carte blanche; it will be given in specific circumstances. Needless to say, the experience of the Olympic Games will be watched very closely as we move to the implementation of the specific regulations. In other words, New South Wales has established the model and it will be very informative and interesting for Victoria to see how that proceeds.

The timing of an order has been raised in the context of the process for determining a special event. Clause 7 provides the details of how the decision will be made:

> A special event Order must specify a period or periods as an exemption period …

Again, it is not open-ended but a defined period or periods. It includes the possibility that the periods may be before or after the specific event to allow for matters such as training.

I direct the attention of the house to clause 6(4) which provides:

> A special event Order may be revoked, varied, substituted or amended by a further Order or Orders made under this section.

In other words, the bill provides the capacity for the minister to revoke orders or change the situation as deemed necessary. We are not talking about open slather.

Next I address briefly the accreditation of overseas practitioners. The bill does not envisage that a special event order could be made unless advice was received from the organising committee on how its members intended to administer an accreditation process. The government understands that the IOC has prepared a set of very stringent accreditation documents governing practitioners. The organising committee for the Commonwealth Games has in place existing documentation, but as the time draws closer for those games to be held in Victoria, very comprehensive documentation from particular organising committees will be prepared to govern the accreditation process for visiting health practitioners.

In providing advice to the Minister for Health, the Department of Human Services will be responsible for collating advice and information about relevant overseas practitioners. In doing so, a very stringent process of evaluation will be entered into.

Of course existing bodies in Victoria, not only the professional organisations that are listed and have been mentioned previously but also others, can contribute expert advice. I refer, for example, to the Poisons Advisory Committee established in 1981 under the Drugs, Poisons and Controlled Substances Act. The committee comprises two medical practitioners, two pharmacists, a pharmaceutical industry representative, a poisons manufacturer and a nominee of the Chief Commissioner of Police. In other words, a body is already in place whose members can provide significant advice and information. For example, on the supply of drugs that committee would be able to put in place some constraints on the order, such as which pharmacies could be used for the supply of drugs or to what locations the supply might be able to be restricted. One could imagine that the order may limit the supply of drugs to certain facilities in geographical proximity to an athletes village.

The capacity exists for gaining such advice and for consultation with the relevant bodies. All of those things will form part of the special event order and the framework for accreditation of overseas practitioners. The advice prepared by the department for the development of the order will also be developed according to guidelines that will in turn be prepared in consultation with the relevant professional body. In other words, it is not envisaged that any process will be

closed but that the advice will be prepared with the broadest possible framework and consultation.

Honourable members will appreciate that the bill comes to the house with a time imperative as we are on the cusp of the Olympic Games. We have signed a memorandum of understanding — —

Mrs Shardey — Madam Deputy Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms PIKE — I was in the process of summarising my comments and drawing the attention of the house to the fact that a memorandum of understanding is in place with the Sydney Organising Committee for the Olympic Games that the then government signed on 3 June. That provides the framework for this bill. Nevertheless, given the fact that many groups of athletes and cultural groups visit Victoria, it is timely to provide a framework from which continuity of care for our visitors can be upheld.

Ms McCALL (Frankston) — As this is the first time I have spoken in this chamber in front of you, Madam Deputy Speaker, I take this opportunity of congratulating you. You and I are obviously on the same diet as we are both in the chamber during the lunch period, which can be described only as incredibly bad for those with eating disorders!

As the honourable member for Malvern mentioned, the opposition does not oppose the bill. However, it has serious reservations about it. I wish to clarify a number of issues the minister raised earlier. Although the initial legislation may well have been drafted, thought of and approved in principle by the previous cabinet, one would have hoped the incoming Bracks minority Labor government would have done its own consultation before introducing the bill rather than relying on the work of others.

The minister also mentioned that the decision regarding whether special events could be conducted would be made by the cabinet based on the nature of those events. My reading of the bill leads me to believe it provides for the minister to make that decision.

As tradition dictates that I start most of my speeches with a quotation, I dug around for a suitable one in relation to this bill. I quote from Isaak Walton, who said:

> Look to your health; if you have it praise God, and value it next to a good conscience; for health is the second blessing that we mortals are capable; a blessing that money cannot buy.

I refer specifically to the words ‘good conscience’. Nobody would doubt for a moment the government’s conscience in introducing this bill. Australia is a nation of sport lovers and cultural events lovers. We are only too happy to encourage international participation in those events and to encourage participants, particularly athletes, to be looked after as well as any other member of the community would be. However, I have some reservations about the drafting of the bill. I cite the words of the honourable member for Malvern, who said that the specificity of the detail in the bill is too loose.

I am particularly concerned about the provisions dealing with drugs, poisons and prescribed medicines and that visiting practitioners will be able to prescribe substances to athletes or members of a group visiting for special events. I am aware of the reservations that have been voiced by the Pharmacy Guild of Australia and the Pharmaceutical Society of Australia. Those groups are very concerned about the issue of liability and the fact that visiting health practitioners may not be open to prosecution.

All honourable members recognise that there is a gross misuse of both drugs and prescribed medicines. It is the great scourge of the late 20th century and can be anything from the overuse of Panadol to the overuse of an illegal substance. For those who are not totally au fait with all provisions in the Drugs, Poisons and Controlled Substances Act, I am happy to explain that section 4 relates to prescription drugs and section 8 deals with narcotics and painkillers.

I am from overseas, and although English, with slight variations, is my first language, many people who will be participating in special events and supporting those events will be from countries where English is not their first language. I happen to be bilingual and am very aware that there is always a danger of misunderstandings in translation. When one is dealing with substances as dangerous as drugs and their potential misuse or abuse, language becomes even more important. I am certainly not suggesting that we would not accept people from non-English-speaking backgrounds to participate in sporting or cultural events in this state. However, safeguards must be in place to ensure there is no room for misunderstanding about the prescription and allocation of drugs, narcotics or painkillers to those participants.

I wish to focus particularly on one of the events that will be held next year that does not attract the same level of media attention as the official Olympic Games — I refer to the Paralympics. Unlike Arthur Tunstall, I am extremely proud of those who participate in the Paralympics. I have nothing but admiration for

those who participate in sports that those of us who are able bodied should be more skilled at. I recognise that their medical needs may be very different and that they may focus on the use of painkillers and prescription medicine. I want the government to reassure the house that the provisions in the bill are specific and careful enough that they do not create misunderstandings of language with visiting health professionals or problems with the use of prescribed medicines.

The second-reading speech states:

> Visiting health practitioners are also able to prescribe or supply a drug or poison to a visitor and to obtain or purchase drugs or poisons for supply to a visitor.

That is far too broad and is far too easy to abuse. The steps that have been taken at a federal level to ensure a drug-free Olympic Games should be prescribed very clearly in state legislation so that Australia continues to maintain very high standards of protection for members of the public.

Mr ROBINSON (Mitcham) — The Health Practitioners (Special Events Exemption) Bill is largely a product of the previous government, and members on this side of the house have no difficulty in recognising it as a sensible measure; far more sensible than the calling of quorums during the lunch period, but honourable members may hear more about that later.

The bill sensibly facilitates the provision of medical services for visiting sporting teams during periods of sporting activity that have an international aspect. To that extent, the bill focuses on the forthcoming Olympic Games, about which everyone in this house and this country is confident will be an outstanding success. In so recognising the need to provide appropriate arrangements for visiting medical practitioners during the Olympic Games, the bill recognises that international competition is an increasing characteristic of sport in this day and age. One does not have to think too hard to find other examples of international sporting events which might also benefit from the application of this bill at some point in the future. I think of such events as the Masters Games, the 2006 Commonwealth Games and the increasing spectacle of corporate games.

On Monday evening I had the opportunity of attending the awards presentation for the Victorian Corporate Games, which were held last weekend. They were an outstanding success and involved some 4000 competitors representing 120 different companies. It was the third Victorian Corporate Games and was a tribute to the organisers, particularly the director, Walt Hiltman. The concept of corporate games started in Sydney eight years ago and Melbourne took up the idea three years ago. Brisbane will be conducting similar games next year. International corporate games are staged, and it is the fervent hope of the people involved in the Victorian Corporate Games that Melbourne will one day host an international event. That would be a very good thing.

When speaking with Walt Hiltman on Monday about the increasing number of international sporting events, I canvassed the possibility of the Victorian Parliament forming a team for the Victorian Corporate Games. I shall use this opportunity to extend an invitation to all members of this place who have any interest in being involved in a parliamentary team in the year 2000. They should let me know of their interest and I will be happy to see whether something can be facilitated. I am sure there would be a role for everyone should they wish to participate.

The bill focuses largely on the Olympic Games in Sydney next year and the need for this state to do its bit to facilitate the provision of medical services for the Olympic events to be staged in Victoria. I know I speak for all honourable members when I say there is great enthusiasm and interest in the progress of this bill. I have spoken to many members in the corridors and the dining room — that is for those lucky enough to get there! — and it is almost an obsession. Honourable members are talking very excitedly about the legislation. They want the Olympic events being held in Victoria to be carried through successfully. There is great interest in the logistical management and the facilitation of medical practitioner services.

I am sure I speak for all honourable members when I say that we would be very supportive of you, Honourable Deputy Speaker, conveying to the Speaker our great support of measures to ensure that this house does not sit during the Olympic Games in September next year. It is not that we want to sit at home and watch the events on television, and we are not keen to take up the D grade seating in the stands to watch volleyball or synchronised swimming. We are interested in seeing the implementation of this bill. I know all honourable members want to spend time looking at the events in Victoria and seeing how medical services are provided. I ask you, Honourable Deputy Speaker, to convey that sentiment to the Speaker. In his infinite wisdom he may be able to accommodate us. I certainly hope that is the case.

The bill effectively exempts medical practitioners from the operation of Victorian laws in certain respects. Those laws have been detailed by previous speakers, and there is a reasonable understanding across the chamber as to what that entails. It is a necessary step if

we are to facilitate smooth operation. Nevertheless, it takes us into the difficult area of drugs in sport.

Much as this state and nation have a very proud record in attaining the highest standards of keeping sports drug free, it is not an easy area. To a large extent, that is a consequence of different nations applying different standards. Quite rightly, this nation and state have taken a leading role in insisting that sport, particularly international sport, should be kept drug free. People such as Don Talbot have spoken about that for many years, and that has created some difficulty for Australia from time to time. I refer to the incident involving Samantha Riley and a headache tablet. Under strict definitions the tablet was treated as a drug, and the incident involved a great deal of heartache and disappointment for Samantha and her supporters.

Similarly there have been problems closer to home with the Australian Football League and its efforts to maintain an up-to-date series of rules and regulations regarding substances which should and should not be permitted. I refer in particular to the case of Alistair Lynch who was suffering from chronic fatigue syndrome. He was prescribed medication that was not unreasonable in the circumstances to deal with that complaint, but it was held at a later date and under later circumstances to be a medication which should not be permitted. They are examples of necessary evils, and Australia will continue to set high standards regarding the use of drugs in sports. From time to time, however, difficulties will arise due to the different standards that apply, rapidly advancing knowledge and technology and the continual development of synthetic drugs. To some extent we will simply have to learn to live with that, painful as that may be.

I am not a doctor so it makes assessment and analysis of some aspects of this bill a little difficult. All members of this chamber are in a similar situation as there are no doctors in the house. Someone pointed out to me earlier that we should not forget the Leader of the Opposition, Dr Napthine. I point out to new members in particular that the Leader of the Opposition is a veterinarian by profession, not a medical practitioner. It is vitally important that new members understand that if they are feeling poorly and ask the Leader of the Opposition in his guise as a doctor to take their temperature, they are in for a very rude shock. That would give a whole new meaning to the expression ‘Open wide’. Under those circumstances, one could say that the cure could be worse than the illness!

Some difficulties exist with honourable members dealing with provisions of the bill to any great detail beyond their presentation by virtue of our selective lack of knowledge on issues of medical practice. That is in contrast to debate on legal bills in this place as a number of members have legal training and can speak with practical experience.

The bill exempts medical practitioners from the operation of Victorian law, but it does so under two reasonably strict provisions. Firstly, clause 7 explicitly requires that a special event order must state a fixed period or periods of time as an exempt period during which an exemption or authorisation provided by or under the act has effect in respect of the particular declared special event. That is a vital rider on the power to declare special event orders. It ensures that visiting medical practitioners understand their exemptions from the operation of Victorian laws operate only for fixed terms and that should they wish to stay in the state beyond the term declared, which would presumably match the period over which the special event is staged, they will be treated in the same way as any other medical practitioner. That is important because it is not uncommon in this day and age for medical practitioners associated with sporting teams to travel independently of those teams outside the strict competition periods. The government wants to send a clear message to visiting medical practitioners that should they contemplate staying on after an international event they will then be subject to the normal operation of Victorian law.

The second restraint on visiting medical practitioners is an implicit constraint — that is, they are still governed by Australian law. The bill in no way, shape or form attempts to water down or provide any exemption to the very strict customs laws with regard to the importation of materials. Honourable members will recall the unedifying spectacle early last year of a visiting swimming team being caught up in all sorts of strife following a search by customs officials at Sydney Airport which revealed substances which should not have been brought into the country. That incident dragged the whole international event into a degree of disrepute. It did nothing to increase the credibility of the visiting team or the organisers responsible for sending the team. It was very regrettable.

The government would wish to think that all visiting medical practitioners to Victoria will respect the fact that Australian laws banning certain substances remain in force regardless of this bill being passed. The government hopes and trusts that that implicit restraint on visiting health practitioners will be recognised.

In summary, the government wishes the bill a speedy passage. It is necessary to facilitate international competition in the future, with particular emphasis on

the forthcoming Olympic Games. The government wishes for a very clean Olympic Games but recognises that that requires the wholehearted cooperation of competing teams, the overseas organisers of those teams and, in particular, the visiting health practitioners. With all the steps being taken and with this house doing its part, Victorians can be reasonably confident the message will go out loudly and clearly to visiting health practitioners that the state and nation demand a clean games and that its requirements should be observed.

Mr ASHLEY (Bayswater) — I am pleased to join the debate on the Health Practitioners (Special Events Exemption) Bill. Before I begin my remarks, I wish to congratulate you, Mr Speaker, on being elected to that high office. I trust your time in the chair over this Parliament will be rewarding and will always live in your memory.

The bill provides two significant dimensions for the provision of health care to visitors to this state, and they are contained in two paragraphs within the second-reading speech. One is the setting aside of requirements of a health registration act in relation to the provision of services to a member of a visiting team or group. It covers those health care professionals who may be from outside the state or the country who provide services and who may normally be subject to the provision of the acts that apply in this state. I do not have too much difficulty with interstate practitioners, whether they be medical practitioners or members of the allied health or paramedical professions as listed at page 2 of the bill — that is, chiropractors, dental technicians, nurses, optometrists, osteopaths, pharmacists physiotherapists, and the list goes on. I will come back to that issue later.

The second provision of the bill enables a person licensed to sell a drug or poison to be exempted from the provisions of the relevant act when selling a drug or poison to a visiting health professional. One must seek assurances about the provision of drugs to visiting health practitioners to ensure they are prescribed for a visiting member of a team or group and not a resident of this state or nation. To do otherwise would be against the principles upon which this bill has been devised and thought out.

The ramifications and impact of the bill transcend well beyond the time of the Olympic Games and will affect cultural events and other activities down the track. To some extent they are a recognition of Australia's place in a world which is becoming very global in its movements. Reasonable care needs to be given to where the bill will take us in the future.

The force of this bill provides a kind of quasi-diplomatic immunity for visiting teams and health professionals. That is not necessarily a bad thing. However, it is set in state law rather than federal law and, as such, perhaps should be considered at the federal level.

The SPEAKER — Order! The time for questions without notice has arrived. The honourable member for Bayswater will have the call when this matter is again before the Chair.

Debate interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Taxation: ALP commitment

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to his commitment to the business community on 22 July this year that under a Labor government taxes and charges would be pegged to the national average. I ask the Premier when this target will be reached.

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his first question in 10 questions in this house. The commitment that was given during the campaign is one that the government will stand by in the future. I have indicated that the legacy of taxes and charges left to the state by the previous government — which is some $300 million-plus higher than the national average — will be benchmarked against the average taxation level of other states. The government will seek to progressively reduce taxation levels in Victoria. This is good news for Victorian business. Under successive Bracks Labor governments they can expect taxation relief and improvements in the taxation position.

As I have indicated — and as is contained in the policy documents, if the Leader of the Opposition cares to look at them — the timetable is contingent on growth revenues accruing to the Victorian economy. Those growth revenues are matters for further discussions with the commonwealth and other states, subject to the negotiations on the GST and the implications it has for revenues accrued on increased consumption in Victoria.

I guarantee that the government will seek to achieve its aim, which is to have competitive taxes and charges in Victoria. That means looking at business taxes in Victoria to see what tax relief can be achieved in the future. As I said during the campaign, and previously, the government's first target is the tax on jobs — payroll tax in Victoria. The government will seek to

devise a scheme so that business can receive payroll tax relief for new job starts in Victoria where they are identified, similar to the initiative taken by the Carr Labor government in New South Wales which has linked payroll tax deductions to apprenticeship and traineeship starts. They are the sorts of schemes that can drive new job growth, and the sorts of schemes we want in Victoria.

The government is committed to achieving competitive taxes and charges. It has been left with a legacy of $300 million-plus on taxes and charges higher than those in the rest of the country. It is another mess for the government to clean up in the future.

Australian Gallery of Sport and Olympic Museum

Ms BARKER (Oakleigh) — Will the Premier inform the house of the government's support for the upgrade of the Australian Gallery of Sport at the Melbourne Cricket Ground (MCG)?

Mr BRACKS (Premier) — I thank the honourable member for her question and her interest in tourism and sporting development in Victoria. I am pleased to announce — and I am sure all honourable members will be pleased with this announcement — that the government has approved a $400 000 grant from the Community Support Fund to upgrade the Australian Gallery of Sport at the MCG. As most Victorians know, the gallery of sport is a magnificent tourist attraction for Victoria. The MCG is among the top eight tourist attractions in Victoria, and something the government holds dear to its heart as one of the best stadiums in the country.

Most of the $400 000 will go to the Olympic museum within the gallery of sport. The museum contains Olympic medals and torches from various past games. It has memorabilia from sporting legends such as Betty Cuthbert, Murray Rose, Cathy Freeman — apparently the spikes Cathy Freeman used in Atlanta form part of the memorabilia — and the Oarsome Foursome's Nick Green and James Tomkins. The medals, uniforms, and other memorabilia will be housed in new display units and more floor space will be given to the museum.

The move comes at an appropriate time given the Olympic soccer events that will be held at the MCG next year. The gallery is visited by 100 000 people each year, and more than 1 million people have visited it since its opening in 1986. The government is committed to continuing to support the gallery in conjunction with the Melbourne Cricket Club.

An upgrade of the Australian Rules exhibit will also be undertaken as part of the $400 000 development. The project will cost $800 000; the $400 000 grant is half the cost of the project and will go a long way to improving what is a world-class exhibit at the MCG. It is something Victorians can be proud of and can share in. It will be upgraded in time for the Olympic Games next year. I am proud to announce the government's support of this important event for Victoria.

CFA: paid firefighters

Mr RYAN (Gippsland South) — Will the Minister for Police and Emergency Services advise the house of the government's response to attempts by the United Firefighters Union to extend the boundary of the Metropolitan Fire and Emergency Services Board to include traditional Country Fire Authority (CFA) districts in the outer metropolitan area?

Mr HAERMEYER (Minister for Police and Emergency Services) — The Country Fire Authority is currently attempting to place full-time firefighters in a number of suburbs that have previously been serviced exclusively by volunteers. It recognises the growth in those suburbs.

Mr McNamara interjected.

Mr HAERMEYER — Mr Speaker, it is interesting that the retiring Leader of the National Party should interject.

The SPEAKER — Order! The minister should ignore interjections.

Mr HAERMEYER — The manning strategy that the CFA is currently trying to introduce was put in place by the former government — in fact by the Deputy Leader of the National Party in the former government. He is now canning it and asking if the government will scrub the volunteers. The reality is that the volunteers of the CFA are highly valued and, I should have thought, have always had a strong level of bipartisan support on both sides of the house.

The Country Fire Authority recognises that there is a difficulty in serving some areas in the outer western and northern suburbs. Sometimes it is difficult to provide volunteers during certain daylight hours. It is attempting to put in place an arrangement so that full-time firefighters can service some of those times. Those matters are currently being negotiated between the CFA and the United Firefighters Union. I am confident that the process will ultimately be satisfactorily resolved.

Swifts Creek timber mill

Mr INGRAM (Gippsland East) — At a recent meeting at Swifts Creek the Minister for Environment and Conservation made a commitment to the community to investigate all possible ways to return an operating sawmill to the town. Will the minister now advise the house what has been done to achieve that?

Ms GARBUTT (Minister for Environment and Conservation) — One of the first things I did after the election was to attend with the honourable member for Gippsland East a meeting organised by the Swifts Creek residents action group. The entire town population attended and the level of anger of people at the meeting was enormous. The sawmill, the major employer in the town, was closed in April this year. The former government did nothing to stop the closure; it did not lift a finger to stop the mill from closing and jobs from being lost, leaving the town without a major employer. Something could have been done then, when it would have been relatively easy to do so, but the former government was not interested in supporting rural towns. It did absolutely nothing!

Opposition members interjecting.

Ms GARBUTT — You are still not listening — you did not listen then and you are not listening now!

Honourable members interjecting.

The SPEAKER — Order! There is far too much interjection across the chamber. I ask the opposition frontbench to cease interjecting.

Ms GARBUTT — One of my first actions on becoming minister was to ask the department to investigate how the mill could be reopened. During the government's first full week in office I met with the owner and the chief executive officer of the company, Neville Smith Timber Industries. I asked the company to go away and consider options for reopening the mill and to return with proposals that the department could evaluate.

Mr Mulder interjected.

The SPEAKER — Order! The honourable member for Polwarth will cease interjecting. He is disrupting the house.

Ms GARBUTT — It is obvious that former government members are still not interested in and do not care what happens at Swifts Creek. As I said, I met with the company and asked it to go away, consider a range of options and return with proposals. The company has held three meetings with departmental officers to discuss how that can be done. A report has now been presented to me for my consideration. The company has raised several issues and presented options that would lead to a reopening of the mill.

The government is committed to reopening the mill. It is now a matter of working through the options and sorting out the best way that can be done. That is being done, but it is pity it was not done by the former government when the opportunity first presented itself.

Parentline

Mrs ELLIOTT (Mooroolbark) — I refer the Minister for Community Services to the successful Victorian Parenting Centre, Parentline and regional parenting services to which the previous government had committed recurrent funding. Will the minister assure the house that those vital programs will be fully maintained?

Ms CAMPBELL (Minister for Community Services) — It is a shame that the honourable member for Mooroolbark has been set up in her first question. The Victorian Parentline that is now being funded is funded on a three-year program. If it were such a critical item that it required an ongoing or recurrent program it would have been advantageous for Victorian parents to have been informed of that fact.

The other important point that honourable members should be aware of is that a range of organisations provided an enormous amount of advice and service to parents and families about parenting and children, but both were defunded by the present Leader of the Opposition, formerly the Minister for Youth and Community Services.

Honourable members interjecting.

Ms CAMPBELL — A number of organisations have had their concerns raised during the adjournment debate in this place. The former Minister for Youth and Community Services ignored the high level of professional and voluntary support that was provided at a sound grassroots level. The Bracks government is committed to ensuring that parents have advice, as required. I am discovering fascinating information in the emerging documentation being provided to me. The Parentline files are providing very interesting reading.

Workcover: common-law rights

Mr LANGUILLER (Sunshine) — I refer the Premier to the government's commitment to restore

common-law rights to seriously injured workers. What action has been taken to implement the promise?

Mr BRACKS (Premier) — I again inform the house that the new government is committed to implementing its policy of restoring common-law rights to seriously injured workers. The government will not tolerate a situation where a worker is seriously injured by the negligence of an employer or third party but is then barred by law from having an action brought in the courts because of the injury.

The former government removed the common-law rights of seriously injured workers. My government will give that right back to workers as soon as possible. However, as has been said by the Minister for Workcover, the government has inherited a financial crisis in the Workcover scheme. A growing liability has been appearing in the authority's finances and it is clear that no corrective action was put in place by the former government to fix it.

My government is committed to having a fully funded scheme. It will not accept a continuing deterioration of the scheme, which was allowed by the former government.

Today I announce that a special common-law working party will be established to assess and develop options to implement the government's two key objectives — that is, the restoration of common-law rights for seriously injured workers and a fully funded scheme in Victoria. The working party will examine both objectives.

The group will comprise a wide range of representatives from the key interest groups or stakeholders in this issue. They will include the Department of Treasury and Finance, the Victorian Workcover Authority, the Victorian Employers Chamber of Commerce and Industry (VECCI), the Australian Industry Group, the legal profession, including the former head of the Law Institute of Victoria, union representatives — —

Honourable members interjecting.

Mr BRACKS — Isn't that interesting? The opposition is happy for the government to have VECCI, the Australian Industry Group, the Law Institute of Victoria and private insurers involved in the working party, but when it comes to a proper tripartite arrangement with the unions, what does it do?

The reality is that the previous government involved the union movement in the process, as the former Minister for Workcover knows. The government is involving the union movement as well, and we have also invited VECCI and other employer groups, and they are very happy and keen to be involved.

This is a representative working group, and, as I mentioned, it will have two clear aims. The first will be to implement our policy of restoring common-law rights to seriously injured workers, and the second will be to have a fully funded scheme. I have asked this working group and the Minister for Workcover to report to the government in March 2000, and their recommendations will form the basis of legislation that will come before the house in the autumn sessional period. That legislation will restore common-law rights and will implement a fully funded scheme in Victoria to fix the mess and overcome the increasing liability left by the previous government.

Futures for Young Adults

Mrs ELLIOTT (Mooroolbark) — I ask the Minister for Community Services to advise the house of the government's commitment to the highly successful Futures for Young Adults program and the funding provisions for that program over the next three years.

Ms CAMPBELL (Minister for Community Services) — The simple answer to that simple question is that the government supports the Futures for Young Adults program. It is a highly successful program, and I hope there will be bipartisan support for its continuation.

Casino: bidding process

Mr TREZISE (Geelong) — I refer the Minister for Gaming to the serious concerns raised about the tendering process for Melbourne's casino. I ask him to advise what action he will take to fully inform the public about the tender process.

Mr PANDAZOPOULOS (Minister for Gaming) — The issues raised by the Premier yesterday were extremely serious, and I understand the opposition is tender about the types of answers the government has been giving.

This government is about openness and transparency. The public should be made aware of the many contracts and commitments made by the previous government. The previous government spent thousands of dollars trying to hide the details of the process from the public, and it is this government's job to put the reasons for the decisions made by the previous government on record. The issues raised by the Premier yesterday highlighted the range of concerns about the sort of documents that

might have been available to previous ministers in relation to the casino tendering process.

I advise the house that on 4 November I authorised the release to the Premier of documents held by the Department of Treasury and Finance. Those documents related to the financial analysis of the competing bids undertaken by Coopers and Lybrand, and the documents released yesterday were part of those documents.

I was advised today that the Victorian Casino and Gaming Authority is in possession of a number of additional documents. Those documents were inherited from the old Casino Control Authority and relate to the tender process. The documents include some 20 expressions of interest submitted by interested parties. More importantly, the three short-listed preferred bidders supplied further documentation, including financial analyses in response to the information supplied in the expressions of interest, analyses of each bidder's financial capability to run a casino, and drawings and other design documents.

Today I have sought the release of all those documents to me. I will review the large number of documents that will be made available to me and keep the public fully informed of the process. I assure the house that the government will release all the documents, because this government believes the public has a right to know what happened with the casino tendering process. The government will trawl through the massive volume of documents and release them at the appropriate time.

Hospitals: funding

Mrs SHARDEY (Caulfield) — Given that the deadline for meeting commonwealth accreditation standards for nursing home beds is 1 January 2001 and that the Labor Party policy identifies the fact that 1224 beds are below that standard, I ask the Minister for Aged Care to inform the house how the government will be able to urgently upgrade those beds when only $12.5 million has been allocated by the government — enough to upgrade only 150 beds between now and the deadline.

Ms PIKE (Minister for Aged Care) — I thank the honourable member for Caulfield for her question. She is correct in stating that a significant number of nursing home beds in Victoria do not meet the standards for commonwealth accreditation.

I begin by asking why we now find ourselves in a situation in which the lives of many vulnerable Victorians are made very difficult. Many families in Victoria are concerned about the future of their parents because under the previous government the significant maintenance required in nursing homes was let slide. Why was it let slide? Because the previous government had only one agenda for nursing homes, and that was privatisation.

Opposition members interjecting.

The SPEAKER — Order! The Chair is of the opinion that the minister is beginning to debate the question. I ask her to come back to answering the question.

Ms PIKE — I was explaining to the house the significant underfunding that occurred under the previous government and the situation this government inherited and is only now in a position to address. The solution put in place by the previous government was to privatise nursing home beds and add them to the for-profit sector.

Mr McArthur — On a point of order, Mr Speaker, you have already advised the minister that she was debating the question. She is now flouting your ruling by again engaging in debate. I ask you to draw her to order and require her to answer the question.

The SPEAKER — Order! I uphold the point of order raised by the honourable member for Monbulk and ask the minister to answer the question.

Ms PIKE — The Bracks government has given a clear commitment in its pre-election promises on the way it will deal with the issue. Firstly, the government is halting the privatisation process put in place by the previous government. Secondly, the government has already committed significant funds to provide for the upgrading of nursing home facilities. That upgrading will go ahead in a planned way. The department is currently advising me as to the schedule for the planned upgrades.

The government gives a guarantee that elderly people in state-run nursing homes in Victoria will have a secure future, and that the funding will come from the commonwealth because Victoria has complied with its regulations.

Burwood: Liberal candidate

Mr VINEY (Frankston East) — I refer the Minister for Planning to the conduct of the former government in providing a special planning deal for a Liberal Party candidate, Ms Lana McLean. I ask whether the minister will inform the house of action he has taken to ensure a fair and proper outcome of this matter rather than

engaging in special deals such as those given to Liberal Party mates.

Mr THWAITES (Minister for Planning) — I thank the honourable member for Frankston East for his question and for the interest he shows in planning issues. Planning is a matter of importance right around Melbourne and Victoria. It is very unfortunate that the previous government had a policy of special deals for Liberal Party figures and candidates.

In the case in question the person, Mrs McLean, wanted to get rid of an easement on her property and sought a ministerial amendment to achieve that end. She wanted to develop her property, but in so doing caused her neighbour, Mr McDonald, great hardship. As it turns out, Mr McDonald got a very raw deal — —

Mr Perton — On a point of order, Mr Speaker, there is a rule in this house against tedious repetition. The minister made this speech during the grievance debate. I ask you to rule that the repetition of statements he made during that debate is out of order now.

The SPEAKER — Order! There is no point of order. The Minister for Planning was responding to a question asked by the honourable member for Frankston East.

Mr THWAITES — The honourable member for Doncaster is clearly embarrassed by this issue, as are other members of the opposition. That is why they are trying to intervene. In support of her application Mrs McLean filed a signed statutory declaration stating that her neighbour, Mr Ian McDonald, the owner of 170 Punt Road, Prahran, had not used the right of way over 1 Alfred Street, Prahran, since he moved into the property in 1987. The advisory committee that heard the matter made a determination in relation to that statement to the effect that it rejected Mrs McLean's contention that Mr McDonald did not use the easement. The report states that:

> Mr McDonald said that both he and his son have used the easement for both pedestrian and vehicle access.

The committee went on to say that:

> The advisory committee prefers this evidence to the three statutory declarations submitted on behalf of the McLeans.

There is a question about the credibility of Lana McLean.

The previous government appointed an advisory committee to do a special deal for Mrs McLean, but the committee made a determination that the amendment should not proceed. That decision was communicated to the minister in June of last year.

Mrs McLean and the minister, however, were not satisfied with that so they got another umpire to hear the matter again.

In May this year the umpire reported to the minister, who claimed this morning that the panel report was not hidden and the matter was not resolved. My department has advised — —

Mr Maclellan — On a point of order, Mr Speaker, clearly the Deputy Premier misunderstood my remarks this morning, possibly because of the embarrassment he was suffering at the time. Both panel reports were received and are public documents.

The SPEAKER — Order! There is no point of order. I ask the minister to be succinct and to conclude his answer.

Mr THWAITES — My department has advised that the panel report was given to one of the parties, Mrs McLean, but not to the others: the council and the objector did not get a copy of the report. Further advice is that the relevant file and memos sat in the minister's office from May to September — some five months.

This morning the former minister implied the matter was resolved — —

Mr McArthur — On a point of order, Mr Speaker, I refer to rulings by former Speaker Coghill that question time is an opportunity for ministers to be questioned and to provide information on government administration. It should not provide an opportunity to attack members of the public or the opposition.

The SPEAKER — Order! There is no point of order. The minister was providing information to the house. However, he is taking an extraordinary amount of time to answer the question and I ask him to conclude.

Mr THWAITES — I have received further advice that in May the former minister was advised by the department that he should sign a letter indicating to Mrs McLean that her application for an amendment had been rejected. The normal process in relation to such an amendment is that the minister either signs the document approving the amendment or indicates that it has been rejected and informs the parties of the decision. In this case no decision was made. The amendment was left in limbo and has never been finalised.

No doubt the former minister hoped for a different election result and the matter would have gone through as another dodgy deal. There will be no dodgy deals with this government. I am pleased to advise that today I will reject the amendment; notify the applicant, the objector and the council; and release the advisory committee report to all parties.

The SPEAKER — Order! The time for asking questions has expired and a minimum number of questions has been asked and answered.

HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL

Second reading

Debate resumed.

Mr ASHLEY (Bayswater) — Taking up the debate following question time is a humbling experience. It is one that everyone in the house should learn from, as I have learned from it today.

In the three or so minutes before question time I had simply introduced my remarks. Essentially the legislation provides what might be called quasi-diplomatic immunity for non-residents of Australia so they may provide health care services to those to whom they are contracted as members of a group while in this country, particularly this state. The legislation also gives prescribing rights to pharmacists who are resident in Australia to provide to the visiting health care professionals and practitioners the drugs and poisons they seek for members of the groups for whom they are providing the services — in other words, for non-nationals.

As I said, I believe in one sense the legislation is a recognition of the changed world in which we live — a world of increasing leisure, entertainment and travel — and that it will be meaningful and applicable well beyond the days of the Olympics and into the first years of the new century.

My remarks are limited. I draw attention to what I think are real concerns about issues of definition and will restrict my remarks to the term ‘visitor’. In the way the bill uses the word it is probably applying to it its normal lay meaning, which does not accord with the more technical meaning that immigration law at the federal level applies to it. To that extent I can see some difficulties occurring. I suggest the legislation should be revisited to clarify what is meant by the term ‘visitor’ and to perhaps adopt the terminology used at the federal level to distinguish between a visitor who comes in from overseas on a visitor’s visa and a visitor from interstate, who is an Australian resident and is visiting this state.

It is no small matter. In many ways the word ‘visitors’, which the legislation applies to people coming into the country, is inappropriate. Mostly those who arrive in special groups for special events are termed ‘temporary residents’ and would be defined in their visas as having non-business occupations. The term ‘temporary residents’ includes distinctions, such as a special subclass for medical practitioners, another subclass for working holiday-makers, another for entertainers — entertainers may be part of special groups that are involved in special events — and another for sporting persons. Their passports are more commonly stamped that they have entered Australia as ‘temporary residents’ rather than as ‘visitors’.

It might seem to be a pedantic point, but confusing temporary residents and visitors as defined by the federal Department of Immigration and Ethnic Affairs is running the risk of getting us into complex waters, particularly when thrown into the scenario are people who are simply coming from interstate as visitors and who, from my point of view and by the common use of the word, are visitors. The failure of the proposed legislation to distinguish between the two is a significant matter.

I seek greater clarification of the word ‘visitor’ for future use. The legislation will not just apply to the Olympic Games; its meaning and value will continue beyond that. For that reason the government needs to take cognisance of the federal experience and delineate between a person who is a resident of another country and who is in the state of Victoria for the purposes of a special event, and a person who is a resident of Australia and who may be assigned to a team or group to provide health care services to that group within Victoria during the time of a specified special event.

The matter is of real significance because the federal legislation and immigration regulations specifically restrict the capacity of individuals to provide particular services as confined by the visas stamped in their passports and to the period of time allowed on those visas or permits. Once that event and that time has passed, individuals such as health care professionals or providers do not have let under immigration law to provide services. Such persons are confined by their entry stamps and must abide by those rules and provisions.

To clarify the distinctions between one set of visitors from overseas and another set of visitors from interstate

one should turn to federal law and the immigration regulations. I do not have too many problems with Australian residents who come from interstate, because even if they do not meet the specific registration board criteria for a particular professional health care group or professional occupational group, they can nevertheless be accorded a de facto form of mutual recognition for the period they are in the state. That does not apply in the same way to someone from overseas, except as to their abiding by the provisions of the particular special event and the group within the special event to which they are assigned.

I raise the issue for another reason. From the time their permits expire certain temporary residents or visitors are illegal immigrants if the permits are not renewed. The question to be looked at is: in technical terms what rights does a person who has been given the green light to provide a service to an individual from overseas as part of a very small group have to provide those services to a person who is deemed to be an illegal immigrant?

I can envisage certain people coming to Australia and being granted resident status in this country without meeting the requirements of particular registration boards. They may settle in Victoria, New South Wales or Western Australia and may let it be known overseas, to all and sundry, that they are available in Australia to provide services to visiting special groups such as entertainers, or cultural or sporting groups. I suggest a person making a trade out of that kind of activity would not be deemed acceptable within the spirit of the bill.

Although the government might frown upon such activity, as it currently stands the bill does not proscribe it. It is therefore possible for an individual who has failed to be accorded the right to practise a profession by a registration board in Victoria to create a livelihood for himself or herself by letting it be known overseas that he or she is available to provide services to any incoming team, whether or not that person is a prior resident of a certain specified country. Although it throws a kind of quasi-diplomatic immunity over the provision of health care and drugs to visiting members of teams or groups, the words ‘diplomatic immunity’ suggest confining the activity to members of a particular country, either as visitors in a team, or as the person providing health care to that team.

By utilising the words ‘diplomatic immunity’ I am confining an activity, as it would be practised in the home country, to the period of the special event. It would facilitate what happens within the national boundaries of a country being transplanted into Victoria for a short period. However, I do not believe it is in the spirit of the legislation that individuals should be able to create a living for themselves out of providing, willy-nilly, ongoing services to all sorts of travelling groups that are passing through from whatever nation around the globe.

I trust that in one way or the other Parliament will deal with those aspects of the bill because individuals, being as clever and devious as they sometimes can be, will find ways and means of pushing the proposed legislation to extreme ends for which it was never designed.

Mr HOLDING (Springvale) — The Health Practitioners (Special Events Exemption) Bill establishes a regime to ensure that health practitioners coming to Victoria for an event that has been declared in accordance with the act by the minister can provide a level of medical and associated care for visitors to Victoria for those events, and ensures that they are not unduly encumbered by the provisions of the legislation.

Honourable members are very supportive of the fact that Australia, and Sydney in particular, will be hosting the Olympic Games in the year 2000, and they want to ensure that there are sufficient legislative provisions for that hosting to occur with the minimum of fuss. Honourable members are also eager to ensure that where other special events can be hosted by Victoria, visitors and sports people from overseas can come to the state and bring with them or access in Australia the range of medical care that is appropriate for them and with which they are familiar, and to ensure that that is done without unnecessary legislative complexity.

Before I provide some background information as to why the bill is necessary, I will briefly refer to the contribution of the honourable member for Mitcham, who mentioned the increasing number of sporting events now being hosted by Victoria and his involvement in the corporate games. Honourable members should not forget the Australasian Public Sector Games and the World Police and Fire Games. Recently Victoria was host to the latter, which meant that many people involved in providing police, emergency, fire or related services could compete with people from all over the world who are also involved in those sectors. It does a lot to establish international camaraderie and the exchange of ideas. It also builds goodwill and is an important promotional activity for Victoria.

The bill will not only facilitate the conduct of those aspects of the Olympic Games that will be occurring in Victoria but will also promote the Commonwealth Games in 2006 and other events. Honourable members

should welcome the opportunity to be part of enacting a legislative regime that facilitates in an efficient manner visitors to Australia, and ensures that they can provide an appropriate level of care to sports people from overseas.

By way of background, the current legislation has become necessary because of the memorandum of understanding that was signed by the Sydney Organising Committee for the Olympic Games and Victoria, on 3 June 1999. The purpose of the memorandum was to ensure that SOCOG's international commitments, particularly those commitments with the International Olympic Committee under the host city agreement, were facilitated for the purposes of the state of Victoria.

In an annex to the host city agreement there is a requirement that SOCOG ensure that no national law or provision exists that prevents Olympic medical staff from providing medical care and treatment to athletes and officials of the respective Olympic teams of the competing countries. In other words, in order to facilitate athletes coming from around the world to compete in this country, Australia has to ensure that there are no impediments at the commonwealth, state or territory levels that would impede visitors from having with them the medical care that is required to enable them to compete in Australia during the Olympic Games.

As a consequence of that memorandum of understanding and the host city agreement, in 1997 New South Wales enacted the Health Professionals (Special Events Exemption) Act, which essentially ensures that athletes coming from overseas to New South Wales to compete in the Olympics can bring with them their health practitioners to provide them with the medical support they require. Alternatively, as envisaged under the act, visitors can access medical care in Australia that is consistent with that required to enable them to compete during the period for which the exemption applies.

In 1998 Queensland enacted the Health Practitioners (Special Events Exemption) Act, which is very similar to the legislation enacted in New South Wales. The legislation ensures that Queensland is able to facilitate the speedy entry of visiting medical or health practitioners for Olympic events centred in Queensland. It has become necessary for Victoria to introduce a similar legislative regime to ensure it also can fulfil its obligations under the memorandum of understanding and the host city agreement Sydney has signed with the International Olympic Committee.

My understanding is that there will be both men's and women's football — that is, soccer events — in Victoria. Those Olympic events in Victoria will give rise to the need for competitors to bring in medical and health practitioners to provide a level of care for athletes and competitors. The legislation will ensure Victoria can facilitate the entry of those practitioners into Victoria. The bill establishes a set of provisions that will enable the government in the future to identify other events as worthy of exemption under the act and to similarly facilitate the entry of health practitioners where required.

The legislation is necessary essentially because under the current provisions the different health registration acts, collectively referred to as the health registration acts, all have separate sets of accreditation requirements for health practitioners. Were visiting health practitioners to come from overseas and operate under the current legislative regime in Victoria, many different requirements, obligations and standards would need to be met. Qualifications are recognised by some boards but not others. As implied in the legislation, that would be unnecessarily cumbersome and bureaucratic and would not be consistent with the agreement SOCOG has reached with the International Olympic Committee.

To give honourable members a sense of the range of medical health practitioners covered by the legislation I will read from the bill a list of the different registration acts and other registration-related legislation for medical and health practitioners. Each of the acts has a different set of requirements and obligations that would have to be met by people coming from overseas and wishing to operate as medical and health practitioners in Victoria if not for the bill.

The legislation affected includes the Chiropractors Registration Act of 1996, obviously covering chiropractors; the Dental Technicians Act of 1972, covering dental technicians; the Dentists Act of 1972; the Medical Practice Act of 1994; the Nurses Act of 1993; the Optometrists Registration Act of 1996; the Osteopaths Registration Act of 1996; the Pharmacists Act of 1994; the Physiotherapists Act of 1998; the Podiatrists Registration Act of 1997 and the Psychologists Registration Act of 1987.

Those pieces of legislation together establish a complex and cumbersome set of requirements to be met by people coming from overseas to provide medical care for athletes coming to Australia for the Olympic Games and other events. The legislation is to be commended in its provision of a much simpler, more streamlined, efficient and far less cumbersome mechanism for

enabling health practitioners to come from overseas and provide that level of care, including health practitioners who are already in Australia.

I will mention how the bill will effectively operate. The minister will be required to declare a special event in the *Government Gazette*. Clauses 6 and 7 outline the conditions under which the minister can declare a special event and have notification of the event published in the *Government Gazette*. The effect of the publication of order specifications will be that visiting health practitioners will be exempted from all the health registration acts I referred to earlier.

Health practitioners will also be exempted from provisions of the Drugs, Poisons and Controlled Substances Act and associated regulations. Teams members meeting the definition of 'visitor' in clause 5 of the bill will also be exempted from the relevant provisions of the existing legislation where prescriptions are obtained from visiting health practitioners. Pharmacists are also exempted from the current legislative provisions where the prescription was written by a visiting health practitioner in accordance with the procedures laid out in the bill. Collectively those provisions ensure the level of health care to be provided by those visiting health practitioners will not be impeded or encumbered by existing legislation.

I will briefly touch on some of the matters raised by the honourable members for Malvern, Bayswater and Frankston in their contributions on the legislation. I listened carefully to the contribution of the honourable member for Malvern. He went to great lengths to describe the amount of consultation — —

Mr Doyle — Someone had to talk to them.

Mr HOLDING — It is a bit rich that members of the opposition berate the government about consultation. After all, this bill was originally the previous government's bill, a bill agreed to in principle by its cabinet. Presumably the former government, in drafting the legislation and setting the principles, would have conducted a certain amount of consultation. It is fascinating that members of the opposition have suddenly discovered the concept of consultation when for the past seven years they have introduced a raft of measures across public and social life in Victoria on which consultation has been strangely absent.

The bill was agreed to in principle by the cabinet of the former government. The present government is merely ensuring that the regime that has been agreed to in the memorandum of understanding signed by Victoria and New South Wales is given legislative effect.

The honourable member for Malvern also raised some concerns about the definition of 'visitor' in clause 5. I was equally fascinated to hear his contribution on that. He seemed to go full circle. He began by saying he foresaw a variety of problems with the definition, but went on to say there was really no other way in which the word 'visitor' could be defined and still give proper meaning to the purpose of the bill.

The honourable member for Malvern also expressed some concerns about clause 7, which refers to the period of time for which an exemption period will apply. It rightly requires that any order placed in the *Government Gazette* about the legislation must apply for a specific period and must clearly indicate what that period is to be. I do not think honourable members would have a problem with the legislation requiring that degree of specificity. However, one of the strengths of the bill is that it accepts that a range of sporting events can have long lead-in times and can also require the possibility of medical care or health care after the event has concluded. It is appropriate that the bill is not unduly specific about that and allows the minister to judge each sporting event effectively on its merits, to accept the different requirements of sporting events and to take that into account when orders are being made.

The honourable member for Malvern also referred to clause 18 and appeared to be a little puzzled about the purpose behind it. I understand that this is a frequently used form of legislative drafting. Clause 18 states:

> This Act does not prejudice or affect the lawful occupation, trade or business of any person who is registered under a health registration Act.

That means that the operation of the act does not prejudice any person who acts in accordance with the current health registration acts. Such provisions are familiar to most honourable members; they protect people acting under the current regime from the unintended consequences of special bills such as this. It is a common drafting technique and I have seen it in other legislation.

In conclusion, I point out that the bill provides flexibility for a legislative regime to cover people visiting from overseas. It is not too draconian a form of legislation. The bill accepts that every special event declared in accordance with its provisions will require a different sort of response that is sensitive to people coming from overseas.

Mr WELLS (Wantirna) — I am pleased to join the debate on the Health Practitioners (Special Events Exemption) Bill. My contribution will be brief. I will raise some concerns I have with two clauses of the bill. The aim of the bill is set out in the second-reading speech:

> … to authorise visiting health practitioners to provide health care services to visitors in Victoria in connection with designated special events while exempting such practitioners from the provisions of Victorian law relating to health practitioners.

In theory that is to be commended. I pick up a point made by the honourable member for Springvale when he said it was the previous government's bill. The opposition agrees to the bill in principle, but the detail has been formed by the minority Labor government, and that is where I have some difficulties.

When a sporting team goes overseas or interstate — we have all been associated with sporting teams — it makes a lot of sense if it takes its own medical people, whether they be physiotherapists or doctors, to deal with injuries. When the Australian cricket team travels to England or Pakistan, you would expect it to have its own medical team, as would the rugby team. You would expect that members of those teams would prefer to be treated by someone who knows them and is well qualified.

I have a problem with clause 4 and the meaning of 'visiting health practitioner', which when it comes to the detail does not mean anything. Clause 4 states:

> A person is a "visiting health practitioner" if —
>
> (a) the person is an individual who is a resident of another country; and
>
> (b) the person is appointed, employed, contracted or otherwise engaged to provide health care services to a visitor …

It does not state what sorts of services he or she can provide to that visitor. The more devastating point that needs to be made, and I hope the Minister for Health will address this in his response to the shadow minister, is that people who are residents of another country do not even have to be registered or have a licence to practise in their own country. The clause just says that they have to be residents of another country — end of story.

Australians expect a certain standard. People in Victoria cannot perform medical procedures without a licence or some sort of special registration. I should have thought that a better way of doing this would be for the person from overseas to be accredited by one of the Victorian boards. That would mean that he or she would not have to go through all the individual examinations but would at least have some sort of accreditation — for example, under the Medical Practice Act, the Dentists Act, the Dental Technicians Act, or maybe even the Nurses Act. That responsibility to accredit appropriate people would then be put back onto the boards rather than allowing the possibility of untrained people coming here and working on their own athletes without necessarily being registered or having a licence from their own country. That part of it does not make any sense at all.

I also raise concerns about clause 11, which deals with the provision of health care services by visiting health practitioners. It does not set out what health provisions can be provided by the visiting health practitioner. It sets up a contract between the visitor and the sportsperson. That is not what health services should be about. It is misleading, and the heading of clause 11, 'Provision of health care services by visiting health practitioner', is not highlighted in the detail of the clause. What degree of management is the person providing the health services entitled to provide to the sportsperson? If a sportsperson is injured — for example, a boxer — who makes the decision that the boxer goes to hospital? Is it the person registered under the exemption who makes the decision, or does he need to get a Victorian doctor to make it? This part of the bill is certainly unclear.

Another problem I am concerned about is if the person — again using the example of a boxer — goes to hospital, who has the right to manage the boxer while he is in hospital?

The legislation is unclear. Is it to be assumed that the visiting person is to hand the case over to a Victorian doctor? The legislation does not make that provision. A patient in a critical condition could be concerned about the process. When the event concludes, who becomes responsible for rehabilitation? A member of a sporting team may remain in an Australian hospital when his or her team returns to its country of origin. If we go by the letter of the law, which supervising doctor or medical officer is responsible for that sportsperson?

Clause 11(2)(a) specifies that the provisions apply during the exemption period for the relevant special event. What does that mean? For example, the grand prix runs for a week. Does the exemption finish at the end of the week or does it extend to cover the situation of a car driver who has been seriously injured in a crash and remains in hospital after the week of the race? Who will supervise the driver's care in hospital? Will that responsibility transfer to a doctor? If that be the case, why is the situation not provided for in the legislation?

Or would the responsibility remain with a doctor from overseas who may not be accredited to work in a Victorian hospital?

Who will be responsible for the health care of a sportsperson who must remain in hospital well after the special event has finished? Will Victorian taxpayers, Medicare or the persons or organisations staging the event be responsible, or will the cost become the responsibility of the sporting team? The bill is unclear and it should specify who becomes responsible for a sportsperson who must remain in hospital for a number of weeks.

It is unfortunate that the minority Labor government has not stuck to its policy commitment to have transparent and open government because it has yet to re-establish the Scrutiny of Acts and Regulations Committee. If it had done so, the queries I am raising would have been researched by that committee so that greater detail may have been included in the bill.

The theory behind the bill is good. However, the detail leaves a lot to be desired. When the Minister for Health responds in the debate I hope the house will get the answers to my questions. Then the bill can be passed with bipartisan support.

Ms BARKER (Oakleigh) — I am pleased to contribute to debate on the Health Practitioners (Special Events Exemption) Bill. As other honourable members have said, the bill will allow visiting health practitioners to provide health services in Victoria in connection with special events, as declared by the minister of the day. It is important to reiterate that the bill arises primarily through Victoria's commitment to host Olympic Games soccer matches in Melbourne in September 2000 and results from a memorandum of understanding signed by the Sydney Organising Committee for the Olympic Games (SOCOG) and the Victorian government on 3 June 1999.

The honourable member for Springvale outlined the requirements detailed under the memorandum of understanding, and I need not repeat them. This bill mirrors legislation passed in Queensland, Western Australia and New South Wales to allow for health-care services in those states to cater for special events. Honourable members will understand that it is important to recognise that international athletes and visitors to special events have language and cultural needs. In many instances, athletes have trained under one health practitioner or a number of specific health practitioners in the lead-up to their events. It is only right that the government make the effort to continue the care of athletes as they travel to and from another country or state.

The bill has been introduced primarily because of the soccer matches to be staged in Melbourne as part of the 2000 Sydney Olympic Games, but I remind the house that Victoria will host the Commonwealth Games in 2006.

I draw attention to the way the care of athletes has changed over the years. Last Saturday in Oakleigh the Monash City Council recognised the marathon footrace, which was regarded as a significant event in the 1956 Melbourne Olympic Games. Dandenong Road, Clayton North, in my electorate contained the halfway turn of that race. The race was commemorated last week when the gold medal winner of the 1956 marathon, Alain Mimoun, now aged 80, ran up Dandenong Road at the halfway mark. Australia's Steve Moneghetti was also present. I understand that at the time of the marathon in 1956, Mr Mimoun did not slow at even one point during the entire marathon to take a drink of water. The needs of athletes are certainly different from what they were then.

Other honourable members have raised concerns about the way the bill will operate for special events. The importance of clause 6 cannot be underestimated. A special event will stem from an order made when the event is organised. Clause 6(2) states:

> A special event Order may be made in relation to any sporting, cultural or other event that —
>
> (a) is to take place or is taking place in the state; and
>
> (b) in the opinion of the Minister, will attract a significant number of participants from other countries.

We should not underestimate the importance of the special event order that will be developed. The detail of the way the event will be staged in Victoria will be included in the special event order. The process by which it is established is important. I understand it is not envisaged that any event could be declared a special event without cabinet consideration, even though the need for cabinet approval is not specified in the bill. That would allow a process of discussion or consultation on what the special event would be.

Following cabinet's decision, an order under the bill is necessary only if the organising committee — I emphasise, the organising committee — of the event advises that a significant number of overseas teams or individuals wish to employ or contract their own health practitioners. The special event order will need to be quite detailed about how an event is to be declared a special event.

All the events — particularly the Olympic Games and the Commonwealth Games — will have their own organising committees. It is not envisaged that a special event order will be made unless advice is received from an organising committee about the way it intends to administer the accreditation process or processes for the visiting health practitioners.

So, a special event would be held in the state or in the country, but an organising committee of the Olympic Games or the Commonwealth Games would oversee it.

An honourable member interjected.

Ms BARKER — We all know the IOC is an overriding body.

An honourable member interjected.

Ms BARKER — A special event could be anything, so its definition needs to be discussed; we need to determine what sort of event will be declared to be a special event.

The bill states that a special event order may be made in relation to any sporting, cultural or other event, so someone will have to make a submission that a particular sporting or cultural event should be declared to be a special event, and that would trigger the process.

We have heard much about the process of consultation, and I have also seen a copy of a letter from the Australian Medical Union — I am sorry I suppose I should have said the Australian Medical Association.

The honourable member for Malvern raised an issue concerning clause 10, which provides for the supply and use of certain poisons. I am sure we are all concerned about that issue. The clause states that a special event order may authorise the supply and use of certain poisons, and it will specify which poisons or pharmaceuticals may be supplied. Discussions will be undertaken as to what those poisons or pharmaceuticals will be, and they could be limited in many ways after consultation with, for example, the Poisons Advisory Committee. That committee, which is established under the Drugs, Poisons and Controlled Substances Act, comprises a number of specialists, including medical practitioners, pharmacists, a pharmaceutical industry representative, a poisons manufacturer and a nominee of the Chief Commissioner of Police. The special events order will outline which drugs will be supplied, and in some instances which pharmacies should supply them. The professional obligations and responsibilities of pharmacists and wholesalers under Victorian law will remain unchanged, so a pharmacist would still be required to report excessive supply. Those safeguards will be in place.

It is necessary for the bill to be passed to allow special events to take place. The minister will ensure that all the details are written into the order. It is important to recognise that flexibility is needed to allow for the different types of cultural and sporting events that can take place in Victoria or Australia.

I reiterate that the bill was introduced as result of Victoria's memorandum of understanding with the Sydney Organising Committee for the Olympic Games, which was signed on 3 June. It is important for the bill to be passed to ensure that Victoria is able to host special events and that overseas visitors for those special events are able to come to Australia with their own health practitioners in the future.

The bill mirrors legislation passed in other states and fulfils the memorandum of understanding signed with SOCOG. I understand it has bipartisan support, although some clarification is required. I look forward to the passage of the bill.

Mr PLOWMAN (Benambra) — I am delighted to follow the honourable member for Oakleigh in this debate on the Health Practitioners (Special Events Exemption) Bill. I wonder about a few things she said. She found it difficult to determine which events the bill might cover. Obviously it will cover almost any event to be held in Victoria, whether or not a team event, but particularly events involving international teams. It will allow such teams to be serviced by their own medical practitioners. It is important to recognise that that will mean the bill will cover a vast range of events, not just the Olympic or Commonwealth Games.

I was pleased to hear the honourable member for Oakleigh state that complementary legislation has been introduced in other states, particularly in New South Wales, because I have a special concern about the areas in which that complementary legislation will be needed. For example, coming up to the Olympic Games at least four teams will be coming to the Albury–Wodonga area for training, including the vast Lithuanian team, which I believe is the fourth-largest Olympic team that will come to Australia. They will be training in Albury–Wodonga, and we will have an enormous responsibility for their health care. The bill will be valuable, but it is most important to have complementary legislation in both states.

The River Murray marathon is one of the major kayaking events in the world. I believe the honourable member for Wantirna has participated in it, and anyone

who has taken part in it will understand how arduous it is. That event attracts teams from around the world who bring their own assistants, and that may involve health practitioners from other countries coming to Australia.

Other events include the Kangaroo Hoppett and WIS cross-country international ski race. Events such as that attract the world's best cross-country skiers. It is the only cross-country event in the world series of Loppett events to take place in the Southern Hemisphere. It attracts international teams that bring their own medical practitioners, and if events of international significance are included in the bill those medical practitioners will be helped in caring for their athletes. I see no reason for their not being included.

The honourable member for Wantirna mentioned some of the difficulties associated with the bill, including the question of who would be responsible for an international team member once the team had left the area and the event was over. If the team member had an accident or developed a physical condition brought about by the event and remained in the hospital after the event was over, what would happen?

We have hospitals, including the Walwa Bush Nursing Hospital, all along the border. The Walwa hospital is right on the border and overlooks the Murray River, a river famous for kayaking and training. That hospital also needs to be covered. In addition to the visiting medical officers attached to international teams competing or trialling for the Olympics or other major events held in the area, the hospital's own medical practitioners would need to be in a position to give assistance.

I am concerned about the future of hospitals like the Walwa Bush Nursing Hospital because they cannot afford to pay for treatment needed by team members who have ailments that require them to remain here after the events have concluded.

I will read from a letter written by Elaine Mitchell, a resident of the area, the wife of a former member of this place and a woman in her 90s:

> I am writing to you to ask for your help in getting ongoing funding from the Premier for the Walwa Bush Nursing Hospital …
>
> I have had two stays in the Walwa Bush Nursing Hospital in the last few weeks and find their care excellent …
>
> Mr Bracks has made large promises for the rural communities and he would be letting these communities down badly if he allowed our own bush nursing hospital to close.

That is from the wife of a former member of this place who is in her 90s. She really knows the value of community hospitals and community health in isolated areas.

The Walwa hospital is right on the river. It could well be called upon while teams are training along the Murray. The point is, who has the ultimate responsibility under the act and who pays for the service? It is important to bring such things to the government's attention.

Jill Singer, in an article about this hospital in the *Herald Sun* of 19 November, says:

> If Walwa Bush Nursing Hospital is forced to close, as threatened, it will be over my dead body.
>
> Or the body of some farmer caught under his tractor, or that of an asthmatic child, or some tourist …

The tourist she refers to could be a member of a travelling Olympic team up there for training. She goes on:

> … the hospital is the major employer, with about 20 part-time staff …
>
> essentially they're community-managed non-profit organisations and are a world apart from the major private hospitals in our cities …
>
> every brick of it was paid for by the community …
>
> six acute beds filled with elderly nursing-home-type patients. One bed was taken by a man discharged from the Royal Melbourne Hospital after getting a pacemaker, another with a severe asthma case, and one dialysis bed was used every second day.

That illustrates the breadth of services provided by that hospital. It would be a valuable resource for a team training on the Murray. I need to know who takes responsibility for an athlete being treated there and that the hospital is able, as a bush nursing hospital but not a public hospital, to provide the services required.

Jill Singer's article goes on to state:

> A major problem is the many people who require emergency care because of farm accidents or some other medical emergency who don't have private health cover …
>
> As a matter of policy, the hospital treats these people, but it gets no fee for doing so.
>
> It can't cross-subsidise this vital service any longer. Why should it have to?

It could be a travelling athlete who requires the service.

> The previous state government was well aware of the debt it owed many of Victoria's remaining 40 bush nursing hospitals.

A private consultant's report published this year found that Walwa is an isolated community requiring special consideration to ensure it maintains its health service. The report recommended the state government fund the Walwa hospital's accident and emergency service. Jill Singer concludes her article by stating:

> Now it's time for the Bracks government to put its money where its mouth is.

That is absolutely true. Bush nursing hospitals are a service needed in country areas and one that could well be called on by visiting athletes and their support teams when they suffer injuries as a result of accidents or other emergencies. It should be possible to continue to deliver such services from the Walwa hospital with the support of the state government.

A letter from Dr Graeme Banks published in the *Herald Sun* of 23 November, again dealing with bush nursing hospitals, states:

> These are the community hospitals built entirely by the citizens of country towns to care for local patients and provide rooms for a doctor.
>
> The commonwealth used to acknowledge this unique contribution to the health system with a daily subsidy of about $20 for every patient.
>
> Paul Keating took this away in 1986 and removed the tax deductibility of hospital insurance.
>
> This meant financial disaster for community hospitals and most have had to close.

I have seen these hospitals throughout Victoria and I see them in my region, and because they are close to the border and the places where the teams are going to be training, it is essential to keep in mind the value of the hospitals and the service they give.

The article in the *Herald Sun* continues:

> If our hospital closes, 20 jobs will go, $500 000 in wages will be lost from our town and the supermarket, butcher and milk bar will lose their biggest customer.
>
> Our frail and elderly inpatients will have to be moved elsewhere into the public system.
>
> We pay our taxes and only ask that a fraction return to our town to provide, for example, a subsidised public bed to care for our terminal and respite care public patients — $100 000 would be ample.

In the past week the Minister for Health has been in the Benambra area and has talked to representatives of the bush nursing hospitals. He ceded the point that the previous government granted $6 million for capital works, but he will not accept the need for recurrent funding to maintain an accident emergency service. The hospitals are the lifeblood of these isolated communities and might treat a motor car accident victim or a member of one of the training teams.

It is sad that the minister regards these as private hospitals — like the megahospitals. There is no comparison between them. These hospitals have been built by the communities — people who saw a need to have their own medical and hospital services — and serve them. The current minister underrates these hospitals: he does not understand why community hospitals were built initially, nor the service they give.

I return to the bill. The hospitals may be called on to serve a member of one of the training teams on the border. It is now essential to look at the future of the hospitals and give them the opportunity to provide an accident emergency service by allocating funding.

Honourable members interjecting.

Mr PLOWMAN — I am glad to hear I am getting support from the other side. A needs analysis was conducted on each of the three bush nursing hospitals in my region, and from it came the Kerr report, which recommended that accident emergency services be delivered from the bush nursing hospitals as a public service and that they be funded as a public service. The needs analysis was conducted only two months before the election was called and the report was published six weeks before the election. The coalition government was on the point of providing the service.

It is disappointing to me as a local member that the current minister cannot see the value of and will not accede to the fact that the hospital is providing a public service. It happens to be a community hospital. So be it. Why should it be denied the opportunity to provide a publicly funded public service, such as an accident emergency service? Why is there a need to take people out of their own community and put them into another community either to be treated or to be given inpatient bed service?

It is difficult to understand how a government that says it will do everything for country people and communities denies that bush nursing hospitals are the lifeblood of smaller communities and need to be funded — for accident and emergency services, as the Kerr report recommended. I ask the minister to reconsider the matter.

Returning to the bill, if country hospitals cannot be utilised when called on in emergencies the state will be found wanting, no matter how effective the legislation.

I support the bill. It is great to see support for the bill from both sides of the house. I am delighted New South Wales has complementary legislation, because given the border situation that is absolutely important. I commend the bill to the house.

Mr NARDELLA (Melton) — The government supports the bill, as do I. It is important because it sets up Victoria for the forthcoming Olympic Games as well as for other future events. It allows for international health practitioners to provide health care services to visitors in Victoria.

In many instances international health practitioners know the contestants as colleagues, have worked with them and know their previous injuries and needs. The legislation recognises and caters for that important fact.

Next year the Olympic Games will provide an important opportunity to promote not just Sydney but also Victoria and what the state has to offer. Victoria will host some shooting events, which I understand will be held in Bendigo, as well as the soccer. Teams will have their own health practitioners to provide assistance if needed.

The legislation was initiated by the previous government and is being continued by this government. It is a recognition that Victoria needs to attract more events and that there will be instances where international health practitioners will attend with the teams competing in the those events. It provides for flexibility in the handling of such matters by means of executive government processes. The minister will be able to exercise control over international health practitioners by declaring events and imposing restrictions and time limits.

Honourable members have also raised the issue of drugs. Members on this side of the house are just as concerned about drugs in sport as anyone else. The bill will provide protection and will not allow for illicit drug use.

Mr Doyle interjected.

Mr NARDELLA — It will probably not, and I will explain why. If someone gets a prescription from an international health practitioner and goes to a pharmacy, the pharmacist will question its validity, as pharmacists do from time to time with ordinary members of the public. If an illicit or inappropriate drug is prescribed a pharmacist will be able to phone the international health practitioner to discuss the situation and will have the discretion to not provide drugs in such an instance. The government understands that pharmacists are professionals who will use judgment as appropriate.

Mr Doyle interjected.

Mr NARDELLA — But it is also a matter of commonsense. Opposition members need to understand that much legislation is about commonsense and putting decisions into practice. A whole range of what-ifs can be explored, but the international community and Victorian society do not agree with illicit drug use and checks and balances contained in international rules and in other legislation will prevent their use. That is in addition to the commonsense approach of pharmacists who may receive and possibly question prescriptions from international health practitioners. The professionalism of pharmacists should not be underestimated.

I turn to an issue raised by the honourable member for Benambra. Government members find it interesting that after seven years in government opposition members now say that bush nursing hospitals should be looked after instead of being closed down. It is pleasing that they have gone through a metamorphosis.

Mr Doyle interjected.

Mr NARDELLA — That is right; your side has gone through a metamorphosis and opposition members now care about their bush nursing hospitals instead of treating them as third or fourth-class institutions.

In his contribution the honourable member for Benambra said that the Minister for Health visited some of the fine institutions in his area. They are fine institutions; they provide a fantastic community resource for and are a central part of the communities.

Mr Plowman interjected.

Mr NARDELLA — Absolutely. Unlike the previous government, this government will respect those fine institutions and the volunteers who staff and raise funds for them.

The government will not be arbitrary about how those institutions are funded. It will consider the needs of the institutions and deal with their communities in a caring and compassionate way, unlike the previous government, which went out of its way to ensure that they were not looked after. It is important to put on the record the differences between the caring, compassionate Bracks Labor government and the seven years of neglect of country Victoria under the previous

government. I support the bill and commend it to the house.

Ms LINDELL (Carrum) — I am pleased to contribute to the debate on the Health Practitioners (Special Events Exemption) Bill. The purpose of the bill is to allow visiting health practitioners to provide health care services in Victoria for special events, without the practitioners becoming registered under state law.

It is a simple bill, and it arises out of a memorandum of understanding that was signed by the Sydney Organising Committee for the Olympic Games and the former government of Victoria in June 1999. It was signed, obviously, in the spirit of the Olympics themselves — a spirit of international cooperation — and it aspires to all those things that the Olympics stand for, including the fact that Australians will respect people from other countries who come here to participate in the Olympic Games. The ideals of the Olympics are treasured far and wide across Australia. This bill, in the spirit of the Olympics, simply enables people from other countries to bring with them their own health professionals.

The honourable member for Malvern, in his contribution, questioned the standard and registration of those health professionals. It is true that in many countries health professionals do not have the standard of learning and qualification that those in Australia are fortunate to enjoy. However, that does not mean we should question the right of people to their own choice of health practitioner when they travel to Australia to participate in the Olympic Games. When honourable members consider that issue, they should be careful that they are not spurning some of the ideals that they are purporting to support in the memorandum of understanding. There is no compulsion for visiting sporting teams to bring their own medical health practitioners. However, the bill enables those who choose to do so to do just that.

The International Olympic Committee has set up an accredited registration scheme for those people accompanying various teams to Australia, and that should be sufficient for Victoria to accept. The legislation exists in New South Wales and Queensland, and I firmly believe honourable members should support the many cultural, sensitive — perhaps the member for Malvern might not understand those words — issues that surround some of the teams coming to Australia for the Olympics.

Mr Doyle — Get off your high horse and address the bill!

Ms LINDELL — Sorry, the honourable member for Benambra was on the bill, was he?

The ACTING SPEAKER (Mr Phillips) — Order! The previous speaker spoke about commonsense in the bill. The rules of the house also have commonsense. If we allow interjections to become disorderly, the rules of the house become disorderly. The Speaker encourages debate in this place, and both sides are encouraged to participate in the debate. But it should be done in a civil manner and not so that the speaker is distracted from his or her task. I also ask the honourable member to direct her comments through the Chair, which will help the debate to continue in an orderly fashion.

Ms LINDELL — Similar legislation has already been enacted in New South Wales and Queensland, specifically to address the issues in the bill.

There seems to be a view that drug abuse in sport will somehow be assisted by the bill. I believe that tries to draw too long a bow. It is unfortunate that there is drug abuse in sport. In one sense the legislation will protect Victorian pharmacists, doctors and health professionals from inadvertently prescribing a banned substance to elite athletes.

Honourable members will recall the incident involving Samantha Riley and her headache tablets. It is easy for people to inadvertently miss the addition of certain drugs onto the very wide and long list of drugs proscribed by international sporting organisations. In that sense the best way for Victorians to protect themselves is to allow the elite sports people to bring their own elite medical support team with them, particularly those support staff who are fully conversant with the drugs that are allowed and not allowed by the sporting bodies.

It would be extremely embarrassing if, inadvertently, an Australian or a Victorian were to issue a prescription for an elite athlete and it was then found to be not a legal drug according to the sporting administration. Much of the debate about the bill concerns a lack of detail, but that is necessary because it merely establishes the framework for a special event order to be raised. The details of how long an order would last and the medical procedures that would be covered would all be included in the order. They are obviously not in the bill because the bill simply cannot be that specific.

The issue of costs of health and allied services and hospitals comes under commonwealth regulation. It has been sorted out with the International Olympic

Committee and it is not addressed in this bill because it is not within the realm of the legislation. The bill merely allows for a special event order to be struck, and the order would then specify the visiting medical practitioners and the conditions that would apply to their services in Victoria. I commend the bill to the house.

Mr LANGUILLER (Sunshine) — I am delighted to contribute to debate on the Health Practitioners (Special Events Exemption) Bill. I understand it has to be placed in the context of a memorandum of understanding between the Sydney Organising Committee for the Olympic Games (SOCOG) and the previous government, which this government fully endorses and is willing to carry forward in a most constructive and intelligent manner.

The principal objective of the bill is to authorise visiting health practitioners to assist sportsmen, sportswomen and other people in the context of what are called special events by exempting such practitioners from the provisions of Victorian law relating to health practitioners. The government made a commitment to host a range of events for men and women, particularly the football event, as it is typically known abroad, called soccer in Australia. Olympic Games competitions will be held around September 2000. Other visiting teams associated with the Olympic Games will be using facilities in Victoria for training prior to the games.

In any given year Victoria hosts special sporting, cultural and other events, bringing groups of participants from other countries into Victoria specifically to take part in them. I fully endorse the bill. It ought to be implemented in a most comprehensive manner.

The provisions of the bill bring to mind my involvement in the trade union movement. I served as occupational rehabilitation officer for the Health Services Union. There are parallels between the rights of injured workers and the rights of sportsmen and sportswomen who come to this country. I recall clearly that the previous Labor government recognised the significance of allowing injured workers to have access to their own medical practitioners, occupational rehabilitation providers, osteopaths, chiropractors and other health practitioners. It was recognised that that assisted the injured worker to recover quickly and return to meaningful activities.

There is a parallel between the rights of injured workers and the way they deal with their injuries and the rights of athletes when they go abroad, whether from Australia to other nations or from other nations to Australia. It is important for the athlete to have his or her own doctor. The medical practitioner, having a knowledge of the athlete's clinical history, can treat the injured person — the athlete, in this case — in the most effective and efficient manner, facilitating that person's speedy recovery.

The ongoing engagement of a doctor who has built up a knowledge of that person's body and mind over a long period has not only physical but also psychological benefits. Also the doctor can continue to build a clinical, medical and psychological history of the sportsperson while that person is visiting another country and living in a different environment. One could confidently suggest that an athlete's sports performance would be enhanced and facilitated should that person have the opportunity to continue to use his or her own health practitioner.

When doctors visit this country they would typically be collecting data on physiological memory. That information is very important to the performance of athletes because it allows the doctor to see the athlete perform in a different climate and a different social and cultural environment. The doctor can subsequently prepare reports. It is my clear understanding, based on my recollection of studies conducted principally by the Victoria University of Technology, that athletes who have the benefit of working with the same medical practitioners on an ongoing basis tend to perform better.

I support the bill because it shows the government embraces partnerships with the international community in a serious manner. Also it makes economic sense. The government is not in the business of disadvantaging athletes who visit this nation. Our cultural history has shaped our commitment to an egalitarian society that ensures athletes equity and the same opportunities as other athletes have.

In conclusion, I believe this good legislation shows the openness and accountability of government and its commitment to democracy. The government is confident of its own people. At times government has to intervene and regulate for the benefit of all. The bill sends the right signals to the international community and ought to be supported. I commend the bill and the minister's contribution. In my judgment the bill makes medical, sporting, cultural and linguistic sense.

Mr THWAITES (Minister for Health) — I thank the honourable member for Sunshine for his inspiring speech. He has certainly seen more in the bill than I did. I propose to address in detail the matters raised by the honourable member for Malvern. By way of

introduction it is important to note that the bill was prepared by the previous government. Honourable members opposite have made a number of criticisms of various aspects of the bill. Those criticisms, while some of them are valid, are properly directed at those responsible, and that is the members of the previous government who prepared the bill.

Comments were made on the drafting of the bill. The honourable member for Malvern suggested that the bill was drafted sloppily in the way the drafting instructions for the bill were implemented. I reject that contention. I have had a chance to look at the drafting instructions and I believe the bill is consistent with them.

On the key issue of the prescription of drugs — schedule 2 poison, schedule 3 poison, schedule 4 poison and schedule 8 poison — the drafting instructions given by the previous government were that the bill should authorise visiting health practitioners to obtain, prescribe and supply substances that are schedule 2 poisons, schedule 3 poisons, schedule 4 poisons and schedule 8 poisons within the meaning of the Drugs, Poisons and Controlled Substances Act and to that extent exempt those practitioners and the visitors who are prescribed or supplied with any of those poisons from that act and the regulations made thereunder.

In answer to the opposition's central contention, the bill simply reflects the instructions that parliamentary counsel were given by the previous government.

Be that as it may, some important points need to be addressed. I also share some of the concerns that have been raised about the broad scope of the bill, and I am concerned that the act contains broad provisions. For that reason I want to ensure that the orders I make under the act are specific. The bill is broad because the previous government gave instructions to parliamentary counsel to draw it up that way. To be fair to the previous government, the states agreed to draw up mirror legislation so that each state involved in the Olympics Games would essentially have the same legislation. That is the case in New South Wales, Queensland, Western Australia and Victoria.

The honourable member referred to a lack of consultation, and I share his concerns. Given that the previous government had already gone through the whole process and approved the bill, I assumed that it had carried out the consultation. My advice is that the first draft of the bill had been completed before Labor came into office. The drafting instructions were given while the previous government was in office, so I should have thought it would have carried out the consultation.

I will deal seriatim with the specific issues that were raised by the honourable member for Malvern. He asked why the government had proceeded along the lines of exempting visitors to Australia from the provisions of the health practitioner registration boards rather than asking the boards to extend specific registration to them. That was the agreement the previous government entered into, and that is the way it will apply throughout Australia. Many members opposite fail to recognise that the only visiting health practitioners who will be approved will be those approved by the event accrediting organisation. For the Olympics, that means the medical commission of the International Olympic Committee (IOC). Despite the suggestions of some honourable members, there will not be an influx of unqualified people.

The honourable member for Hawthorn intimated that the Olympics is only one event, and that is true. However, the legislation, which was prepared pursuant to the instructions given by the previous government, applies to other special events. I will ensure it is applied and the orders are implemented only if the organising committee of whatever function it is — and the obvious next major event is the Commonwealth Games — has set up a proper accreditation process. The philosophy behind the legislation is that the organising committee of the specific event does the accreditation rather than leaving it to individual states. That is a requirement for those major events. The agreement that has been reached with Victoria states that there will be no practice restrictions on visiting health practitioners. As I said, the legislation mirrors the legislation passed in other states. It would be an administrative nightmare if the medical practice and other health boards had to assess every visiting practitioner, and it would also be expensive. The bill has been drafted in a way that means our health boards do not have to carry a burden they should not have to carry.

The honourable member then asked if the qualifications of overseas practitioners will be picked up. The answer is no, they will not. The only people who will be involved are those who are accredited through the IOC medical commission or other major event bodies. We will ensure that that is appropriately limited.

The next point is that with an event other than the Olympic Games the government would want to ensure that the organising committee had been through the proper accreditation process. If I am not convinced of that I will not make the order. Because of my general concerns I will take a cautious approach. The act will

apply to special events only where a significant number of overseas practitioners are involved. It will be used only where necessary, and it will not be used for other purposes.

The honourable member for Malvern asked how specific the orders will be. I intend to make the orders very specific. They will be drawn up after I have received advice from the department, which will make recommendations for specific orders. There is a need to be practical, but I will make the orders as specific and as narrow as is consistent with reasonable practice based on the general principle that visiting health practitioners will not be treating people other than overseas visitors.

I propose to limit the suppliers of schedule 4 and schedule 8 poisons to specific pharmacies and wholesalers, so the pharmacies and wholesalers would be identified in the order. For example, I understand an Olympic team will be staying at the Hilton, so I propose to identify the pharmacy that will be set up at the hotel — and perhaps one or two others. However, it will not be statewide. It will mean that the specific pharmacists involved will know that they are the only ones who are entitled to hand out the drugs to the visiting health practitioners. It will be well contained.

Mr Plowman — What about the teams in the bush?

Mr THWAITES — I will consider the concerns of teams in the bush and make specific orders to meet that eventuality, but there will not be a statewide provision. If the Olympic organising committee is able to identify a particular place and time, the order will be limited in that way.

Victorian pharmacies will not be exempt from exercising professional judgments about amounts, so accountability will still apply there. I understand the International Olympic Committee will provide details about which practitioners are required to prescribe certain drugs. The IOC sets down strict rules about drug taking by athletes, and my advice is that it will advise which of the practitioners will be prescribing which types of drugs. In the order I intend to specify the practitioners who are able to prescribe schedule 4 and schedule 8 drugs. That will be an additional level of specificity to safeguard the public.

A question was asked about a visiting health practitioner giving drugs to someone other than a visitor. Anyone who does that will be committing an offence under Victorian law, and as is the case with anyone else who breaks the law, that person will be prosecuted in the usual way.

The shadow minister referred to clauses 13 and 17 concerning offences and liabilities and to the need for a section 85 provision. My advice is that that is not necessary because if the board prosecutes somebody in the ordinary way — for example, if there has been a breach — the existing immunity will apply. There is no need for any immunity under the bill.

The shadow minister asked about the deletion of the word ‘not’ in the heading to clause 18. That mistake in the initial draft was corrected in the draft circulated by the Deputy Chief Parliamentary Counsel, and I am advised that the change has been effected. The shadow minister raised the issue of the event itself and asserted that the bill allows for a class of events. I will not be giving a broad order but will limit any order to a specific event — for example, the Olympic Games soccer matches in Victoria.

He also referred to an anomaly amounting to events having to be staged in Victoria. The bill will not protect teams that are training in Victoria, for example, for a New South Wales event. There may well be an anomaly in the bill, but I repeat that the previous government entered into the agreement, as have other governments in Australia. That may need to be fixed later. A clear gap exists and it is my understanding that if a team is training in Victoria for a New South Wales event, no protection will be afforded. As to the timing of an event, I will specify the time and will have clear time limits so long periods are not involved.

The issue of visitors being confined to hospital was raised. The bill has no effect, as different countries have reciprocal rights. Any visiting athlete confined to hospital will be treated in the same way as would any other international visitor.

The next point raised related to disreputable people bypassing customs and handing out drugs. That is the reason for the International Olympic Committee accreditation process. The only people entitled to the benefits of the bill will be specified in the order and will be accredited by the IOC.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 3 agreed to.

Clause 4

Mr DOYLE (Malvern) — Clause 4(c) talks about specifying notices and an intention to provide health-care services. I was delighted at the minister's comments about an order being specific and narrow. Will that specificity mean that he specifies the health care that is required if it is not already specified by a group accreditation body, such as the International Olympic Committee? When the minister exercises discretion more broadly for an event such as the Olympic Games will he be specific in saying what health care can be provided by the individual practitioners?

Mr THWAITES (Minister for Health) — I cannot give an undertaking to be so specific. The shadow minister is asking me to specify every type of medical service that a doctor may render. However, certainly any services that a particular health practitioner might give would be limited to the services ordinarily given by such a health practitioner.

Clause agreed to; clause 5 agreed to.

Clause 6

Mr DOYLE (Malvern) — I thank the minister for his comments about following the accrediting bodies for certain events. However, I am not entirely happy that the state should hand over powers willy-nilly to such organising committees. It is the state's role to determine the quality of health care in the state, which is why states have different registration legislation. Although we want consistency between states, I ask the minister to assure the committee that if the issue of quality of care were at hand, the state would be prepared in those circumstances to override an organising committee's insistence that a particular practitioner have practising rights that we in this state could not agree to.

Mr THWAITES (Minister for Health) — The shadow minister puts me in an impossible position. His government entered the agreement to introduce the bill in its present form. The government has agreed to proceed with it. It is not possible to interpose some new philosophy that the shadow minister is now pressing for. However, if it were seen that there were gross abuses of the legislation, I certainly would be open to an approach for a review.

Clause agreed to.

Clause 7

Mr DOYLE (Malvern) — My query about this clause may have already been answered. As regards clause 7(2) I want an assurance that we would only be allowing an absolute minimum period before and after an event. The answer the minister gave earlier about prescribing drugs contained the implication that committees have certain rules about competitors. The opposition wants to ensure that the period once the event is over and a practitioner is treating somebody when the testing regimes are no longer in place is as short as possible. If the answer is that an absolute minimum will apply in the circumstances of clause 7(2), the opposition would be satisfied.

Mr THWAITES (Minister for Health) — I certainly wish to ensure that the orders are as specific and narrow as is reasonably appropriate for the practical performance of the agreement.

Clause agreed to; clauses 8 and 9 agreed to.

Clause 10

Mr DOYLE (Malvern) — I thank the minister for his answer during the second-reading debate about specificity in this clause. That offers some reassurance. Even though he has limited it to pharmacies and wholesalers, I would ask for guarantees about the process to be put in place for the tracking and audit of schedule 8 drugs: what quantities are involved, who uses them and what happens to the remainder? It does not necessarily have to be in the legislation — the issue may be handled by regulation — but the opposition wants protocols for drugs of addiction to be strict and rigid.

Mr THWAITES (Minister for Health) — I will take on board the matters raised by the shadow minister. As I said, the order would specify the pharmacies involved. That will make it possible to carefully account for the drugs that have been handed out and prescribed.

Clause agreed to.

Clause 11

Mr DOYLE (Malvern) — Clause 11 raises the question that was partly dealt with in the minister's answer — that is, the relationship between the practitioner and the employing body is a contractual one. It is interesting to compare this with the provisions in clause 12.

It seems to me that we need to know how they will react so that we know a little about the employment

nexus and the health nexus of the visiting health professional. If we are to allow people to write schedule 4 or schedule 8 prescriptions we need to know who determines their qualifications. I suppose it is a similar point to my earlier one — it is important not to give prescribing rights to people who would otherwise not have access to those sorts of drugs.

Mr THWAITES (Minister for Health) — The International Olympic Committee medical commission will determine which health practitioners should supply the services and which services are appropriate for them to supply. That is the agreement that was reached and that is the discipline that will be applied.

Clause agreed to; clauses 12 and 13 agreed to.

Clause 14

Mr DOYLE (Malvern) — I pick up the point made by the minister — if someone misuses drugs of addiction the normal laws will apply. However, the difficulty with clause 14 is that it leaves a hole you could drive a truck through because it states that a visitor will not have committed an offence if a poison has been prescribed or supplied to them by a visiting health practitioner. I suggest that in practice it would be difficult to determine whether the misuse of a substance such as an anabolic steroid, a masking agent or a drug of addiction has occurred under schedule 8 unless a more rigid and stringent regulatory regime is in place to ensure the reasonable and appropriate use of particular drugs of addiction.

Mr THWAITES (Minister for Health) — The shadow Minister for Health has not noticed or has not referred to the last line of the clause, which states that the protection applies only if the visiting health practitioner supplies the poison in accordance with the proposed act. Therefore, no protection will be provided to a visiting health practitioner who supplies drugs outside the specific order.

The difficulty of enforcement applies across-the-board whether or not an offence occurs under this or any other act. Doctors who are fully accredited in Victoria may wrongly supply anabolic steroids or other drugs, and it is always difficult to catch them. There is no difference between accredited doctors and visiting health practitioners. However, the government will take all the necessary steps to ensure that anyone who breaks the law is prosecuted.

Clause agreed to.

Clause 15

Mr DOYLE (Malvern) — Clause 15 picks up on the same point, and I am not sure whether I agree with the minister's last summation. He said there was no difference between a visiting health professional and a health professional who practices in Victoria. The difference is that a health professional who practices in Victoria is governed by the provisions covering certain offences under the relevant health professional registration act.

So not only may a health professional be caught by the scrutiny of his or her own board during the normal course of its investigations, but he or she could also be subject to criminal sanctions under the provisions in the proposed act. Not only could the health professional be deregistered, he or she could also be caught by the criminal code. I am not sure whether that would be the case for a visiting health professional. That is why I am asking about the single word 'if' in the clause. The clause states:

> … or Schedule 8 poison by wholesale to a visiting health practitioner if the visiting health practitioner is authorised in accordance with this act …

Part of the answer may have been given by the minister earlier when he said that a narrow group of wholesalers and pharmacists will be authorised to supply the drugs, but how will other health professionals know that? How will we be able to communicate to health professionals outside the regime of professionals identified by a special order that they are not authorised to supply the drugs?

Mr THWAITES (Minister for Health) — We will know whether someone is doing the wrong thing under the proposed act in the same way as we know when anyone does the wrong thing when prescribing or handing out drugs. Under the current law people who are not doctors might wrongly hand out anabolic steroids. No medical board covers those people, yet they are prosecuted by the department. The same protection will apply in this instance — the department will have the ability to prosecute people who are wrongly handing out drugs.

I believe the ability to oversee the handing out of drugs under the proposed act will be much greater than is the case generally because the orders made will be narrow. The pharmacists or wholesalers supplying drugs will be identified, and if pharmacists suspect that the supply of drugs to a particular practitioner is too great they are likely to report that — indeed, they will be duty bound to do so.

Clause agreed to; clause 16 agreed to.

Clause 17

Mr DOYLE (Malvern) — Again, I am not quite sure whether I agree with the minister's line of logic when he says that drugs are already being wrongly supplied by various pharmacists and practitioners. It is true that that already happens in our society, but much more of that sort of activity will occur under this regime. It is inappropriate to say it already happens and we already have to catch offenders so it does not matter. I know that is not quite the line of logic the minister was arguing, but we are talking about including in this already difficult area people who are not subject to any of our registration acts.

I wish to refer to part of clause 17 and to an answer the minister gave earlier about the section 85 provision, which I do not accept. His argument was that the normal immunities will apply to the board, but I point out that any board normally deals with people who are registered under its aegis, who are Australians and who are practising here. That is not the case in this instance. Visiting health professionals might be pursued or investigated or reported on by a particular board, but they will not be registered with that board so the normal immunities will not apply.

I do not believe the minister's answer can extend to people who come from outside Australia and are not residents or citizens of Australia but who may still have legal rights or arguments against a registration board. I reiterate that we should not be deciding on the run that we do not need a section 85 provision to protect the board, if it is doing the investigation and transmitting information to, for instance, the minister — and that may well be the situation — from being the subject of such an action to prevent the information from getting to the minister.

I do not think it is captured by the immunities available at present because the person about whom the information is being transmitted is not covered by any present registration act. The answer might be, once again, to simply go away and reconsider the matter. We may need to consider it fully. I do not, however, believe the answer to the question about a section 85 statement is entirely satisfactory.

It is a necessary bill, and I thank the minister for this productive and speedy committee debate.

Mr THWAITES (Minister for Health) — I thank the shadow minister. I note, however, the extraordinary lengths to which he has gone to criticise a bill drafted by the former cabinet led by his own party.

As I said before, the bill follows the drafting instructions handed down by the previous government, and presumably all the major issues were considered by the cabinet of the time. The Leader of the Opposition was, I am sure, present at the table, so he had the opportunity to speak out. Evidently he did not speak out in the same way that the honourable member for Malvern now says he would have done. There is a little tension between those two, and perhaps it is reflected here.

If people are acting in an illegal way the department will prosecute them. Section 85 statements have nothing to do with that; they do not protect people who commit illegal acts. The shadow minister talks continually about the various health boards including the Medical Practitioners Board of Victoria. Those boards would not be relevant because a visiting health professional would not be registered under the act. It would be the department, not a medical practitioners board, that would do the investigating.

The department will also be responsible for investigating and prosecuting other unregistered people who break the law or prescribe incorrectly, as it is in the case of unregistered dentists, for example. I am advised that the department has always been able to act in that way. The government is not changing that. Perhaps it is something we might need to change in the future. All we are doing here is putting in place an agreement to assist the Olympics. It is an agreement entered into by the previous government and one this government is happy to support.

Mr Doyle interjected.

Mr THWAITES — I am sure this has been a fascinating intellectual exercise for the honourable member for Malvern. He has come up with some good points. I have sincere concerns about the breadth of the legislation and will ensure that any orders made are as narrow as is practicable and reasonable in the circumstances.

Clause agreed to; clauses 18 to 20 agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

LEGAL PRACTICE (AMENDMENT) BILL

Second reading

Debate resumed from 11 November; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — I rise to for the first time respond to legislation from this particular vantage point. I trust I will not stay here for long.

It is interesting to look across the chamber and see, from the perspective enjoyed by the honourable member for Niddrie in his former capacity, the place where I used to sit.

Honourable members may be interested to observe the way I approach my new task relative to the way the honourable member for Niddrie approached it when he stood here. There will be some differences. Even more interesting will be the way the honourable member for Niddrie operates sitting in the seat he now occupies compared to the way he behaved when he was standing here.

This provides an opportunity to break with the past because the opposition agrees with the legislation and will not seek to amend it. The Attorney-General has realised the legislation was so superbly drafted by the previous Attorney-General and her department that it should be introduced without any changes and supported wholeheartedly.

I hope and trust there may be a number of occasions when government legislation can be supported — certainly more than when the honourable member for Niddrie occupied this spot. When it is appropriate, I may be more supportive of government legislation and my criticism will be constructive. I will not be crying wolf, like the previous opposition, but will be more surgical and intense about those areas with which I disagree.

I believe it is good legislation. For the first time in my career here I read one of the now Attorney-General's responses to the Legal Practice Bill. He moved a reasoned amendment proposing that the bill be withdrawn and redrafted; attacked the bill on a number of grounds; and generally attacked the government and the former Attorney-General. In the original Legal Practice Bill he criticised the ombudsman and his powers; the recognised professional associations (RPAs); and changes to the Law Institute of Victoria. He referred to section 110 and other matters.

I also read my own response to the then shadow Attorney-General's criticism of the original bill, now the act. At the time, I said that much of his criticism was political — I will return to that point in relation to the amendments. I also said that it would be necessary to wait and see how this revolutionary piece of legislation operated — a 400-and-something section bill that completely overhauled the legal profession — and that changes would be required. Legislation of that size, with that level of reform, not previously attempted by either Labor or Liberal governments, could not be introduced without subsequent changes.

In relation to the first of my predictions I was correct: many of the objections of the then shadow, now Attorney-General, were political. The Legal Practice Act has settled down well. At this stage there are no great cries from the Attorney-General that the act ought to be withdrawn, structurally altered or changed. Many people in the profession who had doubts about the legislation now respond that it is working well.

That is why a lot of the criticism originally levelled at the act by the then shadow Attorney-General was political hot air. That was a shame because it undermined the capacity of that important piece of legislation to lay a foundation and work effectively. Despite that, it has.

One could ask the Law Institute about all the things the then shadow Attorney-General said would have dire consequences and about which the institute had genuine concerns. I refer to questions such as, 'Now you are an RPA and the monopoly is broken, how are you going as an institute? Have you collapsed? What is your membership like?'. I happened to ask that very question recently.

Mr Hulls — Have you been talking to them?

Dr DEAN — I have always been talking to the institute. The President of the Law Institute volunteered to me that it is going extremely well. The institute has about 80 per cent or above of its previous membership. Before it was compulsory that all practitioners join the institute. Now that it is open for anyone to go to the Legal Practice Board or to another RPA, the institute has a membership of 80 per cent. It seems it is attracting its members on the basis of quality of service. If one asks about the services it provides and the vigour with which it provides them, it will be clear that they have all improved.

The object of the act was to say to those associations, which were effectively compulsory trade unions within the legal profession, that membership was no longer compulsory, and that has had the desired effect. Those associations have doubled their efforts to provide

services to their members and work hard to ensure that their members are happy and stay there. The system is operating.

Another important consequence of the act is that members no longer hear comments that were regularly made by members of the public and various community groups to the effect that because the Law Institute and the bar were in effect a monopoly and dealt with their own disputes in-house they were part of an old boys' club and people could not be assured that their disputes and difficulties with the profession were getting an unbiased ear. I am certainly not saying that was the case; however, the perception was there.

While members of the legal profession may have felt some difficulties about disputes not being handled in-house, the fact that their disputes have now been given to an independent body to deal with has been in their best interests, and I think they would agree with that now. The system has worked well.

A major reason for the new perception of independence — and I think efficiency — with the hearing of disputes is the creation of the Legal Profession Tribunal. That is at the heart of the amending legislation being debated today.

When considering the amendments it is important that members remind themselves of the structure of the Legal Practice Act, which I believe has been a revolutionary success. The structure was really quite simple. A lot was said about the act — about its complexity and size, that it would be overregulated, that it would be overly bureaucratic, and a lot of other things. I understand why they were said because the legislation represented a big change. However, the size of the act does not reflect the complexity of the structure of the whole shebang. Rather, it reflects the extraordinary breadth to which the act extends — that is, throughout the whole range of trust arrangements, legal practice certificate arrangements and insurance arrangements. The structure was at the very heart of the changes.

On top of the structure sat the Legal Practice Board, which effectively looked after the running of the profession in terms of practising certificates and all those matters that ensured the rest of the structure operated properly. Under that sat the Legal Profession Tribunal, the independent body that heard matters involving people who had conflicts with the profession over civil damages, misdemeanours or negligence problems. Sitting alongside that was an ombudsman to assure members of the public that there was someone they could go to who would look after their interests and to put aside any suggestion that they were limited in their complaints because the profession would act as judge and jury. The final part of the structure was the creation of the recognised professional associations, the RPAs, which effectively broke up the monopolies.

I will stop there for a moment. It is important to recognise that at the time it was alleged by a number of people — including the current Attorney-General — that the creation of the RPAs was competition gone mad and that the competition philosophy had caused the government to drive into the Law Institute and the bar to deliberately try to break them up. The creation of the RPA mechanism shows categorically that nothing could be further from the truth.

Certainly people were putting submissions to the government that legislation should be introduced to provide for the Law Institute or the bar to no longer continue to operate, to break its monopoly and strike down many of its rules. That the RPAs were created in the way they were is evidence that the sort of blind competitive market philosophy was tempered in relation to the Law Institute, the bar and the legal profession. A much more appropriate solution was adopted in the public interest. With the creation of the capacity to be an RPA the former government was saying, 'The monopoly is broken. The Law Institute and the bar can apply to be RPAs, as can other groups, whether they be institutes or associations of lawyers or whether they be in the country or city or other geographical locations. They can all apply to be RPAs too if they want to'. Rather than follow the competition buster approach that was alleged, the former government said, 'Here is a framework. You are part of it, but the framework is there for others to join in if they wish to.' It has been a huge success. None of the dire predictions forecast by the then shadow Attorney-General and others about the process have in any way come to pass.

I return to the importance of the Legal Profession Tribunal. The tribunal should be commended on the work it has done. The new tribunal took up its position at a time when there was a great deal of concern about the act. There was much concern about the new tribunal and who should be on it, including how many advocates and non-advocates from the profession it should have, how many lay people it should have and who should be the chair. The concern was rife, and it was difficult to work out an appropriate solution.

The chairperson of the tribunal is Mr Richard Fullagar, QC, a former judge; and the tribunal has three judges as its deputy chairpersons: Justice Southwell and

judges Murdoch and Spence. The tribunal has acquitted itself enormously well in that environment.

It settled down to its job. When the bill was introduced I recall saying that there would be amendments to the bill. A member of the then opposition shouted, 'How can you possibly introduce a bill if you are saying at the start that it will be amended later because there will be problems with it?'. I said, 'You have got to tell the truth in this business, and if you introduce complex, difficult and groundbreaking reform legislation, it has to bed in for a period. The nuts and bolts have to be worked out. You will definitely find that things will not be transposed exactly from the theoretical to the practical'.

That is exactly what happened, and there have been three amending acts so far in relation to practising certificates, interstate lawyers, trust accounts and a number of others. It does not surprise me that as the Legal Profession Tribunal has sorted itself out, gone through the process and used the new legislation, it has discovered a need for alterations.

Mr Hulls — Consultation!

Dr DEAN — The Attorney-General's interjection is so easily responded to because the proposed legislation, which was drafted by the former government, now the opposition, is in response to consultation with the Legal Profession Tribunal. It asked for these amendments, and the former government then framed this bill. It is the result of absolute consultation because these are the problems it had and this is what it wanted to have fixed. I am pleased that the new government has seen fit to ensure that that happens.

One can split up the disputes heard by the Legal Profession Tribunal into civil matters and misdemeanours. Honourable members know about civil matters cases if they ever employ a barrister or a solicitor. It is an expensive business and costs are important. A large part of the tribunal's work is dealing with cost disputes between members of the public and their legal practitioners.

In considering the detail of the bill it was determined that if a cost dispute were to exceed $15 000 it ought to be heard in another jurisdiction, and that was fine. It is also clear that the tribunal has the right to make orders beyond just costs. It has a right to hear disputes about pecuniary matters — that is, whether the client has suffered some pecuniary loss.

Instead of it being simply a cost between you and your solicitor, you may say, 'The solicitor did such and such, which resulted in my suffering some damage, and therefore I want to have that dispute heard before the tribunal'. That is very important for a client, and it is important that there be a broad capacity in the tribunal to look after such disputes. But there is no ceiling on those disputes. The tribunal's jurisdiction for costs has a $15 000 ceiling, but with civil matters not involving costs there is no ceiling. That is where the problem started to develop.

I have a personal interest in the way tribunals now operate as distinct from the true adversarial process. It is important to note that the tribunal has the capacity to deal with civil disputes in a very efficient way. It is a guide to the future in the way in which many of these disputes should be determined. Firstly, the dispute goes to the recognised professional association. If one then says, 'Hang on, how can the dispute go off to the RPA if you are deliberately making it into an independent determination of the dispute? Why have you gone back to the bad old days?'. The answer is that you have not. The dispute goes to the RPA first because it gets a chance to settle it. What could be better than to say, 'The client and the lawyer have a dispute. The very first thing we should do, under the guidance of the RPA, is to sit down and see whether it cannot be settled.'?

There is obviously a great interest in both the client and the lawyer settling it if they can. If anybody knows about the cost and trauma of continuing with litigation, it is lawyers; and if they are one of the parties, there is a real twist in the tail to settle it. That is a good part of the mechanism. If it cannot be settled, it goes to the tribunal, but it does not go straight into the adversarial system. Again that is saying something very important about those sorts of disputes and about the future. The first thing the tribunal does if it has not been settled at the RPA is to send it off to a conciliator appointed by the tribunal, and another attempt is made to conciliate the process. If that cannot happen it goes to the tribunal for a hearing, and you then may appeal to a full hearing. It goes on perhaps to the full tribunal, if necessary.

With some of the amendments it will later become relevant to note that the tribunal also has an important role to play in dealing with misdemeanours. Again, if the client believes there has been a misdemeanour by his or her legal representative, that is where the structure of the legislation is revolutionary and does a fantastic job, eventually ending up with the independent tribunal doing its work.

If there is a misdemeanour the client has a choice of either going to the RPA and saying, 'You charge or investigate this misdemeanour of one of your members', or he or she can go directly to the Ombudsman, and that is the reason for having the Ombudsman there because misdemeanours are at the

hard end of all this. Civil disputes are one thing, but a misdemeanour or a charge that a barrister has been negligent or worse affects that barrister or solicitor or legal professional's reputation. Ego also comes into it, as does pride and many other things. It goes way beyond whatever money damage may occur.

Under this bill the client will have the opportunity to go to either the RPA or the Ombudsman, as it were. If the client goes to the RPA and is not satisfied, he or she can go to the Ombudsman to have the matter looked at again. It would probably be best, if one wanted to have something done, to go to the RPA first because that way one gets two bites of the cherry. If you do not like that you can go to the Ombudsman straight away by way of appeal. However, if it is decided at the end of that process that there is some merit in either of the two matters, the Ombudsman or the RPA can bring a charge to the tribunal. Again either the independent tribunal is saying, 'The RPA has brought a charge' or, if the person thought, 'No, I am not taking it to the RPA I am taking it to the Ombudsman', the Ombudsman looks at it and says, 'Yes, I will bring the charge', and the charge therefore comes before the tribunal. Of course that can go on to the full tribunal as well.

In considering the amendments it is important to realise why they are necessary and why the Legal Profession Tribunal is absolutely critical to the whole process. Of all the parts of the Legal Practice Act the Legal Profession Tribunal is at the very heart of this reform. It is vital that Parliament listen to what the tribunal has to say, and when it says it has problems or difficulties that need to be sorted out, that should be done as quickly as possible.

I refer the house to the amendments that the Legal Profession Tribunal asked for under the previous government. The tribunal required the ability to restore a practising certificate if a bankruptcy had concluded. The former government's response was, 'Yes, you are quite right', and that was done.

The tribunal wanted amendments covering the payment of costs in 1997 or 1998, and those amendments were made. The tribunal wanted clarification of who could prosecute before the tribunal. That amendment was made. An additional deputy registrar was wanted. That amendment was made. There is no cause for the Attorney-General to suggest the former government did not listen to the tribunal, as he interjected earlier. There is no evidence the previous government did not listen to the tribunal; the opposite is the case. The opposition encourages the present government to listen as accurately.

Three years have passed and the tribunal has had a chance to look at all its processes. It has heard a range of different types of actions and again has asked for some refinements to ensure the legislation works well. The first area of concern is that which I raised before about civil claims that concern not costs, which are automatically limited to $15 000, but pecuniary loss or any other genuine dispute under section 122 of the principal act. I will not read it out.

Mr Hulls — Read it!

Dr DEAN — You used to read out great slabs but I will not do that because it is not necessary. It was important that those other areas had no jurisdictional cap. The problem is that compared with what is involved in going to court the dispute resolution mechanism is so efficient and easy and results in a much smaller detriment in costs that people find the tribunal attractive. I emphasise there is no bar on any of those matters going to the court. If a person takes a matter to the tribunal, that person can still go to the court with the same matter — and therein lies the difficulty.

People see that the tribunal is a fabulous, quick system so they use it for pecuniary matters concerning amounts of way over $15 000. Suddenly the tribunal has had complex matters before it that potentially might lead to big damages claims and that would normally go through the common-law courts. The tribunal has not been attractive just because it is cheaper and faster, although I maintain that that is certainly a reason. There is a lesson in such mechanisms.

Lawyers being lawyers, they do the best they can for their clients. If they can go through a process first that enables them to get a lot of documents — dare I say fish — at no cost to themselves and rather quickly, why should they not do so? They get the documents, decide whether they have a case and, if so, go to court. They have not used and abused the tribunal system to get those documents; that is the law.

Lawyers can go further. Apart from the conciliation processes — it is great to have them — lawyers can also get a judgment from the tribunal on particular areas in a particular matter and then go to court. I have not spent a great deal of time thinking about that, but there would probably be some res judicata in that. It certainly would be a great embarrassment to the common-law court if a tribunal, particularly of the status of this tribunal, had already given a decision on factual matters in a dispute now coming before the court. How should that court deal with that?

Two approaches can be taken on this matter. The Law Institute of Victoria has made submissions to the Attorney-General suggesting that the way to go is simply to put a cap of $15 000 on all disputes. I do not know whether the institute made the same submissions to the opposition. I imagine it probably did. I have great respect for that view because that is obviously a quick solution to the whole problem. People would have to say what their claim will be, whether costs or pecuniary, and that would be the limit.

However, that solution does not quite make it for a couple of reasons. Even if a $15 000 cap is in place, potentially the claim could be for a much greater amount. But once someone agrees to the cap, he or she is automatically through the door. The tribunal might look at the claim and say, 'You are asking us to allow you to fish for documents and then you will run a much bigger claim on exactly the same matters in court. We think you should not be here'. The claimant could then say, 'I have to be here because this is a claim for $15 000'. An unseemly battle could result about whether the tribunal or the claimant was right in suggesting it was a $15 000 claim, so that approach has some problems. Also pecuniary damages matters for amounts greater than $15 000 which are otherwise simple probably should be dealt with by the tribunal. The cap would put an artificial restriction on the tribunal.

Although I have great sympathy with the approach suggested by the Law Institute, I believe the avenue chosen by the previous government and adopted by the new government is the correct one — that is, to give the tribunal a discretion to say, 'This is not a matter appropriate for us'. It could then still decide to hear a pecuniary damages matter for an amount greater than $15 000 or not hear a matter for damages of less than $15 000. The tribunal could say, 'The matter is too complex. It is the sort of matter that needs an adversarial, full-on, interlocutory process, and it is not the sort of matter that should be clogging up our courts. We believe you have ulterior purposes'. Members of the tribunal might not actually say that, but they might think it.

That approach has a negative side, but such problems are not easy. Life was not meant to be easy! Life is certainly not simple.

Mr Lim interjected.

Dr DEAN — Yes, it gets more complicated by the day. The house is trying to sort through the problems of the tribunal. Whenever a tribunal is given the capacity to determine its own jurisdiction, slightly dangerous waters are entered. Most judges and lawyers with training in court disputation and so forth would say it is important not to allow the tribunal to decide what it wants to hear without there being some limitations. But it is true that many tribunals have the capacity to say they will not hear a matter.

The example that immediately comes to mind is the commercial list in the Supreme Court. Judges may say, 'You may have won your case up there. This matter does not have a commercial flavour. Back to the causes list with you'. So they have the discretion to determine their own jurisdiction to that extent.

In taking the approach that the tribunal can decide whether a matter is appropriate, that step ought not be taken too far. It is not appropriate that a tribunal simply determine its own jurisdiction. It is for Parliament to decide the jurisdiction of a tribunal and for the tribunal to operate in that way. I am not talking about a common-law court such as the Supreme Court, which has constitutional rights. I am talking about tribunals set up to do a particular job. That is a side issue to be thought about. Having said that, it is terribly important that the house note that this is the proper way to go, and I think it is the way the tribunal wants to go.

I cannot help but mention my view on tribunals and dispute resolution: the key word is flexibility, and the touchstone is how to solve a dispute in the most flexible way. The flexible mechanisms the former government set up for this tribunal, which are so popular — a little too popular! — are an obvious demonstration of how in the modern era flexible systems can be set up. People will use them to solve disputes.

If ever there were an example of that happening it is in the Legal Profession Tribunal, which has various mechanisms to solve disputes without having long-running adversarial, interlocutory or common-law battles. That is not what the tribunal ever meant to do.

The other amendments are shorter and I shall deal with them quickly. I refer to the amendment dealing with the disqualification of lawyers from practice. As I said before, disqualifying a practitioner, taking away a certificate or imposing a fine for a misdemeanour is the hard end of the tribunal's operation. One of the reasons the tribunal was created was that it was totally inappropriate for the profession to make all the in-house decisions about whether misdemeanours had occurred and what disciplines should be imposed. As I have said in this place a thousand times — and I said it when the bill was introduced — this has nothing to do with the honour of the legal profession, which is not disputed.

People love to have a crack at lawyers. Why wouldn't they? I was a lawyer; now I am half and half!

People go to lawyers because they are usually in deep trouble and need someone to get them out of it. The cost is high and people do not always get out of the situation the way they hope they will. Often they do not deserve to get out of it. Of course, when things go wrong there needs to be someone to blame. If a medical operation goes wrong, the dead person is not in a position to blame anyone. However, if a legal matter goes wrong the lawyer is there to blame. I can understand that, and lawyers take that on the chin. If one is beaten in a case, the tricky lawyer on the other side is blamed. The great thing about lawyers is they give their hearts and souls to their clients — that is the honourable side of being a lawyer. The lawyer looks after the client's interests 100 per cent and will do whatever he or she can.

That leads to a point that the bill seeks to address. A lawyer who is alleged to have committed a misdemeanour may decide not to renew his or her certificate or to get rid of it before appearing before the tribunal. The tribunal might find the lawyer guilty of the misdemeanour but after looking at its powers could discover that it could impose a fine, strike out or remove the certificate, or recommend that the Supreme Court strike that person off the roll. But if the lawyer has already given up his or her certificate or has not renewed it, there is nothing to strike out. People may say that is just a lawyer being tricky and trying to get out of it. Perhaps so, but the lawyer has obviously taken legal advice that it is in his or her best interests not to renew the certificate because he or she will probably go down. Because there is nothing to remove, that lessens the impact when the lawyer gets to the tribunal. Theoretically, one could wait awhile, then apply for one's certificate and get it back. So the lawyer has not suffered the same level of detriment because of advice from the lawyer acting for him or her to get rid of the certificate.

It is not a matter of the lawyer trying to do the tricky thing, although I can understand how it could be seen that way by a member of the public. The lawyer representing the respondent has battled for his or her client and seen it as a good tactic, although it is not appropriate from the point of view of the public. If there is no certificate to strike out the tribunal needs the power to be able to determine a disqualification period during which the person cannot go back and ask for his or her certificate. Whether the tribunal already has the power to do that is in dispute. It probably has, but its concern is that if it has that power in writing it can impose a disqualification period on someone who has already given up his or her certificate. The tribunal has asked for that specific power, and it is appropriate that the bill provides it. The tribunal also has the power to refer the matter to the Supreme Court so that court can take the action it believes it ought to take. Again, it is a sensible amendment and overcomes a potential difficulty that needed to be fixed.

The final difficulty that the Legal Profession Tribunal had relates to costs. As I said before, the previous government made numerous amendments at the request of the tribunal, and I have already been through those. This is another one that builds on an original amendment. The former government amended the tribunal's capacity to award costs. It came back to the previous government and to the current government and requested the capacity to award costs for transcripts. That might seem a trivial thing, but the cost of the transcript is not trivial for anyone who has ever been involved in a legal case. The cost of the transcript is probably one of the most burdensome costs involved in a legal case. If the case is important a transcript is needed, particularly if the case involves a client's reputation. I do not know what the charge for transcript is now — the honourable member for Kew will be speaking later and probably has a better idea than I do — but the transcript cost can be thousands of dollars because it is a great art to produce a transcript — we have our own Hansard reporters who are highly skilled. People who produce transcripts demand and should get a good hourly rate. I am probably walking on eggshells here, but it is an important skill and an expensive part of the operation.

I have already said how flexible and successful the tribunal system is — and even with costs it has been revolutionary. Although the tribunal can order costs, it ought not do so unless there are special circumstances. It is not like a court where costs follow the event. Again, that is a great innovation that can be looked at for other tribunals. When the tribunal orders costs because it believes somebody has acted badly, that is a special circumstance where it has found the charge should never have been brought, or vice versa where it is a heinous matter and should not have been defended. The tribunal will want to award full costs and include transcript costs, because it does not include costs unless there are special circumstances. Costs are awarded as a punishment, and the tribunal will not want the other side paying for its transcript. That is important.

I have covered all I wanted to say about the amendments. I am pleased that the new government has picked up the legislation word for word as drafted by the previous government. I am pleased it is also listening to the Legal Profession Tribunal, as did the

former government, which moved so many amendments at the tribunal's request.

Mr Hulls interjected.

Dr DEAN — The Attorney-General laughs, but when he examines the amendments the former government made at the request of the Legal Profession Tribunal he will see how many there were and will be amazed because they were moved on three or four different occasions. That is an example of respect for the tribunal.

I take the opportunity to say that the tribunal is doing a great job. I trust that the Attorney-General will continue to bring forward the high-quality and high-class legislation that was prepared by the previous government and which he knows ought to be passed by Parliament.

I know that the Attorney-General loathes disputes and shies away from any form of conflict. No doubt the Attorney-General will be happy to bring the legislation forward in the same harmonious spirit that he wishes now to pervade the house. Well done, Attorney-General, for keeping up the previous government's legislation — it is excellent legislation and I expect to see more of it.

Mr WYNNE (Richmond) — I am pleased to contribute to debate on the Legal Practice (Amendment) Bill. It is the first plank of a raft of reforms to be introduced into the house by the Attorney-General.

As the honourable member for Berwick said, the bill is not controversial but seeks to clarify or resolve in the Legal Practice Act anomalies that were referred for consideration by the Legal Profession Tribunal. The practices of lawyers are regulated under the Legal Practice Act. Disputes between legal practitioners and their clients are usually about costs and can be dealt with to a maximum of $15 000 where a person claims to have suffered a pecuniary loss. The offended party can then lodge a complaint in a range of ways. A party can deal with the recognised professional association and the Legal Practice Board; and obviously the Legal Ombudsman is another avenue.

The general approach most people consider appropriate is to try to seek resolution of a dispute through conciliation in one of those three jurisdictions. The next course of action that can be taken by a party that cannot reach a solution at another jurisdiction is to go to the Legal Profession Tribunal. Any of the first-mentioned three bodies can investigate the matter and suggest that it be brought before the Legal Profession Tribunal for some form of adjudication.

The bill aims to enhance the regulation of the legal profession by imposing, where necessary, a disqualification period on lawyers who do not hold practising certificates. A lawyer can surrender a practising certificate at any time. In surrendering or not renewing the certificate when it expires at the end of a year, a lawyer ensures that if he or she is convicted of misconduct or unsatisfactory conduct, he or she is no longer holding a practising certificate. If there is no certificate to cancel, there is no clear power in the tribunal to impose a disqualification period. The lawyer could then, immediately after being convicted, be potentially eligible to apply for a new practising certificate. The Legal Profession Tribunal seeks to clarify that anomalous situation.

The problem for the tribunal is that it has been relying on the catch-all provisions in section 160(1) of the principal act. That allows a tribunal to make any other order it thinks fit. The advice given to the Attorney-General is that that provision could be open to challenge in the Court of Appeal. The bill aims to clarify the position for the tribunal and for the profession generally.

The amendments in the bill will clarify that anomaly and will grant the tribunal the power to refer the lawyer to the Supreme Court where the opportunity exists for the practitioner to be struck off the roll, even if a certificate has not been cancelled by the tribunal.

The next aspect of the bill deals with civil disputes jurisdictions. The tribunal can award costs up to a maximum of only $15 000. However, clients can bring claims in excess of that amount. There is no legislative limit on the amount that can be in dispute for non-cost-based claims; clients can bring claims for more than $15 000 and seek to recover an initial payment from the tribunal, then seek to sue for the remainder in a common-law action. In effect, parallel legal actions can be run. Clients use the tribunal to undertake fishing expeditions, as the honourable member for Berwick termed it.

That is not the purpose of the tribunal, because it then becomes involved in lengthy and costly hearings. It was never the intention that the tribunal should deal with long, involved and costly matters of civil litigation.

People have been going to the tribunal to test their arms, to flesh out their cases, to go on fishing expeditions, to try to discover the other side's argument and to test its case — that is, to have two bites at the

cherry. It is important that the legislation be clarified because the tribunal has become caught up in matters that should be dealt with in another jurisdiction.

The tribunal is largely a cost-free jurisdiction. It is subsidised by the community and the legal service industry to deal with minor disputes. It is unfortunate that a number of cases that have come before it are not launched in the spirit in which the tribunal was intended to operate, which could well be described as essentially a small claims type of tribunal. There has been a shift in emphasis so that test cases have been run by clients who have sought to have two goes at testing what are often large and complex legal questions.

The bill will provide the opportunity to shift the emphasis of the tribunal back to what it should be involved in — that is, minor disputes over questions of costs. Jurisdictional questions will be able to be more readily resolved by the tribunal, and other matters should be sent to an alternative jurisdiction.

The bill also deals with questions of costs and, most particularly, the cost of transcripts, which are incredibly expensive. Recently a constituent who came to my office was suffering at the other end of what could be called the transcript problem dealt with in the bill. He had been involved in a Workcover matter and felt he had been poorly treated by the legal system. He had sought legal advice about his options for lodging an appeal. A barrister suggested that the opportunity was available for him to do so.

But, of course, for the matter to proceed the barrister required a full transcript of the proceedings to review the case. To purchase a transcript costs more than $8000. The person is an invalid pensioner who lives in a public housing high-rise flat, and the opportunities for him to find $8000 are negligible. He feels he has been denied the opportunity to have his matter heard simply because of the costs involved in getting a transcript so that a barrister is able to review the matter and decide whether it has a reasonable chance of a speedy appeal hearing. That is the flip side of the transcript issue.

It is important for the question of costs to be addressed in the bill. After realising that they will have to pay the cost of obtaining the transcript of the case, potential clients of the tribunal may be a bit more sanguine about attempting to have matters heard at the tribunal.

I turn to the bill itself. Two proposed sections are important. The first is proposed section 136A in clause 5. It will allow the tribunal, constituted by a registrar or a deputy registrar or the full tribunal, to dismiss a dispute if it considers that the dispute would be more appropriately dealt with by another court. The dispute may be dismissed on the application of a party or on the tribunal's own initiative. If the tribunal dismisses a dispute it may refer the matter to the relevant court if it considers it appropriate to do so.

The second important amendment concerns penalties for misconduct, which are provided for in clause 6 of the bill, which amends section 160 of the principal act to allow the full tribunal to refer a practitioner to the Supreme Court with or without a recommendation that the practitioner's name be struck off the roll of practitioners. That is obviously a particularly severe sanction on a legal practitioner — it effectively wipes out — —

Dr Dean interjected.

Mr WYNNE — As the honourable member for Berwick suggests, it wipes out a person's career. No doubt the most serious of charges would be dealt with in that way. The clause also gives the full tribunal a separate power to disqualify, for a specified period, a practitioner from applying for a practising certificate or a certificate with particular conditions. That is obviously a level below the much more serious sanction of going before the Supreme Court. Subsection 160(2) of the principal act will be repealed by the bill.

They are essentially the two key components of the bill. The Attorney-General has obviously consulted widely with the profession on this matter. A significant amount of dialogue has occurred, and the way the government is approaching the issue is the hallmark of a consultative government. The government will listen to the various parties concerned. It is clear from the advice I have been given that broad consultation has taken place and that the bill has wide support within the legal profession.

The bill is supported by the tribunal. It will smooth out a number of anomalies that currently exist. It will provide for more efficiency in the way the tribunal operates, and I hope it will refocus the tribunal back onto the business for which it was intended. Its operation is analogous to that of a small claims tribunal and it should not be wrapped up in extensive and lengthy litigation merely because people can come to the tribunal to test their arms on a particular matter. I commend the bill to the house. The support of the bill shown by the opposition is heartening, and the government looks forward to the bill's speedy passage.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until later this day.

FEDERAL COURTS (STATE JURISDICTION) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr HULLS (Attorney-General).

LEGAL PRACTICE (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — I am a person regulated by the Legal Practice Act, which over the past several years has played a significant part in my life.

The genesis of the act was a number of inquiries in the late 1980s and early 1990s into the cost of justice. I was assistant secretary of the Victorian Bar Council at the time and attended one of those inquiries, a Senate inquiry chaired by Barney Cooney, a Labor senator from Victoria and a member of the Victorian bar. The report of the inquiry suggested significant changes to the operation and conduct of the legal profession throughout Australia, and particularly here in Victoria. Nothing substantial was done as a result of that inquiry.

Subsequently the Law Reform Committee conducted an inquiry. It was headed by Professor Kelly, who was appointed by the previous Labor government. As the secretary of the bar council I attended a number of briefings by the then Attorney-General, the Honourable Andrew McCutcheon, whose adviser was the current Minister for Health. Again suggestions were made, but nothing substantial came out of the inquiry.

The matter went back to the commonwealth, where Professor Fels, as head of the then Trade Practices Commission, suggested that a number of measures should be introduced to improve the operation, conduct and delivery of legal services in Australia and Victoria. That came to nought.

Finally, it came to the former Attorney-General, my predecessor as the representative of Kew, to present the Legal Practice Act to this house in 1995. It was a comprehensive overhaul of the operation and conduct of the legal profession in Victoria. It was a complex act comprising some 460 sections and dealing with a range of matters regarding the legal profession, including the education, qualification, admission and registration of lawyers. Importantly, it dealt with the practice of the law in Victoria.

The fundamental propositions on which the act was based were flexibility and competition in the practice of law in order to reduce the cost of the delivery of legal services. The honourable member for Berwick has outlined how the then Labor opposition bitterly opposed large parts of the act. In my profession as a barrister I certainly joined that debate and was aware of the discussions at the time. The act addressed many of the underlying premises that all the previous inquiries had suggested but failed to address.

With the growth in the number of federal and state jurisdictions it had become impractical to prevent interstate practitioners from operating in Victoria or vice versa. The act increased the flexibility of interstate practice and increased the ability of people to engage interstate practitioners if they so chose.

The act also introduced co-advocacy. There had been a longstanding criticism of Victorian barristers as not being prepared to go to court and argue a case with a solicitor as a co-advocate. The act changed that. A barrister who is a member of the Victorian bar is now able to appear in court with a solicitor as his or her junior if that is the way the client chooses to have the case conducted in court.

The act abolished a number of the perceived monopoly practices of the Victorian bar — the compulsory clerking rule is an example. People had been required to pay a percentage of their fees to the clerk for the delivery of clerking services, which added to the cost of services being delivered to the client. The compulsory clerking rules were perceived to be anti-competitive and were struck down by the act.

The compulsory chambers rule also changed. As a director of Barristers Chambers Ltd, which had been going through severe financial difficulties at the time, I had been aware of the monopoly practices built up over years that were inefficient and anti-competitive. The act struck down the compulsory chambers rule. Many barristers, including myself — I still maintain chambers — continue to practise from chambers run by Barristers Chambers Ltd. However, they are free to conduct their practices either way.

The act also addressed the issue of disputes between clients and lawyers. Such disputes arise in a number of different ways, but principally in two ways. One is in a civil action where negligence or incompetence on the part of a lawyer is claimed, and the other is where there has been some form of misconduct. The act streamlined

the process before the Legal Profession Tribunal to enable monopoly practices previously adopted to be delivered more effectively to clients in Victoria.

I remember a number of serious matters being put before the barristers disciplinary tribunal when I was secretary of the Victorian Bar Council. Occasionally one of those matters required the striking off of a barrister's name from the roll of the Supreme Court or some other major sanction. Although the hearings were public, the perception was that the tribunal was a closed shop. Hearings were conducted on the 13th floor of Owen Dixon Chambers. Honourable members who have had the opportunity to go to that building will know that for the ordinary person the building is almost an incomprehensible rabbit warren. Hearings were almost impossible to get to.

Most importantly, there was a perception at the time that it was a closed shop — that barristers were conducting a hearing about other barristers. The act addressed the matter and struck down the Barristers and Solicitors Disciplinary Tribunal. In its place it created a tribunal that enabled free and open discussion about the conduct of barristers and solicitors. The act also introduced and imposed a substantial obligation on the tribunal to resolve disputes prior to determination or arbitration. The conciliation provisions have worked enormously well — they are a boon to the capacity to get redress.

As both previous speakers on the matter indicated, the act has been so successful that it has become overburdened. Despite the substantial criticism of three years ago and the residual criticism, the act, which is complex and comprehensive, is working towards a goal and will achieve an appropriate result.

The amendments in the bill deal with matters including the ability of the tribunal to ensure that a person surrendering a practising certificate is appropriately dealt with before a tribunal; the cost of a transcript of a proceeding; and the dismissal and transfer of the proceeding in the event it is too complex for the tribunal. That highly successful act is being improved, as anticipated, and the minor amendments to it are to be commended.

Mr LENDERS (Dandenong North) — Like other speakers, I support the Legal Practice (Amendment) Bill. Despite the reputation of this place for being adversarial and the Westminster tradition of government and opposition, the legislation being passed in this session appears to have vigorous bipartisan support.

A government member interjected.

Mr LENDERS — My colleague the Attorney-General says too much in jest. We both welcome the bipartisanship.

Issues concerning the bill before the house have been adequately covered by previous speakers. My first question is: what is in the bill for the electorate of Dandenong North? Sometimes legislation deals with more specific matters, but the amendments will result in the good governance of the legal profession, so I am satisfied there is a direct benefit for my electorate.

I am heartened to follow my electoral neighbour, the honourable member for Berwick. We will have positive interaction on bipartisan matters like this while confining our vigorous discussion on other matters to different forums.

An honourable member interjected.

Mr LENDERS — As the honourable member for Berwick says, we hate conflict in this place. I listened with interest to his address to the chamber this afternoon and was taken by his enthusiasm and passion for the legislation.

His approach to relations with the Attorney-General gave me a great deal of heart. I am sure he will be particularly clinical in his opposition to certain aspects of the government, but we on this side of the chamber welcome his support for good legislation.

I noted with interest the honourable member's remarks about community perceptions of members of the legal profession and members of this place. I guess when you are the combination of a lawyer and a member of Parliament you really take a big dive in the eyes of many people in the community. I never quite made it to be a lawyer.

Dr Dean interjected.

Mr LENDERS — Yes, we are indeed at the bottom of the food chain. Although I completed my law degree, I have never practised, so I am probably only a little down the line. In all seriousness, until the amendments that were made several years ago the self-regulation the legal profession had had for many years had been particularly good and had worked well for a long period. Despite the debate and the angst that preceded the enactment of the Legal Practice Act several years ago, we on this side of the chamber are not seeking to do more than make minor amendments that are designed to make the legislation work better. The progression is a positive thing for us all.

I now turn to how the amending legislation will affect my constituents in Dandenong North. It will clearly improve any redress people may have with members of the legal profession, will remove some people's legal difficulties and will speed things up. Twice I have risen during adjournment debates to raise issues which have boiled down mainly to consumer affairs issues but which have also been jurisdictional issues concerning access of my constituents to the legal profession. When I go around my neighbourhoods it seems that people talk a lot about issues of access and accountability and where they stand. Any improvements to the act will be positive.

The previous speakers have fairly adequately covered some of the steps in the bill. Before dealing with some of the individual clauses I will make some general comments about where the debate is going and the things honourable members have in common.

I had a surprising degree of empathy with the statements of the honourable member for Kew. He probably does not want to be damned by praise from someone on this side of the chamber, but I can certainly empathise with where he was coming from. It is nice to see a trade union official being elected as a Liberal member of Parliament! The honourable member's previous life as an official with the barristers union equips him well to understand the roles of barristers and the legitimate industrial aspirations of his former members.

That is a good thing and is important to opposition members. We take a great deal of pride in our Labor and industrial heritage. Labor was formed as a political party out of the trade union movement in 1891. It is heartening to know that there are people on the other side of the chamber who share the same aspirations.

The honourable member for Kew is not the first person on that side to have been a trade union official. I take great pleasure in being a friend of Dr Ralph Howard, who was a Liberal member in another place from 1976 to 1982. He also had a background as a trade union official, having been the assistant general secretary of the Australian Medical Association. I suppose the only thing remiss is that the professional associations should have better alliances with the Labor Party, the members of which are the true custodians of the working people. However, it is heartening to see that my colleagues opposite include a range of trade union officials.

Members on this side are usually taunted about their trade union links. The other day I think the honourable member for Doncaster accused me of being a trade union official. Although I would take it as a badge of honour, I have never been a trade union official. I am a proud, card-carrying member of the Australian Services Union. Labor's heritage is important, and government members do not shirk from associating with it. Although we understand there are divisions between the parties — a division between capital and labour being the original one — an enormous amount of benefit is derived from the trade unions. It is a regulatory matter. I am delighted that the honourable member for Gippsland South has drawn my attention to the fact that a former official of the barristers union supports the Legal Practice (Amendment) Bill.

On a day like today, when there is bipartisan support for legislation, all honourable members should look more to the things that unite them rather than to the things that divide them. I extend an invitation to the honourable member for Kew. He is welcome on this side of the chamber at any time.

Honourable members interjecting.

Mr LENDERS — My colleague the honourable member for Berwick, my electorate neighbour, is also welcome on this side of the chamber at any time.

An honourable member interjected.

Mr LENDERS — But only by himself; that is correct. I digress a little from the legislation, but what I say is important and is in the spirit of bipartisanship. Honourable members have spoken of many things they have in common, so we may as well dwell on them while they last.

The flexibility provided in the legislation is heartening. As I mentioned earlier, constituents in the Dandenong North electorate have expressed concerns to me about how difficult it is to get into the legal system. They have talked about going to the wrong jurisdiction, going up the wrong path and lawyers fees — as was mentioned by the honourable member for Berwick. They are all issues of concern in the community. All honourable members, particularly those who received their mandates only a few weeks ago, should be conscious that in representing the community they are accountable and that the institutions and organisations they organise are also accountable. The issues are particularly critical.

A number of my constituents have expressed grief about the legal system. Their comments are normally about the use of unfamiliar language, about its being an unfamiliar process, about its being intimidating because of the expense and about its being a whole new culture. The concept of going into a tribunal to seek redress only to find you are in the wrong place causes my

constituents an enormous amount of grief. I welcome and support the flexibility for people to move around, to be sent to the right jurisdiction and to not have to go through lengthy delays and processes.

There is mirth and merriment on this side of the chamber about the spirit of bipartisanship. As much as I regret not speaking for a further 11 minutes, I would not wish to deprive other speakers of their right to speak.

Mr RYAN (Gippsland South) — In the ebullient mood of bipartisanship it is a great pleasure to join the debate on the Legal Practice (Amendment) Bill. It is yet another piece of legislation prepared by the former government that the new government has rightly seen fit to adopt. I hope the government will see fit to continue to follow that sensible course of conduct as time passes.

Having practised law in a country venue for many years I can say that there are three aspects of the legislation that are pertinent to practising in a country environment. Over the years the issue of costs and surrounding matters has drawn the most criticism in the profession. In the 18 or so years I practised I had the unfortunate experience of going before the stipends on one occasion following the receipt of a letter of complaint on the issue of costs. The matter involved thousands upon thousands of files. When looking at the statistics that underpinned the move for changes to the Legal Practice Act one will see that one of the principal driving factors was the issue of costs.

Solicitors in particular made a complete hash of dealing with the issue in a manner that was appropriate for the public they served. As the honourable member for Berwick observed in his excellent contribution, more often than not it occurred inadvertently. When the practitioners, whether solicitors or barristers, gave themselves over to the conduct of the file and looking after the client's affairs to the best of their ability they often forgot to report to the client on the way that things were progressing; they forgot to tell the client about the various steps that were being taken to advance his or her interests, or they forgot to provide any progress report.

It was only in a litigious situation when the client was at the office or at the court prior to a case proceeding that any real endeavour was made to bring the client up to date on the way the case was being looked after. That produced enormous complications. With the best will in the world the solicitor was driving the file, doing everything he or she thought necessary on behalf of the client, but not keeping that client abreast of what was happening.

The reality is that solicitors and barristers were dreadful at self-promotion in an era when accountability became all-important in the public domain. That was one of the driving features behind the need for the Legal Practitioners Act. I was one of a number of members of the former government who spent about 15 months looking at various aspects of the profession in an attempt to design a mechanism that accommodated not only the all-important costs but also the many other things now provided for in the legislation.

One requirement the then government tried to have incorporated was the obligation for solicitors to notify clients by letter of the costs and to set out for clients an anticipation of what might happen during the currency of the file — the details of how costs would be charged and the steps that would be taken in the course of dealing with that particular client's matters. To a degree that has been successful. Nevertheless, there are still problems with issues that happen on the run, particularly in the field of litigation.

The running of court cases is a dynamic activity — things change very quickly. There is a need to act or react to circumstances as they arise. Sometimes that involves having to employ expert evidence and outlaying money for the purpose of engaging a doctor, engineer or some other professional. Attempts were made to build into the legislation ways of avoiding such requirements, but it is in the nature of litigation that such things are required unexpectedly. Once again, despite the best endeavours of all, keeping a client up to date with expenses remained difficult.

Invariably there are disputes about costs and often the disputes have been ongoing — particularly when litigation is lost. There is nothing quite like the potential for a client who has had the unfortunate experience of going to court and not succeeding in either the prosecution or the defence of a case not only to become an ex-client, as the Attorney-General observed — I defer to his knowledge of those matters — but also to be cross in the extreme, and for reasons understandable.

Therefore, one of the tribunal's tasks was to try out the issue of costs. It is important to make the distinction between the activities of a tribunal and those of a court. The intention here was to set up a mechanism whereby the people had ready access to a means of settling disputes up to an amount of $15 000. That was the theme of it. We could have a discussion another day as to the growth of tribunals as opposed to courts and the driving factors in that area, but that would take us down

a different path. Nevertheless, a distinction should be drawn between the functions of a tribunal and those of a court. The limit of $15 000 was imposed as part of the reform process that went into the new act.

On the aspect of pecuniary loss no such limit was imposed, which has given rise to parties to disputes undertaking fishing expeditions with a view to shaping up their cases so they can be used in other jurisdictions, particularly in the court arena. The situation has arisen where the parties to a dispute have been able to access the tribunal functions, not necessarily with the intent of bringing about a resolution but of trying to flesh out a case to be used in another environment altogether. The bill seeks to address that issue.

On the other hand, there is the attraction of the conciliation process that goes with the tribunal activity. People quite rightly see that prospectively as a means of resolving even difficult and complex cases. They have therefore been attracted to that process. It is provided, as I understand it, at no cost. I should declare an interest here in that I am a qualified mediator and have conducted many mediations. To put it at its lowest, I have not done any of them at no cost. The fact of a conciliation being available at no cost to the parties has no doubt been an attraction to people coming before the tribunal.

The sensible amendment in the bill means that a discretion will be vested in the tribunal as to how it deals with this latter category of cases — not the $15 000-capped cases but the other category. The discretion is important in terms of the tribunal's activities. Although I support the view of the honourable member for Berwick, who talks of a tribunal necessarily having a limitation upon its ability to create its own jurisdiction, I am nevertheless a great supporter of tribunals and courts having a discretion. Regulating them too tightly is not good because in the end an outcome is needed that best serves the people who are subject to the process. Therefore if those matters can be left to the discretion of the tribunal that is an eminently sensible move. There is now a means by which the tribunal can dismiss one of those applications, a party to the application can seek dismissal, or the tribunal can dismiss it with a recommendation that it can go off to court. That is a very sensible basket of options for the tribunal to adopt.

The second aspect of the legislation concerns the question of misconduct. One of the great benefits arising from the operations of the tribunal is reflected in the contribution by the honourable member for Kew. It is the transparency of the current system. The tribunal removed many of the deficiencies in the old systems that were seen to be in-house, whether from within the Victorian Bar Council or the Law Institute of Victoria. The public has been much more comfortable with that process, and it has been a great success.

One of the problems that has been highlighted — that if a practitioner does not have a certificate at the time the tribunal deals with the matter no disqualification can be recorded — is dealt with under the mechanism set out in the legislation. The tribunal may either refer the matter to the Supreme Court with a recommendation as to the period of disqualification or specify a period during which a practitioner may not be able to apply for a qualification.

The third and final aspect of the bill concerns the transcript cost. Again, that is a significant matter. As has been observed in various contributions, transcript is extremely expensive. The people who are involved in the provision of transcript are highly skilled, as is the case with the Hansard reporters in this house. It is only proper that they be remunerated accordingly. One of the difficulties over the years has been that the parties have potentially been able to use the legislation in a way that tends to abuse it. The mechanism now exists for the tribunal to make a direct order for costs which incorporates reference to transcript. The matter of transcript is quite rightly important, particularly in the appellate jurisdiction where it is necessary to know exactly what happened in the initial hearing.

I support the legislation. It is sensible. It was prepared by the former government and I commend the current government for the introduction of the bill. It will solve the problems that have arisen. I wish the bill a speedy passage.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mr HOLDING (Springvale) — It gives me great pleasure to make a contribution to the bill. In their contributions the honourable members for Berwick and Kew dealt extensively with the background of this measure in terms of both the current legislative framework and the discussions and negotiations that took place prior to the introduction of the original Legal Practice Bill in 1996.

The regulation of the legal profession in Victoria is now governed by the Legal Practice Act 1996, and where disputes between legal practitioners and their clients, usually over costs, amount to a maximum of $15 000 or where the person claims he or she has suffered a pecuniary loss as a result of an act or omission by a legal practitioner or firm, the client can lodge a complaint with the recognised professional

association (RPA) or the Legal Practice Board (LPB). The RPA or the LPB can attempt to settle the dispute, and if no settlement is possible a party can refer the dispute to the Legal Profession Tribunal, which can hear and determine the dispute.

Alternatively, a complaint of misconduct or unsatisfactory conduct can be made against a legal practitioner or firm to the legal Ombudsman, the recognised professional association or the Legal Practice Board. The complaint is then investigated and a charge must be brought in the Legal Profession Tribunal if there is a reasonable likelihood that the Legal Profession Tribunal would find the legal practitioner guilty of misconduct. That is the current legal framework in actions for misconduct or disputes between legal practitioners and their clients in relation to costs.

The bill attempts three things and I will deal with each in turn. Firstly, it introduces a range of provisions for the disqualification of practitioners and the requirement for them to surrender their annual practising certificates in the event of an adverse finding. It also amends the law to deal with some potential shortcomings with the existing legislation regarding those disqualifications.

Secondly, the bill deals with the civil jurisdiction of the Legal Profession Tribunal, and the third and most minor aspect deals with the costs of court tribunal transcripts and the capacity of the tribunal to make an order in relation to the costs for obtaining those transcripts.

I shall deal with the first aspect of the legislation — that is, the disqualification of practitioners. The Legal Profession Tribunal has found that there is some uncertainty as to the power of the tribunal to require a solicitor or a legal practitioner to surrender an annual practising certificate in the event that the solicitor, in anticipation of an adverse finding, chooses not to renew his or her practising certificate or alternatively hands in his or her practising certificate. There is some uncertainty as to the powers of the tribunal to make a finding in a case where legal practitioners have surrendered their certificates or alternatively have simply not reapplied at the end of the year for new certificates. A loophole exists where the tribunal is unable to ensure that its orders are given effect to.

The tribunal can recommend to the Supreme Court that a lawyer be struck off the Supreme Court list, but where a lawyer surrenders his or her annual practising certificates beforehand the effect of the finding by the Legal Profession Tribunal is effectively frustrated. As the honourable member for Berwick made the point in his contribution, one cannot blame legal practitioners in those circumstances for surrendering their certificates or not having them renewed; they have every right to use whatever legal opportunities are available to them to protect their interests. Equally however — and this is the point made by the member for Berwick — —

Mr Perton interjected.

Mr HOLDING — They are entitled under the current legislation to do so, or at least there is some uncertainty as to whether effect can be given to its findings in those cases, and this bill removes any doubt as to the powers of the tribunal in such circumstances. It prevents a legal practitioner from using a legal loophole to frustrate the findings and orders of the tribunal, and it ensures that the orders of the Legal Profession Tribunal are given effect. As the bill removes any doubt about the powers of the tribunal to make such orders, I am sure it has the support of all honourable members.

The legislation also deals with the civil dispute and the small claims jurisdiction functions of the Legal Profession Tribunal. When the tribunal was initially established it was always intended that it would act not as a full court hearing of all cases involving disputes between legal practitioners and their clients, but more as a small claims tribunal. It has become apparent that in some cases that has not occurred. Some parties have used the tribunal's processes as an opportunity to have two bites of the cherry — a first bite in the tribunal and a second bite in the court if they are not satisfied with the tribunal's finding. Of greater concern is that some people use the tribunal's discovery powers to obtain documents that they can then use in preparing a civil case in a court. It is therefore appropriate that the anomaly in the tribunal's jurisdiction is tidied up.

The Attorney-General noted in his second-reading speech that there has recently been an increase in the number of claims brought before the tribunal for amounts well in excess of $15 000. As mentioned earlier, some people were using the tribunal as a trial run for a common-law claim or as a fishing expedition to obtain documents they would not otherwise have available to them prior to their civil action. That has resulted in a drain on the tribunal's resources. All honourable members are concerned about access to justice and the cost of access to legal processes. The house should ensure legal processes are available to people in dispute with a legal practitioner speedily and efficiently and are as far as possible of a non-legalistic nature. The tribunal has ensured that has happened, but if its resources are taken up with cases that ought to be considered by civil courts it will not be able to fulfil its function.

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster will cease interjecting.

Mr HOLDING — The amendments will give the tribunal the ability to ensure that such matters are heard in the appropriate court. That is an important distinction to what was sought by the Law Institute of Victoria, which sought a more rigid application of the $15 000 cap. But the bill has a far more flexible and appropriate response in proposed new section 160(1)(c)(iv) and (vii).

The third aspect of the bill deals with the capacity of the Legal Profession Tribunal to make an order of costs for transcripts of a hearing before the tribunal. Because of amendments introduced by the previous government, the tribunal has the capacity to make an order relating to costs, but cannot make orders relating to costs of transcripts. Anyone who has had an opportunity to access transcripts not just from courts but from administrative tribunals such as the Victorian Civil and Administrative Tribunal has found that the costs of transcripts can be considerable. For the tribunal's powers relating to costs to have any meaningful effect, those costs should include the cost of transcripts of hearings before the tribunal. The tribunal does not make an award for costs in all instances. It does not operate in the same way as courts do, but in making an order for costs it will take into account the cost of transcripts. The proposed amendments will ensure that occurs.

Disputes between legal practitioners and their clients can be traumatic for clients. They often feel the law is stacked in favour of the legal practitioner, because he or she comes to the dispute with considerable knowledge of the law, a lot of experience and resources both from being a legal practitioner and from the experience gained from such practice. I know my constituents in Springvale will be particularly keen to know that the Legal Profession Tribunal's jurisdiction has been enhanced by the provisions of the bill.

Mr Perton interjected.

Mr HOLDING — I am pleased my colleagues understand the impediments that access to justice causes. The honourable member for Doncaster does not care much about access to justice and dispute resolution mechanisms. Members of the opposition take the view that access to justice should only be for those who have the capacity to pay and through the full court mechanism with all the expense and uncertainty that provides.

In looking through the annual report of the Lay Observer to the Solicitors' Board and the Barristers Disciplinary Tribunal, which was the predecessor to some of the administrative law bodies the house is discussing tonight, my attention was drawn to a case where the Lay Observer noted that a solicitor was engaged in providing advice to a young invalid pensioner. The pensioner passed away and the conduct for the resolution of his estate was passed to the solicitor inadvertently. The client's mother rang the solicitor to arrange funeral arrangements as she was under the impression that any arrangements she made for the funeral would be done as the agent of the solicitor since he was the executor of her son's will. The solicitor was of the opinion that the mother was making the funeral arrangements in her capacity as next of kin — an understandable confusion, but one which had unfortunate results for the mother. The report states:

> After a review of the files, the Lay Observer was concerned that legal costs had been run up when it was not necessary to do so. By way of example, the solicitor charged fees for cancelling bank accounts, credit cards and a driver's licence when the family could have attended to these matters without incurring any costs. There were also concerns about the mother's understanding of the purpose of the funds forwarded to the solicitor for the sale of the car. Clearly if the mother did not think those funds were to be applied towards the cost of the funeral, she would not have forwarded them to the solicitor.

The Lay Observer said that although there was no suggestion that the solicitor had breached any rules of conduct he proceeded in a purely legalistic manner which took no account of the very difficult circumstances in which this 75-year-old pensioner found herself. He concluded:

> In my view, this type of complaint can only bring the profession into disrepute.

Although the Legal Profession Tribunal will only hear matters where there is an irreconcilable breakdown between the legal practitioner and client — that is, in the minority of cases — the tribunal has an important role to play in making sure disputes about costs between legal practitioners and clients are resolved in a simple and low-cost way.

The tribunal ensures that the vast majority of solicitors and barristers who are above reproach have their reputations protected through the process. Any administrative tribunal must take that important aspect into account and balance speedy mechanisms for resolving complaints with the right of all people before the tribunal to have their legal rights protected.

In conclusion, the bill deserves the bipartisan support I understand it has. It was drafted by the previous government. I congratulate the Attorney-General on his carriage of the legislation. I also take this opportunity to congratulate the Parliamentary Secretary for Justice on his worthy appointment and his contribution to the second-reading debate.

Mr PERTON (Doncaster) — It gives me great pleasure to follow the honourable member for Springvale in his first speech on a substantive matter. I understand that the voters of Springvale will take great pleasure in knowing he contributed to this debate, but I am not sure of the honourable member's judgment of his voters if he thinks they will be overwhelmed and overjoyed at the passage of the proposed legislation.

This necessary measure is a small advance in the regulation of the legal profession. The legal profession is undergoing dramatic change. That is probably no clearer than in the divide between the global firms that are very much setting up in the city of Melbourne, the national firms, the medium-sized firms in the city and country, and the small practitioners. It is a dramatically changing world. Firms such as Baker and McKenzie, Clifford Chance, KPMG Legal and the legal subsidiary of Pricewaterhousecoopers are coming on the scene and recruiting many lawyers, some entering the country with a huge capital base and with excellent access to knowledge and knowledge management systems. They come with great advantages and with the goodwill of many large corporations, which are increasingly sending their legal work to those large national and international practices.

The Attorney-General will need to deal with such changes, just as the shadow Attorney-General would have dealt with them had he become Attorney-General. Our legislative structure must take account of the fact that many people who do legal work for Australians or related to Australian matters may not even be in Australia and indeed may not be lawyers.

Recently I came across such examples in dispute resolution practices of major consulting firms. Essentially accountants and other consultants engage in dispute resolution, mediation and assessment of damages. Recently I met a consultant from one of the major firms acting on behalf of a British company involved in a dispute in Singapore. He was wholly based in Melbourne and his communication with the client was solely through technology.

Such changes are not really taken into account in the Victorian and Australian regulation of the legal profession. In that sense we are not alone. Singaporean and American legislation does not take account of the changing nature of law and other professions. There will need to be an element of bipartisanship as we take the community forward.

The honourable member for Springvale is quite right when he says that the community wants to move away from adversarial systems. It wants to move towards systems based on low-priced, practical decision making; yet at the same time the public expects the best possible decision making. It is all very well to set up tribunals, but members who have been here for more than a short period — I suggest new members will find this out quickly — would know that everyone likes cheap justice until they lose. It does not matter whether it is in the Victorian Civil and Administrative Tribunal, the Residential Tenancies Tribunal or any other place. The honourable members for Morwell and Niddrie would know how often people come to us saying a decision was wrong.

Mr Hamilton — Especially under your government — all the time.

Mr PERTON — It is all very well for the Minister for Agriculture to interject — not the Attorney-General; he always listens to people with such courtesy!

People say things like natural justice was not taken into account or they did not get enough time to be heard. Somehow the community expectation that it will have the best possible decision making and the best possible representation in hearings has to be met; yet at the same time the costs of the legal system and legal profession have to be driven down.

Madam Deputy Speaker, as you are aware, a group of Labor, Liberal and National MPs worked on the *Technology and the Law* report of the Law Reform Committee of the last Parliament. The honourable member for Springvale has left the room but I take up his barb at me. That committee worked hard on creating systems that allowed citizens to resolve their problems without the need for recourse to lawyers. That approach started early in the life of that committee.

When inquiring into the law of fences members of the committee travelled extensively in rural Victoria. The committee found there was no great problem in the law relating to fences; the problem was with access to the law. Typically people would have a dispute relating to a $700 fence to which one person's contribution would usually be $350. If the matter went to the Magistrates Court for resolution, there was every likelihood of a $1200 or $1500 bill. The committee did something very practical.

Mr Hamilton — Are you telling us the law is for the rich?

Mr PERTON — No; I am not saying the law is for the rich. Today $1200 is not out of reach of many people, but that cost is out of all proportion to the substance of the matter. The then all-party Law Reform committee set up a quick court on the Internet. Essentially it allows the citizen to identify himself or herself as the recipient of a fencing notice or as having a defective fence that a neighbour does not want to talk about. The quick guide takes people through the system, identifying what documents they need to file and what settlement they need.

It is interesting that I still get emails from people saying they resolved their dispute using the quick guide or that they could not resolve their dispute using the quick guide and making suggestions that there be increased material in the guide. Members of the committee found it most satisfying that even people from New South Wales used the guide. They wrote, 'We know the law is a bit different, but your guide was so simple and logical we could follow it'.

I know the Attorney-General is keen to introduce more systems such as the quick guide. The reaction to the all-party committee report has been quite favourable. Using expert systems and artificial intelligence, it will be increasingly possible to provide such services to people through libraries. With the government promising to provide Internet access in town halls and community computing centres, such services will be increasingly available to people. Those people who cannot use the Internet or are technology averse will be able to access the services through intermediaries such as community advice bureaus and community lawyers.

I urge the Attorney-General to continue the work of his department and the Office of Fair Trading and Business Affairs in creating more online guides. Victoria need not do it all. Queensland has a good call centre that provides excellent services for people throughout Queensland. Individual judges may differ in their interpretations, but family law does not differ greatly between states. Nevertheless, if a call centre existed to provide simple legal advice many legal costs could be avoided, particularly if done on a national basis. Victoria could contribute its expertise in some areas and Queensland in others.

The honourable member for Bendigo — sorry, Ballarat — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster will continue through the Chair. Do not worry about the honourable member for Ballarat East.

Mr PERTON — I am referring to one of the members from Ballarat. I am not yet familiar with the new members.

Honourable members interjecting.

Mr PERTON — I visited Ballarat last Saturday for the Internet field show. Interestingly, I did not see the honourable member there. Did you actually attend the field show?

The DEPUTY SPEAKER — Order! The honourable member for Doncaster knows quite well that he should address his comments through the Chair.

Mr PERTON — Through the Chair, I ask whether the honourable member attended the field show? I know the honourable member for Bendigo West understands the importance of — —

Honourable members interjecting.

Mr PERTON — I don't have any trams.

The DEPUTY SPEAKER — Order! We have covered regional Victoria for the moment. The honourable member should return to the Legal Practice (Amendment) Bill.

Mr PERTON — I find it interesting that the honourable member for Ballarat West treats her own constituents as a matter of mirth.

Honourable members interjecting.

Mr PERTON — The Internet and the empowerment of her local citizens is quite beyond her. She will stand condemned for not bothering to contribute to the empowerment of her own citizenry.

Honourable members interjecting.

Mr PERTON — I am just following your example. Madam Deputy Speaker, the Attorney-General — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Government members should lower the volume of their comments. If an honourable member feels that a speaker has maligned him or her, there are appropriate methods to follow. Yelling across the chamber is not one of them. I

ask the honourable member for Doncaster to continue, without assistance.

Mr PERTON — The delivery of legal services via the Internet will be important to Victoria, and I know the Attorney-General intends to pursue some of those matters.

The efficiency of the courts must be increased. The Chief Justice of the Supreme Court in association with a local company, Ringtail, has recently set up court 13 as a high technology court. It allows the exchange of documents to be handled more simply and allows — —

Ms Overington — On a point of order, Madam Deputy Speaker, I find the previous comments of the honourable member for Doncaster offensive. He made comments about my representation of the electorate of Ballarat West and its constituents, and I ask him to withdraw.

Mr PERTON — On the point of order, Madam Deputy Speaker, firstly it is inappropriate to ask for a withdrawal in a point of order. You may have to rule against the point of order and the honourable member for Ballarat West may have to try again. Perhaps she should read and learn too.

Secondly, I take great offence at the fact that the honourable member for Ballarat West whispered in your ear, Madam Deputy Speaker, and took advice from you before she stood up to take her point of order. If you, Madam, rule in favour of the point of order it will be an outrage to the practice of this place.

The DEPUTY SPEAKER — Order! If honourable members wish to raise an objection they are entitled at any time to seek advice on the proper forms of the chamber from the Speaker, Deputy Speaker or any temporary Chairperson.

The honourable member for Ballarat West found the comments of the honourable member for Doncaster to be offensive. I would hate to end up in the same situation as last week when the Speaker had to be called. The debate is being extended unnecessarily. In the spirit of generosity I ask the honourable member for Doncaster to withdraw the imputation made against the honourable member for Ballarat West.

Mr PERTON — On the point of order that you interrupted, Madam Deputy Speaker, on many occasions former Deputy Speaker McGrath required honourable members — —

The DEPUTY SPEAKER — Order! The honourable member for Doncaster can raise a further point of order. He has already spoken on the first point of order so he will need to raise a new point of order.

Mr PERTON — I put it, Madam Deputy Speaker, that you have a higher duty than that of being a party partisan person. As I understand it — —

Mr Hulls — That is outrageous.

Mr PERTON — You are quite right, it is outrageous. Madam Deputy Speaker, if you wish to give advice on standing orders to your party colleagues then you do not do that when you are in the Chair. Any honourable member can speak to the Clerk to seek advice on a point of order. For you to give advice on a point of order to the honourable member for Ballarat West, for her to then return to her seat and take a point of order and for you to then interrupt me in speaking on the point of order and rule against me is absolutely outrageous.

Further, Madam Deputy Speaker, I ask you to consider your ruling. Deputy Speaker McGrath, who sat in that chair before you with the respect of both sides of the house, often ruled against me and my colleagues when we asked for comments to be withdrawn. Time and again Deputy Speaker McGrath said that honourable members must be a little robust.

For me to question the honourable member for Ballarat West and ask whether she — —

Mr Hulls — What is your point of order?

Mr PERTON — Will you be quiet! For me to be able to say of the honourable member for Ballarat West that she was not at the computer show and was not representing her constituents on the day is a perfectly fair comment. For me to be forced to withdraw that comment is an absolute nonsense, Madam Deputy Speaker. If you continue to act in this cavalier and partisan way you will call your position into absolute disrespect.

Mr Batchelor interjected.

The DEPUTY SPEAKER — Order! The Speaker and Deputy Speaker are available to assist any members of Parliament, whether they be members of the government or the opposition or Independents, if they are seeking advice on how the Parliament operates. I remind the honourable member for Doncaster that there are a number of new members in this house, of whom the honourable member for Ballarat West is one, and it is quite unfair to suggest that she should not have the right to seek advice from members of the house to assist her in her work. As I understand from the point of

order raised by the honourable member for Ballarat West, she is suggesting that the comments made by the honourable member for Doncaster about her appearance are incorrect — —

Mr PERTON — No — —

The DEPUTY SPEAKER — Order! The honourable member for Doncaster is fully entitled under his rights to disagree with that, in which case I will call the Speaker. However, in the spirit of goodwill — and the honourable member spoke about the previous Deputy Speaker and I believe this was raised with the honourable member last week — in the spirit of making the Parliament work and in the spirit of encouraging new honourable members to participate in the processes of the house, I ask the honourable member for Doncaster to withdraw comments he may have made which were offensive to the honourable member, and which is in line with the standing orders.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I have ruled on that point of order. I am asking the honourable member for Doncaster if he wishes to withdraw. If he does not, I will call the Speaker.

Mr PERTON — I do not wish to withdraw, and I note that Deputy Speaker McGrath had a much higher standing in this house than you ever will. But I will withdraw because you have ordered me to.

The DEPUTY SPEAKER — Order! I thank the honourable member for Doncaster for his withdrawal.

Mr THOMPSON (Sandringham) — I rise to speak about the Legal Practice (Amendment) Bill. I draw attention to the principal act, the Legal Practice Act 1996. Under the heading 'Supreme Court — limitation of jurisdiction', section 444(1) states:

> It is the intention of sections 102(3), 106, 110, 115(3)(b), 116(3), 116(4), 121, 124, 189(3), 190(3), 191(2), 209(6) (as amended by section 27(5) of the Legal Practice (Amendment) Act 1997), 218 (as amended by section 27(5) of the Legal Practice (Amendment) Act 1997), 223(3) (as amended by section 27(6)(b) of the Legal Practice (Amendment) Act 1997), 419 and 429 to alter or vary section 85 of the Constitution Act 1975.

Section 444(2) states:

> It is the intention of section 212(2) as substituted by section 19(2) of the Legal Practice (Amendment) Act 1998 to alter or vary section 85 of the Constitution Act 1975.

Honourable members may wonder why those provisions are relevant to the debate. I will put it in a wider context. My remarks on this have been mentioned in the house in recent times. I refer to an article in the February 1999 *Law Institute Journal*:

> … the article in your December 1998 edition of the *Law Institute News*, 'Party Politics at the President's Luncheon', in which Mary Delahunty, the ALP member for Northcote, is reported to have told the November president's luncheon that the Kennett government had restricted the legal right to appeal to the Supreme Court in about 200 bills and acts. Ms Delahunty is quoted as stating: 'This is absolutely unprecedented in Australia and, no doubt, in most of the Western world. It is a savage and cynical attack on the democratic notion of judicial review'.

At a later luncheon at the Law Institute of Victoria, the former opposition leader, now Premier, is quoted in the September 1999 edition of the *Law Institute Journal* as stating that:

> … a future Labor government would scrap more than 200 pieces of legislation that stop Victorians from appealing against government decisions in the Supreme Court.

I repeat for the benefit of honourable members:

> … a future Labor government would scrap more than 200 pieces of legislation that stop Victorians from appealing against government decisions in the Supreme Court.

Mr Hulls interjected.

Mr THOMPSON — The honourable member for Niddrie has rightly noted that he heard me the first time. The one thing I can assure the house at this stage is that I have not heard a response from the Attorney-General, from the Minister for Education or from the Premier about when the Labor government will repeal some 200 acts that interfered with the jurisdiction of the Supreme Court. Between 1993 and 1999 some 705 bills were introduced into the Parliament. Of those it is suggested some 200 or so might have interfered with the jurisdiction of the Supreme Court. It was suggested that a Bracks Labor government, the one that is occupying the government benches today, would repeal or scrap some 200 or so acts that have been passed by the house.

Earlier in today's debate some good contributions were made by honourable members on both sides of the house. The honourable members for Dandenong North and Springvale made some constructive contributions to the debate. I ask them to turn their minds to this question of limitation of the jurisdiction of the Supreme Court so that the work of Parliament can be more effectively conducted and we do not hear high rhetoric and hyperbole being passed across the chamber that is not grounded and founded in fact.

The honourable members for Dandenong North, Springvale and Richmond may at some point ascertain

that the Victorian Parliament has one of the highest standards, if not the highest standard, in Australia arising from the entrenchment of the jurisdiction of the Supreme Court that arises from the conjoint operation of sections 18 and 85 of the Victorian constitution. It is a matter worthy of study. The reason the impression is given that the jurisdiction of the Supreme Court is being limited is that Victoria is the only state where if there is to be an impact on the jurisdiction of the Supreme Court the matter is drawn to the attention of the house.

Last night the house debated the Essential Services (Year 2000) Bill, the first bill to be introduced into Parliament by the Labor Party. Did it have a section 85 provision in it, I can hear honourable members asking? The answer is yes, it did. Despite the high rhetoric of the government when in opposition that it would repeal some 200 acts which limited the jurisdiction of the Supreme Court, the first bill introduced into the chamber by the Labor government limited the jurisdiction of the Supreme Court. Do we apply the rhetoric of the Minister for Education to this course of action, that such action is unprecedented in the Western world? Or do we examine one of the next bills that amends the Legal Practice Act? There is no clause winding back section 444 of the principal act.

Mr Hulls — On a point of order, Mr Speaker, it is always nice to listen to the esoteric comments of the honourable member for Sandringham. However, we are debating the Legal Practice (Amendment) Bill, and I ask you to bring the honourable member back to the bill.

The SPEAKER — Order! There is no point of order. I was listening to the honourable member for Sandringham, and he was relating his comments to the bill.

Mr THOMPSON — I take on board the contribution of the honourable member for Niddrie. I encourage him to — I have no doubt he will — in the not too distant future address one of the monthly luncheons at the Law Institute of Victoria. The last two Labor speakers there have referred to the appalling abuse of the democratic tradition and it may be that the honourable member for Niddrie can set the record straight. I would welcome that. I am sure the honourable members for Dandenong North, Springvale and Richmond would also welcome the objective dialogue so that the role of an opposition can be an effective and constructive one in which debate is founded on facts and the truth.

The bill has a number of areas that deal with the power to cancel a practitioner's certificate or to disqualify a person who had formerly been a legal practitioner from legal practice. It deals with the role of the Legal Profession Tribunal and the cost of obtaining transcripts. I will deal with each of those points in due course.

Historically, the role of the Law Institute, and more recently of different disciplinary tribunals, was to handle difficulties experienced by members of the public in their encounters with the legal profession. Despite good grounding in training there have been practitioners who have defalcated money belonging to members of the public, have not acted with due diligence, have been negligent or have not acted in the best interests of their clients. It is appropriate that there be a suitable forum and framework where such matters might otherwise be dealt with.

I have reminded the house in other days of the French barrister, who in his will bequeathed his entire estate to the local madhouse. The clause accompanying that particular bequeath in the will noted words to the effect, 'During my lifetime I took my money from lunatics and in making this bequest I only make fair restitution'. That example can perhaps be complemented by the old picture of litigants in which there was a person pulling a cow by the tail — say a defendant — and another person — say a plaintiff — pulling the cow by its horns, and the lawyer was in the middle milking the cow. That has been the experience of many people in the litigation process where the proceeds of disputation have often ended up in the hands of lawyers. With respect to the legal profession, well prepared cases require a lot of work and industry to avoid the adverse consequences of a loss when a person has been guided into litigation.

Under the former Legal Profession Practice Act there was in place a strong regulatory framework which governed the operation of the legal profession. It required the annual issue of a practising certificate. Under the relevant legislation and accompanying rules there was also the requirement for solicitors to take out indemnity insurance so that if they were errant in their advice or conduct, and the same applied with any fidelity cover, people on whose behalf they acted might have some recourse to protection. In days gone by there have been tragic circumstances in which people entrusted their entire life savings in trust accounts of legal practitioners for safekeeping only to find that the money had been misappropriated.

The role given to the tribunal under the bill to provide for the power to disqualify a legal practitioner is

designed to cover the circumstance where a person may have already elected to surrender a practising certificate and there was no certificate to disqualify, but there is provision under the bill to preclude a person from applying for a practising certificate in the future.

The objective of the Legal Profession Tribunal is to provide a cost-effective forum for dispute resolution. Since 1996 there have been a number of examples in practice where, there having been a large increase in claims, it was found that the forum had been used as a trial run or as a fishing expedition. The tribunal, which was intended to be a low-cost tribunal, was found to be used for other reasons. Under an amendment the Legal Profession Tribunal will have the power to refer matters to be more appropriately heard in the Supreme Court or County Court or other such jurisdiction. That is a sensible reform.

Tribunals such as the Small Claims Tribunal or the Residential Tenancies Tribunal are low-cost forums where matters can be resolved. People can take issues of concern to the tribunals and have them dealt with cost-effectively, and generally expeditiously. It is hoped that in the current term legislation will be introduced to help residents and owners of units in bodies corporate where there may be a dispute regarding parking, body corporate maintenance or fees. At this stage if a dispute arises body corporate members face a prospect of an expensive process of going to a court. Following extensive work the last government was at an advanced stage in preparing new legislation to come before the house that might likewise provide a low-cost tribunal. I commend this initiative to the new Attorney-General, as I am sure he can help people in the 88 lower house electorates of Victoria by accelerating and advancing this reform.

The third principle area in the bill relates to the cost of obtaining transcripts. The role of recording proceedings is expensive. It is a highly skilled role that is performed admirably by Hansard reporters, many of whom would have worked in the court system. In order to ensure that there is the appropriate level of skill and remuneration a suitable level of resources need to be allocated to that end. It was found that if a tribunal required transcripts it was an expensive process. The tribunal has the power to make an order as to who will fund the production of such transcripts. It is a sensible reform that will provide increased power.

It represents a finetuning of a principal act that was not readily welcomed by the profession. It will be interesting to get a further assessment in the course of time and during the life of this Parliament as to how well the act has operated and served both the legal profession and the wider community.

My concluding remarks refer to some statute law revision at the conclusion of the bill which principally relates to the correction of a reference to the Leo Cussen Institute, which was founded around 1972 and has provided an excellent training ground for people graduating from universities. In Victoria today students are graduating from perhaps four universities, and although taking on articles with a firm is the option exercised by many, others may have other career aspirations and seek to round off their legal training and their right to practise by proceeding through the Leo Cussen Institute. It is an option the honourable member for Dandenong may choose to exercise at some stage of his later work career to complement his legal training if he wishes to qualify further and take up practice as a lawyer.

In conclusion, I direct the attention of the house to the words that have been uttered by numbers of members of the now government while in opposition regarding the operation of section 85.

I advise new members of the house with an interest in legal matters to gain a clear understanding of the value of section 85 of the Victorian constitution and its entrenchment in the Victorian legislative framework. I wish the bill a speedy passage.

Ms DUNCAN (Gisborne) — It is good that the Legal Practice (Amendment) Bill has the bipartisan support of the house. I had intended to contribute to the debate by going through the minutiae of the bill, but the honourable member for Springvale has already made an interesting contribution in that respect.

The bill makes a number of amendments to the act and seeks to make the Legal Profession Tribunal more efficient. It aims to do a number of things: to strengthen the power of the tribunal to allow it to deal more effectively with inappropriate civil disputes that are brought before it, and to allow the tribunal to order a party to pay the cost of obtaining full transcripts of previous tribunal hearings. As the house has heard, the cost of transcripts can be substantial.

The legislation sets out ways of dealing with a whole range of issues. It seeks to deal with the legal profession, as all professions need the governance of tribunals or forms of insurance to ensure they properly conduct themselves. The legislation details professional standards of conduct and how incidents of misconduct should be dealt with. It is difficult to predict the effect any new legislation will have and what changes may be

required to ensure it continues to fulfil its aims. Often the intention of legislation is different from the way it is put into practice.

The bill seeks to close loopholes that have emerged or problems now being encountered before the tribunal on a number of issues. Some issues appear to be impeding the ability of the tribunal to deal adequately with the legal profession. If the public is to have faith in the legal profession, the tribunal must be seen to deal with examples of misconduct appropriately. At the same time, professional tribunals must not be used in ways not intended by the act. There is no doubt that some cases brought before the tribunal could and should have been dealt with in other jurisdictions.

The public has a particular view of lawyers — and many other professions, for that matter. Members of the public become annoyed if they think lawyers are getting off or escaping the net or are seeking ways to avoid what should be a proper course of action to be taken against them.

The bill deals with misconduct by lawyers. It aims to handle problems when things go wrong — and things do go wrong occasionally! People are often suspicious and cautious, and sometimes afraid of lawyers. My words are apt to describe the experience of some people with lawyers. Unfortunately, the community has seen increasing examples of misconduct by lawyers. I refer to an article in the *Age* of 11 November 1998 which refers to a rise in criticism of the state's lawyers. It states:

> Complaints against Victoria's lawyers have jumped by 40 per cent in the past year.

That, of course, is an outrage. The bill aims to have the tribunal remedy that situation.

That is not the experience of most people in their dealings with lawyers. As some honourable members said during their contributions to debate on a bill yesterday, most people hope they never have to appear before the Legal Profession Tribunal. The fear and caution instilled in many people by lawyers is a consequence of events in their lives that have caused them to seek the assistance of the legal profession. Such events have led, in some cases, to people feeling suspicious of and daunted by lawyers who may have been involved in those events.

Today the house has heard about some of the problems the community has with lawyers. I do not want to paint too negative a picture of lawyers. Today I heard the joke that lawyers are often considered to be the bottom of the food chain — possibly just above the view some people may hold of politicians! But, as that view of politicians is inappropriate, so the same view is not appropriate for lawyers. The bill is needed because the dealings of many members of the community with the legal profession have been fraught with problems. Although such incidents sometimes happen — perhaps more frequently than we would like to think — on occasions disputes arise between a client and a lawyer; it is not the rule because exceptions occur. Most lawyers and their clients enjoy good business relationships and conduct their business to the satisfaction of all parties.

There is a danger of painting a negative picture of the work or practices of lawyers. Lawyers do great work, they work long hours, they agonise over the plight of their clients, and often they are abused by clients. Some people think lawyers are overpaid and are perhaps the most privileged members of our society, but many are not paid for their services or are paid slowly over time. Some are paid in kind. Many do large amounts of pro bono work because they have a significant sense of social justice.

Many lawyers work for legal aid rates which, as the house knows, in Victoria would not cover the costs of most legal firms. A legal firm would go broke if it relied completely on legal aid work. That problem has been caused by the severe cuts made by the federal government and the former Kennett government to legal aid funds. Victoria Legal Aid has virtually no legal aid funds with which to help Victorians. Many people face difficult legal situations and are afraid or disappointed because they face the prospect of appearing in court unrepresented by counsel.

However, the bill will refine and strengthen the Legal Practice Act and will ensure that the amount of finetuning needed by the tribunal will be achieved. The bill will put into effect the changes that other honourable members have referred to so eloquently during their contributions to the debate. Therefore, I support the bill.

Mr NARDELLA (Melton) — I rise to support the Legal Practice (Amendment) Bill. The bill amends the powers of the Legal Profession Tribunal to deal with intransigent lawyers. It also deals with changes to how the tribunal is to be used. Claims for amounts up to a maximum of $15 000 have been taken to the tribunal by lawyers to circumvent their going to higher courts and having to pay higher fees to have claims heard. By taking cases to the tribunal lawyers are able to seek information, go through a process of discovery and use the tribunal as a preliminary vehicle that is far less expensive than a court. That practice is overstretching

the capacity of the tribunal by causing it to deal with a number of cases that would normally not go before it.

Lawyers are ingenious at looking at what is available and then using it — or in this case abusing it — to achieve the best outcome for themselves but not necessarily the best outcome for the community that initially set up the tribunal to look after its interests. Lawyers have been exploring the options and taking cases to the tribunal that should not be there.

Clause 5 of the bill enables the tribunal to deal with those types of circumstances. It will be able to refer cases directly to higher courts — to the Supreme Court if necessary — and in that way control the flow of cases it deals with. It will be able to prevent inappropriate use of its services by referring cases to higher courts, where they should have been taken by the lawyers in the first place.

Clause 6 deals with legal practitioners who have transgressed the Legal Practice Act but who by surrendering their practising certificates have not allowed the tribunal to deal with their cases. In a number of instances lawyers have transgressed the rules, done the wrong thing, but instead of being taken to the tribunal and dealt with they have handed in their practising certificates and avoided having a conviction recorded against them. That has given them the ability at a later stage to rejoin the legal fraternity in Victoria and continue to practise. That is a matter of concern to the government, and it was of concern to the previous government, which essentially developed the bill before the 18 September election. The government believes that under no circumstances should legal practitioners be able to avoid being dealt with under the legislation on that technicality.

I again refer honourable members to the fact that lawyers are innovative and are able to sniff a loophole from 100 yards, as they have obviously done under the existing act. The government must protect the community from unscrupulous lawyers. There are many instances where legal practitioners have abused the system and the trust of their clients by systematically ripping them off. Clients and their families have been placed in extremely difficult positions by legal practitioners who have, for example, taken away their life savings. It is imperative that the proposed legislation be enacted to ensure such unscrupulous lawyers are brought to account.

The original legislation on which the amending bill is based was introduced a number of years ago. Concerns were raised at that time about its deregulatory nature. However, the bill will be part of the legislation that currently controls and regulates lawyers in society. That legislation was agreed on in both houses of Parliament in order to maintain the integrity, high standards and quality of the legal profession in the state. It is the government's responsibility to maintain that integrity, because it is charged with the responsibility of ensuring that vulnerable people in society who consult legal practitioners and put their trust in them are protected. Protection of the public is paramount, and that is why it is pleasing to see that the bill, which was initiated by the previous government, has bipartisan support.

I commend the bill to the house.

Ms ALLAN (Bendigo East) — I am delighted to speak on the bill, which will make a number of important amendments to improve the efficient operation of the legal profession. Honourable members have already heard a fine dissertation on the bill from a number of honourable members who have dissected it carefully. I have to admit to not being a lawyer and not having ever studied law past year 12 legal studies. Therefore I bring more of a community perspective to consideration of the importance of the bill.

A government member interjected.

Ms ALLAN — And a sharp mind — and the contribution of Bendigo East. As the house has already heard, the bill was prepared by the previous government. It was interesting to hear the honourable member for Berwick commend the bill to the house. That is unlike the situation that occurred during debate on the Health Practitioners (Special Events Exemption) Bill, when the criticisms of the members of the coalition — I should call it the Liberal–National partnership — were directed at their own party colleagues. That was a curious situation, but it was consistent with their continual backflips in a number of policy areas.

The sudden interest of the honourable member for Warrandyte and an honourable member for North Western Province in the other place in the state education system comes to mind when talking of opposition policy backflips. I draw to the attention of the house that government members look forward to the support of an honourable member for North Western Province in the other place when he votes with the Labor government on bills that are put through the upper house.

In the local newspaper, the *Bendigo Advertiser*, he was reported as saying that he would do so in keeping Labor to its commitments. In keeping Labor to its commitments we are looking at the support of an

honourable member for North Western Province, because the only way we can keep our commitments is if that undemocratic chamber votes for the passage of our legislation.

I commend an honourable member for North Western Province, Mr Ron Best, for his contribution to Labor forming government in Victoria. I draw to the attention of the house an article that appeared in the *Bendigo Advertiser* of 18 October — two days after the excellent win in the Frankston East supplementary election by the present member for Frankston East. It reported that Mr Best said he had been involved in talks with the honourable member for Mildura, Russell Savage, and that — —

Mr Perton — On a point of order, Mr Acting Speaker, we have been quite patient with the honourable member commencing a diatribe against an honourable member for North Western Province. She has now spent 2 minutes talking about things Mr Best said, but it has absolutely nothing to do with the bill. She is now about to read a clipping from the *Bendigo Advertiser*, which again has nothing to do with the bill. I know she is a new member and is still learning the rules of the house — —

Government members interjecting.

The ACTING SPEAKER (Mr Phillips) — Order! The honourable member for Doncaster has the right to raise a point of order.

Mr Perton — I ask you, Mr Acting Speaker, to direct her to address the bill. I think an indication of the route she intended to take was given at the beginning of her speech when she said that others had dealt with the bill, which seemed to mean, 'Let me talk about what I want to talk about'. You have to give her a lesson, Mr Acting Speaker — —

Government members interjecting.

Mr Perton — Mr Acting Speaker, I ask that you advise the honourable member for Bendigo East that although it would be convenient to talk about other matters she is restricted by the standing orders to talking about the bill and issues relating to it. She may extend her speech to some elements of the primary legislation, but not to the general attitudes of a member of the upper house.

The ACTING SPEAKER (Mr Phillips) — Order! I do not uphold the point of order at this time. The rulings of previous Speakers have allowed a tiny bit of licence in allowing members to talk about other things while debating a bill. The honourable member for Doncaster is right; the honourable member for Bendigo East is new, and it is therefore fair that the house should be a bit tolerant and allow the newer members to gain a little experience. However, I advise the honourable member for Bendigo East that she needs to address the bill. I believe she was doing that in part, but as it has been brought to my attention I ask her to now address the bill.

Ms ALLAN — For the benefit of the honourable member for Doncaster I point out that what I have said is relevant because, like other honourable members, I was beginning to refer to the standing of politicians and lawyers, the similarities between the two and how the bill goes towards addressing the concerns of the community.

It is important to note that the opposition is in opposition because of the 'constructive' talks between an honourable member for North Western Province in the other place and the honourable member for Mildura — obviously they were very constructive for the now Labor government!

The Legal Profession Tribunal deals with the right to practise law. The right to practise law in Victoria is obviously also a privilege — similar to the privilege of sitting in this house as the member for Bendigo East. It is a noble profession.

The bill refers to the disqualification process currently in place and the anomalies inherent in it. The present situation is difficult for the lawyers, both barristers and solicitors, and the tribunal, and the loopholes will obviously have to be addressed to ensure the integrity of the system. As with other professionals, barristers and solicitors need a watchdog to carefully monitor their practice and conduct. Of course, law is an emotive profession, as is politics — as we have seen this evening — and members of the profession come under public scrutiny similar to that given to politicians.

Unfortunately, in the eyes of the public lawyers have a status and ranking similar to that enjoyed by politicians, used car salesmen and our good friends in the media. That was made clear earlier by the honourable member for Gisborne who referred to the *Age* article of November 1998 giving details of the public standing of those occupations and professions. As the honourable member for Melton said, lawyers being lawyers, they will look for loopholes. Unfortunately, some less kind members of the public believe that is all lawyers do with their time — sit back in their offices and look for loopholes. It is therefore important to maintain public confidence in our legal system that loopholes such as those the bill is meant to deal with are closed.

At present a lawyer who has been convicted and surrenders his practising certificate can reapply for that certificate at any time. That is clearly anomalous and needs to be addressed, particularly when the lawyers are disqualifying themselves from practising law only to avoid the humiliation of being disqualified by the tribunal.

An Honourable Member — They found that loophole.

Ms ALLAN — They surely did. Providing the Legal Profession Tribunal with a clear power to impose a period of disqualification on a lawyer will ensure that the tribunal does not continue to be a toothless tiger.

I said earlier that practising law is a noble profession. I am pleased to inform the house that some of my closest friends are lawyers. In saying that I am happy to name them. I would like to inform the house that the Bendigo breed of barristers and solicitors are a fine group who work hard for the people of Bendigo. They are a caring and compassionate group of people, particularly in the problematic area of family law, which is probably the most emotive area of law you could think of.

During the campaign in Bendigo East I was pleased about the assistance local lawyers were able to give me. As I said earlier, I am not a lawyer and I needed advice on certain matters, particularly on the effect of the former Kennett government's Workcover legislation and its impact on my constituents. The removal of workers' common-law rights caused great distress among the constituents of Bendigo East. I sought assistance from John McPherson of the law firm Arnold Dallas and McPherson.

Our Bendigo lawyers are also incredibly community minded, and that sentiment should be remembered when legislation is being drafted or when we are discussing legal professionals, because they are people who have personal lives and are active in their communities and are highly respected members of their communities.

I draw to the attention of the house a Bendigo lawyer, Marika McMahon of the law firm O'Farrell Robertson and McMahon. Ms McMahon is the youngest person in Victoria to be a partner of a law firm, and she was recently named as the Business and Professional Young Career Woman of the Year. A fine achievement.

Any bill that sorts out the Legal Profession Tribunal and removes loopholes that may bring the profession into disrepute would be welcomed by Bendigo lawyers, the Bendigo Law Association and both sides of the house.

An Honourable Member — Bipartisanship is a lovely thing.

Ms ALLAN — Bipartisanship is a lovely thing. We have already heard discussion about the impact of the legal aid cuts inflicted by the Kennett government. Again, when speaking about any law bill we need to remember that impact. Those funding cuts had a dire effect on the constituents of Bendigo East, particularly in the area of family law. It caused great distress to families to know they could not have access to an equitable system that would allow them to take their matters before the courts. That sort of access is vital to families in times of need.

I am pleased that the provisions of the bill that deal with the civil dispute jurisdiction will ensure that the original intention of the principal act is maintained.

A balance must be struck between clients having their complaints dealt with and lawyers having them dealt with more easily. This jurisdiction alleviates the stress on both sides, which is important because getting through the legal system is distressing enough for many people without their having to go through another complex jurisdiction to have their complaints heard.

The amendment will alleviate the stress for a client who has a complaint against a lawyer, and will make it easier — perhaps not to the lawyer's enjoyment — to have the complaint heard. That is important, because it is very hard on a complainant who has already been through an emotional or traumatic court experience to have to then go through another one. It is pleasing to note that the amendment addresses that situation.

I am not under the misapprehension that there is no problem with lawyers. In a healthy legal or political system there will be complaints, but there must be an appropriate jurisdiction in which the complaints can be easily and quickly heard. There should be complaints against lawyers who do not uphold the fine name of their profession, and the amendment makes it easier for people to seek redress.

Much of the workload of a backbencher representing Bendigo East arises from the fact that many people feel they cannot gain access to the legal system or have a complaint against the legal system. It is pleasing for us as members of Parliament to know that we can refer constituents down this path.

The fact that the civil dispute jurisdiction is not always being used in the manner that was originally intended but rather for fishing expeditions means there are less tribunal resources available for genuine complaints, particularly those involving sums of less than $15 000,

the amount for which the jurisdiction was originally set up.

The government must ensure that people who were perhaps turned off making a complaint because of cost, particularly those who have already been through the legal system and lost a lot of money, are able to have their complaints heard quickly and cost effectively. It is also appropriate that the proposed amendments give the tribunal the discretion to refer matters involving more than $15 000 to an appropriate court. It is disappointing that the jurisdiction has been abused in the past by people with enough wealth behind them to go on fishing expeditions. It is pleasing that the amendment will address that situation.

I commend the Bracks government for bringing the bill before the house and the opposition for supporting it. The government looks forward to more opposition support, particularly in the upper house. I look forward to the implementation of the amendments for the benefit of both the legal profession and members of the community with genuine grievances against the legal profession. I commend the bill to the house.

Mr VINEY (Frankston East) — I join other honourable members in commending the bill, and I thank the honourable member for Bendigo East for her insightful remarks on the importance of the bill to the disadvantaged in our community. I join in the remarks of the honourable members for Springvale and Dandenong North, who made the point that their constituents will appreciate the amendments being made to the principal act. Members on this side of the house often represent people who are less advantaged, and the amendments — —

Mr Perton interjected.

Mr VINEY — The honourable member for Doncaster made a comment about where one lives, but it is about where one represents.

Unlike Mr Cameron Boardman in another place, I vote in the electorate in which I am registered and live. Unlike the honourable member in another place, who admitted during a 3AW interview that he lives in the seat of Albert Park but is registered in the seat of Carrum, my record of where I live and vote is quite honourable. Honourable members opposite may continue to address my residence for as long as I am a member of the house.

The ACTING SPEAKER (Mr Phillips) — Order! I suggest to the honourable member that he should not take exception to the comments of the honourable member for Doncaster, which distract him from debating the bill. I ask the honourable member to come back to the bill.

Mr VINEY — The purpose of the honourable member in raising such issues is to distract not only me but also the electors of Victoria from the serious matters that must be considered in the house.

I am pleased to speak on the bill, and I note that the honourable members for Berwick, Dandenong North and Bendigo East commented in their addresses to the house on the reputation of lawyers. I am not a lawyer. There is a question about where politicians and lawyers sit in the food chain. Before coming to the house I was a pollster, and I am not sure where that profession sits on the food chain, either. It is a noble profession, particularly when you can achieve the strategy that gets you to this side of the chamber.

The bill is important in that it deals with members of the legal profession, who can on occasion transgress proper behaviour. In researching the bill in the library I noticed from press clippings that in a matter of three months there has been an interesting array of offences, including a lawyer charged for trafficking cocaine, a man posing as a bogus lawyer and a lawyer illegally advertising a range of no-win, no-fee services without explaining that clients may have to pay.

In the past few months there was evidence of a tribunal barring a lawyer who practised at the bar without a practising certificate. I note that the amendments enable a tribunal to ban from practising a lawyer who has handed in his or her practising certificate prior to the tribunal hearing, which the honourable member for Melton appropriately referred to in his address as the loophole that lawyers are very skilled at finding.

In recent times a prominent lawyer was charged with assault, and another lawyer was banned for misconduct because he hid a murder suspect and lied to the police. They are a small number of incidents in what would otherwise be a noble profession that does much good work.

The 1996 legislation ensured the profession could self-regulate in a similar manner to the medical profession. That is an appropriate method of managing transgressions by both professional organisations and individual members.

The professions in which that method is common practice are the law and politics. Both exercise a similar process for managing appropriate behaviour. Company directors, too, have a somewhat similar process in that ethical standards in business are upheld in corporate law.

The two areas of complaint that can be dealt with by the tribunal are cost disputes and complaints about conduct. Cost disputes are a considerable issue for many in the community. On 12 September last year the Chief Justice of the High Court, Murray Gleeson, was reported as saying that lawyers' fees had got quite out of hand. He attacked the payment-for-time system, saying that it rewarded inefficiency, delay and slow thinking. Gleeson was of the view that the time method of charging was a good tool for allowing legal firms to check efficiency but was not an appropriate basis for charging for professional services. Fee and cost disputes are a considerable issue. As the honourable member for Bendigo East has said, the previous government seriously disadvantaged low-income earners in our community when it cut savagely into legal aid support.

The Chief Justice of the High Court went on to say most litigants have little idea of what legal services they need and are in no position to judge whether the time and attention devoted to their cases is excessive or insufficient. He also said most litigants would have no idea, for example, how much legal time and effort should be put into the process of discovery or whether a bill they might receive for paper copying was reasonable.

It appears that the comments of the Chief Justice were based upon research he had done while holding the position of Chief Justice of the Supreme Court of New South Wales. He said that many litigants were neither very rich nor very poor, just ordinary people. The purpose of this amending bill is to ensure that such things as cost disputes are dealt with appropriately and reasonably.

Honourable members opposite might recall that after the 1996 bill was enacted reviews of the legislation showed it was not operating at all well. A *Herald Sun* article published in July this year headed 'Judgment in the Shadows' described the process for the settling of disputes in Victoria as a complex maze — a maze set up and made worse, according to the article, by the previous government and the former Attorney-General.

The process by which legal complaints, including cost disputes, are dealt with can involve the Law Institute of Victoria or the Victorian Bar Council and can then be referred on to the Legal Ombudsman. Alternatively, a client can appeal direct to the Legal Ombudsman, who can attempt a mediation process. There may be discipline of a lawyer by means of a written reprimand, dismissal of a case or referral to the tribunal for conciliation. Ultimately a matter can be taken to the Legal Profession Tribunal, in which case the tribunal registrar can dismiss the case, issue a ruling or finally refer the matter to a full, three-member tribunal. That tribunal can then either dismiss the case or take action against a lawyer. And that is only half the process!

The other half involves going through the Legal Ombudsman, which might involve a case being dismissed, discretionary payments being made to clients, cautioning of a lawyer or investigation and reprimand of a lawyer. In serious cases the matter might be referred to the Legal Profession Tribunal or to the tribunal registrar and then to a three-member tribunal that can either dismiss the case or take action against a lawyer.

That complex maze established by the previous government has attracted considerable criticism from members of the legal profession. The amending legislation now being proposed is an appropriate means of streamlining the complex processes left to us by the previous government. I commend the Attorney-General for dealing with the matter so expeditiously as one of the first acts of the new Bracks government.

The government found that red tape was a serious concern because it meant that lawyers almost never lost their right to practise. Out of 3000 complaints only some 50 ended up going to the tribunal at all. At least four agencies were responsible for policing lawyers; complaints were hidden from public view; new policing agencies employed dozens of staff and cost more than the operation of the previous system; and lawyers often refused to cooperate with investigators trying to address complaints.

The research reported in the *Herald Sun* of 12 July indicates that in 1997–98 the Legal Ombudsman had reviewed 734 complaints, the Law Institute of Victoria, 2344, and the Victorian Bar Council, 95. Of those, fewer than 2 per cent were considered serious enough to be referred to the Legal Profession Tribunal.

As a result of the concerns expressed in July the process of reforming and streamlining the law and preparing the bill was started. Now clients of lawyers who have transgressed against their professional obligations will be able to get some recompense, and lawyers can be dealt with appropriately.

I thank members of the opposition for their support for the bill. The honourable member for Dandenong North rightly said it is important to have vigorous bipartisanship at times. It is an important bill, which I commend.

Mr HULLS (Attorney-General) — I thank all honourable members who contributed to the debate.

The shadow Attorney-General began his contribution by letting everybody in this place know how times have changed and that he could almost see himself in the past, sitting where the honourable member for Frankston East is sitting. Perhaps he wishes those days were back. I say, bad luck — we intend to be here for some time.

He said that he had been talking with members of the Law Institute of Victoria about the proposed legislation. Not only have things changed because a new government is in office but things have also changed when the shadow Attorney-General, the former Parliamentary Secretary to the Attorney-General, now talks to the institute. It is pleasing to see. I am sure the institute will give him wise counsel in the next four years or so in opposition, as the Law Institute of Victoria was helpful to me when I was in opposition.

The honourable member for Berwick attempted to rewrite history when he spoke about the introduction of registered professional associations (RPAs) and said that they were set up to break the monopoly of the bar and the institute for legal reasons, not to simply smash the monopoly of those particular bodies. I indicated that when the original legislation was introduced the intent was far more vindictive than the shadow Attorney-General indicated and that the introduction of the system of RPAs was a deliberate attempt by the former Attorney-General to undermine the Law Institute of Victoria and the Victorian Bar Council.

The shadow Attorney-General said that RPAs have been a huge success. As there have been no new RPAs since the legislation was introduced, one has to question how successful the legislation has been. I thank him for his bipartisan support on the legislation.

Dr Dean interjected.

Mr HULLS — The shadow Attorney-General interjects by saying that it is the last time the opposition will give its support if I talk like that. He should support legislation on its merits, not on my comments. I look forward to his support on legislation in the future, as I know I can count on the support of the honourable member for Doncaster.

The honourable member for Richmond, the Parliamentary Secretary for Justice, made an excellent contribution to the debate on the bill. He was concise in his analysis of the legislation and I thank him for his support.

He was followed by the honourable member for Kew, a new member who showed a real understanding of legislation — he has first-hand experience in the law. I thank him for his forthright contribution and look forward to further forthright contributions from the honourable member in due course.

The honourable member for Dandenong North made it clear that when any legislation is introduced the first question he will ask is ‘What does the legislation do for Dandenong North?’, which is a good attitude to take. He came to the conclusion that the legislation will assist his constituents and he is more than happy to support the bill.

The honourable member for Gippsland East spoke about the inability of lawyers to deal with costs, with self-promotion and in many cases to deal appropriately with clients. They have not always kept their clients informed in particular cases. I agree that in the past lawyers have been seen to be a stuffy lot. They certainly go out of the way to do what they can to assist their clients but in doing so from time to time they have failed to advise them of the progress of a particular case. Things are changing and lawyers are certainly coming into the 21st century. I thank him for his thoughts on the legislation.

The honourable member for Springvale spoke eloquently about the legislation and showed that although he is not a lawyer he has a real understanding of how the legal profession works. I thank him for his contribution.

The honourable member for Doncaster is a lawyer and considers himself something of a freedom fighter on the conservative side of the house. He made a learned contribution, particularly in relation to information technology and lawyers bringing themselves into the 21st century. I often take the advice of the honourable member for Doncaster on such IT matters — I am not an expert in that field and am more than happy to take his advice. But I am not prepared to wear his behaviour towards the Deputy Speaker. It was extraordinary and I advise him that in the future such behaviour will not be tolerated. I thank him for his support for the bill.

The honourable member for Sandringham made an esoteric contribution. He told a joke about the lawyer who left all his money to a madhouse when he died because he had been taking money from mad people for years and decided to give it back. The honourable member also told a joke about a cow. I was not sure what was the point of his contribution, but in the end I ascertained that he supported the legislation.

The honourable member for Gisborne made an eloquent contribution showing a real understanding of

the legal profession. I thank her for her support for the bill.

The honourable member for Melton made an excellent contribution. He has an interest in the law and is concerned about his constituents. He is a welcome member to this place. He has left the 'funny farm' of the other place and is now in the house that really counts. I expect more excellent contributions from him.

The honourable member for Bendigo East also made an excellent contribution. She showed a real interest in the legal profession and understanding of the legislation. I thank her for her contribution.

Finally, the honourable member for Frankston East made it clear that he is not a lawyer but was an upholsterer in a different life. He said that lawyers and politicians have always been at the bottom of the barrel. I am both a lawyer and a politician and will therefore ignore his comments. I thank him for his support of the legislation and look forward to his continuing support on this side of the house on a whole range of reforms that the Bracks government intends to introduce, which include not only reforms to the legal profession but also to the law relating to the Auditor-General and access to common-law rights for seriously injured workers and so on.

I thank all honourable members who made a contribution and wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

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

Member for Chelsea Province: electoral enrolment

Mr HOLDING (Springvale) — I raise a matter for the attention of the Attorney-General as the minister responsible for the Victorian Electoral Commission.

Honourable members will recall that during the Frankston East supplementary election, the former Premier commented on the residence of the then Labor candidate and now member for Frankston East. As a consequence of the comments journalists inquired of various members whether they live in their electorates.

The Honourable Cameron Boardman, who represents Chelsea Province in the upper house, claimed to a journalist from 3AW that he currently lived in St Kilda but stayed a couple of nights each week in Frankston. At the time of the state election, the electoral roll — I have a copy of the extract from the roll — places him as living in Parkdale, in the seat of Carrum.

Given that in January 1999 Mr Boardman removed the address in Parkdale from his pecuniary interest form and claimed to a journalist that he lived in St Kilda and possibly Frankston but not in Parkdale, will the Attorney-General investigate whether the compulsory enrolment and transfer provisions of the Victorian Constitution Act have been adhered to in this case? Further, can he inform the house how soon after changing addresses voters must update their electoral enrolment?

Finally, can the minister inform the chamber of the broader implications of the Honourable Cameron Boardman claiming a vote in the state electoral district of Carrum and the upper house province of Chelsea if in fact he was not entitled to do so?

Stawell Easter Gift

Mr DELAHUNTY (Wimmera) — I raise with the Minister for Major Projects and Tourism a matter concerning the government's policy on promoting Victoria's major events. Since 1878 the Stawell Athletic Club has been bringing wealth and tourism to Stawell and to Victoria by attracting the followers of athletics to the Stawell Gift.

The Stawell Easter Gift is an icon event in the Wimmera region and in Victoria. For the information of the house I mention that there were 50 entrants in the first Stawell Gift and the first prize was £20. In 1999 there were over 200 entrants and the winner received $34 000. Many of the approximately 600 entries in the Easter events and the large number of patrons attending are from interstate or overseas. Over the years top-class athletes such as Linford Christie and Matt Shirvington have competed in this event.

The ability of the Stawell Athletic Club to attract top runners — whether they are the best in Australia or the best in the world — has always been a feature. The cost of securing the services of these athletes and the marketing and promotion of the Stawell Easter Gift has been restricted by the lack of available funding.

The early members of the Stawell Athletic Club were determined that nothing but the best would be good enough for the meeting, especially where the athletes were involved. The strong support from the people of Stawell and the tradition continues.

But as the voluntary committee is well into preparation for the year 2000 Easter Gift, will the minister indicate to the house, to the people of Victoria and to the people of Stawell what support the government will give to ensure ongoing support for the Stawell Easter Gift — one of Victoria's icon events that has been in existence for over 120 years?

Community legal centres

Ms GILLETT (Werribee) — I raise a matter for the attention of the Attorney-General and ask him to provide advice to the house about the status of the review into community legal centres (CLCs). The communities of Werribee and Hoppers Crossing that I am privileged to represent are fortunate to have the services of a community legal centre. Earlier this year, with enormous distress our community learned the federal government and the failed Kennett government were reviewing the operation of community legal centres.

Given the track records of those ideologically hidebound and economically irrational governments, the community knew what it was facing: the CLCs would be forced into amalgamations and starved of funds.

In my opinion community legal centres are at least as important to communities, if not more so, than are local members of Parliament; and they play similar roles. While many in the communities in my electorate go to their community legal centres with matters they think are based on legalities, often the legal matters are only peripheral and the substance of the issues go to far more important social matters. My local community legal centre has dealt with many inquiries from my constituents and has done much more than sort out their minor legal matters. On many occasions and in many ways it has helped rebuild lives that have been affected by social processes, not just by legal processes.

Public meetings held in Werribee were well supported. The community agency networks came out in force to support the community legal centres. Now we are free of at least one level of government that suffered from ideological obsession and look forward to a time when we can be free of obsessiveness at the federal level. I ask the Attorney-General to advise the house of the status of the review into community legal centres.

Rural Victoria: teachers

Mr INGRAM (Gippsland East) — I refer the Minister for Education to the looming teacher shortage in rural Victoria. It has been brought about in part by the one-year contracts that discourage teachers from taking rural teaching jobs. Teachers who take jobs in country schools, move to country towns and set up new houses face extra costs because of moving. Teachers in the city can apply for jobs at a large number of schools. They can stay in one neighbourhood and move between schools.

I believe it will be necessary to offer incentives for teachers to move to rural areas. Country children have an equal right to a good education. They have the right to be served by adequate numbers of good teachers, including specialist teachers, particularly in the areas of maths, science and languages. Will the minister tell the house what she will do to address the problem?

Housing: loan schemes

Mr WELLS (Wantirna) — I raise for the Minister for Housing serious concerns about the home opportunity loan scheme and the shared home opportunity scheme, which were introduced in 1988, interestingly by the Cain–Kirner government. The minister will be aware that the schemes have cost a lot of people a lot of money, especially the people on low incomes the Labor government promised to help.

I refer the minister to a press release put out at the time by Mr Pullen, a former minister in the other place. It states:

> The home opportunity loan scheme enables families earning as little as $290 a week to buy their own home.

The big con of the Cain–Kirner government was that it forgot to tell many people about the fine print, which states:

> You start to repay the loan at 27 per cent of your commencing eligible weekly income. This means that your repayments start at a much lower rate than would normally be the case for the same sized bank loan. The shortfall between the repayment and the interest on the loan is added to your loan balance and repaid later.
>
> On the anniversary of settlement of your loan, your monthly repayment goes up by 6 per cent. This continues until your loan is paid in full. The lender reserves the right to change this rate …
>
> Whilst your monthly payment will eventually be higher than it would be with a traditional home loan, the monthly repayment will still be affordable. This is because incomes will rise over the same period.

That is the assumption that led the Cain–Kirner government to fall into a massive financial hole. Many of those people were caught up in the con and have lost their homes. In the recent Frankston East supplementary election the Labor government distributed misleading information about the loans, saying the current Minister for Housing would review the schemes. I wonder when that review will be completed, how many of the people affected by the schemes will be repaid and how much it will cost the Victorian taxpayer?

The SPEAKER — Order! I did not wish to interrupt the honourable member for Wantirna, but the level of conversation in the chamber at the moment is far too high. I ask honourable members to lower their tones.

Ballarat: mayoral allowance

Ms OVERINGTON (Ballarat West) — I raise for the attention of the Minister for Local Government a matter concerning the belief of the members of Ballarat City Council that their right to determine whether they pay their mayor as a full-time mayor should rightly rest with the council concerned and not with the state government. I ask the Minister for Local Government to give that issue his considered opinion.

On 4 May 1994 Victoria saw the end of democratically elected councils. When returned in 1996 with reduced rights and powers to determine their own affairs, local councils could at least still determine the role and functions of its mayors. In Ballarat in March 1996 council determined that the role of mayor was a full-time role and reimbursed the mayor at that time accordingly.

In 1998 the Kennett government legislated to make the role of mayor a part-time position. Anyone who has any knowledge of local government or regional areas in particular will know that by its very nature the role of mayor in a regional area is a full-time one. The current mayor of Ballarat, Cr John Barnes, works a minimum of 70 hours a week. I have no doubt that other mayors throughout regional Victoria work similar hours, as did the previous mayor of Ballarat.

An honourable member interjected.

Ms OVERINGTON — The previous mayor of Ballarat was Cr Judy Verlin. She worked exceedingly long hours, but she did that for $36 000 a year and received no superannuation entitlements. I ask the Minister for Local Government to give full consideration to that matter for the sake of the future of local government in Victoria.

Cobram: industry support

Mr JASPER (Murray Valley) — I refer the Minister for State and Regional Development to his visit to north-eastern Victoria last Friday. He visited my electorate of Murray Valley and the township of Cobram, where he launched a new industry in which $8 million is to be invested by Ausfresh and which we believe will employ approximately 190 people when it comes into operation approximately 12 months from now.

I noted that when the minister made the announcement at Cobram he gave due credit to the work of the previous administration, particularly Business Victoria, and to the cooperation of the Moira Shire in bringing that industry to Cobram and recognising its importance to Cobram's future and the jobs that will be created.

It is worthwhile bringing to the attention of honourable members the extent of the impact the industry will have on the economy. The company will require approximately 400 000 kilograms of tomatoes per month, plus significant quantities of locally produced vegetables. It will produce a range of antipasto products which will be distributed through supermarkets and other retailers throughout Australia. The company will also be looking to export into Asian countries.

It is hoped that they will be going into that area in strength, and over the next few years they will see at least a third of their turnover being introduced in the Asian export markets.

I seek from the minister an assurance that he will continue to provide the support that has been provided by Business Victoria in the past, and that in the future there will be support for the developing industries in country Victoria, recognising the importance to Victoria of export products. The minister recognised the objective of achieving exports of $12 billion by 2010, and I now seek from the minister that continuing support for industry in country Victoria, and particularly a commitment to funding support.

I am reminded also of funding for a new bridge over the Murray River between Cobram and Barooga, which will be the subject of a deputation to another minister tomorrow. I seek assurances from the minister of that support so that north-eastern Victoria and the Goulburn Valley continue as the food bowl for the whole of Victoria.

The SPEAKER — Order! Before calling the next speaker I remind the house that during the adjournment debate members may raise only one matter.

Tourism: multicultural festivals

Mr LANGUILLER (Sunshine) — I refer to the Minister for Major Projects and Tourism a matter concerning government sponsorship of excellence awards for our multicultural festivals. What action will the government take to promote these events as multicultural tourism products? The multicultural events in Victoria have a significance beyond the local market. They are social and economic commodities that must be promoted for the benefit of state and national tourism.

I had the pleasure of meeting a number of Japanese families on the weekend when I represented the Premier at the Hispanic Festival in Fitzroy. Those families told me that they had inadvertently found out about the festival when their hotel recommended it. We should not be leaving it up to hotel staff or up to chance to promote our festivals; we should be promoting these festivals in an organised and systematic way internationally.

Honourable members are aware that local artists are committed to excellence in various disciplines and are performing and finding jobs in Singapore, Japan, the Philippines and other countries in the region. Victoria needs a clear government strategy that recognises and promotes local artists overseas. Traditionally governments in the multicultural field have seen their role as providing grants — and I recommend that they continue to do so — but they should play a more constructive, proactive role by facilitating a partnership between government, business and the arts community.

Some of the best known festivals in Victoria are the Antipodes Festival, organised by our Greek community; the Lygon Street Festa, organised by the Italian community and the Lygon Street traders; the Hispanic Community Fiesta, which has been running for 21 years; the Chinese New Year and various festivals around it; and the Vietnamese Lunar New Year Festival in Footscray. I encourage the government to take a proactive role and promote local artists in the region.

Police: Kew station

Mr McINTOSH (Kew) — I raise with the Minister for Police and Emergency Services a matter concerning the Kew police station. Prior to the election the honourable member for Yan Yean, who is now the minister, visited the fair electorate of Kew and expressed concern about the level of policing in Kew and the proposal to close the Kew police station.

Since then the minister has announced that he will not close the Kew police station, but he must have seen the appalling condition of the station — the Dickensian conditions in which police officers have to work, the condemned cells and so on.

Following my election I consulted widely with my constituents and noted the sincere concerns about the proposed closure of the Kew police station. My constituents want the station upgraded. Recently my parliamentary colleagues representing constituents in the City of Boroondara called for the upgrading of all police stations in the city. The previous government had allocated some $7 million for the construction of a super police station but that project is now on hold.

I ask the minister to inform the house what guarantee he can give that the $7 million will be spent in the City of Boroondara to upgrade all police facilities and what proportion of that money will be spent on the Kew police station.

Ballarat: festival funding

Mr HOWARD (Ballarat East) — I raise with the Minister for Major Projects and Tourism two Ballarat festivals. Ballarat is the home of the Begonia Festival, but I do not wish to speak about that because I am sure the honourable member for Ballarat West will inform members about that in the months to come. I wish to speak about the Ballarat Winter Festival and the Organs of the Ballarat Goldfields Festival — two great festivals held in Ballarat in recent years.

The winter festival, which is obviously held in the winter, takes account of the great Ballarat ambience, indoor opportunities, and sitting around fires in warm environments enjoying fine food, fine wine and great entertainment provided in a range of ways with creative themes built into it. This exciting festival has been going for two years. Earlier it was called the Open Fire Festival.

I trust honourable members will have the opportunity of enjoying this festival in the coming months if they have not done so already. The festival, like so many other Ballarat festivals, is organised by a local Ballarat community committee that has worked hard this year as it has in previous years to make the festival successful. The committee seeks additional funding from Tourism Victoria and I hope the minister can support it in that regard.

The Organs of the Ballarat Goldfields Festival is held in the summer months each year. By contrast with the contemporary theme of the Ballarat Winter Festival, it is a festival highlighting cultural aspects — —

Mr Richardson — On a point of order, Mr Speaker, I remind the house that the adjournment debate is not an opportunity for members to describe something that is going on in some way. The objective of the adjournment debate is to request action from the government on a particular subject. The honourable member has been speaking for more than 2 minutes — —

The SPEAKER — Order! It may not have been clear to the honourable member for Forest Hill, but the Chair specifically heard the honourable member for Ballarat East request extra resources from the Minister for Major Projects and Tourism. There is no point of order.

Mr HOWARD — I am seeking advice from the minister about funding from Tourism Victoria for these two outstanding festivals. The goldfields festival is held in some of our heritage churches in the City of Ballarat and surrounds. It will be a great festival in coming months and I believe it will be even better if funding is granted by the minister.

CFA: paid firefighters

Mr MAUGHAN (Rodney) — I direct the attention of the Minister for Police and Emergency Services to the Country Fire Authority. With more than 75 000 volunteers in more than 1200 brigades and supported by about 800 paid administrative staff the CFA is widely accepted throughout the world as one of the most efficient and cost-effective fire services in the world.

Because of the constant threat of bush and grass fires, the volunteer CFA branches are a vital part of every small community throughout country Victoria. Honourable members would be well aware that volunteers turn out regularly for training, to compete in demonstrations and to check and maintain their equipment.

It is estimated that the CFA system, based as it is on volunteers, saves the Victorian community about $600 million each and every year. I note in passing that, thanks to the previous government, the CFA now has 2000 well-equipped firefighting vehicles strategically located throughout Victoria, first-class communications equipment and planes and helicopters on stand-by in the fire season.

The United Firefighters Union has been lobbying to have one firefighting service for Victoria, to have permanent, paid firefighters in most major towns and cities and to extend the boundaries of the Metropolitan Fire and Emergency Services Board into what have been traditional CFA areas in outer metropolitan Melbourne. I seek an assurance from the minister that he will not approve any actions that will in any way compromise the integrity or efficiency of the CFA and its 75 000 volunteer members, who have a proud record of serving the state so well over a long period.

Bendigo: open-cut goldmining

Ms ALLAN (Bendigo East) — I ask the Minister for State and Regional Development to pass on to the Minister for Energy and Resources in the other place the matter I raise. I advise the minister that tomorrow I will be tabling a petition organised by the Coalition of Communities Against Open-cut Goldmining. The petition asks that further — —

Honourable members interjecting.

Ms ALLAN — Mr Speaker, this is important to my electorate of Bendigo East. The actions of the former government in ignoring the needs of the communities of Axedale and Goornong have partly led to the former government members now being on that side of the chamber.

I will be tabling a petition that has been organised by the Coalition of Communities Against Open-cut Goldmining. It asks that as soon as possible the communities of Axedale and Goornong be granted a meeting with the relevant minister. It is crucial that the group meet with the minister because the Axedale and Goornong communities are involved in a difficult dispute with Perseverance Mining at Fosterville.

Honourable members interjecting.

Ms ALLAN — That is exactly right. The opposition ignored the concerns of the people of Axedale and Goornong.

The SPEAKER — Order! The honourable member should direct her remarks through the Chair. She invites interjection by debating issues across the table.

Ms ALLAN — Thank you, Mr Speaker. It is hard to resist, when members opposite have ignored for seven years the concerns of my electorate of Bendigo East. I have met with members of the group extensively and they have raised with me their concerns, particularly that they were not heard by the previous government.

They are also concerned about the Mineral Resources Development Act and the environment effects statement, or EES, process. The previous government was prepared to continue with the flawed process and to isolate and marginalise the local community. This issue

is causing great distress and concern among farmers and land-holders in the area covered by the mining application of Perseverance Mining. If time permitted, I would tell the house about the tears in the eyes of farmers I met with in Goornong. Land that has been in their families for more than 150 years might be taken away from them — another point ignored by the former coalition government. Members of the Axedale and Goornong communities have expressed to me their great concern and disappointment that the former government and its local representatives, National Party members in the upper house, did not address the issue.

I ask the Minister for Transport to pass on to the Minister for Energy and Resources in another place the message that members of the group seek a meeting with the Minister for Energy and Resources as soon as possible to discuss the issue and present their grievances — something the coalition did not do for seven years, which is why Labor is now on this side of the house.

The SPEAKER — Order! I remind the honourable member for Bendigo East that when the Speaker is on his feet and calls her to order she must desist or she will be in breach of sessional order 10.

The time for raising matters has expired.

Responses

Mr HULLS (Attorney-General) — The honourable member for Springvale raised the issue of whether the Honourable Cameron Boardman in another place was legally enrolled on the electoral roll. He raised the matter in the context of certain comments made by the former Premier about the former candidate, now honourable member for Frankston East.

As I recall, the former Premier made disparaging and false remarks about the current honourable member for Frankston East not living in the electorate. In light of the current situation of the Liberal Party candidate for Burwood those comments have come back to haunt opposition members.

The honourable member for Springvale raised a serious matter about whether a person was legally on the electoral roll. The Constitution Act Amendment Act sets out specific enrolment requirements. A person is entitled to enrol in a particular electorate after residing in that electorate for one month. The act makes it clear that it is an offence to fail to enrol within 21 days of becoming eligible to enrol in a particular district. In other words, if people move to a different area and fail to enrol within 21 days they are committing an offence and certain penalties apply.

I do not know the Honourable Cameron Boardman's situation. The honourable member for Springvale suggests that he is enrolled to vote in Parkdale while admitting to a radio station that he resides at St Kilda. However, he resides at Parkdale for a couple of nights each week.

I do not refer specifically to the Honourable Cameron Boardman when I say it is both inappropriate and illegal for people to be enrolled at a certain address in the full knowledge that that is not their place of abode. However, when it comes to matters such as this members of Parliament have a high duty of care.

Honourable members interjecting.

Mr HULLS — Honourable members opposite interject about where a person may stay on a particular night. I will not take up the interjection of the honourable member for Brighton in that regard. It is important to note that any person may stay anywhere on any night. However, in Victoria certain laws apply to enrolments on the electoral roll that make it clear people must enrol where they live.

It is totally inappropriate if a member of Parliament is enrolled on the electoral roll at a certain address but is not living there. I welcome any evidence that the honourable member for Springvale may present to me. When I have that material I will investigate the matter.

The honourable member for Werribee raised an important issue about the status of the current inquiry into community legal centres (CLCs). It is an important issue. I have a vested interest in CLCs because I used to work for Victoria Legal Aid and my father volunteers a couple of days a week at the Flemington Kensington Legal Centre. Community legal centres are one of the few avenues open for the underprivileged and poor people in our community to gain access to justice. I made it clear during the election campaign that the policy of a Bracks Labor government would be that no community legal centre would be forced to amalgamate or close. Of course, if they want to amalgamate of their own volition, that is matter for them.

Once community legal centres are closed and — as was envisaged by the former Attorney-General — there are north, south, east and west community legal centres, they simply become de facto legal aid centres, and that is not the purpose of CLCs. The volunteer base is lost and thousands of disadvantaged Victorians are denied access to justice.

Some time ago, after the election, the federal Attorney-General wrote to me wanting to know Victoria's view about the community legal centre

inquiry. Obviously a number of options were open to me, one of which was to simply pull out of the review. Another was to continue with the review, and a third option was to continue with a review but with amended terms of reference.

I advise the honourable member for Werribee that on 22 November, two days ago, I wrote to the federal Attorney-General advising him that Victoria would be prepared to stay in the current review only if the terms of reference of the review were amended. I advised the Attorney-General of the new Victorian government's policy on community legal centres, which emphasises the community's ownership of community legal centres, the importance of volunteers in providing professional advice to the most disadvantaged members of the community, and the key function that CLCs play in the democratic process in their pursuit of public interest actions.

I advised the Attorney-General that on that basis the Victorian government had guaranteed during the election that no CLC would be forced to close and that CLCs would retain their independence under a Bracks Labor government. I further advised him that if the review process were to continue I believed there was a pressing need that it be given a new direction that reflected the current Victorian government policy — that is, the Bracks Labor government policy. I advised him if the review were to continue it should only proceed in an environment of collaboration and should explore the possibility of developing a strategic planning framework for future CLC activities.

In that letter I also said that if the review were to continue the federal Attorney-General should give serious consideration to appointing two additional community legal centre members on the review, as was originally intended, so that any review process would restore the confidence of community legal centres and their volunteers in the process. I advised the federal Attorney-General that it was essential that any review of Victorian CLC funding programs reflect a commitment on the part of the commonwealth to retain the program as the most effective and efficient means of determining CLC funding priorities in Victoria.

The federal Attorney-General will have that letter, which is very clear. My message to him is that Victoria is prepared to stay in the review process only if the amended terms of reference, as suggested by me, are adhered to in their entirety. Victoria is prepared to sit down and talk about those amended terms of reference.

If the federal Attorney-General is not prepared to accept them, Victoria will be given very little option but to pull out of the CLC review altogether. I hope the matter does not get to that stage.

Ms PIKE (Minister for Housing) — I thank the honourable member for Wantirna for raising with me the issue of the home opportunity loan scheme (HOLS). A number of schemes have been developed over many years to provide the opportunity for people on low incomes to enter the home ownership market. The honourable member for Wantirna has correctly identified that the outcome has been most unfortunate for a number of people who took out the HOLS and other associated schemes.

In addressing the issue, I have met on two occasions with the Victorian Borrowers Association, a group that represents some 20 000 Victorians who are in one or other of the schemes. The association has given me a full breakdown on the nature of the schemes and the range of scenarios in which people have found themselves. I have also spoken with my department and sought a comprehensive briefing on the current status of the loans.

I said at the outset that I welcomed the concern of the honourable member for Wantirna about this issue. It is a great pity that over the past seven years that concern did not translate into a response to it. Although the loans were established a long time ago the Kennett government continued the policy. The process for addressing the loans was to deal with them on a case-by-case basis. A handful of families had their loans pardoned, but by and large no systemic response was developed.

I am pleased to inform the honourable member for Wantirna that I take the matter very seriously. I am working with the department to develop a systemic response, not to address the loans on a case-by-case basis. I will be happy to report to the house on the details of that response at a later date.

Ms DELAHUNTY (Minister for Education) — In responding to the matter raised by the honourable member for Gippsland East, I congratulate him. This is the first time Parliament has been able to acknowledge what has been pointed out by the deans of education for some time — unless policies are changed at both the federal and state levels Victoria will be facing a shortage of some secondary teachers in some areas from next year. I remember raising the issue during the last session when the house was debating education bills.

I received the same response, strangely enough, when opposition members sat on the government side of the

house. My request was met with great howls of derision. That was not in response to members of the Labor Party talking about teacher shortages in secondary schools but to the report of the deans of education. The honourable member is absolutely right: people in country schools have the same right to expect quality teachers in a whole range of subject areas as city people would expect for their children.

Teachers face disincentives in teaching in rural schools, one being the honourable member's concern about contracts. That cruel attack on teachers' service conditions has meant that many young teachers have been offered contracts for sometimes a term or a semester or, if they are lucky, a year. Often they receive no holiday pay. That has been a savage disincentive because it has meant many of our best and brightest graduates decide they cannot afford to take the risk involved in teaching in the country if that is the only recompense they are likely to receive. Many cannot get even a bank loan on the basis of their short-term contracts.

The former government had a target of engaging 30 per cent of the teaching profession on short-term contracts. This government has agreed to overturn that aim and will offer teachers professional terms and conditions — that is, ongoing employment.

More specifically, the honourable member for Gippsland East raised the matter of shortages of teachers in the areas of mathematics, science and languages. The Labor government takes that challenge seriously because it cares about education, as distinct from the attitude of the last government. When it cares about something, this government actually delivers.

Dr Dean interjected.

Ms DELAHUNTY — It hurts, doesn't it, Robert, because under the Kennett government Victoria was the scrooge of the nation. You hate to hear it, don't you?

As the house well knows, in the past Victoria spent less per head on education than any other state or territory. What a shame! How can you sit there and listen to the facts that are so embarrassing for you?

Honourable members interjecting.

The SPEAKER — Order! I have pointed out to the minister previously that she must address her remarks through the Chair, not across the table.

Ms DELAHUNTY — What will the government do about the shortage in maths, science and language teachers that has been caused by the neglect of the former government, which did not gave a damn about education, either in the city or the country? The government has announced an allocation of more than $50 million to every school's global budget for the next calendar year — that is, in 2000. Every single school will enjoy the $50 million largesse — —

Mr Smith — On a point of order, Mr Speaker, I have been watching the minister's eyes carefully following page after page of her speech. Will she make available to the house the speech she is reading?

The SPEAKER — Order! The honourable member for Glen Waverley has asked that the minister make the document available to the house.

Ms DELAHUNTY — They are personal notes; I am happy for the sheet to be made available. The honourable member may then learn more about the details of the government's $50 million injection into school global budgets. He can take that information back to his school, as well.

What is the nature of the largesse of the Bracks Labor government, which cares about quality education for all Victoria's students? I have talked about an allocation of $25.2 million, which is the first stage of the government's pledge to bring down class sizes, and $12.2 million to provide secondary schools with welfare coordinators.

The following facts go to the question asked by the honourable member for Gippsland East. Funding of $10 million has been allocated for students with special learning needs — and that is just the first year! That will apply to many of Victoria's smaller regional schools, which were so neglected under the previous government. The $10 million will mean the proportion of students who will benefit from funding going to the global budgets of their schools has increased from 40 per cent to 60 per cent. Sixty per cent of students, including those at country schools, will now receive more money as a result of the policies of the Bracks Labor government.

The final aspect of the $50 million package, which goes to the exact point raised by the honourable member for Gippsland East, is the provision of $2.5 million for shared specialist teachers in Victoria's small rural primary schools. That amount is for only the first year of a four-year plan to increase the number of shared specialist teachers in rural schools. The honourable member is absolutely right. Why shouldn't country students have access to teachers of the same quality as students in the city expect? They should — and they

will. I think I have answered the question. The answer is $50 million!

Mr BRUMBY (Minister for State and Regional Development) — The honourable member for Murray Valley raised the issue of the $8 million Ausfresh development in Cobram, which I announced last week in his presence.

The huge investment — $8 million — will bring to Cobram around 190 new jobs, which will have further significant spin-offs throughout the region. It is a major new investment for Cobram and a fantastic boost for the region. It is something towards which the honourable member and the Shire of Moira have been working for some time. The honourable member has worked constructively to secure the investment for Cobram. It is an example to the rest of the house. I hope other opposition members will take note of it.

Later the same day the honourable member for Murray Valley had to return to Wangaratta and I took the opportunity to visit the Cobram industrial estate, where I announced a further grant of $290 000 to the Shire of Moira to enable the completion of what is called Hamilton Lane, which was built to provide access to the industrial estate. That improvement will allow a doubling in the size of the cheese maturation plant at the Murray–Goulburn Cooperative, which I also visited, and enable a new $15 million steam generation plant being built by the energy business centre to come on line.

The Bracks government has secured a total investment in Cobram of $8 million, a $290 000 grant to the Shire of Moira for the Cobram industrial estate and approximately 200 new jobs for the region. That shows the government is getting on with the job of rebuilding country Victoria.

The honourable member asked whether the government would ensure that country areas of Victoria are fully supported by the Bracks government. I can assure him that country Victoria will be given the full support of the Bracks government. Indeed two days —

Mr Mulder interjected.

The SPEAKER — Order! The honourable member for Polwarth!

Honourable members interjecting.

Mr BRUMBY — I am pleased to say that two days before the visit to Cobram the Minister for Manufacturing Industry and Minister for Racing, who is also the Attorney-General, and I visited Echuca, where we were able to announce — with the support of the local member and the local council — the establishment by Heinz Watties of its Australasian centre of excellence for the manufacture of baby food. It involves a $10 million investment that will generate 85 new jobs in the Echuca region, which shows the commitment of the Bracks government to getting on with the job and creating jobs and opportunities in country Victoria.

That is not all. A week earlier I visited Bendigo with the honourable member for Bendigo East, Jacinta Allan. I was able to announce at the ADI factory in Bendigo that the Bracks government was providing support for ADI by securing a $10 million investment for the factory with the guarantee of 125 new jobs. In just a few weeks the Bracks government has been able to generate hundreds and hundreds of new jobs throughout country Victoria.

As I listened to the honourable member for Murray Valley and his plea to ensure that country Victoria is not left behind as it was under the previous government, I asked some of my fellow ministers where they have travelled during the past few weeks. The Minister for Manufacturing Industry and Minister for Racing, has been to Echuca, Seymour and Dunkeld. The Minister for Post Compulsory Education, Training and Employment has been to Ballarat and East Gippsland. The Minister for Tourism has been to Ararat and Mansfield. The Minister for Agriculture has travelled right across the state. The Minister for Environment and Conservation has been to Ouyen.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Polwarth is being disorderly. I warn him for the final time. This is the third time today the Chair has called him to order.

Mr BRUMBY — I am advised that the Minister for Tourism has travelled to Colac, but unfortunately he could not make it to the Otways.

Honourable members interjecting.

Mr BRUMBY — The Premier is leading by example and has been to Mildura, Geelong, Wodonga, Bendigo and Ballarat, and he will be travelling to Gippsland on Friday. I have also made a number of visits.

All of that goes to show that the Bracks government is getting on with the job and is beginning the task of rebuilding country Victoria. We understand the challenge, we understand what we have to do after

seven years of neglect, and we are getting on with the job.

The honourable member for Bendigo East raised with me, as the representative of the Minister for Energy and Resources in the other place, the Perseverance Mining lease application on land affecting the Axedale and Goornong communities. I must say that the honourable member for Bendigo East, despite having been a member for just a few weeks, has already got on to this issue, which was neglected by other members of Parliament, particularly members of the upper house such as one of the honourable members for North Western Province, who sat on the fence and did nothing about the matter. In just a few weeks the honourable member for Bendigo East has taken up the issue, met with the communities and raised the issue in Parliament.

The honourable member for Bendigo East will table a petition from the Coalition of Communities Against Open-cut Goldmining. She has asked the Minister for Energy and Resources to meet the Axedale–Goornong group, and I will pass on her request to the minister. I understand the minister is travelling to Bendigo on Friday and will take the opportunity to meet the group at that time.

I thank the honourable member for Bendigo East for the way she raised the issue, which deserves parliamentary attention. The honourable member has done it in the proper way — she has represented the interests of the group, and as a consequence the Minister for Energy and Resources will meet with the residents on Friday. I congratulate her on her efforts.

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — The honourable member for Wimmera referred to the Stawell Easter Gift, and I thank him for raising the matter with me yesterday. I have sought advice on the matter from Tourism Victoria. The Australia Post Stawell Gift organisers have been actively lobbying the new government because they are aware of its strong focus on events in regional and country Victoria. They have been so good at lobbying that they have sent me two letters on the same matter. I have one at Parliament House and one at my ministerial office, so I have read it twice.

The honourable member raised an important issue about the lack of support for the Stawell East Gift by past governments and the need to support the event to allow it to grow and to ensure all Victorians are aware of it and have the opportunity to attend. Honourable members may be interested to know that under Labor's regional events and tourism policy the government is very much focused on more resource support for regional events. A new program will provide an additional $2 million over the life of the government to support regional events in Victoria.

The government has changed the focus of Melbourne major events to Victorian major events because to get appropriate state support the focus is currently on large events that are already successful in Victoria. I am advised that the only genuine support the Australia Post Stawell Easter Gift has received from a government is for the Stawell Gift Hall of Fame, which was funded by the previous federal government and opened by a former federal member for Bendigo, now the state Minister for State and Regional Development. A sum of $5000 has been provided as two small grants to assist with planning, but for the event to grow it needs appropriate state support. Historically Tourism Victoria has provided financial support for promotional funding and marketing, and that is a strength of that organisation.

The letter sent by the organisers sought $50 000 for promotion and financial support to bring out athletes from overseas. Tourism Victoria would not normally fund the event, but I have spoken to its officers and also to the Premier, who is keen to see major events in country Victoria. The government is considering ways to support the organisers of the Stawell Easter Gift. I am keen to go to Stawell and meet community members, and the Premier is keen to look at ways of assisting with funding for the event.

The advice I have from Tourism Victoria is that the organisers of the event are thinking in more detail about how to strategically grow the event and ensure that people do not just attend on the Monday but stay for three or four nights. The organisers are looking at what the Wangaratta Festival of Jazz has been successful in doing — block booking accommodation and marketing it with the support of Tourism Victoria to ensure people go to Stawell and stay for a few days.

Around Easter time it gets quite difficult to find accommodation in the region because, with the Grampians close by, it is such a fantastic place. The government will need to do some thinking about how to support the development of some four and five-star accommodation in the region.

I, along with the government, look forward to working with the honourable member for Wimmera on the matter, and I assure him that the government takes it seriously. In the past, as opposition spokesperson for sport, I raised the matter in the house and pointed out how weak the then government's support was for major

regional events such as the Australia Post Stawell Easter Gift. The Bracks government will do much more, and I look forward to working with the honourable member for Wimmera and advising the gift organisers appropriately.

The honourable member for Sunshine raised the important matter of multicultural festivals and their the contribution to Victoria. In particular he mentioned the recent Hispanic Festival and spoke glowingly of his contact with Japanese tourists at that event. Apparently he asked the tourists how they knew about it and learnt that they had been advised by staff at their hotel that it was a great event and they should go to it. That is a good example of the opportunities that exist for tourism with a multicultural flavour. Multicultural diversity is one Melbourne's greatest strengths, and one of the things tourists most enjoy about the city. Tourists want to experience the diversity of food and arts of the various cultures.

Some multicultural events are supported by the arts ministry. Both as Minister for Major Projects and Tourism and as the Minister assisting the Premier on Multicultural Affairs I am keen to talk with my colleague, the Minister for the Arts, about multicultural affairs and ways in which we can further support multicultural festivals across the state.

Some of Victoria's great multicultural festivals need additional support from the state government, and it is certainly government policy that we provide stronger support for them. As the honourable member for Sunshine suggests, it might be useful to promote a program of excellence awards to recognise multicultural events and the volunteer work being done by their organisers. There are many such events, both in Melbourne and in country Victoria. I thank the honourable member for Sunshine for raising the matter with me.

The honourable member for Ballarat East raised with me two very important local festivals that need government support, the Organs of the Ballarat Goldfields — A Festival of Fine Music and the Ballarat Winter Festival. He was enthusiastic about the quality of both festivals and their potential for attracting tourists to the Ballarat region. Those festivals could serve to give the Ballarat region a brighter image and make it a more attractive destination for travellers from around Victoria as well as for interstate and overseas visitors.

Tourism Victoria has a minor regional events program designed to assist the events to reach the next stage in their development. It is important to support regional events to the point where they can become eligible for major events funding. The overall funding by Tourism Victoria for regional events across the state totals $333 000 and is provided on a $1-for-$3 basis. That represents very thin coverage of the need. I can advise the honourable member, however, that I have today announced the list of programs to be funded under the minor events program, and both the events he mentioned are included.

The festival organisers obviously applied under the minor regional events program. The Ballarat Winter Festival has received a $3000 grant and the Organs of the Ballarat Goldfields — a Festival of Fine Music has received a $1000 grant. I was thinking about whether I should support those events, and when the honourable member for Forest Hill rudely interjected and made an inappropriate point of order he convinced me that I should support the honourable member for Ballarat East in his request for funding of the applications. The government supports regional events across Victoria and over the life of the government will implement a program of providing an additional $2 million for those events. That is good news for regional and country Victoria and for those communities that provide great events that require more support.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Rodney raised with me the impending dangerous fire season and sought from me assurances about the continued future of the Country Fire Authority. I am bemused that he should have to raise the matter because if he has ever heard or read any of the statements I have made about the CFA he would realise that I am a great supporter of that authority.

The state is served by two of the great firefighting services not only in this country but in the world — that is, the Metropolitan Fire and Emergency Services Board and the Country Fire Authority. The CFA is certainly the largest and most professional volunteer firefighting service anywhere in the world and was brought up to its current standard by the Cain government. I assure the honourable member that the government will continue to support both those firefighting authorities to ensure that they are properly resourced and that the CFA continues to serve the state — which includes the Otways — with distinction.

The honourable member for Kew raised with me the future of the Kew police station. The previous government planned to close three police stations in the City of Boroondara — Kew, Hawthorn and Balwyn — and reduce them to one police station in Camberwell. I can understand the need to close one of them, because

the Balwyn police station is still a gazetted police station but does not have police in it.

On 9 October, a week before the Frankston by-election and 10 days before the Labor government took office, I attended a public rally outside the Kew police station. The public rally in support of the police station was organised and addressed by Mr Phillip Slogom. Speakers at the rally included Philip Brady and Graham Kent from the Victoria Police Association. I also spoke to the rally. Unfortunately, Mr Slogom had to announce that the local honourable member for Kew could not attend. Sometimes members cannot attend functions in their electorates, but on that occasion neither of the two Legislative Council members or the honourable member for Hawthorn could attend. Not one of the Liberal members bothered to turn up on a Saturday morning when others took the trouble to attend.

This new-found interest in the Kew police station is extraordinary! The Kew police station has been there for over a hundred years but the members opposite have just discovered it. Since none of the opposition members were present at the rally I will repeat what I said for their benefit.

Honourable members interjecting.

Mr HAERMEYER — I have indicated that one police station to cover the entire City of Boroondara is insufficient, and the Chief Commissioner of Police has expressed his concern about the proposal of the previous government leaving no police station between Camberwell and Northcote. The government is currently reviewing the previous government's plan for the closure of police stations and discussing the locations and the allocation of resources with the chief commissioner and the police. I assure the honourable member that the concerns of Kew residents are taken seriously and an announcement will be made shortly.

Mr CAMERON (Minister for Local Government) — I thank the honourable member for Ballarat West for raising the matter of the mayoral allowance. She has proven to be an effective country member. I hope the honourable member for Polwarth notes where she was three weeks ago — —

Honourable members interjecting.

Mr CAMERON — In the Otways! Far from being lost, the honourable member for Ballarat West is on track — and on track with the Bracks Labor government.

The honourable member for Ballarat West has been an effective councillor in Ballarat. The loss to the Ballarat council has been a great gain to the Legislative Assembly. She appreciates the demands on local councillors, given her background, and has raised the issues of their time commitments and the review of mayoral and councillor allowances.

Early in the new year I will appoint a panel in accordance with section 220A of the Local Government Act to review mayoral and councillor allowances. Arm's length distance from government is necessary — neither I nor my department will be involved in the review. The review will be conducted by a panel. The former government was moving in a similar direction and time frame, but thankfully an election got in the way.

I expect the panel to report around April. I hope that will help the honourable member for Ballarat West to understand the government's position, and I thank her for her interest in Ballarat and local government across the state.

The SPEAKER — Order! The house stands adjourned until next day.

House adjourned 11.19 p.m.