PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

3 October 2000

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Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

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

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Tuesday, 3 October 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.05 p.m. and read the prayer.

CONDOLENCES

Hon. Sir William Gordon Fry

Mr BRACKS (Premier) — I move:

> That this house expresses its sincere sorrow at the death of the Honourable Sir William Gordon Fry and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as member of the Legislative Council for the Higinbotham Province from 1967 to 1979 and as President of the Legislative Council from 1976 to 1979.

Sir William Gordon Fry bestowed a legacy of distinguished public service in his roles as a member of the Legislative Council for Higinbotham Province from 1967 to 1979 and as President of the Legislative Council from 1976 to 1979. He fulfilled the role of President with humanity and intellectual rigour, and leaves behind a significant record of achievement in Parliament and in the wider community.

Coming relatively late in life to the Parliament, Bill Fry won preselection for the seat of Higinbotham on his third attempt at the age of 59. Bill's background is not dissimilar to aspects of my own background. He trained as a teacher at Ballarat Teachers College and graduated from Melbourne University with first-class honours in education. Bill was employed as a teacher at Williamstown High School and then transferred to Hattah East near Mildura. As a teacher Bill Fry was known for his belief in the importance of instilling the role of good citizenship into his students. He later served as a senior teacher in Camperdown and as headmaster of high schools in Cheltenham, Cheltenham Heights and Windsor.

During World War II Bill was posted to the 1st Armoured Division where he was promoted to the rank of major. He accepted the opportunity of going to New Guinea, serving with the 9th Battalion in both New Guinea and the Solomon Islands. Bill was mentioned in dispatches following an engagement with the Japanese in the Solomon Islands and completed his military service at the end of the war with the rank of lieutenant colonel.

Following the war Bill Fry followed his interest in public life into membership of the Liberal Party. He joined the Camperdown branch, which was then in the electorate of the soon-to-be-Premier, Henry Bolte. However, Bill played numerous other roles in his public life. He served as an elder of the Presbyterian Church and was also active in the scouting movement in Victoria.

Bill played a substantial role in local politics in the Moorabbin area, serving as a councillor from 1963 to 1972 and as mayor of Moorabbin from 1968 to 1969.

On being elected to the Legislative Council, Bill took a strong interest in road safety, acting as chair of the parliamentary select committee on road safety from 1967 to 1976. Bill was extremely proud, and rightly so, of his achievements and those of the committee during that period, which included the introduction of speed limits on country roads and groundbreaking legislation on the introduction of the mandatory wearing of seatbelts. Those initiatives contributed significantly to an improved sense of road awareness in this state and have saved the lives of many Victorians.

Bill Fry was made President of the Legislative Council in 1976 and served that high office with considerable distinction. On his retirement he was deemed a great citizen by the then Governor, Sir Henry Winneke, who said Bill Fry had brought to the office of President of the Legislative Council a great quality of intellect and mental analysis and with it all a warm humanity.

Bill became Sir William Fry when he was knighted in the new year's honours list of 1980 for his services to the community. Sir William will be remembered for his significant contributions to the community, the Parliament and the people of Victoria.

On behalf of the government, I extend condolences to the family of Sir William Gordon Fry.

Dr NAPTHINE (Leader of the Opposition) — I join the Premier in his condolence motion to recognise the enormous service of Sir William Gordon Fry to the Parliament of Victoria, the people of Victoria and, indeed, the people of Australia.

Sir William Gordon Fry was born on 12 June 1909 in Ballarat and he died only recently on 29 September. His wife of many years, Gwen, predeceased him in 1993, and I pay tribute to her great partnership with Sir William during his outstanding career and his outstanding contribution to our community. He is survived by four children and the extended family, and our condolences go to them.

Sir William was MLC for Higinbotham Province from July 1967 to July 1979. As the Premier said, he entered Parliament at a late age and at his third attempt, which is an inspiration to many of us in politics that

opportunities abound. When he was elected he said he brought to the Parliament a degree of maturity, experience and an enormous life contribution that he was able to then turn into a positive parliamentary career.

In addition to serving as President of the Legislative Council from 1976 to 1979, he served on a number of parliamentary committees, the most prominent of which was the Road Safety Committee to which the Premier referred. That committee was instrumental in many significant changes to attitudes and in introducing legislation which has improved road safety in Victoria. Two initiatives mentioned by the Premier were the introduction of the compulsory wearing of seatbelt legislation and speed limits, particularly on rural roads. I believe the attitudes introduced through the work of the Road Safety Committee were the forerunner of the many significant changes that have taken place over the 20 years since and have made Victorian roads a much safer place to be than they were in the 1970s and early 1980s.

Sir Williams was also a member of the parliamentary Qualifications Committee, the Meat Industry Committee and the House, Library, Printing and Standing Orders committees. He served the Parliament in many ways through his work on those committees in addition to his term as President of the Legislative Council.

Sir William went to primary school in Ballarat and then to Ballarat High School, Ballarat Teachers College and Melbourne University.

He had a distinguished military career; indeed it is one of those careers often read about in studies of members of Parliament. It was interesting to read of his military career after having recently attended the wonderful function in Queen's Hall in memory of Sir John Monash. I advise honourable members that the current exhibition highlighting the career and life of Sir John Monash is well worth looking at. In similar vein, Bill Fry was a great contributor to our community through his military service.

Sir William joined the CMF in 1927 and was promoted after 18 months to the position of lance corporal. In 1938 he received a commission while serving in the CMF as a lieutenant with the 47th Battalion. At the outbreak of war he was posted to the 1st Armoured Division where he took an officers course and achieved the rank of major, but his unit seemed destined not to go overseas and not to be engaged in active combat.

Sir William then took a demotion from major to captain so he could see active service in New Guinea, during which he was again promoted to the rank of major, serving with the 9th Battalion both there and the Solomon Islands. Following an engagement with the Japanese in the Solomons he was mentioned in despatches. During his time in the Solomon Islands, Sir William was promoted to lieutenant colonel and given command of the 47th Battalion. His was a distinguished military career, both in the CMF and in active service in World War 11

Sir William also had an outstanding career of achievement, displaying dedication and passion in his profession as an educator. He spent 40 years with the former education department, teaching at country and metropolitan schools, including 10 years at the Camperdown State School. One of the highlights of his career there was being selected to take 100 schoolboys on a tour of Great Britain. During the tour I am advised that he had afternoon tea with the then Queen, met the Lord Mayor of London and saw Sir Winston Churchill in the House of Commons at Westminster, perhaps providing inspiration for his later parliamentary career.

Sir William went on to serve as headmaster at the Cheltenham, Windsor and Cheltenham Heights schools. Education was the theme of his inaugural speech to the Parliament. Some of the extracts from that speech show his passion for providing each child with the opportunity to grow and develop through education. In his inaugural speech he said:

> Every child is different. Every child grows physically and mentally at his own pace …
>
> So it follows that in such a situation there is a need to use to the full all modern aids, individual assignment cards, programmed learning of all kinds, closed-circuit television, and the many audio and visual aids available for learning.

He showed a great understanding of the educational needs of children.

Sir William made a contribution to the community in the broader sense. He was a member of the Moorabbin City Council from 1963 to 1972, including serving as mayor from 1968 to 1969. He was a committee member of the Eye and Ear Hospital for eight years, and a committee member of the Mordialloc-Cheltenham Community Hospital from 1967 to 1983.

He was active in every community in which he lived and worked. He was involved in tennis, golf and bowls clubs, the scouting movement, the Camperdown repertory society and the Returned and Services League (RSL). There was hardly an area of community activity

in which Sir William and his wife and family were not involved. He had a genuine concern for his fellow citizens and for making his community a better place. He achieved that in his military career, in his professional career as a teacher and in his career as a member of Parliament. He fully deserved the honour of being knighted in 1980.

I conclude by referring to an article in the *Sandringham and Brighton News Advertiser* of August 1979, which quotes the then governor, Sir Henry Winneke, saying at a dinner honouring Sir William Fry on his retirement from Parliament:

> 'Bill Fry has been a wonderful citizen', said Sir Henry, 'and, from my point of view as Governor, he has been a great parliamentarian and a great President of the Legislative Council, one of the highest offices in our state'.
>
> He said Mr Fry had brought to the office great quality of intellect, mental analysis, mental acuity — 'and, with it all, a warm humanity'.

That says a lot about Sir William Fry. He was a great member of the Victorian and Australian communities. I extend my sympathy and condolences to his family.

Mr RYAN (Leader of the National Party) — On behalf of the National Party I support the comments made by the Premier and the Leader of the Opposition in speaking to the condolence motion for Sir William Gordon Fry.

Sir William was born in 1909 and died on September 29 this year, having reached the fine age of 91. Like other esteemed members of the house, he was born in Ballarat, where he was educated. He progressed to the University of Melbourne, where he obtained first-class honours in his education degree, subsequently becoming a schoolteacher.

The record shows that in 1940 Sir William enlisted in the AIF. At 31 years of age he was posted to New Guinea and subsequently the Solomon Islands, where he served from 1940 to 1945 during troubled times in those areas, in Australia and throughout the world. After the war he headed a committee investigating war crimes in the Pacific, which he found traumatic. He returned to teaching in 1946 and, as the house has heard from the Premier and the Leader of the Opposition, fulfilled various roles over the following years.

He was a committee member of the Eye and Ear Hospital and the Mordialloc-Cheltenham Community Hospital. He was also a member of Melbourne Family Care. He enjoyed participating in the scouting movement, repertory societies and various sporting activities. Sir William was an elder of the Presbyterian church. He was a member of the Moorabbin City Council, serving as mayor from 1968 to 1969.

From 1967 until 1979 Sir William represented Higinbotham in the Legislative Council. He was President of the Council from 1976 until 1979. Throughout his service to the Parliament he distinguished himself not only as a member of various committees, particularly the Road Safety Committee, but also in the ways the house has already heard about.

He made his maiden speech on 3 October 1967. It is interesting to note that although he was elected on 29 April 1967 — almost six months before — he was not admitted to the Council until 18 July. He pointed out in his maiden speech that because he had been a teacher the then legislation required that he had to wait about 10 weeks — between the time of being elected and being admitted as a member of the other place — before he could be paid.

That issue was subsequently addressed by legislative change — yet another legislative change made to the upper house. Sir William was obliged to forgo superannuation entitlements, and amendments were made to the legislation to take account of his experience at that time.

Sir William brought many insights to education. Perhaps the greatest insight he was able to contribute to his profession came from the sheer depth of his life experience. In his maiden speech he talked about change and the consequences of change. He wanted to make sure that children were educated in a proper environment. He described the different levels of maturity of children from different parts of the world. He compared the educational methodology used on students in 1967 with that used 50 years earlier. He referred to the contributions that all children can make and the necessity to ensure that each student is educated to achieve his or her best.

Perhaps as a portent of things to come he talked about class sizes. He mentioned the necessity to constrain class sizes of that era to 30 students, but with a long-term ambition to reduce them to 20. He also referred to the necessity of continuing with building and maintenance programs. Perhaps some of his comments were a forerunner of the PRIM system, which is now operating in the education system. It is easy to understand why Sir William was knighted in 1980 for his service to the community. As a member of Parliament he certainly made a rich contribution to the life and times of Victorians.

I join with the Premier and the Leader of the Opposition in offering the sincere condolences of members of the National Party to his extended family.

Mr LEIGH (Mordialloc) — Often when we speak in this place about honourable members who have passed on, new members do not know who those members were. When I first came to this place it certainly felt strange hearing about the deeds of former members whom I did not know.

Bill Fry — I always called him Bill — was a great man. He was not just a great Victorian, he was a great Australian. It was not simply because of the things he did in the war, as the Leader of the Opposition so eloquently said, but because of his contribution to people. I first met him when I joined the Young Liberal Movement as a member of the Mentone Young Liberals. He attended my first meeting and sought me out. He had heard that I had grown up in Papua New Guinea and he wanted to know about my childhood. I grew up in Samarai, which is in the Milne Bay district and the first place where the Japanese were stopped in the Second World War. Bill was fascinated to hear about how one could walk around the reefs and pick up shell casings and also about the Japanese war graves. During my youth the Japanese returned and took those buried there back to Japan.

He was always fascinated to hear that the fellow who was our gardener when my father was in charge of the lighthouse department for Australia in Papua New Guinea ultimately became the Governor-General of Papua New Guinea. We talked about how that demonstrates that people can often move on in life.

I came to know Bill well. He was one of three people who convinced me to become a member of Parliament — and some honourable members may not be too happy about that. Another was a lady by the name of Grace Shipton, who was a former mayor of Moorabbin. The third was Geoff Connard, whom many of us know as a former member for Higinbotham. Bill Fry encouraged me to run for preselection for the new seat of Carrum following the redistribution. Ian Cathie subsequently won that seat; the fellow who stood for the Liberal Party was Allan Coombes. For years I took great pride in telling the people in the Liberal Party that I came second in that preselection, but I never told them there were only two candidates!

Sir William was a mentor who encouraged other people. Politicians often discourage others from becoming politicians because they see them as a threat to themselves. Sir William never saw people who were trying to succeed at politics in that way. He was a great man. He lived several streets from where I lived, and even late in his life until he moved into a nursing home I often saw him walking around with a walking stick and a small dog. He was truly a great Victorian.

In the electorate of the honourable member for Sandringham there is a reserve called Sir William Fry Reserve, which will soon be significantly redeveloped. It is a tribute to him that the reserve, which is a large one in the area, is named after him.

It is the passing of a great man. In the old days people got knighthoods because they earned them, and it can always be said that William Fry certainly earned the honours and accolades he received from his fellow Australians. He was truly a great man.

Mr THOMPSON (Sandringham) — I speak in my capacity as the member for Sandringham, an electorate which falls within the Higinbotham Province, a province that Sir William Fry represented for 12 years.

In a number of ways Sir William was an Australian Everyman — he served Australia in a world war; he was a teacher at both primary and secondary school levels; and he worked both as a local government councillor and as a member of Parliament.

One of my predecessors in the seat of Sandringham noted at his retirement dinner that William Fry had been involved in almost every worthwhile charity and organisation in the district. In his response Sir William made these salutary remarks:

> No MP will be of any use if he isolates himself from the community … You've got to get out among the people and you'll then be able to serve properly those you are trying to serve.

Through his involvement with a multitude of local and community organisations Sir William Fry made a lasting contribution to the province of Higinbotham and the district of Sandringham.

When speaking with local people, who will be at his funeral at the moment, the comment was repeatedly made that he was widely respected in many different organisations. The southern part of Melbourne is noted for its sand-belt golf courses. The Cheltenham Golf Club, which is a people's golf course on public land in that district, had as two of its members a former Governor and a knight. In the club's endeavours to negotiate wider opportunities with the government it could call to the fore some powerful advocates to detail the history of important issues involving the club.

In terms of his parliamentary contribution, Sir William regarded his contribution to the introduction of

compulsory seatbelt legislation and the obtaining of funding for the intellectually disabled and a local school in his electorate as being of importance.

I will briefly recount to the house two memories I have of Sir William. The first time I heard him speak was when he was in his middle 80s. He strode to the microphone and, with the type of experience reminiscent of someone who has been the principal of a primary school for some 30 years with a whole playground of children before him, he announced to the audience that they were about to hear the golden-toned voice of Bill Fry. On a later occasion I recall a frail man, bent over almost to a 90-degree angle, shuffling by Parliament station with a walking frame. Having observed this gentleman at a distance I realised it was Sir William. He had made his own way from a retirement home in Oakleigh into the city for a meeting at Parliament at the age of 87. He reminded me of Tennyson's words in *Ulysses*:

> To strive, to seek, to find, and not to yield.

Sir William was resilient and unyielding in his service to his community. On behalf of the Sandringham electorate I am honoured to pay tribute to him today.

Mrs PEULICH (Bentleigh) — I also place on record the condolences of the people of the Bentleigh electorate, the civic community as well as local branch members, on the passing of Sir Bill Fry. Sir Bill was regarded with a great deal of affection and admiration. He was known not only for his wonderful civic work but also for being a beautiful human being. He was regarded as our local statesman.

I, too, share a similar background with Sir Bill Fry in local government, education and parliamentary service. In the time I have served the Bentleigh electorate, both as a councillor and as a member of Parliament, I do not remember one person ever saying a bad word about Bill, and that is fairly unusual for a person who goes through local government and state government politics. He was referred to as a man of integrity, humility and compassion. In all the years I have known him — and I came late to the scene — there was never a single moment when that reputation was not upheld.

As the honourable member for Sandringham pointed out, in recent years Sir Bill became quite stooped, but he retained his dignity throughout. He retained a degree of independence that can only be admired by the community.

I remember a couple of things about Sir Bill. As a marginal seat member I recall one piece of wisdom which I am loath to share but I will nonetheless — and I think he also shared it with a former member of Higinbotham Province in another place, Geoffrey Connard. He said, 'Inga, when you are looking for 1000 votes they are to be found in community groups'. That was not said out of any sense of political expediency but out of a genuine respect for those community organisations that make our community work.

Another experience I remember vividly was when all the local lower and upper house members were at the Kingston Centre for a briefing. There was Bill, looking quite distraught and lonely, sitting on a bench in the corridor. His wife Gwen was ill in the Kingston Centre and he found that distressing, but in addition his brand-new love, a new white car, had a flat battery! He was at a loss to know what to do. Lo and behold, here were the six of us walking down the corridor to save him — which we did. He got a lot of joy out of us pushing his car, spattering a bit of mud as he drove off into the distance.

We may not be able to help him with this journey, but we take the opportunity to place our regard for him on the record. We extend our sympathies to his extended family and also the regret that we are not able to be at his service today.

The SPEAKER — I join honourable members in expressing my sorrow at the passing of Sir William Gordon Fry and extend my condolences to his family.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

Glyde Algernon Surtees Butler

The SPEAKER — Pursuant to the practices set down in the sessional orders, it is with sadness that I advise the house of the death of Glyde Algernon Surtees Butler, member of the Legislative Council for the Thomastown Province from 1979 to 1985.

I ask honourable members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — Order! I ask honourable members to be seated.

I shall convey a message of sympathy from this house to the relatives of the late Glyde Algernon Surtees Butler.

QUESTIONS WITHOUT NOTICE

MAS: royal commission

Dr NAPTHINE (Leader of the Opposition) — I refer to the Premier's statements that the decision to change the terms of reference of the Metropolitan Ambulance Service royal commission resulted from a request by the commission. Will the Premier now table the correspondence from the commission seeking that change?

The SPEAKER — Order! Before calling the Premier, I remind the house of my statement to the house on Tuesday, 11 April 2000, warning the house about canvassing issues that are being examined by the royal commission. I remind the house of that ruling. I call the Premier to answer the question.

Mr BRACKS (Premier) — The commissioner requested that the government consider the matter of the 000 calls, which was something the royal commissioner discovered as part of his examination. To contain the costs of the royal commission, which have been increasing, and the timetable, a decision was required — —

Honourable members interjecting.

Mr BRACKS — That required a decision to eliminate some of the terms of reference that were proposed.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Malvern will cease interjecting. I ask the house to come to order to allow the Premier to answer the question.

Mr BRACKS — I inform the house and the Leader of the Opposition that significant and profound matters will be investigated by the royal commission, including the alleged phantom calls.

Honourable members interjecting.

The SPEAKER — Order! The honourable members for Caulfield and Malvern will cease interjecting. The Premier, completing his answer.

Mr BRACKS — In addition to the alleged phantom calls, the handling of documents by the previous Minister for Health — she claims she never saw a briefing note on the eve of the 1996 election — will be investigated. The alleged cover-up of documents on the eve of the 1999 election, which was severely criticised by the Supreme Court, and the refusal to release documents relating to core ministerial briefing notes will also be investigated. The handling of various freedom of information applications by the former government and the new matter discovered by the royal commission — 000 — which it has been indicated to me is required, will be investigated. I am happy to accede to that request but in doing so to limit the commission. Many of the matters concerning the contract have already been dealt with. The new matters, including 000, will be examined.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster shall cease interjecting.

Mr BRACKS — The new matters concerning 000 will be investigated for the very good reason that they provide lessons for the future and show how the previous government did not deal with problems that were there. That is why the variation has occurred.

Olympic Games: athletes and volunteers

Ms ALLAN (Bendigo East) — I am pleased to refer the Premier to the magnificent performance of all Australian athletes at the Sydney Olympic Games. I ask the Premier to inform the house what action the government is taking to recognise that great achievement.

Mr BRACKS (Premier) — Before I directly answer all the details of the question, on behalf of the Victorian government I congratulate the Sydney Organising Committee for the Olympic Games and the New South Wales government on conducting an outstanding and very successful Olympic Games, an event of which all Australians are proud. The games have enhanced Australia's reputation with the international business community and also its reputation as a country that can stage major events well. It can marshal forces from around Australia to make sure such events are successful.

I also congratulate Victorians on their contribution to the success of the event. Not only did thousands of volunteers from around Australia make sure the Olympic Games worked well, but also approximately 4500 to 5000 Victorian volunteers gave up their leave and their holidays to make sure they attended a week before the games began, and stayed on for the two weeks of the games. The professionalism of the volunteers was outstanding, and I again congratulate the New South Wales government and SOCOG on the way they handled the volunteers. They trained them,

placed them on rosters and made them feel part of the whole event.

We are all proud of the efforts of the Australian athletes. Some 58 medals were won and Australia was fourth in the medal count. That is an outstanding effort for a country that does not have a big population and when one considers that the countries ahead of Australia all have large populations. I note that 16 of the 58 medals were gold, and that 183 Victorians competed in the games. Of the 58 medals won, 30 were won by Victorian athletes. That is an outstanding result and a remarkable achievement.

I therefore come to the substance of the question asked by the honourable member for Bendigo East. It will be very pleasing for the Victorian public, the government and all members of Parliament to be part of the celebration tomorrow for the athletes. The two events to be held tomorrow recognise the contribution to the Olympic Games of Victorian athletes and the 4500 volunteers. At 9.15 a.m. tomorrow all Victorian athletes who competed in the games as well as the medal winners from around Australia will be present at the multipurpose Vodafone venue. The event will pay tribute to returning athletes such as Cathy Freeman, a Victorian, who did so well; Michael Klim, who performed so well in the pool; Andrew Gaze, who proudly carried the flag; and my personal favourite, Steve Moneghetti, who has now competed in three Olympic Games. To achieve a top-10 ranking in a marathon at the age of 38 is an outstanding effort, and we congratulate him.

As part of the ongoing events arising from the Olympic Games I am pleased to announce — as was announced publicly previously — that the finals of the athletics grand prix events for track and field will be held in Melbourne in September next year. All 300 athletes who competed in track and field in the Olympics and some 200 international journalists will be at Olympic Park next year. It will be a great prelude to the Commonwealth Games.

The events tomorrow will be a great tribute to the athletes. We welcome them back to Victoria and we will ensure that we give them a great celebration tomorrow.

Local government: rural valuations

Mr STEGGALL (Swan Hill) — The Minister for Environment and Conservation would be aware of the unrest about the valuations in country areas for municipal rating purposes. Serious issues exist in irrigation and dryland areas of the state. What action is the minister taking to ensure the truth and correctness of country valuations?

Ms GARBUTT (Minister for Environment and Conservation) — Honourable members will recall that the previous government changed the valuation process to put in train exactly what the honourable member is talking about. Rural Victoria has not had valuations for some six years. In some parts of the city valuations have not been done for four years. Land values have changed. Some have increased at a rapid rate, some at a slow rate and some have gone backwards. It is those valuations that have just been completed. However, the rates people pay depends on the rating strategy determined by individual councils. Exactly what level of rates an individual pays depends not just on the property value but on decisions by local councils.

I urge individuals with queries about the level of their rates to direct their queries to their local councils. Some local councils have experienced difficulty and the Valuer-General has been working with them to ensure that valuations are accurate, as the honourable member suggested.

Metropolitan Women's Correctional Centre

Mr NARDELLA (Melton) — I refer the Minister for Corrections to the government's action today to step in and take control of the Metropolitan Women's Correctional Centre. Will the minister inform the house of the reasons for this action?

Mr HAERMEYER (Minister for Corrections) — Today I felt compelled to take control under section 8F of the Corrections Act of the Metropolitan Women's Correctional Centre at Deer Park. I have taken that action with some reluctance, but the situation has arisen following a long period of the operator being in default of its contractual obligations.

The Commissioner of Correctional Services, Ms Penny Armytage, has informally warned the centre on numerous occasions about its failure to comply with its contractual obligations and default notices have been issued on three occasions this year. The commissioner has also advised that the operator has failed to remedy a significant number of serious breaches of its contractual obligations relating to security and safety issues. Persistent failures to maintain adequate staffing levels, security systems, an ongoing failure to deliver adequate health services and an ongoing failure to combat the jail's drug problems have left the government with no alternative but to step in.

The duty of care which rests with me as the minister and which is shared by the Commissioner of

Correctional Services and the Department of Justice can be satisfied only by the action the government has taken. The commissioner has advised the government in the strongest possible terms that it must step in to take control of the troubled prison and negotiate with Corrections Corporation of Australia on the future of its contract to operate it. I am pleased to inform the house that in preliminary discussions the contractor has been highly cooperative.

The government has made it clear that it will honour all contracts with private prison operators. I am advised that the two other private prison operators — Australasian Correctional Management, which operates Fulham Correctional Centre, and Group 4, which operates the Port Phillip Prison — are acting in accordance with their contractual obligations.

The action taken against the operator of the Metropolitan Women's Correctional Centre is based on the performance of its contractual obligations. As I said, the government would be unable to meet its duty of care and would not be meeting its responsibility to Victorian taxpayers if it did not act. The government will not tolerate repeated and serious breaches of contractual obligations by private providers.

MAS: royal commission

Dr NAPTHINE (Leader of the Opposition) — Given that a recent press release by the Premier stated it was the royal commissioner, Mr Lasry, who requested changes to the terms of reference of the royal commission into the Metropolitan Ambulance Service, and that the commission's press release issued at the same time stated that the withdrawal of terms of reference 1, 2 and 4 was a government decision, is it not a fact that the decision to delete the key references 1, 2 and 4 was initiated and instigated by the Labor government?

Mr BRACKS (Premier) — The government received a recommendation from the royal commissioner. The government makes the final decision, as it has done in this case.

Nurses: recruitment

Ms BEATTIE (Tullamarine) — I refer the Minister for Health to the government's drive to recruit nurses to help in the rebuilding of Victoria's hospital system. Will the minister update the house on the success of this important campaign?

Mr THWAITES (Minister for Health) — The former government was warned about the serious shortage of nurses. It was warned not only about general problems but also about specific shortages of critical-care and other specialist nurses, but did nothing.

Mrs Peulich interjected.

The SPEAKER — Order! The honourable member for Bentleigh.

Mr THWAITES — The opposition does not like it. Amazingly, in 1998–99 the former government made nurses redundant. At a time when there was a shortage it pushed nurses out of the system. Unlike the former government, the Bracks government is bringing nurses back into the system.

I am pleased to announce to the house that following recent newspaper advertisements — —

Honourable members interjecting.

The SPEAKER — Order! The honourable members for Mornington, Cranbourne and Benambra shall cease interjecting.

Mr THWAITES — The government is investing $7 million to attract nurses back into the health system, and it is providing refresher and retraining courses for nurses who left the system but still have skills. There are some 14 000 nurses who have skills and are registered but are not working in the system.

Government Members — We want them back.

Mr THWAITES — The government wants those nurses back in the system, which is why it is paying hospitals to conduct nurse refresher and retraining courses. Not only is the government doing that, it will pay nurses an incentive to return.

I am pleased to advise that nurses from metropolitan areas will each be paid $1700 and nurses from the country will each be paid $2200 to undertake courses so that they can be retrained and become re-registered as nurses.

I compare that to the policy of the previous government, which not only did not pay the nurses, it charged hospitals for doing the courses — that is, hospitals had to pay out of their own money.

Mr Doyle interjected.

The SPEAKER — Order! The honourable member for Malvern!

Mr THWAITES — In the first 12 days of the toll-free number more than 400 nurses contacted the

government and expressed genuine desire to come back into the health system — —

Mr Cooper interjected.

The SPEAKER — Order! The honourable member for Mornington is a persistent interjector. I ask him to cease interjecting forthwith, otherwise I will use sessional order 10 to resolve that problem.

Mr THWAITES — It is not surprising that the government is receiving expressions of interest because it is providing better conditions for nurses, better wages, courses and support for postgraduate work. It is fixing up the mess left by the previous coalition government.

MAS: royal commission

Mr DOYLE (Malvern) — I ask the Minister for Health what advice has the government received regarding its exposure to legal actions or compensation claims as a result of the omission of five of the nine terms of reference from the MAS royal commission.

The SPEAKER — Order! I ask the honourable member for Malvern to redirect his question. The royal commission is the responsibility of the Premier.

Honourable members interjecting.

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

Mr DOYLE — I am happy to redirect the question, but I point out — —

Government members interjecting.

Mr DOYLE — I love you when you do petulant. Petulant is one of your best!

Honourable members interjecting.

The SPEAKER — Order! The question asked by the honourable member for Malvern referred to the terms of reference of the royal commission. As I indicated, ministerial responsibility for the royal commission rests with the Premier. I ask the honourable member for Malvern to ask his question of the Premier.

Mr DOYLE — I am happy to do so, however I point out that it was actually — —

Mr Hulls interjected.

The SPEAKER — Order! The Attorney-General!

Mr DOYLE — It was actually the Minister for Health who announced the changes to the terms of reference for the royal commission — —

Government members interjecting.

Mr DOYLE — I am happy to allow the minister to duck — —

Mr Thwaites interjected.

The SPEAKER — Order! The Deputy Premier shall cease interjecting.

Mr DOYLE — I simply seek an answer, so I am happy to direct this question to the Premier. I ask the Premier what advice has the government received regarding its exposure to legal actions or compensation claims as a result of the omission of five of the nine terms of reference from the MAS royal commission.

Honourable members interjecting.

The SPEAKER — Order! The house appears to be wasting its own time.

Mr BRACKS (Premier) — As I have indicated previously, the amendment to the terms of reference for the royal commission is designed to obtain benefit for money contributed. I have received advice from the royal commission on the 000 matter. The government has taken its decision — —

Opposition members interjecting.

Mr BRACKS — Which goes directly to the question raised. The government will save money by its decision.

Federation Square

Mr LENDERS (Dandenong North) — I ask the Minister for Major Projects to inform the house what action he has taken to impose financial and management controls on the Federation Square project.

Honourable members interjecting.

The SPEAKER — Order! I have already called the house to order, but it is continuing to waste its own time. I call the Minister for Major Projects and Tourism.

Mr Clark — On a point of order, Mr Speaker, on the issue of ministerial responsibility. I understand the Premier is the minister responsible for the Federation Square project. That was certainly the case at the time of the Auditor-General's report, and unless there has

been a subsequent change in administrative arrangements, I submit the question ought to be directed to the Premier.

Mr Bracks — On the point of order, Mr Speaker, it was made public earlier that responsibility for the Federation Square project had passed to the Minister for Major Projects and Tourism. The shadow minister should have known that from the public announcement.

The SPEAKER — Order! I do not uphold the point of order. I understand there is a technical problem with the sound system. The problem is being attended to as I speak. In the meantime I ask the house to remain particularly silent so that we can all hear the Minister for Major Projects and Tourism.

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — I thank the honourable member for Dandenong North for his question. As the Parliamentary Secretary for Treasury and Finance he is taking a keen interest in good financial management, but particularly in fixing up the mess with the Federation Square project the government inherited from the previous government.

The point of order raised by the shadow minister highlights the fact that members of the previous government were never and are still not across the details of the Federation Square project.

Honourable members interjecting.

Mr PANDAZOPOULOS — It is widely recognised that the previous coalition government left a legacy of poor planning and management with Federation Square. It left the project underfunded and, in large part, unfunded and without a clear set of management accountabilities.

It is clear that the former government tried to hide the cost blow-out and that it kept on cutting essential parts of the project. When the Bracks government came to office the Federation Square project was already $100 million over its allocated budget, and $80 million had to be injected into the project to keep it ticking over.

When the Bracks government came to office no chief executive officer had been appointed, and the government had to appoint a chief executive officer of the Federation Square management company. Upon his appointment the government commissioned him to prepare a report on the financial management of Federation Square. That report now confirms the findings of the Auditor-General, tabled in June this year, that the estimated cost of the development has continued to escalate and that the roles, responsibilities and accountabilities of the various parties involved in the project needed to be clearly defined, as well as that a new management structure should be established. The report also identified additional financial resources that needed to be provided by the government on top of the amount allocated by the government when it came to office.

I am now in a position to inform the house that the government has approved a further allocation of $75 million to complete the project. The opposition should explain to Victorians why this government has had to make further allocations to complete the project.

I am further advised that the allocation of $75 million includes $35 million towards cost blow-outs and $40 million for a number of core elements considered critical to realising the full potential of Federation Square that the previous government had chopped out of the project.

Honourable members interjecting.

Mr PANDAZOPOULOS — The government is determined to get it right. This is the first time the project has been properly costed — a job given to the chief executive officer of the Federation Square management company. From day one the project has been constantly changing and evolving. No financial cap had been put on the project. Despite the rhetoric of the previous Premier and the then government, the details of costs for the project were never of concern to them.

The government has already addressed some of the issues raised by the Auditor-General and is committed to implementing clear and appropriate ministerial and administrative lines of accountability and responsibility.

The government is keen to implement a simplified management and reporting mechanism for Federation Square. I have agreed to transfer responsibility for project direction arrangements from the Office of Major Projects to the Federation Square management company in order to simplify management of the project. The Federation Square project is now on track. This government is prepared to make this project successful, to find the resources to properly fund it and to make the hard decisions to ensure that happens.

Honourable members interjecting.

Mr PANDAZOPOULOS — The opposition should apologise to the house and the taxpayers of Victoria for its gross mismanagement, particularly the

responsible minister and the parliamentary secretary at the time.

Teachers: industrial agreement

Mr HONEYWOOD (Warrandyte) — I ask the Minister for Education to advise the house of both the full recurrent cost annually and the full forward estimates of the government's sweetheart pay deal with the Australian Education Union.

Ms DELAHUNTY (Minister for Education) — The government has reached in-principle agreement with the teacher representatives on a new industrial agreement. I thank my colleagues in government and officers of departments, particularly the Department of Education, Employment and Training, for their work on the agreement. I also thank the teachers' officials.

This is a significant agreement with teachers to pay them directly for improved performance and will lead to improving education outcomes for students in government schools. This significant agreement is fair, affordable and far reaching. It will increase the strength of the career structure. I know that all honourable members have been anxious to ensure that Victoria has the best teachers in its classrooms so that students get the best educational opportunities possible.

Mr Honeywood — On a point of order, Mr Speaker, the minister is debating the question, which was about the financial cost. It was about how much the deal is going to cost the taxpayers of Victoria. I ask you to bring her back to order.

The SPEAKER — Order! I do not believe the minister was debating the question. She was providing information to the house. I find there is no point of order.

Ms DELAHUNTY — Does the opposition support performance pay?

Honourable members interjecting.

The SPEAKER — Order! The minister shall address the Chair.

Ms DELAHUNTY — The strength of the new career structure — —

Mrs Peulich — It is not new at all!

The SPEAKER — Order! The honourable member for Bentleigh shall cease interjecting and the minister shall desist from responding.

Ms DELAHUNTY — There will be incentives for top teachers to keep the best teachers in the classroom. All teachers will receive 3 per cent a year over three years — that is, 9 per cent over three years. In addition, there will be an increased salary for graduates on entry. The government is also offering the potential for outstanding teachers to earn extra money. The new career structure and the salary agreement will attract teachers into schools and keep the best teachers in the classroom. It is fair, affordable and — —

Honourable members interjecting.

Mr Honeywood — On a point of order, Mr Speaker, the minister is speaking around the issue. The question was quite clearly about the cost. The opposition understands why she does not have a document about it, but surely she must know the cost of the package.

The SPEAKER — Order! I do not uphold the point of order. However, I remind the minister that she must be succinct, and I ask her to conclude her answer.

Ms DELAHUNTY — This is 3 per cent for all teachers over three years. It is 9 per cent.

Honourable members interjecting.

Ms DELAHUNTY — You asked the question!

Honourable members interjecting.

Ms DELAHUNTY — It provides extra incentives to attract and retain top teachers. Once the details of the agreement have been agreed to by the teachers' representatives they will be shared with the house.

Regional Infrastructure Development Fund

Mr HELPER (Ripon) — I refer the Minister for State and Regional Development to the government's commitment to grow the whole of the state. Will the minister inform the house of the latest announcements of funding from the Regional Infrastructure Development Fund for important projects in country Victoria?

Mr BRUMBY (Minister for State and Regional Development) — As honourable members know, the $170 million Regional Infrastructure Development Fund was a key part of the Bracks government's first budget, and it has moved quickly to implement the first projects under that program.

I am pleased to advise the house that to date four significant projects worth $27 million in total have been approved under the fund, which when leveraged up

with other sources of funding from the private sector and federal and local governments represents more than $60 million of new investment in regional Victoria.

Projects that have been approved to date are: $4 million for cattle underpasses in regional and rural Victoria, in a project to improve farm safety; $12 million for the revitalisation of central Geelong; $3 million for two new centres of the Hamilton campus of the Royal Melbourne Institute of Technology; and $8 million for power infrastructure upgrades on dairy farms right across the state.

As I said, the $27 worth million of projects — the first was announced last week by the Premier — gear up to more than $60 million of projects. I am particularly pleased with the $8 million the government has provided for the upgrading of power supply systems to dairy farmers across the state. Before the election last year the then Labor opposition promised that in south-west Victoria dairy farmers would contribute one-third of the cost of upgrading.

I am delighted that as a result of the agreement the government has negotiated farmers in south-west Victoria, Gippsland and northern Victoria are now contributing just one quarter of the total cost. The deal for the dairy farmers across the whole state is miles better than the deal they were promised before the election. Despite that, some opposition members are still running around the state whingeing about the $8 million that has been provided to dairy farmers. When you add the whingers — —

Honourable members interjecting.

Mr BRUMBY — They know all about the number 8, don't they, Denis?

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to address the Chair and refer to honourable members by their proper titles.

Mr BRUMBY — The thing that really rankles with Kennett's toenails opposite is that the government has contributed $8 million to power upgrades, $4 million to cattle underpasses and $1.8 million in stamp duty concessions — a total of more than $12 million. Labor has provided more for dairy farmers in one year of the Bracks government than those opposite did in two terms of the Kennett government!

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Keilor!

Mr BRUMBY — I will conclude with just how out of touch the Leader of the Opposition and some of his underlings opposite are with their criticism of the government's initiatives. I can quote what the farmers think of what the Bracks government is doing for country Victoria. United Dairyfarmers of Victoria central councillor — —

Mr Honeywood — You wrote them!

Mr BRUMBY — You're saying I wrote them? Do you want to withdraw that? You can send a personal apology.

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Warrandyte to cease interjecting and the minister to cease responding to those interjections. The Deputy Leader of the Opposition!

Mr BRUMBY — A central councillor of the United Dairyfarmers of Victoria, Trevor Robbins, is quoted in the *Warrnambool Standard* as saying:

> If you look at the fact that $6000 will be a farmer's contribution, it's a darn sight different to what it was going to be. Basically we were looking at $25 000 each.

Honourable members know when they would have had to pay $25 000: it was under the Kennett government.

The president of the Victorian Farmers Federation, Peter Walsh, is quoted as saying on ABC radio:

> 'Yes, farmers still have to pay, but I think with the government contribution and with Powercor's contribution, I think it's a very good step in correcting the power deficiencies we've had'.

The question is, who is correcting the power deficiencies? The answer is, the Bracks government. Who was it who went to Colac before the last election and said he would contribute nothing towards dairy farming, and that it was Powercor's responsibility? The former Premier, Mr Kennett, backed up here by Kennett's toenails.

We deliver, and we are delivering $8 million to dairy farmers right across the state. We have done more in one year than that lot did in seven miserable years.

PETITIONS

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

Police: Korumburra traffic management unit

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 who believe that the traffic management unit of the Victoria Police which is currently located at Korumburra and which is proposed to be moved to Wonthaggi be retained at Korumburra in the interests of a more effective police operational presence within the shires of Bass Coast and South Gippsland.

Your petitioners therefore pray that the new facility for the traffic management unit currently intended to be built in Wonthaggi be located at Korumburra.

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

By Mr RYAN (Gippsland South) (1325 signatures)

Yarra Junction Primary School

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 that the citizens of Yarra Junction are concerned at the dangerous and inadequate drop-off and pick-up areas, lack of parking and limited vehicle access to Yarra Junction Primary School.

Your petitioners therefore pray that the Parliament of Victoria, the Minister for Education and the Minister for Transport urgently provide funding for the required works.

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

By Mrs FYFFE (Evelyn) (661 signatures)

Somerville secondary college

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

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

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

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

By Mr COOPER (Mornington) (13 signatures)

Rail: Hastings crossing

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

The humble petition of the undersigned citizens of Victoria sheweth that the railway level crossing at Hodgins Road, Hastings is dangerous and in urgent need of the installation of boom gates.

Your petitioners therefore pray that the government install boom gates immediately at this level crossing before an accident claims lives.

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

By Mr COOPER (Mornington) (52 signatures)

Frankston–Flinders, Dandenong–Hastings and Denham road intersection: safety

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

The humble petition of the undersigned citizens of Victoria sheweth that we are gravely concerned about the extreme danger of the intersection of Frankston–Flinders Road with Dandenong–Hastings Road and Denham Road in Tyabb.

Your petitioners therefore pray that urgent action be taken to make this black spot intersection safer before any more lives are lost at the location.

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

By Mr COOPER (Mornington) (76 signatures)

Preschools: funding

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

The humble petition of the undersigned citizens of Victoria respectfully requests:

That the Victorian government immediately invest more substantially in preschool education for the benefit of Victoria's young children and their future. That the Victorian government increase funding to preschools to at least equivalent to the national average in order to ensure:

- a reduction in fees paid by parents and the removal of the barrier to participation for children;
- reduction in group sizes to educationally appropriate levels consistent with those established by government for P–2 classes in primary schools;
- teachers are paid appropriately and in line with Victorian school teachers and preschool teachers interstate;
- critical staff shortages for both permanent and relief staff are alleviated;
- the excessive workloads of teachers and parent committees of management are addressed.

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

By Ms BARKER (Oakleigh) (62 signatures)

Laid on table.

Ordered that petition presented by honourable member for Evelyn be considered next day on motion of Ms FYFFE (Evelyn).

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

Ordered that petition presented by honourable member for Gippsland South be considered next day on motion of Mr RYAN (Leader of the National Party).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Statute Law Revision Bill

Ms GILLETT (Werribee) presented report, together with appendix.

Laid on table.

Ordered to be printed.

Alert Digest No. 8

Ms GILLETT (Werribee) presented *Alert Digest* No. 8 of 2000 on:

Anglican Trusts Corporations (Amendment) Bill
Children and Young Persons (Reciprocal Arrangements) Bill
Electricity Industry Bill
Electricity Industry Legislation (Miscellaneous Amendments) Bill
Essential Services Legislation (Dispute Resolution) Bill
Information Privacy Bill
Interpretation of Legislation (Amendment) Bill
Land (St Kilda Sea Baths) Bill
Local Government (Restoration of Local Democracy to Melton) Bill
Petroleum Products (Terminal Gate Pricing) Bill
Plant Health and Plant Products (Amendment) Bill
Project Development and Construction Management (Amendment) Bill
Public Lotteries Bill
Statute Law Revision Bill
Tattersall Consultations (Amendment) Bill
Tertiary Education (Amendment) Bill
Training and Further Education Acts (Amendment) Bill
Water Industry (Amendment) Bill
Whistleblowers Protection Bill

together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Environment Protection Act 1970 — Order declaring State Environment Protection Policy (Used Packaging Materials) (Government Gazette No S88, 23 June 2000)

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 1999

Melbourne City Link Act 1995:

Melbourne City Link Twelfth Amending Deed

City Link and Extension Projects Integration and Facilitation Agreement Fifth Amending Deed

Parliamentary Officers Act 1975:

Statement of Appointments and Alterations of Classifications during the year 1999–2000 in the Department of the Parliamentary Services

Statement of Persons Temporarily Employed during the year 1999–2000 in the Department of the Parliamentary Services

Planning and Environment Act 1987:

Amendment 113 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Notices of approval of amendments to the following Planning Schemes:

Ballarat Planning Scheme — No C33
Banyule Planning Scheme — No C10
Brimbank Planning Scheme — No C13
Campaspe Planning Scheme — No C10
Cardinia Planning Scheme — Nos C4, C14 Part 1
Colac Otway Planning Scheme — No C5
Gammawarra Planning Scheme — No C1
Glen Eira Planning Scheme — No C4
Greater Shepparton Planning Scheme — No C4 Part 1
Indigo Shire Planning Scheme — No C4 Part 2
Maroondah Planning Scheme — Nos C6, C11
Melbourne Planning Scheme — No C8
Melton Planning Scheme — No C11
Mitchell Planning Scheme — No C7
Moonee Valley Planning Scheme — No C1
Queenscliffe Planning Scheme — No C6
Towong Shire Planning Scheme — No C1
Wangaratta Planning Scheme — No C5
Yarra Planning Scheme — Nos C16, C17

Statutory Rules under the following Acts:

Magistrates' Court Act 1989 — SR No 89
Road Safety Act 1986 — SR No 88

Subordinate Legislation Act 1994 — SR No 87

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 87, 89

Minister's exemption certificate in relation to Statutory Rule No 88.

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

Dairy Act 2000 — Section 5 (except paragraph (b)), s6 (except paragraphs (h) and (i)), ss 64, 66, 69 and 70 and Parts 3, 4 and 5 on 30 September 2000 *(Gazette G39, 28 September 2000)*.

ROYAL ASSENT

Message read advising royal assent to:

Equal Opportunity (Gender Identity and Sexual Orientation) Bill
Juries Bill
Victims of Crime Assistance (Amendment) Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Electricity Industry Bill
Public Lotteries Bill
Tattersall Consultations (Amendment) Bill
Training and Further Education Acts (Amendment) Bill

and further appropriation for:

Water Industry (Amendment) Bill

BUSINESS OF THE HOUSE

Sessional orders

Mr BATCHELOR (Minister for Transport) — By leave, I move:

That on Wednesday, 4 October 2000, so much of sessional orders be suspended so as to provide that —

(1) the Speaker do take the Chair at 2.00 p.m.; and

(2) the house is to proceed with its business in the following order:

oral questions
formal business
statements by members
grievances
government business
general business.

This provides for the house's not sitting in the morning without changing the order of business, and facilitates the recognition of the efforts of Olympic athletes and volunteers.

Mr McARTHUR (Monbulk) — There has been some negotiation between the Leader of the House and the opposition, which supports the motion. It is pleased to note that although the government seeks to have the house sit at 2.00 p.m. tomorrow it will not reduce the amount of time available for non-government members to raise issues by way of 90-second statements or grievances that would normally have taken place on Wednesday morning.

During question time the Premier said that members of Parliament were welcome at tomorrow's functions. If that is the case it is news to the opposition. However, I will be glad to take him up on his invitation if he cares to make a copy of the arrangements available. So far as I am aware not many opposition members have received invitations. They join with the government in congratulating the Victorian Olympians for their outstanding efforts in the Sydney Olympic Games and hope the celebrations and the welcome tomorrow go well. Given the Premier's invitation, I imagine there will be a number of opposition members present.

Mr MAUGHAN (Rodney) — The National Party also supports the motion moved by the Leader of the House and joins in congratulating all those who participated in the Sydney Olympic Games, the observing of which gave honourable members and the people of Victoria a great deal of pleasure and national pride. It is fitting that the government will hold a reception for all the participants and volunteers who played a very important part in the successful staging of those games.

I thank the Leader of the House for involving the National Party in the negotiations and indicate that the National Party will be supporting the motion.

Motion agreed to.

POLICE: WORLD ECONOMIC FORUM

Mr WELLS (Wantirna) — I desire to move, by leave:

That this house place on record the gratitude of the Parliament and the people of Victoria to the dedicated members of the Victoria Police who so professionally upheld and maintained community safety during the demonstrations and public

protest staged at the recent World Economic Forum and further that a copy of this resolution be forwarded to the chief commissioner of Victoria Police.

Leave refused.

Opposition members interjecting.

The SPEAKER — Order! The honourable members for Monbulk and Bentleigh!

Opposition members interjecting.

The SPEAKER — Order! I will not allow that level of interjection to continue.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to sessional order 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 5 October 2000:

Children and Young Persons (Reciprocal Arrangements) Bill

Plant Health and Plant Products (Amendment) Bill

Land (St Kilda Sea Baths) Bill

Interpretation of Legislation (Amendment) Bill

Anglican Trusts Corporations (Amendment) Bill

Tattersall Consultations (Amendment) Bill

Training and Further Education Acts (Amendment) Bill

Public Lotteries Bill

Mr McARTHUR (Monbulk) — The opposition will not be opposing the government business program. It recognises that it is a fairly extensive list of eight bills and that the house has a shortened week, given the motion by leave that was just passed by the house, which will mean that the house will not be sitting tomorrow morning and that 3½ hours of normal debating time will therefore be lost this week. Nevertheless, the opposition thinks it is manageable. Quite a deal of negotiation has taken place over the government business program, and I believe that with goodwill and a bit of careful management by those responsible we can get through it.

This afternoon the government has given notice of introducing another nine bills. We are getting towards the pointy end of the spring sitting and the government is beginning to load up the notice paper, which is in stark contrast to the way the notice paper looked in the first few weeks of the sessional period. I hope the government will not do what it did in the autumn sitting — that is, try to get more than 20 bills, some of them very large, through the house in the last five or six days.

I believe the house will manage to deal with the eight bills prior to 4.00 p.m. on Thursday. Given the restricted time available, I hope the nine second readings of which the government has given notice today will not be included in the time allowed for the government business program and will be read a second time after 4.00 p.m. Although I have not had a chance to discuss that with the Leader of the House, it appears that he agrees to that being done after 4.00 p.m. on Thursday. In that case, the opposition believes the house can manage the government business program and hopes all honourable members will cooperate in trying to get through a fairly crowded program over the next two and a half days.

Mr MAUGHAN (Rodney) — The National Party also supports the motion before the Chair. As the honourable member for Monbulk has said, the bills — with the possible exception of the Children and Young Persons (Reciprocal Arrangements) Bill, which is a very important piece of legislation — are relatively minor ones.

I commend the Leader of the House on the constructive negotiations that have gone on between the parties this week. If we continue in that vein we will be able to avoid the ridiculous sitting hours of the previous sitting week. Although special circumstances were involved in that instance, I hope we can avoid them occurring again. The start to this week's government business program augurs well for constructive negotiations between the respective parties so that we can behave in a manner which the public can regard with a lot more respect than it has had in the past.

Irrespective of what we might think as parliamentarians — we all have our respective points of view of the pros and cons of those ridiculously long sitting hours — the vast majority of the public thinks we are all stupid and that has denigrated the institution of Parliament. We are all collectively responsible for that and we must all address the problem. We have made an excellent start this week; I hope we can continue in that constructive vein and win back the support of members of the public. This house is a most important institution and we need to behave as responsible members whom the community can respect and look up to rather than treat as a mob of — I could use a whole range of derogatory terms, but I will not. I will simply say that we did ourselves an injustice

during the previous sitting week which I hope we can redress from now on.

Motion agreed to.

MEMBERS STATEMENTS

Police: World Economic Forum

Mr LUPTON (Knox) — I wish to recognise and congratulate all members of the Victorian police force for the professional manner in which they carried out their duties during the World Economic Forum. When I say all members of the Victorian police force, I refer to those who stayed behind in the stations as well as those who saw action at the World Economic Forum.

The public of Victoria should be aware that all police leave was cancelled during that time and that officers who remained at the stations were required to do double shifts. Their family lives were disrupted and no doubt a great deal of stress was placed upon them.

I believe those officers who saw battle action outside the World Economic Forum deserve the utmost credit for the professional manner in which they conducted themselves. They were spat on and had urine thrown at them; fish hooks, bolts and ball bearings were also thrown at them by a mob of demonstrators — bandits in balaclavas — who professed to be professional and who were going to hold a peaceful demonstration. The people of Victoria have a police force that is by far the best in Australia. Its members deserve our commendation and congratulations for the manner in which they conducted themselves.

Victoria Police does a magnificent job, and to see people from various walks of life in supposedly responsible positions criticising members of the police force for the actions they had to take because of the irresponsible behaviour of demonstrators is deplorable. I congratulate members of the Victoria Police on behalf of the Knox electorate.

Olympic Games: Goulburn Valley athletes

Mr KILGOUR (Shepparton) — Following the completion in Australia of the best Olympic Games ever, I pay tribute to the people both from my electorate and from the wider Goulburn Valley area who represented this great country at the Olympic Games: people like Lee Naylor, the sprinter in the 400 metres who unfortunately contracted glandular fever during the games and could not compete in the relay; Brett Lancaster, the young cyclist — I think we have seen the emergence of a new star of the future; Dean Pullar of Cobram, who won a medal in the synchronised diving — a great performance; Rhonda Cator of badminton fame — yet another great Olympic Games performance; Geoff Bloomfield, who rode particularly well on his great horse Money Talks in the equestrian event; and the young archer from Goorambat near Benalla, Matthew Gray, who was a member of the archery team that won a gold medal.

I pay tribute to all the competitors and volunteers from my electorate and the wider Goulburn Valley area who went to Sydney and performed magnificently in what was a tremendous Olympic Games for Australia. We are all proud of those people and pleased to see that they had the ability not only to take part but to perform at the best of their abilities. No matter what country people came from, it was great to be up there in Sydney to support both our athletes and those of other countries.

Glyde Algernon Surtees Butler

Ms CAMPBELL (Minister for Community Services) — I pay tribute to Glyde Butler, MLC, Thomastown 1979 to 1985 and Government Whip, who passed away on 18 September. During Labor's last state conference, Glyde proudly received his ALP 40-year medallion, which was presented to him by Premier Steve Bracks.

Glyde had an impressive knowledge of every Victorian state and federal electorate and many beyond. His knowledge of polling booth results, their trends at respective elections and the names of previous candidates was indeed extensive. As an ALP member Glyde's first, second and third loyalties within the party were to the Australian Labor Party itself and its commitment to social justice.

Glyde will be remembered for his ability to relate to all within the Labor Party and the wider community. Through his political involvement Glyde maintained many accumulated friendships from a wide range of political opinions. Because of his wealth of knowledge and experience he was much sought after and was an excellent raconteur who could relate the historical background and changes that had occurred to the present time on a variety of subjects.

Glyde loved an earnest discussion with his peers and assisting fledgling parliamentarians in their introduction to this environment. His words of wisdom calmed and guided many honourable members. Glyde delighted in watching members progress and assisting those who were willing to accept advice from one who had been through the mill.

I extend my condolences to his family.

Police: recruitment

Mr WELLS (Wantirna) — As shadow Minister for Police and Emergency Services I express concern over the announcement of the recruitment drive to attract 2500 new officers to Victoria Police. While I fully support the initiative to undertake a recruitment drive to meet the future needs of the force, I have serious concerns about the quality of recruits that may result from an operation of such a large scale.

The opposition would not support a recruitment program that in any way detrimentally damaged the outstanding quality of officers currently graduating from the academy. Victoria Police is well respected for the high standard required of its recruits, and anything that may see those standards lowered just to meet projected targets would not be tolerated.

The standards applied to police recruits over the last decade have seen the profile of those recruits change significantly. Today the force is highly diverse in its talents and professional base. Not that long ago recruits were predominantly fresh-faced, 18-year-old males. However, today recruits come from a wide range of backgrounds with many more female officers graduating along with those who come into the force with university degrees, professional qualifications and experience. The force is also attracting a greater number of recruits from ethnic backgrounds who are multilingual. In addition, I understand the current average age of police recruits is around 27.

I call on the government and the Minister for Police and Emergency Services to give an assurance to the Victorian community that the existing high-quality standards for Victoria Police recruitment will be maintained and monitored throughout the entire recruitment campaign.

Police: recruitment

Mr HAERMEYER (Minister for Police and Emergency Services) — I express offence at the insult the honourable member for Wantirna has directed towards recruits of the Victoria Police force. During the last four years the government of which he was a member cut numbers in the force by 800 and he sat there, said nothing and did nothing, just like all of them on the other side of the house. Today he has offered his congratulations to the police for their performance at the World Economic Forum.

Where was he when the Leader of the Opposition foolishly drove into a group of demonstrators without ringing the police and asking how he could get access to the complex? Yet he comes back here and says the police ought to lift their game.

If anybody ought to lift his game it is Mr Eight Per Cent. That was a provocative action!

Opposition members interjecting.

Mr HAERMEYER — The honourable member for Wantirna had not a word to say. They are calling for barbecues and all sorts of things but saying the police ought to lift their game. These people are hypocritical — —

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

Olympics Games: East Gippsland athletes

Mr INGRAM (Gippsland East) — I wish to congratulate the Olympians from East Gippsland who competed in the Sydney Olympic Games and, just as importantly, to wish the Paralympians who will be competing over the next couple of weeks the best of luck.

Gavin Chester competed in the Olympic show jumping competition on a horse called Another Flood. The show jumping team of which he was a member came a credible 10th in its competition. The local community got right behind Gavin's fundraising activities. I thank those honourable members, including the Premier, the Leader of the Opposition and the Leader of the National Party, who sponsored the jumpathon that raised funds to send him to the world cup meeting in America to train for the games.

Melanie Dennison is a sailor who trained for the Olympics on the Gippsland Lakes. She competed in the women's European class sailing competition, finishing 15th overall, including third and fourth places in some races.

Importantly, I wish good luck to our Paralympians — Tim Mathews and Jeff McNeil, who are from East Gippsland. Tim Mathews is a sprinter. At the Atlanta Paralympics he was part of the gold-medal-winning 4 x 100 metres relay team and a finalist in the individual 100 metres sprint. He was also part of the successful team that finished third in the 4 x 100 metres relay at the Australian championships and outran able-bodied athletes in the same event. At the Sydney Games, Tim is part of the 4 x 100 and 4 x 400 metres relay teams.

Jeff McNeil, who is a blind distance runner, is ranked no. 1 in the world for the marathon. Jeff did not compete in Atlanta, but this will be his fifth Olympics.

Local government: allowances

Ms BURKE (Prahran) — The Victorian government's new approach to councillor and mayoral allowances is extremely disappointing. It has divided a sphere of government into a three-part system of haves and have-nots. Twenty seven are in the first level, 36 are in the second level and 13 are in the third. The City of Melbourne is not included, and Melton has not been mentioned.

The government did not produce a draft report for the community to comment on. Municipalities have been graded by revenue and population to provide the basis on which councillors should be paid. The competency and efficiency of councils have not been considered, and the fact that many councils are debt free has not been take into account.

None of the regional councils, except the City of Greater Geelong, currently fits into the highest level, although from 2003 they will be included in the highest level anyway. The new system is the greatest incentive for councils to increase their rates that I have ever seen. Councillors will be rewarded for increasing rates. I wonder if the minister is serious! The Municipal Association of Victoria and the Victorian Local Governance Association are disappointed, and so am I.

Aged care: western suburbs accommodation

Mrs MADDIGAN (Essendon) — I condemn the federal coalition government for its refusal to acknowledge and overcome the severe shortage of aged care accommodation in Essendon and surrounding areas. A recent report shows that there are 74 fewer nursing home high-care beds in Moonee Valley than there should be under the commonwealth benchmark. Even more appalling is the fact that the area is 247 hostel or low-care beds short of the commonwealth benchmark.

That shows how little the federal government cares for the western suburbs of Melbourne. Even though those problems have been raised with the federal coalition over a number of years, it has taken no action to overcome the problem. That shows its contempt for older people in our community.

It is not surprising that the western metropolitan region has the lowest ratio of high-care beds to residents of any of the four metropolitan regions. Each of the other regions is at or slightly above the high-care benchmark. The federal government's justification is that it allocates beds on a state basis, so it is up to natural population movements to even out the figures and ensure the regions are covered appropriately. Given the figures for Moonee Valley, that is clearly not happening.

Electricity: south-west infrastructure

Mr VOGELS (Warrnambool) — I refer to an article in the *Warrnambool Standard* of 15 September 1999, which under the headline 'Brumby electrifies election campaign' refers to the then opposition spokesman on regional development, Mr John Brumby, visiting a dairy farm in Boorcan accompanied by the then Labor party candidate, Roy Reekie.

On that memorable day, Mr Brumby chose to visit the south-west to announce the ALP's policy on power supply. He said in his media release that a Labor government would contribute $8 million towards the upgrading of powerlines in south-west Victoria. Almost 12 months later to the day, the Premier announced at a dairy farm in Colac that the government would contribute $3.08 million to power upgrades in south-west Victoria — and he claimed that that was not a reduction.

I remind the Premier and the Treasurer that dairy farmers, unlike city politicians, can smell bullshit 3 miles away. They understand $3 million is not $8 million. It would be nice if Labor's Warrnambool candidate, Roy Reekie, also refreshed his memory on the matter.

Olympic Games: Sunshine athletes

Mr LANGUILLER (Sunshine) — It has been said that Sydney presented the best Olympic Games ever to the world, and indeed it did. I congratulate the two young local men who presented their best to the world when they competed in the Olympics. I refer to 19-year-old Simon Gerada of Sunshine, who represented Australia in singles and doubles in table tennis. Although he did not make the finals, he showed great promise. It was Simon's first Olympics and, he hopes, the beginning of a great sporting career. The Sunshine community and I wish him every success on his journey to competing in the Athens Olympic Games.

Twenty-three year old Michael Hazel of West Sunshine also made his Olympic debut at the Sydney Olympic Games. Michael represented Australia in the 4 x 400 metres men's relay final. Michael's Olympic run adds to an already impressive sporting career. He

was the former national titleholder in triple jump before switching to running two years ago. I say congratulations and well done to both the athletes and their families. They did the Sunshine community and Australia proud.

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

Mr McArthur — On a point of order, Mr Speaker, I seek your advice on when honourable members will be able to give notice of motions, general business. We have not received the call at this stage, and I seek your advice on when they will be called.

The SPEAKER — Order! The procedures of the house allow for the calling of notices, which occurred straight after questions without notice. The tradition is that ministers give notice first, and then any other honourable member of the house can give notice. The house has gone through that procedure.

CHILDREN AND YOUNG PERSONS (RECIPROCAL ARRANGEMENTS) BILL

Second reading

Debate resumed from 29 August; motion of Ms CAMPBELL (Minister for Community Services).

The SPEAKER — Order! As the required statement of intent has been made pursuant to section 85(5)(c) of the Constitution Act 1975, I am of the opinion that the second reading of the bill requires to be passed by an absolute majority.

Mrs ELLIOTT (Mooroolbark) — The opposition supports the Children and Young Persons (Reciprocal Arrangements) Bill. During the time for members statements, while listening to the contributions of those members who are fortunate enough to have Olympians in their electorates, I recalled seeing various television clips on the Olympics. Three of them stand out in my mind.

One showed Ian Thorpe's parents, who were obviously proud of their son but were reserved about what they said because they were anxious about making a big splash in front of the cameras. I thought how lucky they are to have Ian as a son. He is equally lucky to have them as parents. Another showed Cathy Freeman after being presented with a gold medal for winning that wonderful 400 metre race going to the perimeter of the running track to hand her Olympic flowers to her mother before the camera panned to her family who were beside themselves with joy. A couple of days later her extended family were interviewed about Cathy's success. I thought they were lucky to have Cathy as a child and relative and that she was equally lucky to have a family like them.

Finally, the Olympic coverage showed Michelle Timms, the captain of the Opals basketball team, announcing that she would retire after the Olympics were over and her dad saying, 'I think she might have second thoughts about that'. He was obviously keen for her to continue. Again I thought how lucky he is to have Michelle as a daughter and how lucky she is to have him as a parent.

Sadly, not all children live in families that give them so much love and support. That is partially the reason for the bill before the house. In October 1996 the Australian-New Zealand Community Services Ministerial Council agreed that New Zealand and the Australian states and territories should develop legislation that addressed jurisdictional problems in child protection. Five years later, on 5 August 1999, a model bill was approved by the ministerial council. At the time the current Leader of the Opposition was the Victorian Minister for Community Services. The bill before the house is template legislation to implement that model bill.

Five major issues are addressed in the bill. It is designed to overcome the inability of child protection orders or proceedings to be transferred between Australia and New Zealand, to overcome the inability of child protection proceedings being transferred between the Australian states and territories, to overcome the difficulty of transferring confidential child protection information between jurisdictions, and it addresses a long-held concern about whether removing a child from a placement would be an offence if it occurred interstate when the subject of the protection orders that applied were issued in Victoria.

As was made clear by the minister in her second-reading speech, at all times the interest of the child is at the core of the legislation. It also considers the rights of the parents of the child. Where a child has come to the notice of the Department of Human Services and is the subject of child protection proceedings or a child protection order, many other instrumentalities and individuals are involved in ensuring that mantle of protection holds and is effective in protecting the child, including the Secretary of the Department of Human Services, who is integral to the bill; the child, the Children's Court, the Supreme Court, the parents, and the jurisdictions in other states and in New Zealand.

When the secretary of the department wishes to administratively transfer child protection orders between Victoria and other states and territories, or New Zealand, several conditions have to apply: the receiving state must accept the transfer of the proceedings, or the order; the secretary must be satisfied that there is an equivalent order in the receiving state; the child and its parents must be notified within three days of the action the secretary of the department intends to take; and the child must be aware of his or her rights under the legislation. I will refer to that again.

At all times the welfare of the child is central, as is involving the family in decisions made about transferring the child, protection orders or the proceedings with which the child is concerned. To put a more human face on what is fairly legalistic legislation, I point out that children who are the subject of protection orders or proceedings may continue to reside with their birth families, they may reside with one parent, or they may be placed with another family member, which is often the case with Aboriginal children where it is desirable that they reside with their own kin. The child may also be placed with foster parents.

The mobility of people being what it is, if the people caring for the child or those who have the legal responsibility for the child wish to move, or if it is thought to be better for the child if the protection order is with someone who lives in another state, in every case the child must be kept informed if he or she is over the age of seven years, which is the age at which a child can be legally represented in the Children's Court.

If the Secretary of the Department of Human Services feels that there are reasons why he or she cannot progress the proceedings administratively, the secretary may apply to the Children's Court. Such a reason may be that the receiving state or territory, or New Zealand, does not have a similar order, and the secretary may want the court to rule on that. The child also may object to the order and it may become the subject of court proceedings, or there may be other reasons why the Secretary of the Department of Human Services decides it would be better if the Children's Court were to make a determination.

In each case the child and his or her parents are informed of their rights. They have the right to appeal. Section 85 of the Constitution Act applies in that the right of appeal is limited to 28 days, 10 days or 3 days. It is inappropriate for proceedings to be held up too long when the welfare of the child is at stake, and protracted court proceedings would mean the order was not able to be applied expeditiously in the best interests of the child.

In her second-reading speech the minister referred to the child being informed that he or she could have legal representation in any court proceedings, and of course the opposition would agree with that for any child over the age of seven years. If the child is under seven years the parents can be represented legally. However, the bill will add two provisions to a schedule under section 21(1) of the Children and Young Persons Act under which child protection orders and proceedings can be transferred and which would then require the child to have legal representation. That section of the Children and Young Persons Act has never been proclaimed. The Scrutiny of Acts and Regulations Committee has noticed this, as did I. I refer to *Alert Digest* No. 8 of 2000, which states:

> Given that legal representation for a child will be available under clause 6 of schedule 2 for administrative transfers from the commencement of the provisions in the bill, this would seem to the committee to be an anomalous situation.
>
> The committee considers that the Parliament should be provided with further information relevant to the important provisions concerning legal representation for children in legal proceedings concerning their welfare. The committee will write to the minister to seek clarification on this issue.

The opposition is interested in seeking clarification on when the minister proposes to declare that section of the act. I am interested in her views on whether it compromises any possible legal representation for children who are the subject of protection orders or of proceedings.

In the second-reading speech the minister also signalled her intention, although it is not part of the bill, to take to the next ministerial council of community services ministers of Australian territories and states and New Zealand a proposal that parents and children should also be able to apply to transfer proceedings interstate, to another territory, or to New Zealand. I have no views one way or the other on that matter.

I can conceive of cases when a parent may wish to travel interstate or reside permanently interstate for various family reasons, such as having an abusive partner, where the other partner may wish to put as much geographic distance between himself or herself and that partner as possible, and in that case if the child were subject to proceedings or an order they may wish to pursue that themselves. At the moment the bill allows only the Secretary of the Department of Human Services to move to have proceedings or an order transferred interstate. The opposition looks forward

with interest to the outcome of the next ministerial council, which I think is to take place next year.

Apart from those concerns, the opposition supports the bill. It is necessary and will overcome the problem — and we read frequently about such cases in newspapers — of a child being removed from the place of residence which was the subject of the order, whether that is an offence or not, and the amendments in the bill will obviously be all to the good.

Of some concern to me is that if a child of Aboriginal heritage were to be sent to the Northern Territory under these provisions whether the mandatory sentencing provision of 'three strikes and you're in' may conceivably apply if that child were to break the law. I have been assured by departmental officers that at all times the best interests of the child would be considered and that it would be most unlikely to happen. I take it on board that it is so.

I turn to child protection and foster care. Justice John Fogarty was a trenchant critic of the coalition government between 1992 and 1999 after the introduction of mandatory reporting, which has resulted in an enormous increase in notifications and the confirmation of child abuse then leading to children becoming the subject of child protection orders. As reported in the *Age* of 3 July, he again criticised what he sees as the lack of resources and professional development of staff involved with child protection.

Child protection is possibly the most sensitive of the areas with which the community services portfolio is concerned. The government came to power with enormous resources at its disposal, most of which were left by the previous government, to be devoted towards protecting the most vulnerable in our society. We hear that another $75 million will be going into the Federation Square project because of the impasse over the shard, which should have been left as it was. That $75 million could be far better applied to child protection so there are no more cases like those involving Daniel Valerio or Jaidyn Leske. Those children were not the subject of child protection orders, but they could have been saved from the abuse during their short lives that in both cases led to their premature and tragic deaths.

I now turn to foster care. I was on the board of the St John's Homes for Boys and Girls, which is part of Anglicare, for about 12 years at a time when facility-based care for children in need of care and protection was more the norm than it is now.

The previous coalition government and the current government subscribe to the belief that it is better for children who cannot live with their birth families to be cared for by families who will look after them in a small family environment rather than a congregate care setting. In the daily newspapers we become used to seeing pictures of people, many of them women, who have devoted the major part of their lives to bringing up other people's children. In many cases they have families of their own but have a dedication to and love for children that makes them excellent foster parents.

It is always moving to see pictures of adults coming back to say hello to the foster mothers with whom they may have stayed as babies. There are never enough foster parents. There is a foster parents week each year that celebrates the achievements of those who provide foster care. One reads disturbing articles in the newspapers about people who have previously been foster parents saying they will not continue because there are not enough resources. I know it is not a matter only for the state government, it is also a matter for the commonwealth government. I recognise that the minister has written to the federal community services minister asking that health care cards not be means tested when they are held by foster care parents looking after children. I support that view and intend writing to the federal minister myself.

I also read an article about a research project undertaken by graduate students in response to the Children's Welfare Association Victoria stating that it was difficult to recruit sufficient foster parents to meet the need. Despite the association spending significant amounts of money on advertising for foster parents, the proportion of inquirers who became foster parents had remained constant at 10 per cent. The graduate students undertook a study of why that was so and found that people had changed their minds for the usual reasons. They may have been childless but then found they were to have children of their own; they may have moved to the country or interstate and no longer been able to take up foster parenting; or they may, as some did, felt they were not wanted. They made initial inquiries and were told by the department they would be informed by telephone, but they were not informed quickly enough to make them feel there was a need.

Without foster parents children in need of care and protection will be worse off. It is desirable for children to stay with their birth parents, but if that is not possible foster care is the next best alternative. I request the minister to make her best efforts to ensure that everything is being done to recruit foster parents and that inquiries are answered. I realise this has been an ongoing problem for some time, but the minister should

ensure that the availability of foster parents is canvassed as widely as possible.

The Liberal Party supports the bill because its genesis was during the time the coalition was in government. With goodwill and sufficient resources it will spread that mantle of safety over children whose lives are fragmented. There are many sad cases, but there is always hope. The protection offered by bills such as this which facilitate the child protection process should be portable while protecting the rights of the child and its parents. They should not be pushed into transfers with which they may not agree or which they may not want.

The bill will ensure the best outcome possible, if all the other conditions are being met, for children who most of us do not know personally, although we have had some contact with the organisations that care for them. With some imagination we can think about what their lives are like and how much better they could be with a great deal of legislative, parliamentary and community effort.

Mr MAUGHAN (Rodney) — I am pleased to speak on the Children and Young Persons (Reciprocal Arrangements) Bill, which the National Party, like the Liberal Party, supports because it is sensible and logical.

I share many of the sentiments expressed by the honourable member for Mooroolbark, particularly her opening remarks about Cathy Freeman. I also watched with a great deal of pride as Cathy Freeman won that wonderful 400 metres race. I took a great deal of pride, and still do, in the way Cathy Freeman conducted herself before, during and after the race. I would go so far as to say that Australia is a different place, a better place, and we have moved closer to Aboriginal reconciliation as a result of her great performance.

The purpose clause of the bill states:

> The purpose of this Act is to provide for the transfer of child protection orders and proceedings between Victoria and another State or a Territory of Australia or between Victoria and New Zealand.

That is certainly necessary.

By way of an opening remark I observe that in my lifetime and the lifetimes of most honourable members significant changes have occurred in attitudes to children. I remember when I was growing up the now outgrown dictums most would be familiar with: 'Children should be seen and not heard', 'Speak when you are spoken to', and 'Spare the rod and spoil the child'.

I take much pride in the way one of my daughters recently dealt with her children aged three and five. Only one of the children had the opportunity of attending with their father the practice for the opening ceremony of the Olympic Games. Rather than deciding for them, my daughter sent them off to negotiate. They went away like small adults, sorted the matter out in a responsible way and there were no problems. That incident is indicative of the way many children are now learning to take responsibility for their own decisions as individuals with rights, views, opinions and responsibilities as they grow up. It is a great attitude that should be encouraged.

As a community we know that attitudes, habits and behaviours experienced, encouraged or fostered in the early childhood years are important in establishing patterns of behaviour that in many cases remain with individuals for life. The first five formative years are critically important to the sort of society Victoria will be in the future. Many people would agree that some of today's social problems, such as drugs, where some $100 million is being spent over four years, are symptoms of much deeper problems that begin with poor parenting and children being part of dysfunctional families in their early childhood years.

It is important that children grow up in a loving and caring family environment to become well-developed individuals in a caring community that provides sufficient resources for maternal and child health and positive parenting, which are great programs. We as government — I include all honourable members collectively in my use of that word — do not provide nearly enough resources for those programs. Much more needs to be done to support families and so avoid the very thing dealt with in the legislation — kids that do not have the sort of background I have referred to and who for a range of reasons are abused and neglected. Everyone feels for that growing number of children who are raised in poor family environments and are abused and neglected.

Preschool education is important, yet historically insufficient resources have been provided in that area. It is getting better, but given that specialist teachers can pick up behavioural and development problems it is critically important that preschools are properly funded to ensure that teachers have a career structure that rewards and encourages them, firstly, to take on the profession, and secondly, to continue in that profession rather than switch to a more lucrative career. I appeal to the community to put more emphasis on the provision of resources for maternal and child health. Other fields in which money should be spent to prevent more deep-seated, difficult and expensive social problems

from developing down the track are child psychology and speech and occupational therapy.

All honourable members know that in the race for funds hospitals, education and roads win every time over the more important preventive programs I have referred to. As parliamentarians we have a responsibility to move ahead of what the public wants in those areas and put more resources into prevention. In the long-term interests of the community the trend to allocating insufficient funding in the early childhood area should be reversed.

It is often said that one can appreciate how much society values its children by the laws and services it makes available to protect them. Families should be assisted to assure children that they are loved and appreciated for what they are, that they grow up with a healthy self-esteem and that their health and emotional needs are met. All honourable members would believe that every child has the right to be born into a family where he or she is loved and wanted and to grow up with loving, caring parents.

If every child had that background, we as a Parliament would not be dealing with the sort of legislation that is before us today and we would not have to deal with many of the social problems that arise from time to time.

Children need to be empowered. They need to learn that power comes not from strength or size but from love, self-esteem, integrity and respect. As a community we need to encourage children to have the self-esteem and respect that empower them to do a range of things with their lives. Children need to feel part of their families and communities. Families, communities and governments play crucial roles in providing the emotional and material support that is essential to the wellbeing and healthy development of children. As a community we do not have a more important task than that.

It therefore saddens me greatly to see the statistics concerning child abuse and neglect. I will reflect on some figures that come from a Department of Human Services document.

In the period 1992–93 there were 15 182 notifications of all forms of abuse in Victoria. During 1993–94, when mandatory reporting was introduced, the number of notifications increased to 26 685. It was expected that notifications would decrease. Unfortunately, that did not happen, and they skyrocketed. In the following year 31 699 incidents were reported. Although the number of notifications eased slightly in 1995–96, it was still much higher than anticipated.

The last statistic recorded in the document covers the period 1997–98 and shows that there were 33 164 notifications of abuse. Of those 33 164 notifications, 14 682 were investigated, 7412 were substantiated and 2315 children were granted protection, which is the area dealt with by the bill.

Looking at the substantiations to see how Victoria compared with other states, we find that nationally in 1992 the figure was about 5 in every 1000 children aged from 0 to 18 years. In Victoria in 1995–96 it was 6.4 in every 1000 children of that age group, which was still alarming. It concerns me that so many children have been subjected to abuse and neglect. There is clearly a need for a child protection service.

I pay tribute to our current child protection service and acknowledge that although there are deficiencies and mistakes because the very nature of the work involves emotions and conflict, on the whole child protection workers do an outstanding job under very difficult circumstances. Because we are human there will always be a risk that mistakes will occur, and it is very easy to criticise — I could do that with a couple of cases I am dealing with at the moment. However, Victoria has a child protection service that collectively we can be proud of.

I will spend a couple of minutes going over the history of the development of child protection services because it is interesting. The Society for the Prevention of Cruelty to Children was formed in Victoria in 1896, which is noteworthy for a range of reasons, one being that Victoria had a society for the prevention of cruelty to animals long before that.

The United Kingdom founded a society for the prevention of cruelty to animals 72 years before, in 1824, and in Victoria a similar body was established in 1871. As I said, it is worth noting that Victoria had a society for the prevention of cruelty to animals 25 years before it got around to forming a society for the prevention of cruelty to children. I don't know what that says!

The Society for the Prevention of Cruelty to Children became the Children's Protection Society in the 1970s, and it was granted government funding to investigate reports of suspected child abuse. At that stage the society did most of the investigatory work.

The state government became involved in cases only where the Children's Court had granted an order following action by either the society or the police. That

system prevailed until 1984, when there was a major review of Victorian child welfare practices and legislation instigated by the Carney report, which looked at what we were doing and what we should be doing. In 1985 Community Services Victoria took over the task of the investigations that had previously been undertaken by the police and the Children's Protection Society.

In 1988 a major review of child protection systems was undertaken by Justice Fogarty, who was formerly a judge of the Family Court of Australia.

The Children and Young Persons Act, which is a major piece of legislation, was introduced in 1989. I had just entered the Parliament and my role in the National Party at that time was to look after community services. I well remember the debates on that legislation with the Honourable Kaye Setches, who was the minister at that time. The act was an important piece of legislation that had bipartisan support. Its purposes, which are set out in section 1, are:

(a) to establish The Children's Court of Victoria as a specialist court dealing with matters relating to children and young persons; and

(b) to provide for the protection of children and young persons; and

(c) to make provision in relation to children and young persons who have been charged with, or who have been found guilty of, offences; and

(d) to amend and consolidate for the purposes of the new Court the law relating to the jurisdiction and procedure of children's courts.

That substantial act performed those functions very well. The Children's Court was established as a specialist court to deal with matters specifically relating to children and young persons, with 'young persons' being defined as those under the age of 17, or under the age of 18 if orders had been made against them.

The court was divided into two divisions. The family division dealt with accommodation, protection, permanent care, supervision and guardianship orders and the criminal division determined all charges against children for summary offences. Again I believe that process has served us well, but it has now thrown up jurisdictional problems between states. As the population becomes increasingly mobile and regularly moves from one state or country to another, the amendments before the house become important to overcome some of the identified jurisdictional problems.

The problems were discussed at a meeting of the community services ministerial council in October 1996, and the council resolved to develop legislation that addressed those jurisdictional problems in child protection. It produced model legislation and model protocols. The protocols are quite extensive and spell out how the process should be undertaken. Each state and territory and New Zealand undertook to implement those proposals after they were approved by that same ministerial council on 5 August 1999.

It is incumbent on all state and territory governments and New Zealand to enact template legislation. Queensland, the Australian Capital Territory and New Zealand have already passed that legislation. New South Wales and Western Australia intend to enact similar legislation to that with which the house is dealing today.

The bill implements Victoria's commitment to the community services ministerial council meeting and addresses the jurisdictional problems of transferring orders between states. The aim is set out in the purposes clause of the bill as follows:

> … to provide for the transfer of child protection orders and proceedings between Victoria and another State or a Territory …

The provision can be applied to a number of situations. For example, where a child is only temporarily out of Victoria and suffers abuse, the orders will apply. Where a child is abused or assaulted in another state, and then transported to, for example, the Royal Children's Hospital, orders of some sort are sought and granted in this state but then need to be applied in another state. If a child is abused or injured in New South Wales and brought into the Echuca hospital in my home town, that would similarly apply.

Where a Victorian parent or guardian harms a child in another state, jurisdictional problems arise in dealing with that situation. Where a child is subject to a Victorian order and placed in another state, which happens more frequently these days, there is lack of clarity as to the powers of various jurisdictions to deal with the situation. The bill is designed to overcome some of those anomalies and clarify the situation for all states so that orders can be transferred between states.

The bill deals with the difficulty of legally transferring confidential information relating to a Victorian order that is required by another state that might be administering that order and therefore has some interest in it. Currently difficulties arise transferring some of that confidential information, and it can be transferred only under strictly defined circumstances. The bill will

enable the transfer of information to provide services for the benefit of the child. Honourable members constantly need to remind themselves that under the Children and Young Persons Act the interests of the child are paramount. In every case where conflicting principles arise, the interests of the child are paramount.

The legislation provides for administrative transfers. That is spelt out in part 2 of schedule 2, which goes into the detail. Clause 3 of schedule 2 provides for the administrative transfer of a child protection order interstate and makes it a requirement for the relevant interstate officer to consent to the proposed transfer. The secretary is required to certify in writing that he or she made all reasonable efforts to ensure that the child had an opportunity to seek legal advice on the decision.

The first point is that the receiving state, or the state that is entering into the arrangement, must agree to those orders being transferred. The second point deals with the optional part of the legislation. Most of the act is mandatory as a result of the ministerial council agreement, but there is also a provision for optional parts of the provisions. This part, which ensures that a child of seven years or over is advised and has the right to object if he or she wants to with proper legal advice, will not be included in every act of the commonwealth. However, it is important. The mandatory and optional provisions provide that a child over the age of seven must be informed and must be given the opportunity with proper legal advice to oppose a transfer.

The third point, which the minister said she intends to raise at the next ministerial council meeting, is that parents and children should be able to apply for the transfer of a child protection order or proceedings.

I will provide the house with a few statistics on child protection orders in this state. A publication entitled *The Health of Young Victorians*, which is a Department of Human Services publication, shows the notifications per 1000 child population in all Community Services Victoria regions. Three regions in particular — Gippsland, the Grampians and Hume — have significantly higher notifications than other regions in the state. In Gippsland the rate is 42 per 1000; the Grampians, 40 per 1000; and Hume, 35.7 per 1000. I wonder why the rates in those regions are so much higher than other regions such as the western and southern metropolitan regions. They are very interesting figures.

The document further reveals that substantiation rates for Victoria are somewhere between the confirmed rates given for Australia — 5 per 1000 of population — and New South Wales, which is 10.1 per 1000. Victoria, at 6.4, is somewhere between the Australian and the New South Wales figure, which is very much higher.

Currently no data is available to evaluate the outcomes for children for whom protective orders have been finalised — and that is a deficiency. We need to know what effect the various protection orders are having on children, so I am pleased to note that there is a pilot program operating in Victoria, and I look forward to seeing the outcomes of that in due course.

Finally, I quote some disturbing figures. The last page of *The Health of Young Victorians* refers specifically to Aboriginal and Torres Strait Islander populations. Essentially it indicates that, as in the prisoner population, in this state there is a much higher incidence of children who are subject to protection orders in the Aboriginal and Torres Strait Islander population than there is in the non-indigenous population. The document states:

> There are 10 times the number of Aboriginal and Torres Strait Islanders than the non-indigenous population … in Victorian government-provided accommodation for children at risk, with a greater representation for children in foster care. In 1996, the rate per 1000 for ATSI under 18 population is 40.1, compared to 4.3 per 1000 in the whole population.
>
> Within the census there was data collected on 347 of the 4867 clients identified as Aboriginal and Torres Strait Islander.

It is interesting to note that of the 347, 131 were on protective orders, 64 were on guardianship and custody orders and 33 were on custody orders. They are disturbing figures for anyone who is concerned about Aboriginal affairs, as I am.

As I indicated earlier, the National Party supports the bill. It is a sensible extension of the legislation that has served this state well. I am pleased to support it and wish it a speedy passage.

Mr VINEY (Frankston East) — I am pleased to support the Children and Young Persons (Reciprocal Arrangements) Bill, which further delivers the government's policy commitment to ensure legislative and administrative procedures are in place to facilitate cooperation between the states and territories on child protection matters. I am sure the bill will be supported in my electorate, which has a very strong family focus. I know that people in my electorate are concerned about the government's commitment in the areas of child protection and family support, including family services. I note and welcome the support of the bill by both the opposition and the National Party. I am pleased to join the debate and to recognise with them

some of the key features and importance of the proposed legislation.

Some honourable members have referred to the importance of not only child protection legislation but also prevention programs. All honourable members would support the government's commitment to providing prevention programs in children's and family services. What a contrast that commitment is to what happened in the seven years of coalition government.

The prevention programs the government has been putting in place include $10 million for maternal and child health services. All honourable members know of the difficulties experienced by maternal and child health services under the previous government. The $10 million is for prevention programs that honourable members opposite have already raised. It is complemented by an additional $8 million for preschools, which was another area that was severely cut back by the previous government.

On coming into office the government found that the waiting period for entry into early intervention programs was extremely long and difficult. The Minister for Community Services has ensured that in the current budget an additional $2 million has been allocated to early intervention programs to try to address and alleviate the effects of that excessive waiting list.

The other area of the government's commitment to prevention programs that is in sharp contrast with the policies of the former government is in parenting services, which previously were funded under the Community Support Fund. The government has indicated its support for parenting services programs by funding them in the Human Services budget. It does not consider them to be a pilot program requiring the support of CSF money, thereby effectively diminishing their importance, but considers them to be an integral part of the overall strategy of delivering family support services that will support families in Victoria generally, and in my family-focused electorate particularly. The need for those services is vital, and I am sure that need was part of the reason for my election. As I said, there is an obvious contrast between what is happening currently and what the former government did.

The bill overcomes a number of existing problems relating to the inability to effectively transfer across jurisdictions most Children's Court child protection orders and proceedings involving children. A major problem was that some children who were subject to child protection orders in one state were permanently placed interstate by the relevant state authority. Such orders are difficult to administer or supervise because of the danger of jeopardising the welfare or safety of the children. Further, a child may be only temporarily present in a state when that state or an authority in that state issues a protection application, and generally a state's children's court cannot transfer child protection proceedings to the state of origin of the child and family.

The bill addresses those key issues — that is, concerns about the inability to transfer confidential information that is needed by interstate authorities, lack of certainty as to whether the Children's Court has jurisdiction to grant child protection orders in situations of harm to a child that occurs interstate, and the absence of an offence provision that relates to the unauthorised removal of a child on a child protection order from an interstate placement. As the honourable member for Rodney said, such problems can be acute in border areas, and the bill is designed to overcome them.

In the limited time I have available, I note also that while sometimes the need for a section 85 statement is debated and challenged in this place, all honourable members would agree that on this occasion such a statement serves a good purpose in limiting the allowable time in which to appeal. The central reason for the change is to ensure matters are dealt with speedily and so that children are not disadvantaged by proceedings in which they are involved being dragged out, thereby putting them at risk.

Child protection is a difficult area; probably one of the more difficult for a Minister for Community Services to deal with. I commend the minister for her work in that regard. In my previous life I spent many years managing, conducting and running community services in Victoria, particularly in a local government setting. The child protection issues and cases that came before workers in the community services department were always the most difficult and problematic.

This legislation goes some way towards smoothing the legislative arrangements across jurisdictions. I commend the bill to the house.

Mr ASHLEY (Bayswater) — I shall refrain from having a few shots back at the honourable member for Frankston East except to say that there are always, inevitably, weaknesses in policies. It is the task of oppositions to find those weaknesses and expose them. Let it be recorded that inevitably, in every government and for whatever reasons, weaknesses of some kind come to the surface one way or another.

Weaknesses will come to the fore during the period of this administration. One reason is that, as any act evolves in its application and in its relationship with the community, many new things are thrown up. Deficiencies come to the surface. For whatever historical reason — perhaps less money was devoted to this or that program by a previous government than a new government now intends to allocate — the identification of weaknesses is itself a function of achieving incremental change into the future. In the end, all governments have to wear that.

As someone said in Britain recently in relation to governing, 'In the end it all comes to tears'. All honourable members should remember that. It means that all our achievements come to tears and others take our place as time moves on. A new government comes in to replace one that has done, or not done, its job.

I begin in a strange or unusual way by referring to a report prepared in October 1993 by the Economic Development Committee of an inquiry into the Victorian building and construction industry. That little report, a second report, was called *The Evidentiary Powers of Parliamentary Committees*. Reference to the report might seem, prima facie, to be unrelated to what we are talking about. The fascinating thing about parliamentary committees, however, is that they believe themselves to be all powerful. They think they can pretty much do what they want and drag before them, as necessary, just about anyone from anywhere.

When it came to the building industry, the Economic Development Committee found that its authority ran as far as the border and no further. It could not bring to itself from across the other side a single person who wanted to resist a requirement to attend. It could not gather information, confidential or not, from anyone from across the border who protested against having the information sent to a Victorian parliamentary committee. The committee could not impose an oath on anyone interstate. It could go interstate, but to impose on someone interstate an oath to tell the truth would have been to usurp the power of the other state. Further, attempting to get someone to take an oath and to give evidence was to indulge in an illegal act.

I draw that matter to the attention of the Parliament even though, superficially, it seems to have nothing to do with the bill before the house, the Children and Young Persons (Reciprocal Arrangements) Bill. The fact is it has everything to do with it. The bill, while not about parliamentary committees, is about an act of Parliament having validity only within the borders of Victoria. Once outside state borders a state act fails and has no application. The movement of a child from interstate to Victoria, therefore, may raise massive problems. Similarly, the movement of a child and its parents across the border to another state equally may present massive problems. The reason is that nothing that has been applied, such as a child protection order or a proceeding of the courts, applies any longer. It has no effect whatsoever.

We use terms such as 'uncertainty' to describe those situations, but the truth is that they are not just uncertain, they are totally out of state control. No application is possible and nothing can be done. A crime committed under a New South Wales act, such as removing a child from New South Wales to Victoria, is not a crime under Victorian legislation unless it has been addressed from within Victoria.

The task of this bill, therefore, is to extend fit and proper treatment and protection of children and young people beyond our own borders not by claiming or usurping the powers of New South Wales or another state but by inviting other states to join with us and with one another in accepting that the application of the jurisdiction of any single court will apply across borders, including borders between Australia and New Zealand. That is a virtuous thing.

We live in a world in which there are an enormous number of cross-border movements, and not just cross-border movements as Australians know them. It is astonishing to see those movements occurring around the world. Through adoption, and sometimes through abduction, it is possible for children to be removed from a country many thousands of miles away and brought to Australia.

The bill does not apply to that extent, but the government is trying to fix up its own backyard by saying that what is fit and proper for a child in one state in Australia ought to apply universally across the nation. Children are no longer chattels; they have fundamental rights that must be recognised. Children rescued from circumstances of abuse must be protected from being whisked away in other would-be acts of abuse. Unless restraints are put on that kind of behaviour, children will become dysfunctional and possibly ruined in adulthood, unfit in one form or another to tackle the tasks of adult life. Issues of self-esteem and wellbeing arise. Children will not have any chance of fulfilment or of living an integrated adult existence unless they are loved, protected and cared for in the same way as we would care for our own children and grandchildren.

Although most of the issues have already been covered by other honourable members, I make a point about the

confidentiality of information flows. The introduction of this model bill enables information to flow freely between the states because it is paid the same regard in one state as it is in its originating state. In other words, the law in one jurisdiction treats the information with the same confidentially as it does in the originating jurisdiction. It is about one government body passing the information to a like government body, so in that context it remains hermetically sealed.

I commend the legislation to the house. Its extends the application of the Children and Young Persons Act by giving equivalence to the care and protection afforded to a child, regardless of the new context the child finds him or herself in.

Mr HARDMAN (Seymour) — It is a pleasure to speak on the Children and Young Persons (Reciprocal Arrangements) Bill. It is sad that such a bill is needed, but it is good that children affected by the bill will be safer and their welfare better looked after than is currently the case. Increased cooperation between the states is good Australian Labor Party policy. It ensures that the safety of children is paramount. Governments must put aside interstate rivalry if they are to do a good job in looking after kids.

There are no physical boundaries between the states, which share many resources, whether they are hospitals, schools or other services. When I moved to Victoria from New South Wales the only thing that I had to change was my driver's licence — and you must change the address on your licence when you move, anyway. I did not have a car at the time, because I was a university student. Although it may have involved some rigmarole, moving interstate was no different to moving within the state. I accept that as one gets older and acquires more possessions and insurance, moving may become more complicated.

In many ways the people of southern New South Wales see Melbourne as their capital city. I lived in Wagga Wagga for a few years, and the football codes followed there are different from the codes followed in the northern parts of New South Wales. In Wagga Wagga the popularity of Australian Rules football and Rugby League is split fifty-fifty, but as one moves closer to the border it becomes rare to find a Rugby League player or supporter.

From my own experience I know that as many children go to boarding school and on to university in Melbourne — as I did — as go to schools and universities in Sydney. In some respects the differences in state laws are ridiculous, and I hope there will be more of these changes in future.

I also learnt from my teaching experience that many children in this day and age are part of the transitory population that can be found around the fruit-growing areas on the Victorian–New South Wales border — places such as Shepparton, Mildura and the electorate of Rodney. Many of those people would travel between those places and the Murrumbidgee irrigation area around Leeton to do their fruit picking, and some, because they work in lower socioeconomic areas, would even move down to where I was at Flowerdale and Seymour to look for work. Many of those families are under far greater stress than other families because of their moving around, and therefore the incidence of their children ending up in child protection may be greater.

The principals of some of the schools in north-eastern Victoria where I was a principal regularly talked about the huge fluctuations in student numbers between January and December, and about how they would often have at the end of the year a whole different cohort of students from the beginning of the year. It is a good bill in that respect.

Historically, things have not been done as well as they could have been done in child protection. We need to keep learning from the past so we can do better in the future. I know from my experience in schools that situations would regularly occur in which mandatory reports were made and children or families needed to be interviewed or investigated by child protection workers who were overworked and stressed. The families would stay in the area but the workers would move on because of the great stresses of the job, resulting in a huge turnover of child protection workers. The issue of keeping those workers in their positions needs to be addressed by making their jobs a little easier.

Mandatory reporting is vital in keeping our children safe. I have been in situations where as a teacher or principal I have had to make reports, and at times I have had to advise others of their duty to meet their responsibilities to make reports if they believed they should be made. Reports of that nature are not taken lightly in small communities, where it can be an even more difficult task. Mandatory reporting provides protection for everybody.

The bill provides for cooperation between states in the transfer of child protection orders and confidential information. It is important that interstate rivalry is not allowed to threaten the safety and welfare of children, which must remain paramount. The children of New Zealand and all Australian states and territories will be safer under the proposed legislation. I commend the minister on the bill and wish it a speedy passage.

Ms McCALL (Frankston) — The opposition supports the Children and Young Persons (Reciprocal Arrangements) Bill. It is a good bill that is founded on the very best of intentions within a community that recognises that one of its most valuable assets is its children.

I will begin my contribution by saying that I am not a parent. My decision not to have children was made at a certain stage of my life, and to a certain extent I have never regretted it. I am also fortunate to be the child of devoted parents and have therefore experienced a happy, stable and good childhood and — I hope — adulthood. As a result, I am aware of the difficulties that face children and parents in environments that are not quite as acceptable or amenable.

Like every other member of the community I am appalled and horrified when I read in the local press or the daily newspapers or see footage on national television about abuse, misuse and misunderstanding of children. If as Australians we misunderstand and abuse our children, the country has no future — it has nowhere to go. Australia has a past history of child abuse, with the removal of children from Aboriginal families and, as described in the television series *The Leaving of Liverpool*, the removal of children from British orphanages. They were put on ships and brought to Australia to live in less-than-perfect conditions in the Barnados homes and, in some cases, Christian Brothers homes. Those examples serve as a lesson that we abuse children at our peril.

The bill, which is based on the very best of intentions, arises from the agreement that resulted from the former government's meeting with other community services ministers in August last year to introduce such legislation. The bill recognises the role of the Victorian government in the protection of the children of this state and the role of the state in ensuring the protection of children throughout Australia.

As the previous speaker rightly said, there are some extraordinarily peculiar anomalies between the Australian states. When I first came to live here 19 years ago yesterday, I thought some of the road rules — for example, turning right from left-hand lanes — were extraordinary, as were the peculiarities of rail sizes, the tax and business laws, and all sorts of things. It is right and proper that we have recognised and addressed the anomalies in the way in which we bring up our children.

The bill provides for reciprocal arrangements between states and territories when children are removed or if intervention and prevention orders are made. I do not need to remind the chamber of the many cases that have appeared in the press where children have been removed forcibly or otherwise from their parents, the most memorable being the removal of the Gillespie children from Australia to a country where no reciprocal arrangements applied. There has never been a suggestion of any physical abuse being involved in that case — God forbid that there were — but the fact that a mother was unable to pursue through the courts and the legal process the return of her children from overseas is an indication of how important a bill like this is.

We must protect our children. The bill recognises the rights of children to be protected from either or both of their parents. Whereas I am not a great fan of the trend we have seen in North America of children divorcing themselves from their parents, I understand the need for legislation to ensure that the children of the Australian community, and Victorian children in particular, are protected to the maximum force under the law.

There is no question that child protection agencies play a crucial role in ensuring that the community is aware of the vulnerability of children. I, like the honourable member for Frankston East, am aware that in the region in which I live some family issues impose pressures and onerous tasks upon school principals and teachers in their mandatory reporting obligations. Some of the cases within the primary school system about which I have heard are horrendous. People who have come from settled family backgrounds or who have children of their own would find some of the stories about child abuse that come into my electorate office outrageous.

I therefore acknowledge and place on record my support for those people involved in foster care throughout Victoria. They are remarkable human beings. They take children who are troubled, who come from difficult backgrounds, who display personality disorders and who seem to be in the old-fashioned sense of the word thoroughly antisocial. One of those groups in the Frankston area that I commend particularly is the Menzies Homes for Children, which have been in existence for over 100 years throughout the Mornington Peninsula.

That group has done a remarkable job of restoring to those children the ability to survive on their own, to develop budgeting, catering, cooking and survival skills when, as a result of the difficult family situations in which they found themselves, they had developed none of those skills at all. I commend people such as those who run the Menzies homes for the superb job they do in trying to equip those disadvantaged children to make a greater contribution to the community.

I also recognise the fabulous work done by a number of groups on the Mornington Peninsula to train parents. It is obviously not a skill that one acquires by osmosis or by genetics. I understand from speaking at great length to the people who run Anglicare at Frankston that some of the programs they have run teaching parents how to be parents have been extremely successful. I wish them well in their future endeavours for raising funds to ensure that programs such as that continue.

I draw the attention of the house to a particular program on bullying. One of the most interesting parts of the program relates to the children bullying the parents rather than the other way around. That is an indication of a community and generation that has lost sight of some of the old-fashioned, common, garden variety parenting skills. A series of programs has also been run in primary schools teaching children how to deal with difficult behaviour of other children. I commend Anglicare for having done such a good job in that area.

I do not wish to talk for much longer as I know other members wish to contribute to the debate. Any piece of legislation that makes it easier for us as a community to protect our children to secure their futures and therefore the future of this great state of ours has my full and wholehearted support.

Ms BEATTIE (Tullamarine) — In her second-reading speech the Minister for Community Services said she was proud to present this bill to the house. I too am proud to speak on the bill, which will assist children and young people in need of protection. I am pleased to speak on the bill while the minister is in the house.

In the past the inability to transfer protection orders has meant that administering and supervising Victorian protection orders applying to children living permanently interstate has been extremely difficult. As a result, children may not have had the appropriate level of protection and support which should be afforded to them as a basic right. In the past the Children's Court has been powerless to help those young people so in need of protection. Difficulty is often experienced in transferring the necessary confidential legal information needed by interstate departments responsible for child protection. It is also often unclear whether the Children's Court has jurisdiction to grant a child protection order if the harm to the child upon which the application is based has occurred interstate or if the child is interstate. It is an offence for a parent to remove a child from a court-ordered placement when the child is placed in Victoria. However, again it is unclear whether it is an offence for a parent to remove a child who is placed interstate but on a Victorian protection order.

The bill emphasises that the welfare and interests of the child must be given paramount consideration when deciding an administrative transfer. The bill also encourages the child and his or her family to be involved in the decision regarding the transfer of the order. However, I state again that the protection, safety and wellbeing of the child is paramount. Judicial transfers of child protection orders may be applied for by the department secretary. The application for such a transfer can be made if he or she is unable to transfer the order administratively or in circumstances where the secretary wants to obtain an order in the receiving state which is not similar to the current order or if the secretary judges that it may be more appropriate to apply to the Children's Court.

Again, such an order could be different from the existing order if it is in the best interests of the child and his or her safety is paramount.

The minister gave a good example in her second-reading speech, which I will remind the house of. If a parent in a city or town just over the border — say, Albury — assaults his or her child, the child may be flown to Melbourne for treatment. However, to ensure the child is given immediate protection, the secretary could initiate child protection proceedings in Victoria, which is worth while. The bill provides that the proceedings could be transferred to Albury and the application determined in New South Wales. That is a practical example of what could happen.

The bill is based on a model bill approved by the Australian–New Zealand community services ministerial council in August 1999. The bill contains some mandatory provisions as well as other provisions that can be invoked at the discretion of each jurisdiction.

The bill differs from the model bill in two ways. The first difference is that Victoria has provided a practical method to enable a child to oppose an administrative transfer. The other difference is that the Victorian government believes parents and children should be able to apply to the court to transfer a child protection order or proceeding. Where the child is at least seven years of age, he or she must be given notice of the decision and an outline of how to challenge it. Again, the health, safety and wellbeing of the child are paramount.

Many other members wish to speak on the bill. It is great to see both sides of the house agree that a child's

safety, health and wellbeing are paramount in this case. It is another example of how the government and the opposition can work together for the protection of the children and young people in our community who need it most.

Mr DIXON (Dromana) — I also support the bill. I welcome legislation that facilitates reciprocal arrangements between the states and territories. Recently, the house debated an intercountry adoption bill that was template legislation for the Australian states and territories and part of a larger United Nations initiative.

This sort of legislation highlights the unworkable and silly differences between the states and territories that work to the detriment of our citizens — and in this case, our young people. I welcome this sensible legislation, which is part of a trend that ought to be encouraged. The more our ministerial councils work to smooth out the differences between the states and territories, the better off the community will be.

The legislation reflects the changing nature of the world. For a number of families, it is nothing to move interstate or around a state a number of times. Parliament must recognise that change, because that did not happen 10 or 20 years ago. The legislation includes New Zealand. The figures for Australian–New Zealand migration are high — even though the migration is only one way!

These days living interstate, even for a short time, is no longer a barrier. It is quick and cheap to travel interstate: trains run frequently; airfares have come down; and on the whole the roads are good. It is cheap to communicate with family and friends in one's original state. Long-distance phone calls are getting cheaper all the time, and given the introduction of new technology such as email, feelings of isolation have almost gone as the world and our country appear to shrink.

Jurisdictions have to recognise and reflect that change and work to meet communities' needs. Across the states and territories and internationally, consistency, transparency and flexibility are crucial in addressing matters that touch on the lives of members of society. The legislation provides a consistent model of care and supervision to protect both the family and the child. That is important because the children and families affected by the bill are experiencing a great deal of trauma given the things that are going wrong in their lives. One of the things they may be doing as a result is moving interstate.

It is a step backwards if the consistency of the protection order and the care and services provided changes as soon as the children cross the border. Consistency must be maintained so that all the important facets of an individual case can be followed through, including knowledge of the family and the caseworker's approach. Even if it is not the same caseworker — obviously the case worker does not follow the case interstate — the knowledge of the family and the relationship that has been built up are important and should be able to be easily transmitted to other states.

The methodologies should be similar, so families working with case workers in one state will know that the methodology and the processes in the other state will be similar and that the follow-ups, reviews and communication will be consistent across the state. The bottom line is that we have to serve the best interests of children subject to protective orders, and the bill does that.

I commend the previous minister, Denis Napthine, on his early work on this bill as a member of the ministerial council, and I congratulate the current minister on introducing this important bill into the house. Legislation of this sort should not be subject to political whim, and that is certainly not the case with this bill.

I would like to bring one note of caution to the house in closing — the very nature of case information being transferred from state to state and jurisdiction to jurisdiction means that we have to be careful to ensure that the information remains private between the families and case workers. There is no indication of that in the bill, especially with the electronic transfer of case information. There needs to be some safeguards, and both sides — the people protected by the order and the workers in both states — need to be aware of the protections and safeguards in place. That is important.

The people involved have gone through a lot, there is often a lack of consistency in their lives, and they are probably lacking self-esteem, so the information regarding their cases needs to be treated with a great deal of privacy and dignity. That is the least those people should be able to expect. That issue has not been addressed in the bill, especially with the electronic transfer of case material, and I hope it is addressed so that all parties are happy and comfortable with it. Privacy and dignity are the key words in the bill; they are what the bill is about. I commend the bill to the house.

Ms CAMPBELL (Minister for Community Services) — I thank the honourable members for Mooroolbark, Rodney, Frankston East, Bayswater, Seymour, Frankston, Tullamarine and Dromana for their contributions to the debate on the Children and Young Persons (Reciprocal Arrangements) Bill. I am pleased that support for the bill is coming from both the National Party and the Liberal Party and that we are all united in this house in our support for the paramount purpose of the bill, which is the welfare of children.

As we have heard today, the bill is essentially the template legislation agreed to at the 1999 Australian-New Zealand Community Services Ministerial Council, which was attended by my predecessor. It provides for the transfer of child protection orders and proceedings between Victoria, other states and territories and also between Victoria and New Zealand. The debate was wide ranging. It covered Olympians and their loving and supportive families, early intervention services and Labor's budget, which has delivered on Labor's election commitments. The honourable member for Frankston East outlined Labor's budget initiatives in maternal and child health, early intervention services, preschools and parenting.

The honourable member for Mooroolbark raised the issue of the professional development of child protection staff. As a result of the last budget the government was able to invest an additional $300 000 in child protection staff training, which I am sure is welcome by everyone in this house. The government was also able to deliver an increased payment to foster care parents who had not had a foster care payment increase for many years. If my memory is correct, the government was able to give them a 6 per cent payment increase.

However, community support, early intervention services and Olympians are not the primary focus of what we are debating today. The honourable member for Mooroolbark raised the issue of section 21 of the principal act never having been proclaimed. Clause 7(4) of the bill amends section 21(1) of the principal act. The amendments provide for the representation of children who are parties to proceedings in the Children's Court regarding the interstate transfers of child protection orders or proceedings. Clause 2(2) provides that the amendments to section 21(1) will come into operation when the section comes into operation. Section 21(1) was in the original act in 1989, but it is yet to be proclaimed. The previous coalition government had two terms to address the issue of the proclamation of section 21(1). I am pleased to advise the house that the Bracks government is addressing the issue.

In practice, children who are capable of giving instructions have access to a lawyer funded by Victoria Legal Aid, and that practice will also apply to proceedings in the Children's Court regarding the interstate transfer of a child protection order or proceeding. The bill overcomes a number of existing problems relating to the inability to effectively transfer most child protection Children's Court orders and proceedings across jurisdictions. The problems outlined by previous speakers, such as some children who are subject to child protection orders in one state being permanently placed interstate by the relevant state authority, will be addressed in the bill.

As honourable members have heard, orders are difficult to administer or supervise and may jeopardise the welfare and safety of the child or children, which is a real concern to everybody.

Other jurisdictional problems that are addressed by the bill include the inability to transfer some confidential information which is needed by interstate authorities responsible for child protection. The honourable member for Dromana raised the important issue of confidentiality of client files. That is an issue that is of concern to all honourable members, as many of us are approached in our electorate offices on sensitive matters and we have to be mindful of the delicate issues at stake, the possible dangers to the child and the importance of maintaining confidentiality.

There is also lack of certainty as to whether the Children's Court has jurisdiction to grant child protection orders in situations where the harm to the child has occurred interstate if the placement is interstate, and also the absence of an offence provision that relates to the unauthorised removal of a child on a child protection order from an interstate placement. That will be addressed by the bill.

Those problems are particularly acute in border communities, as the honourable members for Rodney and Seymour outlined. We hope and trust that the template legislation being passed in all states and territories of Australia and New Zealand will address that matter.

I refer to the section 85 provision in the bill. I draw the attention of the house to the purpose of the principal act: to provide for the protection of children and young people. There is a section 85 provision in the bill because we want to limit the period during which a person can appeal against the transfer of a child protection order or proceeding. The section 85 provision has been inserted in the interests of the child.

I am pleased that there is support for the bill across the various parties. I wish the bill a speedy passage.

The ACTING SPEAKER (Mr Phillips) — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975 and there are fewer than 45 members present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

PLANT HEALTH AND PLANT PRODUCTS (AMENDMENT) BILL

Second reading

Debate resumed from 29 August; motion of Mr HAMILTON (Minister for Agriculture).

Mr McARTHUR (Monbulk) — It is a pleasure to speak on the Plant Health and Plant Products (Amendment) Bill. I advise the minister that the Liberal Party will not oppose the legislation, which does, after all, build on and continue a process begun in 1995 with the introduction of the principal act, the Plant Health and Plant Products Act, by the then Minister for Agriculture, the Honourable Bill McGrath. During the course of the debate I will refer to some comments that were made in 1995 when that bill was introduced.

It is sensible legislation and there are no significant reasons for opposing it. However, the opposition has some questions about the drafting style. I will comment also on the Labor Party's management of the development of the bill.

The Plant Health and Plant Products Act is important because it sets up a process for managing and ensuring the health of plants and plant products in Victoria by providing a regime of inspection, certification or accreditation, a system for developing and managing disease outbreaks when they occur, and a series of protocols for the description, transport and handling of plants and plant products. That in itself is critical because I cannot think of an agricultural industry that does not rely on plants.

People often think of agricultural industries being significantly composed of those livestock industries, the beef, sheep and dairy industries, but without healthy plants there would not be a livestock industry. Those industries depend for their future and success on an assurance that the plant products they provide for their stock are clean and healthy and that the pastures they grow for their stock are also clean and healthy.

They rely on the certification of seed or an assurance of vigour when it is planted, just as people who grow potatoes, cherries, apples or wine grapes need to rely on the health of the products they produce and the health of the plants they grow. They need to be assured that any plant product brought into or transported across Victoria will not jeopardise the health of the industry and the plants they may be growing or handling.

The opposition is pleased Labor recognises that the principal legislation is important to agricultural industries in both Victoria and Australia generally and is seeking to improve the workings of the act. That is in contrast to its attitude in 1995. The then shadow minister and member for Altona, Ms Marple, who was not noted for her powers of detection, is reported at page 1147 of *Hansard* of 3 May of that year as having spoken on the issue. The report states:

> At first glance this legislation would not be classified as one of the sexiest bills or a bill to promote much debate in this place.

I am pleased that the Minister for Agriculture does not share Ms Marple's attitude to legislation that provides for, protects and manages plant health across Victoria.

Mr Perton — Do you remember Ms Marple?

Mr McARTHUR — I remember Ms Marple.

Mr Perton — She was a very good member of Parliament.

Mr McARTHUR — She talked about barley and racehorses, if I remember rightly.

Mr Perton — Knifed by the factions.

Mr McARTHUR — Yes, she was knifed by the factions and unfortunately lost her preselection in the lead-up to the 1996 election, which brought in to this place an honourable member for Altona who has enjoyed more success.

To return to the bill, it is pleasing that the Labor Party has changed its attitude to the importance of plant health. The bill continues the move away from government inspection systems for ensuring plant health towards industry accreditation or certification systems and a national acceptance of such certification and accreditation. The opposition is pleased to see the Minister for Agriculture doing that. Over the years he has been renowned in this place for arguing strongly against deregulation, but has recently been responsible for deregulating the dairy industry. He has also argued strenuously for government inspection systems, but he is now introducing legislation that proposes, supports and builds on industry accreditation and certification systems. It is nice that the Minister for Agriculture can learn. The opposition welcomes the introduction of the legislation.

Given that the Victorian Parliament can legislate only for plants and plant products within the state's boundaries, and given that Victorian legislation cannot and should not affect importation from international sources, Victoria depends on the operations of people in the other states and territories for the successful management of plant regimes. The legislation builds on an interstate agreement that promotes a system of certification described in the bill as the interstate certification assurance scheme. That scheme takes further the work carried out by the former ministers for agriculture, Bill McGrath from 1993–96 and Pat McNamara from 1996–99. It is good to see that happening.

If the systems are to operate properly Victoria needs to be sure that a document issued in New South Wales, South Australia, Tasmania or the Northern Territory is accurate. The national agreement between ministers underpins that need. If those matters are to be taken on trust a document issued in another state should be accepted as being valid in Victoria. If people are accredited to issue plant health certificates or declarations in New South Wales, South Australia or Tasmania, Victoria has a responsibility to rely on the accuracy and validity of those certificates. The legislation ensures that will happen.

For many decades Victoria has had an arrangement where a government inspection certificate issued in New South Wales or South Australia has been recognised by Victorian government inspectors. The situation is now moving to a position where a plant health certificate or declaration issued by an accredited person in the industry will be recognised in Victoria regardless of where the certificate was issued. That is sensible and will make life easier for the industry. It means that those who grow, pack or ship plants or plant products from Victoria to Queensland, from New South Wales to Victoria or through Victoria to South Australia will not have to rely on a government inspector coming out at a stated time to issue a certificate.

Accredited operators will be able to issue documentation to meet their own production, packing or transportation deadlines, and will probably be able to do it at weekends or late at night. In the past, it has been difficult at times to get government inspectors to do the job. Those things are of tremendous benefit to the industry, and they should be supported.

For the benefit of honourable members I will briefly go through the three types of plant health documents that will become available once the bill is enacted. Under the original act two types of documents are already available: a plant health certificate, which can be issued only by an inspector, an inspection agent or an officer of the relevant department in another state or territory; and a plant health declaration, which can be made or issued by a person authorised by the secretary of the department. Once the bill is enacted there will be a third type of document — namely, a plant health assurance certificate, as explained in clause 9, which inserts four new parts into section 43 of the principal act.

Proposed section 43A provides that the secretary may grant accreditation to people in the industry or appropriately qualified people the power to issue assurance certificates about plants, plant products, used agricultural equipment, used packages or soil that are grown, produced, packed, treated or tested in Victoria, or that are to be imported, introduced or brought into Victoria.

The bill also establishes an accreditation system. It requires that the secretary must keep a register of all accredited persons who are able to issue assurance certificates. It gives the secretary of the department the power to amend or cancel the accreditation if there are good grounds for doing so, and it provides for notification and appeal procedures. It also empowers the secretary to suspend for a period the accreditation that has previously been given to any person.

Those things are all good and sensible, and I have no quibble with them. The minister should be congratulated on addressing those elements because they will be of substantial benefit to the industry. However, there are a couple of drafting matters that I bring to the minister's attention, and I hope he will respond to them in his summation.

The first matter relates to style. I am a supporter of enabling legislation. It is sensible that when a government introduces legislation that it expects to be in force for a considerable period, it should bear in mind the need for flexibility in the legislation and not write too much black-letter law into it. In writing legislation that is too prescriptive or detailed governments hobble industries in their ability to manage the future with flexibility. What is important in 2000 might be less important in 2005 or 2010 and totally irrelevant by 2020 or 2025.

Mr Hamilton — We probably won't be in government then, and I don't think I'll be a minister.

Mr McARTHUR — I am confident that both those statements by the minister are correct. The Labor Party will not be in government then and he is not likely to be the minister. He and I are in furious agreement on that matter.

If the legislation is too detailed and specific it is often overtaken by events. I have a small criticism of that sort, and perhaps the minister might respond to it. Proposed section 6(2B) states:

> A plant health certificate that is required under sub-section 1(c) in respect of prescribed material must —
>
> (a) set out details of —
>
> (i) the person in Victoria to whom the prescribed plant material is being delivered; and
>
> (ii) the grower or packer and the consignor of the prescribed material; and
>
> (iii) the quantity, type, origin and destination of the prescribed material; and
>
> (iv) the condition, treatment or testing of the prescribed material; and
>
> (b) contain any other prescribed particulars; and …

Subparagraphs (a)(i) to (iv) go into detail in areas that might be left to regulation. In prescribing that level of detail the government is setting into the act considerations that may become redundant in 3, 5 or 10 years time. A future government may have to resolve any problems with amending legislation.

Paragraph (b) highlights that concern because it states that a plant health certificate must contain any other prescribed particulars. In other words, there is a regulation-making power in the act that allows the minister of the day to determine the content of a certificate. If that minister is empowered to determine what a certificate should contain, why would he or she bother detailing some 12 or 15 other matters in the act? If those 12 or 15 matters change, the minister has to introduce an amending bill to sort out any problems.

The same criticism applies to proposed subsection 6(2C), although it relates to plant health declarations rather than plant health certificates. The bill requires the declaration to contain very detailed particulars that are relevant today — I do not quibble with their present relevance — but I question whether they will always be relevant and whether there may be other matters that will become more crucial in the future.

I suggest the minister could simply have left it to those with the regulation-making powers to decide what was required in both the plant health certificate and plant health declaration. The assurance certificate provided for in proposed subsection (2A) of section 6 suffers from the same problem. So all three sets of documents — two are described briefly in the act and the third is inserted by the bill — could be much more simply managed by means of an enabling clause and do not require the proposed level of black-letter law to be effective.

I suggest that when the minister is considering future regulation he might discuss with officers of the department and the parliamentary counsel's office whether it would be simpler and more sensible to have a regulation-making power allowing him to prescribe by regulation and thus vary the detail required.

The other drafting issue I take up with the minister relates to clause 6, which amends section 24 of the principal act. Proposed subsection (3) states:

> Without limiting sub-section (1), an order may, in relation to a requirement for a plant health declaration under sub-section (2)(c), limit or restrict the circumstances in which a plant health declaration may be issued by reference to all or any of the following …

That is a variation of the power of the secretary. Section 24 deals with border security and comes into operation only if the minister reasonably suspects an exotic disease or pest exists in Australia but outside Victoria. Under those limited circumstances the minister may issue a series of orders and prohibitions. The proposed subsection will allow the minister to vary orders in relation to persons or classes of persons who are authorised or permitted by the act to issue plant health declarations.

At page 5 of the principal act the term 'plant health declaration' is defined as:

> … a declaration in the prescribed form made by a person authorised by the Secretary to make plant health declarations …

In other words, plant health declarations can be issued only by a limited number of individuals, not by a class of people. Each person must be individually authorised by the secretary of the department before he or she can issue a declaration. It is proposed that the minister be given the power to vary:

> … the persons or class of persons authorised or permitted by the Act to issue plant health declarations.

I seek from the minister an explanation as to whether that is a redundant provision, given that under the principal act the secretary can issue authorisations to individuals, not classes of persons, to allow them to issue plant health declarations and has the power to suspend, amend or vary those declarations, and that that power is confirmed by the new wording in the bill. Why do we need an additional power so that the minister can vary declarations that can already be varied by the secretary?

If what I have described is the case, is the provision redundant? If it is not, will the minister explain to the house exactly how and in what circumstances it will work? Given that it provides that the minister will be able to vary the declarations, will it allow him or her to extend the power to issue plant health declarations to classes of people, which the secretary does not have the power to do? That relates only to plant health declarations, and as I said, only to situations where an exotic disease is found to be present somewhere in Australia but not yet in Victoria — and hopefully it never will be.

Clause 14 amends the regulation-making powers in the principal act and allows for the prescribing of requirements and procedures for the reconditioning of used packages. That is necessary because there has been a sensible move to support the reuse of plant packaging, whether it is bags, polystyrene or plastic boxes, or whatever. However, that carries a risk, because old packaging can harbour soil or plant pests and diseases. There is therefore a need to ensure that packaging is reused safely and does not expose subsequent users to pest or disease. That amendment to the regulation-making powers is sensible and I congratulate the minister on introducing it.

The bill also clarifies the inspection power to ensure that where required inspectors will have power to enter and inspect places where plants are growing. That was uncertain under the principal act. I am not sure whether the issue has been tested in court or whether it has been found that inspectors do not have that power, but it is specifically provided for in the bill and the amendment will remove any doubt.

As I said, most of the provisions in the bill are sensible. However, I was surprised by the reaction of a number of my contacts in the industry when I circulated the bill to them. A letter of 21 September from Flowers Victoria, the commodity section of the Victorian Farmers Federation, states:

> Thank you for your letter of 8 September 2000 and the information regarding the above-mentioned bill.
>
> Flowers Victoria (FV) is pleased to have the opportunity to respond on this matter.
>
> To the best of my knowledge the proposed amendments to the bill are not related to the current review of this act, conducted by Pricewaterhousecoopers, as notified by NRE on 23 August 2000.
>
> Having polled our membership and having checked the FV files, it is my understanding that the industry has not been consulted about these amendments. FV certainly was not aware of any proposed changes to the operation of interstate certification assurance schemes.
>
> FV has no serious objections to the proposed amendments and is in favour of any scheme that simultaneously protects the industry but streamlines operations to allow for the continued smooth operation of interstate trade.

That is sensible. The point I want to pick up with the minister is Flowers Victoria's apparent ignorance of the existence of the bill. I have circulated the bill quite widely and have had similar comments from the Nursery Industry Association of Victoria, which was also unaware of it.

Mr Steggall interjected.

Mr McARTHUR — I pick up the point made by the honourable member for Swan Hill. This is the government whose Premier proudly proclaims his consultative and caring approach. He says he goes out and talks endlessly about everything and consults with everybody to make sure his government has the answers right.

Compare industry awareness of these legislative changes with what happened when the principal act was introduced in 1995. In April 1995 I recited in the house for honourable members a list of industry groups that were consulted. From memory, there were some 26 organisations, including virtually every commodity group within the Victorian Farmers Federation (VFF). The list included the Victorian Wine Industry Association, the Melbourne Market Authority and groups involved in the transport and packaging of plants. Indeed, in 1995 there was an extraordinarily

wide consultation program. I have therefore been surprised, on circulating the bill that is now before the house, to hear the response that my contact was the first time people had heard of the proposed legislation. I suggest to the minister that, if that is the case, there has been an oversight.

It is sensible that the minister is circulating other proposals for amendments. The discussion being managed by Pricewaterhousecoopers, referred to by John Osmelak, executive director of Flowers Victoria, is an example. The minister could, however, in future ask his department to ensure it consults properly on other amendments under consideration at the same time. If that were done, changes would not come as such a surprise to the industry.

The bill is important legislation and deserves a speedy passage. I will not delay it much longer. I digress briefly to mention that horticulture is an important industry, and the health of plants is extraordinarily important to the future of agriculture in Victoria. I refer the minister to the current discussions between New Zealand and the Australian Quarantine and Inspection Service (AQIS) about the potential for fire blight to make its way to Victoria from New Zealand and remind him of the extraordinary impact fire blight had on the apple and pear industries and the whole horticultural industry, as well as the nursery industry, about two years ago. I refer in particular to the impact it had on Fleming's Nurseries, which has its headquarters in my electorate and is one of the major nursery companies in Victoria and Australia. Fleming's exports plant stock to every state and territory in Australia. As a result of the fire blight outbreak in Melbourne's Royal Botanic Gardens in 1997, as the minister pointed out, its operations were virtually hamstrung.

It is extraordinarily important that in all of the work of the department and the minister on this issue the impact on the industry of any failure is borne in mind. We must make sure that pests and diseases are properly managed wherever they exist in the state. In particular, we need to make sure that pests we do not have never get here and that diseases we do not have are not allowed to enter. I understand we cannot prevent something coming across Australian borders, but we have a responsibility to ensure we do not invite or allow pests and diseases into Victoria that are not already here.

It is incumbent on us as legislators in Victoria to make sure the legislative and regulatory arrangements are in place to serve the industry and the state well. I wish to make very clear to the minister that this is not a matter only for orchards, or only for vines — or only for any one thing. It applies right across agriculture and is critical to the success and future of the Victorian agricultural industry.

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

Mr STEGGALL (Swan Hill) — I welcome the debate on the Plant Health and Plant Products (Amendment) Bill. For the past three or four years, growers in the Swan Hill area have been trialling the new method of quality assurance for interstate transfers and I congratulate the Minister for Agriculture on bringing the bill to fruition.

The bill replaces an inspection service for the interstate movement of plants and plant products with a grower-based quality assurance scheme. It sets standards for the reconditioning of packaging intended for re-use, which is a big issue, and increases inspection powers to allow officers to demand documents and upon refusal to enter, search and seize. It also specifies offences relating to assurance certificates.

In the past certification for interstate trade has been by departmental inspection. Inspection has been the traditional means of giving buyers assurance. For example, in a fruit fly outbreak, the inspector will not only inspect for produce going to another state but also produce moving within the state.

Under the new system, the Secretary of the Department of Natural Resources and Environment will accredit the growers to issue their own interstate certification and assurance. The certificate will be supported by protocols the grower must follow, and the department will be the auditor, although the legislation provides for a third-party auditor to come along later.

Honourable members interjecting.

Mr STEGGALL — I am sorry if I am upsetting you back there!

Some Swan Hill growers already write their own certificates for the movement of fruit, for example, to South Australia. The bill legislates for the national scheme, and a minister from each state has signed a memorandum of understanding that sets up the administrative arrangements for operating the scheme. The bill has mutual recognition and the standards and protocols of other states will be accepted by Victoria.

Fruit within a 5-kilometre zone of a fruit fly area will need certification as a matter of course. The audit is usually carried out once or twice a year but if there is trouble with quality assurance the audit could be carried out as often as once a quarter or, as happened in

north-western Victoria last year, as often as every two months.

The honourable member for Monbulk has explained the workings of the bill in some detail. I will deal with the more general nature of the interstate certificate assurance program and what it means. I am sure few honourable members have the faintest idea of what is being talked about!

The bill provides a long-awaited set of protocols for the fruit, flower, pot plant and nursery industries. It puts the onus on growers and their staff to operate to a standard that is acceptable and safe. The bill is not about quality issues but provides for a national scheme for plant safety and the safe movement of plants.

Is this a great thing for Victoria? I hope the government will continue the journey started a few years ago to get the size and volume of industries and markets in place so that Victoria can compete around the world and export large quantities of a range of food products. Although the bill deals only with plant-based products, it is important.

If one paints a picture of the south-eastern area of Australia, taking in the Riverland of south-east Australia, the Murrumbidgee irrigation area of New South Wales, the Murray Valley, the Goulburn Valley and the Bairnsdale and Orbost areas, one can see that over a period those areas will become serious market providers. The former government was looking — I am sure the current minister is continuing the work — to find quality markets for Victoria's products so that the link between producers and markets can be made as strong as possible.

The strong link in the chain will always be quality assurance programs — not government inspectors or policemen running around the place, but farmers, transport operators, packers and all the people in the system guaranteeing the standard of the products.

Foodstuff from the three state areas is exported through Melbourne, Sydney or Brisbane, because the Victorian growers are no longer married to the concept of exporting only out of Melbourne. They will export their produce from any port or airport that provides the best and most convenient service. The port of Melbourne needs to be aware that it does not have the monopoly on handling Victorian produce.

Companies are now putting together lines of food, particularly fruit and vegetables, and moving them out through Brisbane, Sydney and Melbourne ports and Sydney and Melbourne airports. If the Darwin to Alice Springs rail line is ever completed — we hope it will be started next year to link up with South Australia — that will become another competitor for shipping goods.

Having an assurance system in place that will allow Victoria to link up with other states and to have agreed protocols to move product around, whether it be for state markets or export, is very important; indeed, it will be a breakthrough. Although not all the states have the required accreditation standards for some products, I am sure they will come as their approach to the food industry matures.

For some time Victoria has been introducing quality assurance (QA) programs, and it has not been easy. The interesting point is that as the quality assurance procedures get going in various areas they will improve all sections of the chain: they will improve the growing, the handling and the packing operations. In many cases employees will know for the first time why they are doing certain tasks. The protocols contained in the interstate certification assurance program will help those employees to get more enjoyment out of their work and to understand why they are doing it. The protocols will also give more confidence to the industry and to buyers.

Since quality assurance processes have been in place, as always happens when anything new is introduced, myriad organisations have jumped up. There are now quality assurance programs for just about everything. Some producers in the Swan Hill area are facing up to four or five quality assurance audits. That is one of the problems with which the community must come to grips. The government has a responsibility to develop an audit industry that can audit most quality assurance programs. If it can do that, the auditing of quality assurance programs will not be a great problem in Victoria. However, it has to be done.

When the former coalition parties were in government I looked around to see how on earth it could be done. Who was going to jump out and make it happen? We met with some international people who could do that at an export level — the people looking after the protocols required for Sainsburys, Tescos, Royal Aholds and the major supermarkets of Europe, particularly where that process is better developed than it is here. That would be good, but they are not operating in the Australian market.

Coles and Woolworths have introduced their own QA programs; each is a little different, and annoyingly so, but there will inevitably be some differences when new concepts come in. The auditing of those programs needs to be done separately. The government needs to work out how to resolve that issue, and it will not be

resolved by any of the players I have mentioned. The government must be the catalyst to make it happen through tertiary education institutions and government departments, particularly the Department of Natural Resources and Environment, working together, funded by the Regional Infrastructure Development Fund, to look at ways of putting together programs for the auditing profession to conduct audits in the food industry, particularly the interstate certification assurance audits. I see no reason why, if we put our heads together, we should not be able to implement an auditing education program to cover that field. Currently there are quality assurance audits for sheep, cattle, the dairy industry, fruit, vegetables, hay, and chooks.

Mr Hamilton — And wine.

Mr STEGGALL — Yes, and a little bit of wine — and so the list goes on. They are all good audit systems and they are all going in the right direction. However, in some areas we have not been able to ensure a user-friendly audit system — referred to in the bill as monitoring — and that is very important.

Honourable members are hearing a lot about applications for the importation of many products into this country. Three products readily come to mind: firstly, the importation of salmon into Tasmania — an issue that is now resolved, although not satisfactorily, and a path down which the minister would not want Victoria to travel; secondly, the importation of table grapes from California and Chile; and thirdly, the importation of bananas from the Philippines, which significantly affects Queensland.

Mr Hamilton interjected.

Mr STEGGALL — Sorry, and the importation of apples from New Zealand. The honourable member for Shepparton will be speaking about that a little later, together with the fire blight problem. The table grape industry has the same concern about Pierce's disease in table grapes imported from California.

I note the comments of the honourable member for Monbulk on how important it is that Australia protects its plant and animal base; that is so true. However, we are in a dilemma. Australia is basically an exporting nation. All the growth and development that is going on now — which I hope will continue — has to be for export. With 19 million people, Australia is not a big consumer of anything. I am therefore a little surprised that countries have been so keen to export to Australia. Perhaps they are doing it to square up some of the things happening under the auspices of the World Trade Organisation, particularly with access to world markets, which Australia is pushing very hard.

Australia and Victoria must come to grips with that conundrum. If for unscientific reasons we prevent products from being imported into Australia, we can expect all our exports to those countries to be challenged. The World Trade Organisation rules allow those countries to work against us in other industries — for example, when Canada was arguing against Australia on salmon importation, it was considering banning Australian exports in dairy, grain and another product amounting to about $120 million a year. Although that issue has been resolved, it was pretty big at the time!

I have digressed to emphasise that quality assurance programs are important. The Australian Quarantine and Inspection Service protocols fall into that category. For foodstuffs imported into Australia, the AQIS protocols should be adopted as the mutual recognition process for all states. If plants or foods passed the AQIS test, they would be accepted into each state of Australia. It is important that QA is linked in with those.

Many people are trying to ensure quality product leaves Australia — I am talking quality product, not safe product — and there is a dilemma in that AQIS does nothing about good, bad or ugly fruit or vegetables so long as they are safe. I trust that the governments of this nation will look at what is happening. Fruit growers from my area visited China, Hong Kong and Taiwan in March at the completion of our export season and found in those marketplaces Australian products of the worst possible quality. They can be found in the markets where people export straight into marketplaces such as the Melbourne market. They are not found in the supermarkets; they are usually found in the wet markets. We are becoming a nation of export standard producers for specific end-use markets, particularly supermarkets. We are trying to develop that, so it is important to come to grips with it.

The QA programs apply throughout the process. The auditing needs fixing, and the bill puts another audit into place. The minister should be aware of that. I hope some work can be done to ensure we overcome the anomaly in having so many different audits on farms and in packing sheds.

The bill also deals with the reconditioning of used packages. The definition in the bill is a little unclear and has a lovely subjective meaning of 'as new'. It is unclear what a few blokes in the Sydney markets might make of that as they trade around. The Melbourne markets are not as bad. Victoria is far better placed

because the QA programs are better and the approach to the exportation quality of food is very high.

The quality of packaging is an issue, and I do not know how we will travel with that. I agree with the legislation, but in practice I am a little nervous. If we are to send products into wet markets, the definition of 'as new' might be okay, but if we are sending products into consumer markets anywhere, it is not, and our industries will know that. But so far as the department and the government are concerned, I believe the approach adopted in the legislation is right.

I now refer to penalties. It is interesting that, despite all the criticism of the former government by the then Labor opposition, the Labor government has continued with exactly the same programs. As we have deregulated and changed our approach — which is the way life is going around the world — self-regulation has been introduced in many areas. That is very good for some of the reasons I mentioned before, but it must be managed. I was not convinced that the former coalition government did enough to manage the freed-up enterprises in many fields, but it was only the start of the day — that is, the start of deregulation and the concept of freeing up.

Along with this legislation, the government and the relevant department must use the penalty powers. If penalty powers are not used, huge problems will be created. Penalties for the abuse of the process must reflect the risk — and the risk is huge. If someone in Shepparton, Swan Hill, Narrandera or any of the horticultural areas gets clever and takes too many risks, complete markets could be lost for the whole year. It is no good having self-regulation unless the penalty and enforcement structures are in place.

The National Party expects the penalties to be enforced strongly and carefully. Without that the bill will not work — and we all want it to work. The enforcement powers in the bill are also included in a lot of agricultural legislation which in many cases gives department officers more power than the police force is given in carrying out normal operations. Those powers will be kept.

The bill puts together all the required powers, including the ability to enforce penalties for abuse of the process, and I see no reason why we cannot go forward from here.

The only 'but' I have is about the audit. I ask the minister to consider what can be done so auditors can be trained to audit across the sector. Some farmers undergo four or five audits for different market places and products. It is important that this does not become the fifth or sixth audit, which it will if the government is not careful. It is one of the areas we have not come to grips with, because there was far more excitement about bringing in quality assurance programs from Western Australia. Those programs are being used widely and well throughout Victoria. Sometimes it got a bit too clever for its own good, but the coalition government got that started and it worked well — but we did not do the work on the audits. Now is the time to do that work.

I welcome the legislation, which results from a three-year trial, mainly in my area. I am delighted that the government has continued the work. I look forward to the benefits and the understanding that will flow from cooperation by producers throughout Australia.

There is another test: we have to trust the way the protocols in the other states are handled. That is an outcome we have to make happen. The secretary of the department has to keep a list of all accredited growers and packers, and his task will be to exchange that information with all the other jurisdictions in Australia.

I look forward to the progress of the bill. I hope it will be the turning point on audits for the benefit of plant health and plant products in Australia.

Mr HOWARD (Ballarat East) — I am pleased to see that the Plant Health and Plant Products Bill has gained bipartisan support — or should I say tripartisan support, following the break-up of the coalition parties?

It is clear that members on the other side recognise that this is a fine bill that will work in the interests of agriculture in the state. It relates to the national memorandum of understanding, which was spoken about by the previous two speakers, and introduces an interstate certification assurance system. It helps to enshrine the process agreed to by the state agriculture ministers. Many of the provisions are already operating, and the bill allows for greater flexibility than has been allowed previously.

The bill is necessary as Victoria tries to gain more opportunities and be more competitive with other states. There is more product crossing state boundaries than ever before, and at the same time Victoria is looking to gain export markets. It is important to have an effective certification system that allows for the flow of product across state boundaries. It is also important that, along with other Australians, Victorians can be confident that diseases will not be spread by that means. That is clearly understood across state boundaries and across the country.

As outlined by the honourable member for Swan Hill, the bill addresses the interstate and intrastate movement of plant material. We must be responsible for the quality of the products flowing into and out of the country. We must ensure that we do not import diseased material that causes severe harm to our agricultural industries.

The bill recognises that the former system was cumbersome in many ways. The new system will be more cost effective for growers. They will be pleased with the outcome of the legislation. The new system relies less on state-appointed inspectors checking products and providing the accreditation required before materials could be moved — the old-fashioned grower declarations — and instead introduces a system of interstate assurance certificates that can be accredited by the grower following a successful application to the Secretary of the Department of Natural Resources and Environment.

In effect, it means growers will not have to pay for state inspectors to come out and check on the products they are moving off their properties. If they follow the clear guidelines growers will be in a position to certify their own material correctly and to move it off their properties. Although the legislation will provide for a move forward, it will also present some challenges in ensuring that the assurance process takes place effectively and that growers follow the processes correctly to satisfy the Secretary of the Department of Natural Resources and Environment that they are able to provide their own assurance certificates.

The other important reason for that to occur is not only to make the system work more effectively and in a less cumbersome and more cost-effective manner for producers, but also as a response to the need for an accepted system across Australia. It is to the credit of state agriculture ministers that they have recognised the need to get together to develop a unified system that can operate around Australia. The process will place Australia in a great position. I trust there will be ongoing cooperation and discussion among state agriculture ministers to ensure, not only with this bill but also in many other areas relating to agriculture, that there is cooperation to ensure the best possible opportunities for agriculture produce trade among the states and protection against disease, including material coming from overseas, and other issues of concern.

The bill will also ensure that the process is clear to farmers and others in the industry. It will help to clarify and provide detail on those issues in a way that improves the previous legislation.

An honourable member interjected.

Mr HOWARD — I will refer to the way it improves the previous legislation later.

The system will work much better for the farmers in my electorate — for example, the apple growers in the north of my electorate. As I have said, rather than the farmers requiring state inspectors to come onto their properties to look at their equipment regularly, which obviously imposes a cost on them, they will be able to follow the clear guidelines that will be made available — in many cases they have already been made available — to identify potential disease problems, cool storage requirements and other treatment requirements they may need to undertake. They will then be able to declare that they have followed those guidelines and provide their own certificates. Of course, the system will require follow-up auditing and enforcement.

The same system will apply to those involved in Victorian nurseries, including those in my electorate. They will be able to get a set of clear guidelines to follow, and if they follow them correctly they will be able to certify their own material. They will then be subject to an auditing procedure to ensure that they have followed the correct processes, but that will not need to happen as regularly.

As was said earlier, part of the bill relates to the need to ensure that there is an opportunity to recycle packaging, especially the polystyrene-type packaging that is extensively used for fruit and vegetables these days. We want that material to be recycled, because if it is not it will create a significant waste management problem. The government wants to ensure that the material can be recycled, but there is a concern in the industry that sometimes the polystyrene containers are contaminated. We must establish clear procedures that, if followed, will ensure that recycling takes place and that there will not be a disease-related problem associated with it. The bill aims to do that.

The bill also provides that fibreboard containers can be reused if an appropriate treatment process is undertaken. We need to work beyond the ambit of the bill to specify those procedures and to ensure they are followed, but at least the government recognises the need for recycling if specific procedures are followed. The bill is significant because it allows for that to occur.

Legislation that allows for self-regulation is only as good as the auditing process and enforcement procedures allow. We need to ensure that ongoing auditing takes place. The bill improves on the previous

process. Some deficiencies in the ability of inspectors and auditors to go onto properties and require records to be shown were identified in the previous legislation. The bill will ensure that inspectors can require the appropriate paperwork to be shown to them so that they can be satisfied that the correct procedures have been followed in the authentication process. That will be important.

The bill is also important in terms of enforcement. For example, if people are shown not to be following the authentication procedures they will lose the ability to provide their own certification. Therefore inspectors will be required to come onto their property on a regular basis and at a significant additional cost to them. Clearly that will provide a significant disincentive if people recognise this is a real likelihood should they abuse the process they are offered as a cost-effective means.

As both opposition speakers have stated, the legislation is sensible. It will allow Victorian agricultural industries to move forward and to compete more effectively across the country for markets. It will also help to ensure that the transfer of disease is carefully controlled.

I commend the bill. It will provide great benefits for growers. As I like to say about all the legislation introduced by the Bracks government, it has undergone significant consultation and has been developed based on the feedback we have gained from many of the players within the industry, and therefore we are confident we will have their ongoing support. I commend the bill and trust it will have a speedy passage.

Mr KILGOUR (Shepparton) — I support the Plant Health and Plant Products (Amendment) Bill and am pleased the minister has introduced it. The minister has been to my electorate in Shepparton and fully understands that it is the food bowl not only of Victoria but of Australia. The minister has a full understanding of the importance of horticulture and agriculture not only to Gippsland, where he comes from — although you have to get through all the coaldust there to see what is growing in the fields — but to other areas.

The honourable member for Swan Hill would have us believe the Swan Hill area is where it is all happening in horticulture, but it is the Goulburn Valley area. When one drives through and sees the amount of planting and investment in the area, one understands why we need to look after the agricultural industry.

In 1997 we had the fire blight scare, and the minister knows what problems occurred when people were unable to export fruit and, particularly, send products interstate. To look after the health of our plants, our orchards and our agricultural areas we need to ensure we have the ability to check up on those who are doing the wrong thing.

Most importantly, we are seeing a continuation of the quality assurance program which has become a good practice in horticulture over the past few years. Great strides have been made since the introduction of quality assurance into the orchards. It is up to the orchardists to ensure the fruit and products that leave their properties are of such a quality that we get the best markets. Now we are going that step further to ensure that the products are packaged and that plants and earth are transferred in such a way that they will not spread disease.

The program even goes as far as the hay industry. Hay is transported hundreds of kilometres, and such transporting is an ideal opportunity for hay to spread diseases into pastures, et cetera. There will always be the hillbillies, and I know the minister understands that — those who do not do the right thing. However, I am sure the people trading in hay will ensure the product they sell is clean and will not spread diseases as it goes about.

I was also pleased to see that the minister has included second-hand packaging. I have been out to the Melbourne Wholesale Fruit and Vegetable Market at 4 o'clock in the morning, as no doubt has the minister. When Jeremy Gaylard was in charge he showed us the work they were doing at the market to try to stop the use of containers that would spread disease, particularly as some containers still had earth in them, and to ensure the fruit being carted was of high quality.

The bill will replace an inspection service for the interstate movement of plants and plant products with a grower-based quality assurance scheme. The growers that I have spoken to have said that they are pleased to see this introduced, and so long as everybody does the right thing it will be good for the industry. Growers in the Goulburn Valley are waiting with bated breath, no doubt as the minister is, on the information that will come from the Australian Quarantine Inspection Service in Canberra on the importation of New Zealand apples. We know the devastation that fire blight would cause to the crops in the Goulburn Valley. The very fabric of society would be ruined if a big industry was destroyed through fire blight. We would see devastation in our community. The local Apex clubs would be called on to support communities as they have never

been supported before. I know they would certainly do that willingly.

Mr Plowman interjected.

Mr KILGOUR — The honourable member for Benambra is a former Apexian and the honourable member for Swan Hill is still an Apexian, and I know that he has certainly enjoyed his involvement.

I return to the bill. I am pleased the inspection powers have been increased to allow officers to demand documents and that on refusal to produce them the officers can enter, search and seize. Agriculture inspectors will be given more powers than the police because they will have the ability and the opportunity to go in and seize documents, whereas police do not have the same ability. We need to ensure that the inspectors can crack down on people who are doing the wrong thing.

Three certificates will be involved: an assurance certificate for an accredited grower; a plant health certificate certified by government inspectors; and, for particular purposes, the plant health declaration. I hope we will see quality assurance in the movement of packages, plants and stock by fruit growers and horticulturists in particular, as well as by dairy farmers and other farmers involved in the movement of packages. It can make a difference. I hope the legislation will ensure country Victorians understand that everything that can be done is being done to stop diseases getting into our crops.

I know the Minister for Agriculture will be looking at what happens in Canberra. I hope we maintain the status quo because, frankly, there has been no change in the science to ensure that New Zealand apples can be brought into this country without bringing with them the dreaded fire blight. They have already been knocked back twice and should be knocked back on the third occasion. I hope we do not have to pass legislation in this place to stop that product coming into Victoria, as was done in Tasmania.

I wish the bill a speedy passage and hope people in the fruit-growing and horticultural industries will see the result of the legislation in the years to come.

Ms BEATTIE (Tullamarine) — I am pleased to support the Plant Health and Plant Products (Amendment) Bill. The bill proposes to amend the Plant Health and Plant Products Act and administer the interstate certification assurance scheme for certifying the disease status of plant material to be moved to other states and within Victoria. We all know the dreadful circumstances that result from diseased plants.

I note the honourable member for Shepparton's loyalty to the Apex clubs, but I am sure all the service clubs would want to get out there and help. My own club, the Kiwanis Club, would love to help. Many times the service clubs work in a cooperative manner in both outer suburbs and country areas, and I commend them for their help.

I return to the bill, which will aid the interstate movement of produce, ensure effective and safe recycling of used packages for fresh produce, and improve offence provisions. I turn to the recycling and offence provisions. In 1994 Queensland suffered an outbreak of papaya fruit fly that highlighted the need for a national scheme. Subsequently a scheme was developed that allows accredited growers and packers to issue certificates under procedures that are monitored and audited by the accreditation authority.

Clause 7 amends section 34 of the act to allow for the regulations to prescribe standards for the reconditioning of used packages. A negative effect of recycling is the increased risk associated with the use of second-hand packaging and a need exists to monitor and manage the use of such packaging to minimise food safety problems and reduce the spread of pests and disease. I have had discussions with the Minister for Agriculture because sectors of the industry have been concerned about the use of unhygienic used packaging for wholesale produce. The current legislation is inadequate because it requires only that packaging be new or reconditioned to appear as new, which is unsatisfactory.

The proposed enforcement provisions are vastly superior to those contained in the current legislation. The act currently allows inspectors to enter and search a place where plants, plant produce and used packages are kept for propagation, sale, storage, delivery and treatment of plants. Experience has shown that the legislation does not empower inspectors to enter places kept for the growing of plants, such as orchards — indeed, in the fruit bowl of Victoria. The proposed amendment to section 52 contained in clause 12 will remedy that situation. Section 52(1)(e) of the act currently allows an inspector to require a person to produce any document, and once a document is produced to examine or remove it to make copies. However, if the request is not complied with the inspector has no powers of entry, inspection or seizure. Proposed section 52A will remedy that situation.

Mr Steggall interjected.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Tullamarine, without interjections.

Ms BEATTIE — Section 24 of the act provides for the making of an order by the minister to prohibit, restrict or impose conditions on the importation of plants, plant products or soil if he or she reasonably suspects a disease or pest exists in Australia. The amendments to section 52 provide many safeguards for the individual and recognise the importance of Victoria's major interstate markets and the need to ensure that the industry is free of pests and disease. They strengthen the current legislation.

I know it is not the done thing to take notice of interjections, but the interjector went back to 1994. The Bracks government looks to the future following the passing of the bill with crossbench support. I commend the bill to the house.

Mr PLOWMAN (Benambra) — It is with pleasure that I join the debate, and I am delighted to follow the honourable member for Shepparton, who spoke before the honourable member for Tullamarine. It is wonderful to have your own Apex support group in the gallery. The honourable member for Shepparton referred to the Minister for Agriculture, suggesting that in the minister's area one had to look through the coaldust before one could see the crops. I suggest that on the minister's side of the house it is not the coaldust we have to worry about! I wished to pick up on that point because it was so ably made by the honourable member for Shepparton.

The opposition supports almost all aspects of the bill because it is an endorsement of the act introduced in 1995. It is great to see all sides of the house endorsing and supporting the bill for good reason.

On reading the second-reading speech and the speeches of other honourable members who supported the bill that was introduced in April 1995 it seemed to me that there was a fair bit of conjecture about changes being required following the introduction of the legislation.

It is to the credit of the principal act that there has not been a need for change until now. At present we are seeking to improve the situation Australia-wide by lifting our act to make it contribute more to the Australian situation. We look at the food and fruit industries as a whole and not just as separate sectors.

I was interested when the honourable member for Ballarat East said the bill makes the provisions in the principal act more clearly understandable. I do not understand what he meant by that, because the principal act is already quite clear. The changes proposed in the bill are there to make the Victorian act work better as part of the Australia-wide legislation looking after all states and New Zealand.

Although the interstate certification assurance scheme was developed on a national basis, it is important to be able to accredit Victorian growers and packers to allow them to issue interstate assurance certificates so that Victorian producers will not have to rely on government inspectors to come to their properties to do that job for them. If the legislation introduced nothing more than that, that provision alone would make it cheaper and easier for producers to move products — in almost all cases they have a short shelf life — from the places where they are grown, processed, packed and transported to a market in or outside this state or internationally. The change will be an improvement.

The mutual recognition of interstate assurance certificates will allow interstate producers the same degree of flexibility as our producers. Again, looking at it from an Australia-wide perspective, what is good for us certainly should be good for them. We are now mature enough to say that we do not want benefits to flow just to Victorian growers, rather we want benefits to flow to growers in all Australian states because we regard our produce as being export based. The honourable member for Swan Hill referred to that in his speech, and I commend him on the way he invariably looks at these issues from a national point of view and not just a state point of view.

The stricter protocols introduced by the bill put the onus on the growers, producers, packers and transport operators. The bill empowers inspection agents to audit business operators, and that will ensure that the responsibilities imposed on the persons accredited to issue assurance certificates are fulfilled.

Clause 7 deals with the reconditioning of used packages. I am a little disappointed with this area of the bill, and I seek the minister's assurance about this because the bill is very short in detail. After you insert the relevant paragraph dealing with the reconditioning of used packages after the appropriate paragraph in the Plant Health and Plant Products Act you find that it is all left to regulation. We have heard a lot of talk about what it means, but it is really just left to regulation.

I would have liked clearer detail explaining what is actually meant. I hope the minister is able to give the house a bit of insight on what the prescriptions might be and the way the regulations will be introduced as well as when they will be introduced and the likely impact

on growers and on the people who have responsibility for the implementation.

The enhanced enforcement provisions in the bill will allow inspectors to enter and search a property where plants are growing. Clause 11 inserts the word 'growing' in section 52(1)(a) of the principal act, which empowers inspectors to enter such properties where they can inspect and seize products. As suggested by the honourable member for Swan Hill, that could mean that inspectors will have greater powers than the police. There must have been a situation where inspectors were denied the power to enter a property where a product was grown. I have heard no evidence of that occurring, and it may be that it was a concern rather than an actuality. If it was an actuality I would like the minister to advise the house about the need for the provision.

Clause 12 confers remarkably strong powers to seize documents. The principal act enables documents to be examined, but only when the request to do so is agreed to.

Understandably a person in a spot who did not want documents inspected would deny access to documents, so again the provision is sensible. As a safeguard, it requires that a search warrant be granted by a magistrate who is satisfied that the inspector has reasonable grounds to do so and that provision is justified.

The principal act deals with the importation of plants and plant products from interstate, notification of pests and diseases, control areas, control measures, exotic pests and diseases, seeds, fruit, vegetables and nuts, labelling of propagating material, certification schemes and compliance agreements. All of those provisions in the principal act have stood the test of time and have served the state well over the past five years.

I not only commend the minister on the introduction of the amendments, but as a former member of the agriculture committee I also commend the former minister, the Honourable Bill McGrath, for introducing the principal legislation that had unanimous support. As I said, it has served the state well. I support the amendment and congratulate the minister on the introduction of the proposed changes.

Ms GILLETT (Werribee) — In making a brief contribution to the debate on the Plant Health and Plant Products (Amendment) Bill I congratulate the minister on introducing this excellent piece of what is colloquially called national scheme legislation. I commend him for his efforts in steering the bill through the ministerial council, which was no doubt a long and difficult process. The result is an excellent bill.

The bill will be of particular interest and benefit to the fruit and vegetable farmers of Werribee South. Technically the Werribee South farmers are not within the boundaries of the state seat of Werribee but nonetheless an important and deep relationship was forged between the Werribee South farmers and me as the member for Werribee during the important fight to stop the Kennett government from siting a toxic waste dump in Werribee. Honourable members who were members at the time and those who were waiting in the wings will remember how long and difficult that struggle was and that it was ultimately won. One of the reasons the community was successful in that struggle was that our fundamental argument relied on keeping Victoria's produce clean and green. The bill enhances the process of ensuring not only that Victoria's produce is clean and green but also that those high standards will be maintained in respect of produce that travels interstate to and from Victoria.

The bill is important also because in essence it provides for keeping the environment safe. The minister builds into his work as Minister for Agriculture a clear and demonstrable commitment to protecting the environment and the communities who care for the environment. I also commend him on that.

Mr VOGELS (Warrnambool) — In contributing to the debate on the Plant Health and Plant Products (Amendment) Bill, which has been introduced to facilitate the movement of plants, plant products, used packages, used agricultural equipment and soil within, into and out of Victoria, I do not intend to go through each clause because many previous speakers have already done so.

The bill proposes to amend the Plant Health and Plant Products Act, which was introduced following the outbreak of fruit fly in Queensland in 1994. It contains new provisions to allow the Department of Natural Resources and Environment to accredit Victorian assurance certificates for produce grown, packed and treated within Victoria and for transportation within Victoria and interstate. The bill relies much more on self-accreditation than on the heavy and costly arm of the law. It relies on cooperation between states and it must not fail.

The agricultural industry in Victoria is worth billions of dollars a year to the economy and therefore must not be risked or jeopardised in any way. It is the largest and most important value-adding industry in rural Victoria. The previous government and this government — to its

credit — have set a goal of $12 billion of food exports by 2010. The state cannot afford to take any risks: farmers, transport operators, exporters, and those responsible for cool stores and packing sheds — everybody involved in the industry — must work towards making the assurance system work.

In considering the bill honourable members must look at the history of Victoria and the enormous costs farmers are bearing as a consequence of the lack of care taken by our forefathers over the past two centuries with plants, plant products, used packages and so on that were imported into Australia in general and into Victoria in particular. Farmers now have to spend tens of millions of dollars a year in chemicals and sprays to combat all types of plant diseases and any measures to ensure safeguards against the spread of plant pests and diseases should and will be welcome.

All honourable members will remember the fire blight scare. Fire blight is a bacterial disease that was reported in 1997 to have been found in Melbourne's Royal Botanic Gardens. Victorian apple and pear growers and nurseries lost millions of dollars because fruit that was ready for packaging had to be destroyed or juiced.

The cost of monitoring and policing fruit fly is enormous. However, it demonstrates the value and importance of the industry to Victoria that the state is prepared to put together programs to safeguard the industry. Victoria's plants, vegetables and fruit — all its rural produce — must be protected.

A recent article by Geoff Strong, a science reporter, states:

> It won't take a foreign invasion or a civil war to wreck Australia's prosperity. More likely it could sneak in through a suitcase shipped past quarantine at one of our airports.

In conclusion, Victoria's economy relies heavily on the rural sector. The state is seen as clean and green, giving it a competitive edge on the world market. Let us keep it that way. I commend the bill to the house.

Mr HAMILTON (Minister for Agriculture) — I thank the honourable members for Monbulk, Swan Hill, Ballarat East, Shepparton, Tullamarine, Benambra, Werribee and Warrnambool for their contributions, to which I will make a brief but important response.

The honourable member for Swan Hill showed a great understanding of the bill from the work he had done in getting the principal act together. He is correct in saying that the bill is the result of work that has been driven by industry. Indeed, the presentation of the bill to the house is the government's response to the industry's request for the changes. Perhaps that would explain the honourable member for Monbulk's not understanding that industry was the driver for all the clauses in the bill. The government sees its job as supporting industry and ensuring it has an opportunity to move forward.

As the honourable member for Swan Hill remarked, the success or failure of the program is at the feet of industry. If industry behaves like a group of cowboys, as the honourable member for Shepparton characterised some of the players, the whole system will fail.

Industry will jealously guard its reputation for being able to carry out its self-regulatory responsibilities. However, I take on board the difficulties faced by growers who work in a variety of markets and are subject to a significant number of audits. The government will pick up that matter and will be happy to work with both industry and the opposition to come up with a better way of getting the auditing done. Auditing is essential, so we must make it as simple and yet comprehensive as possible.

Another worthwhile comment concerned managed self-regulation. Self-regulation is becoming more common throughout all industries, including agricultural industries, but it is only successful if the industry itself is successful. Growers who are successful at making a profit are careful to make sure they protect their markets as their markets change. The government will be strong and judicious in making sure that enforcement occurs.

Comments made about certain clauses during debate indicated that some honourable members did not understand the main point — namely, that the bill is the result of a nation-wide memorandum of understanding and applies to all states. The drafting of the bill had to be satisfactory to all states.

I am concerned about using regulation rather than legislation. The use of regulation leads in turn to regulatory impact statements, which can be quite complex and time-consuming.

Mr Perton — Where did you find that word?

Mr HAMILTON — The honourable member for Doncaster fails to understand that we are talking about measures that need to be taken extremely quickly so that we can respond to emergencies. The legislation clarifies those issues. It would not hurt the honourable member to move out of Melbourne and have a look at what goes on in the real world. The bill is important legislation. Reaching targets for the export of agricultural and horticultural products is a strong

challenge for this government, as it was for the previous government.

We need to take on board the remarks made by the honourable member for Swan Hill. He has genuine concerns about importing fire blight rather than apples from New Zealand. We do not want fire blight in this state or in this country. If we take unilateral action, however, as was attempted by Tasmania in relation to Canadian salmon, we must bear in mind that the great majority of our production in horticulture and the food industry as a whole is of export quality. If Victoria stimulates retaliation under World Trade Organisation agreements we will have very significant problems.

We need to make sure the science is such that there is no chance of fire blight or any other major exotic disease, including Pierce's disease and plum pox, coming into this country. At the same time, though, we need to be very cautious about taking short-sighted unilateral action and inadvertently damaging our much-needed exports.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

LAND (ST KILDA SEA BATHS) BILL

Second reading

Debate resumed from 31 August; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr PERTON (Doncaster) — The Land (St Kilda Sea Baths) Bill will not be opposed by the opposition. It hopes, however, that the bill is the last piece of legislation to be so entitled. Knowing something of the history of the bill, I feel that parliamentarians one or two generations ahead of us will probably have to deal with the same issue in the future.

The bill gives the City of Port Phillip the power to sign a lease with the current developers of the St Kilda Sea Baths for a period of some 45 years.

The bill has been introduced with the support of the City of Port Phillip. I am grateful to the honourable member for Sandringham, who is chairman of the opposition's committee on conservation and environment and who has met with the city and some of the conservation groups around the bay to discuss the bill. Government authorities agree it is a necessary measure.

The bill began as a result of a lease entered into by the Honourable Barry Pullen the day before the Kirner administration lost government.

Mr Hamilton interjected.

Mr PERTON — The Minister for Agriculture interjects. I suspect he may have taken some entertainment at the old sea baths in his youth. It was a strange act for the then minister to enter into the original lease on the last day of the Kirner government. It was entered into with developers who were ultimately unable to complete the sea baths because of financial and planning difficulties. Despite the project's extremely convoluted and difficult history, the current developers and leaseholders of the sea baths have taken responsibility for their completion. Those members who read the newspapers will have seen that the developers have recently entered into an agreement with the operators of Hepburn Spa to provide health services at the venue, where there will also be restaurants.

The bill provides that the area that was previously a not particularly beautiful bitumen car park will be replaced by a three-storey underground car park with one floor at ground level that will accommodate 350 motor vehicles. Most members of Parliament let alone the Melbourne community will have spent some time in St Kilda recently, perhaps walking along the beach on a Sunday afternoon or visiting one of the many restaurants and clubs in the area.

There is no doubt that increased car parking is needed. The car park will cost $12 million, but the total development will cost in excess of $45 million.

The developers require certainty. That is something the Honourable Marie Tehan, a minister in the previous government, recognised, indicating that she would introduce the necessary legislation. The Minister for Environment and Conservation has obviously looked at the matter with the same logic and is being advised by the same good public servants as advised her predecessor. On behalf of the opposition I thank Mr McPherson and Mr Miller for providing a good history of this case.

The honourable member for Sandringham will provide more historical detail, which includes the burning down of the baths in 1926, the demolition of the shark-proof pools, and the drowning of swimmers caught up in the bars. There have been many occasions when the local council has tried to pass the matter on to the state

government, which has been forced to take responsibility for the premises.

The Liberal and Labor parties accept the need for the bill. A terrible set of circumstances has resulted in the development being subjected to financial planning and architectural difficulties. For the sake of at least this and the next generation of members of Parliament, I hope the bill will be the last legislative intervention required.

As I said, the honourable member for Sandringham has consulted widely on the bill. It is clear that not everyone accepts the notion of extended leaseholds on the bay or on the coast in general. Not all groups are certain of the need for extended car parking on the waterfront, and one of them is the Port Phillip Conservation Council. The minister spent some time talking with the group when she was the opposition spokesperson, as have I. It is an expert and hardworking group, and when other development proposals around the bay are being considered the opposition will be heeding its advice.

The bay has greatly improved over the past 30 years. Former premiers Dick Hamer and Lindsay Thompson, and former conservation minister Bill Borthwick, took great pride in the incredible quality of the waters of Port Phillip Bay. The bay comprises 1950 square kilometres, accounts for about 20 per cent of Victoria's territorial marine waters and is of immense social and economic value. The bay is almost unique in having some 3 million people within its catchment. There are few other large cities that have that sort of population living around a bay.

There are about 40 million visits to the bay each year, and government estimates in recent years have been that the tourism, recreational and shipping infrastructure on the shores give it a national economic significance with an estimated economic value of activity of more than $6 billion a year.

Having said that, it should be a matter of pride to both the Liberal and Labor parties that the 1996 CSIRO Port Phillip Bay environmental study found that the health of the bay is generally good, but it emphasised that the future of the bay is dependent on maintaining and protecting the bay's ecosystems and biodiversity along its shores and in its waters, including bottom dwelling organisms which play a vital role in regulating nutrient levels. It found that management and protection of the bay's ecosystem is fundamental in ensuring ongoing sustainable use and enjoyment of the bay.

The coalition government that lost power in October of last year had a strong election policy on the bay. It was its intention to establish a marine park encompassing the whole of Port Phillip Bay except for the commercial port areas. Boundary arrangements were to be referred to the Environment Conservation Council for recommendations on detailed implementation.

It was seen by the former government that the Port Phillip Bay marine park would provide a unique opportunity to manage the bay as a whole in an integrated way: to conserve biodiversity; to provide recreation and tourism opportunities; to secure sustainable use and production of wild fisheries; to provide for recreational fishing; to provide for aquaculture; to provide for shipping and boating; and to protect cultural heritage.

Sadly, the current government has been inactive in respect of the bay. A very small budget was provided in the 2000–01 budget. Mr Acting Speaker, I know you pay close attention to the budget papers and would have seen that the Labor Party's proposal is referred to as both a marine park and a marine national park. It might sound as though I am playing with words but, as you know, Mr Acting Speaker, having some very large national parks in your electorate of Mildura, a national park implies that there is to be no fishing, either commercial or recreational, within those waters. It is a very confusing use of words and represents either very lax editing or very lax policy on the part of the Labor government and the minister or Treasury officials working within the government.

The Liberal Party had a detailed list of multiple uses for the bay which accommodated the sort of development referred to in the bill, but almost no detail is given of the Labor Party's plans in that area.

One does not have to go far into St Kilda or further down the coast to the electorate of the honourable member for Sandringham to see the current problems of pest animals in the bay. The Northern Pacific seastar is a particular problem that was recognised by the coalition government; it invited a parliamentary committee to study what could be done not just about that pest but also about the introduction of other pest animals through ballast water and on the hulls of ships.

I was able to find a reference to both the Northern Pacific seastar and Japanese kelp made by the minister on 25 February 1998 when she was in opposition attacking the coalition government for what she said was a lack of action. It is interesting that there is no reference whatsoever to the issue by the minister since she became the minister. To the best of my understanding and the understanding of the community there has been little attempt to follow the

recommendations of the parliamentary committee to deal with those pest animal issues.

The opposition is more than willing to work with the government to reach a bipartisan position that would enable us to deal with those sorts of issues. I have heard estimates, for instance, on current affairs programs and from scientists that the biomass of the Northern Pacific seastar has almost reached the total biomass of all other living creatures in the bay. That is clearly a very serious problem which requires the best scientific and physical management and a bipartisan approach that will allow the government to set up a program over a decade or more to ensure the elimination of the current pests in the bay and the implementation of the all-party committee recommendations on ballast water and the introduction of pests from other places.

Recently, the government appointed a new chair of the Central Coastal Board. It was suggested in the press release issued by the government that the new chairman welcomed the increased commitment of the government to coastal matters. One could be charitable and suggest that that might have been a reference to an increased commitment on the part of the Labor government, but I think it was an attempt to suggest that the government was committed to doing more than the previous government. The question that needs to be posed is: what is the increased commitment? There has been no commitment to beach renourishment funding, no funding commitment to dealing with marine pests and no meaningful commitment to dealing with the water quality of flows into the bay. The government has to deal with those issues.

The opposition is prepared to accept the bill on a bipartisan basis — that is, we are dealing with a serious development problem in a prominent public place, but we also have to deal with the serious issues of water quality and pests under the water, and ensure that Port Phillip Bay remains a wonderful resource to the people who live in Melbourne, to Victorians in general and to those people who make up the 40 million visits a year to the bay.

Mr HOWARD (Ballarat East) — It appears to be bath time in Parliament as we deal with proposed legislation relating to the St Kilda baths. Clearly the St Kilda baths site to which the bill relates is a significant site in St Kilda on which baths were built, as were a number of other baths on sites around the bay and around the town of my birth.

I am more familiar with the Eastern Beach site, but both have a similar history in that the baths that were built were of the style where people could swim in the bay and have protection from sharks. That has been a matter of concern, given that sharks have taken people who have been swimming at our bay beaches; and other large fish have also been of concern to swimmers. Historically, a number of the baths that were built around Corio Bay and Port Phillip Bay have fallen into disrepair from time to time or been demolished altogether.

I am pleased that in recent years more attention has been paid to the need to protect those baths and at last some developers have been found who are prepared to take on the significant task of developing them. Over the years in St Kilda and at other areas around Port Phillip Bay some of Melbourne's other main historic sites have been protected and enhanced. Some bayside developments are now encouraging tourist development and are providing some great facilities and opportunities for local communities to enjoy and appreciate.

The Eastern Beach project is not a commercial development, but as part of the project the City of Greater Geelong was able to gain community support to do up the Eastern Beach baths site, which now looks terrific and is a great asset to the site. The significant $42 million development being carried out by South Pacific St Kilda Pty Ltd is clearly going to be an asset in the St Kilda area.

To allow the project to develop fully, the government has had to enact legislation which recognises that the land on which the developers are operating has been under two separate zonings. The developers were able to proceed with the zoning of the St Kilda baths site, but the second site for the car park was subject to different zoning. That has created a problem in providing ongoing certainty of use for the developers in their proposal to complete a two-storey underground car park. That will be a great asset for the area. People who visit the St Kilda area and enjoy the facilities that have been developed there over the past 10 or 15 years know that on high-use days parking spaces are very difficult to find. It is important to have a significant addition to available parking to service both the baths and the general St Kilda area. The legislation has been introduced to ensure a long-term leasing arrangement for the developers to have certainty of ongoing land management over the site. I am pleased to see that.

I do not see the need to speak at great length on the bill. I note that the shadow minister, the honourable member for Doncaster, spoke at length on a number of other issues, which certainly are significant and to which the government is giving a great deal of attention. It will introduce landmark legislation to ensure the marine

environments of this state are protected. The former Kennett government did very little in that regard, so it is rather hypocritical for the honourable member for Doncaster to have used a great deal of his debating time to challenge the government on what it is doing about protecting the Port Phillip Bay marine environment.

The government has been far-sighted in regard to initiating discussions about marine national parks and the protection of the environment. It is certainly aware that the environment within Port Phillip Bay has been severely damaged and changed by the many fishing and other practices that have gone on in the bay. The government takes that very seriously and will follow through with legislation.

It is a great disappointment that Victoria has had to wait for this government to come into office before significant actions are taken and that the Kennett government did nothing. However, that is not what this legislation is about. A bill on that subject will be introduced after further consultation and analysis of the issues. As the shadow Minister for Conservation and Environment is fully aware, it is not a matter that any government should rush into. After seven years the Kennett government did not see any need to do anything of significance to provide protection for the marine environment either in Port Phillip Bay or any of our coastal areas.

This bill allows for the advancement of a significant and welcome development in the St Kilda area. I trust that the people of Melbourne and further afield will be able to appreciate the development on the site as well as the car parking that will be provided. I commend the bill to the house.

Mr THOMPSON (Sandringham) — I start by taking issue with a number of points raised by the honourable member for Ballarat East. The Kennett government committed $10 million to beach renourishment projects around Port Phillip bay while the current budget line for beach renourishment works is zero. So there is $10 million to start with.

The second coalition initiative to improve Port Phillip Bay was the abolition of scallop dredging which, according to most recreational anglers, has led to a proliferation of marine life in the bay. It is regarded as one of the most important initiatives in improving the bay, and the buyout of the scallop dredging licences cost $12 million.

The principal object of the bill relates to the ability of the committee of management to grant a lease lasting up to 45 years over the foreshore north of the existing complex and construction site, which forms the principle building envelope of the St Kilda sea baths. The rationale for the 45-year period is that in 1995 a 50-year lease commenced over the area encompassing the present development site, which is to incorporate a restaurant, a gymnasium-pool complex, retail facilities and a reception centre.

For the complex to be viable the St Kilda City Council — and subsequently the Port Phillip City Council — and the developers felt a better form of access to and egress from the initial site was needed. A number of other proposals were considered to allow people to commute to the area and have access to other parking arrangements, but those proposals were not considered possible in the wider context of the development.

The original development had its genesis under the former Kirner government, when on 1 October 1992 the then minister, the Honourable Barry Pullen, signed an agreement with a development company comprising a doctor and his wife by the name of Freadman to redevelop the St Kilda baths complex. As I said, the proposal had the support of the then City of St Kilda. However, a long process of disputation, litigation, off-plan development that did not relate to the plan and delay followed, leading to immense frustration in the local community.

Concerns have been raised by the Port Phillip Conservation Council, a group of people with high-minded conservation interests who have catalogued developments around Port Phillip Bay, starting from Queenscliff and working clockwise to Port Arlington, St Leonards and the developments around Avalon and Werribee, across to Williamstown, along to the foreshore municipalities of Hobsons Bay, Port Phillip, Bayside, Kingston and Frankston, and down to the end of the peninsula and Point Nepean National Park. The group has identified foreshore issues that are of importance to them and to conservation values in the bay.

I have a letter from the president of the Port Phillip Conservation Council, who raises concerns about the length of tenure empowered under clause 5. I quote:

> As I told you when we recently spoke … PPCC Inc. is particularly concerned about the provision that would override the present blanket limitation to a 21-year term contained in the Crown Lands (Reserves) Act 1978.
>
> PPCC Inc. considers that that present blanket limitation is most desirable and should not be compromised. The lease already entered into for the car park must have been entered into with the knowledge that the 21-year limit applied. It might well be that a party to the lease speculated on the

> desirability, for their commercial purposes, of a longer lease being available in the future, but we think that the present right of the next generation to not be locked into a decision made by their predecessors is the reason why the 21-year limit was applied, and that it is a good reason that still applies and should be respected, by not permitting longer leases. We consider that the 50-year lease over the adjacent seabed is not a satisfactory reason for legislating for a longer lease in regard to the separate areas of Reserves.

The opposition's response noted that the bill was introduced by the ALP government and has the support of the ALP-controlled City of Port Phillip. It accompanies a lease for the sea baths complex, which development agreement was originally entered into by the Kirner government. While acknowledging the strength of the argument of the Port Phillip Conservation Council, in the circumstances the opposition does not oppose the legislation.

The unique circumstances of the development include the capital investment being $45 million and its having been undertaken on the basis of the agreed extended lease term. The area has had an ugly council car park on it for some years, and the opposition supports the decision of the City of Port Phillip to insist on beautification as one of the conditions of the lease.

Members of the opposition see this as a one-off bill that will not set a precedent for similar legislation or provide support for extended leases over sensitive waterfront areas.

For the purpose of objective analysis it should be noted that there are some areas in Geelong where 50-year leases have been entered into — for example, the Steampacket Place precinct — and there is also a 99-year lease.

The subject site involves the development of a car park costing between $12 million and $14 million, which will be 50 per cent more expensive due to the site conditions. The car park will be developed to a depth of 12 metres, entailing 119 surface car park spaces and 340 underground car park spaces. Apparently, that is the maximum depth that is appropriate in the circumstances. Some $2 million worth of demolition works have been conducted on the new building, which was regarded as offensive. Overall, the original project undertaken by the Freadmans in 1992 involved the expenditure of $10 million.

This particular investment proposal involves some $45 million. The City of Port Phillip, the current government and the former government believed some security of tenure was appropriate. In correspondence from the former minister to the solicitor for the developers it was noted:

> The maximum lease term under the Crown Land (Reserves) Act is 21 years. I believe it is important to retain the Crown reservation of this land and for the City of Port Phillip to continue as the committee of management.
>
> I appreciate your client's objective that the lease of the car park areas has a term consistent with the lease for the sea baths. I am prepared to develop a legislative mechanism that will achieve this objective.

There was constructive assistance given to the representative of the new site owner by Mr Doug Miller of the department. The letter also states:

> In relation to a longer lease term and modifications to the site rental for the sea baths lease area, the current lease provisions will remain.
>
> To finalise the assignment of the lease to your client a deed of assignment will have to be prepared.

The former minister also noted that she was impressed with the commitment of the law firm's client to a long-term investment in the tourism and hospitality sector in Victoria and the positive approach of Mrs Janny Tay and the consultants and projects managers in dealing with what has proved to be a complex issue.

In terms of wider design parameters one can contemplate a number of waterfront developments that have added to both the built environment and the natural environment. The Sydney Opera House, which was of a controversial design at the outset, has served the city of Sydney well, particularly over the past fortnight as a prominent backdrop on Sydney Harbour during the Olympic Games.

In addition, in the Burleigh Heads precinct in Queensland there is an interesting development that involves swimming facilities, a gymnasium complex and restaurants that are close to the foreshore and there is a water pool that is filled on a tidal basis. Some outstanding developments can be undertaken to enhance the foreshore area and provide access to the wider community in a number of different forms. However, it should be noted that over the past eight years the current project has faced immense difficulties in the development of a positive and constructive design that enhances the immediate environment. The City of Port Phillip has gone to immense lengths to come up with a process that involves a constructive relationship between the developer, the council planners and the builders to achieve a worthwhile outcome.

Initially, the belief was that there was a lack of a coherent design vision, an interface with the local area and an appropriate sense of place. It may be that there

was an insufficient range of skills in the original project team, and insufficient consultation may have taken place between the responsible authority and the developer to ensure a worthwhile outcome. The press of both the local area and metropolitan Melbourne record the concerns raised by many people about the emerging structure in the hands of the people who were originally granted the lease, which was approved by the former City of St Kilda and the former state government on 1 October 1992.

I take this opportunity to recount a couple of issues concerning the history of the subject site that shows the importance of the area as a recreational hub for many people in Melbourne and beyond. In 1855 Captain Kenny established his bathing ship baths on the St Kilda foreshore. Apparently the site was visited by many people from rural and regional Victoria as they made their way to Melbourne, some with the prosperity they had established on the sheep's back. When they made their way to the precinct they were able to enjoy the amenity and facilities of the foreshore environment.

In 1930 when the new St Kilda baths were built they were hailed as the most modern baths in Australia. They cost £60 000. A wide variety of activities were conducted there, from the use of the gymnasium and the hot sea water baths, including separate bathing facilities for men and women. Unfortunately, a fire in 1926 led to the redevelopment of the baths in 1930, and subsequent difficulty was encountered when in 1934 extensive storms lashed St Kilda and Marine Parade was flooded.

According to some reports in the area newspapers were delivered by boat, presumably from the local newsagent. In 1938, to try to make ends meet, the former City of St Kilda established mixed bathing within the precinct to gain increased use of the facilities. By 1949, the lack of resources available during the war years to maintain the baths and the surrounding area meant that they were in such a poor state that a young lad was caught in the pickets and drowned. Apparently swimmers were injured by falling pieces of concrete as sections of the walls collapsed. It was noted that the City of St Kilda had spent £104 000 in 21 years.

Debate interrupted pursuant to sessional orders.

The DEPUTY SPEAKER — Order! The time for government business has expired. The honourable member for Sandringham will get the call the next time government business returns. Under sessional orders the time for the adjournment of the house has now arrived.

ADJOURNMENT

Geelong Clay Target Club

Mr SPRY (Bellarine) — I refer the Minister for Environment and Conservation to the Geelong Clay Target Club and its continuing occupation of its existing premises at Limeburners Point in East Geelong. Recently the matter was brought to my attention by the president of the club, Mr Ron Green, and the club's honorary solicitor, Mr Ian Knox. The gun club was formed in 1867 and has occupied its present Crown land site since early this century.

The Department of Natural Resources and Environment advised the club some time ago that it would be required to vacate the site for environmental pollution reasons because of lead shot contaminating the foreshore and intertidal zone at the foot of the cliff from which members shoot. Consequently, the City of Greater Geelong is cooperating with the club and the DNRE in trying to locate an alternative site. The exercise has stalled for a number of reasons and has left the club with nowhere to go and a deadline that has expired.

The club has a proud tradition and has provided a venue for many top trapshooting champions including current Olympians Michael Diamond, Russell Marks and Natasha Lonsdale. The City of Greater Geelong understands the club's predicament and through the good offices of Cr 'Stretch' Kontelj passed a unanimous motion last week asking the minister to grant an extension of occupancy of the current site. The club is currently in no-man's-land.

I ask the minister to address this request for an extension of time as soon as possible and consider extending the club's shooting permit until at least April next year on the premise that, one, any additional pollution will be minimal considering the fact that the club has operated on that site for an extended time; and two, that the club is keen to cooperate with the department and to vacate the premises as soon as a satisfactory alternative club site can be identified.

Rail: Shepparton–Numurkah–Cobram service

Mr JASPER (Murray Valley) — I refer the Minister for Transport to the provision of passenger rail services in country Victoria. As a long-time supporter of passenger rail services in country Victoria I was most interested to hear the comments of the minister recently when he indicated that the government would be providing $550 million toward an $800 million project for the development of passenger rail services

for Ballarat, Bendigo and the Latrobe Valley. What disappointed me as an honourable member representing north-eastern Victoria was that there was no mention of passenger rail services in north-eastern Victoria and the Goulburn Valley.

I am of the view that improved passenger rail services in north-eastern Victoria should be included in the government's program. I applaud the fact that it is putting money into country passenger rail services, but there is a need to upgrade the services that are being provided in north-eastern Victoria to draw passengers back into the passenger rail services and to reduce the number of cars on the roads. The Hume Freeway is a good road, but we need to look at what we can do to provide an upgraded rail service in the area.

I also refer the minister to the passenger rail service between Shepparton, Numurkah and Cobram. That service was disbanded by the Liberal government back in the late 1970s and early 1980s. I applauded the Labor government in the 1980s when the then Minister for Transport, Steve Crabb, reinstated the passenger rail service. It was upgraded through to Cobram from Shepparton. With the change of government in the 1990s and the revision of passenger rail services that service was curtailed.

It needs to be recognised that there is a need to extend the passenger rail service as part of the services into north-eastern Victoria and the Goulburn Valley. I seek from the minister an indication of where north-eastern Victoria and the Goulburn Valley fit into the government's program in relation to the upgrading of passenger rail services and the provision of a fast-rail service from those centres, as indicated by the Minister for Transport, into metropolitan Melbourne. If the government upgrades the services from Cobram, Numurkah and Shepparton to Melbourne, and the main passenger rail line between Melbourne, Seymour, Benalla, Wangaratta and Wodonga, it should result in a much improved service. I ask the minister to consider providing funding to north-eastern Victoria and the Goulburn Valley to upgrade the passenger rail services in the future to give us what we deserve, a high-grade service into and out of Melbourne.

Housing: women

Ms OVERINGTON (Ballarat West) — My question is to the Minister for Housing.

Mr McArthur interjected.

Ms OVERINGTON — It is not a question; I take the honourable member's point. I seek the advice of the Minister for Housing. As part of the regional consultations for the Victorian homelessness strategy, the Grampians region of the Department of Human Services launched the Grampians regional housing strategy. I am pleased to note that more than 60 community, non-government and government agencies are involved in this important regional initiative. In consultation with the community, the strategy will develop a common vision for housing in the Grampians region. It will bring together information on current and future housing needs and develop a range of strategies, options and action plans.

On 24 August I was pleased to accept the minister's invitation to chair an advisory committee to develop appropriate housing policies for all Victorian women. Can the minister please advise the house of this initiative and of the government's actions to address the specific housing needs of women, both in the Grampians region and throughout Victoria?

In my appointment as chair of this important advisory committee, I bring to it some history. I was the inaugural chairperson of the Central Highlands regional housing council from 1984, and I held that role for many years. As a Ballarat city councillor I was also chairperson of Ballarat's 20-20 housing strategy, which was adopted by the Ballarat City Council and is now used as a framework for incorporating its planning issues. The strategy and the new advisory committee will look at the important needs of housing issues for women: homeless women with or without children; women who have been released from prison; women who have suffered domestic violence; women who have suffered sexual abuse — the list goes on. As we move around the state, we must consult, consult, consult with the women of Victoria to determine their needs for better policies in the future.

Boneo Primary School

Mr DIXON (Dromana) — I refer the Minister for Transport to the speed limits on Boneo Road, Rosebud, outside the Boneo Primary School, which is located on the corner of Boneo and Limestone roads. I ask the minister to take action to reduce the speed limits on both roads, especially Boneo Road. Those main roads intersect outside the school, and the current speed limit is 100 kilometres an hour. The area is flat and the traffic, especially along Boneo Road, travels at the full limit of the law.

Over the past decade Boneo Primary School has grown considerably. Ten years ago it had only about 70 students and now there are more than 300. That has certainly increased the car and pedestrian traffic before and after school.

Because it is in an isolated rural area probably more than 95 per cent of the children are driven to school and the area is crowded and dangerous both before and after school. The local shire council in cooperation with the school council has undertaken traffic management measures to facilitate a safer environment for the students by providing off-street parking at the local oval, and together with Vicroads has provided dedicated right-hand turn lanes.

The school is located at an intersection that involves a popular route to local surf beaches. On numerous occasions surfies trying to catch a good wave at the local beach rip around the corner at more than 100 kilometres an hour, or brake late. The road has gravel shoulders, and 300 schoolchildren and 200 cars make a dangerous mixture.

Vicroads has reviewed the speed limits at the intersection and sees no need to reduce them. However, after hearing the description of the intersection, Madam Deputy Speaker, I am sure you would agree that a limit of 100 kilometres an hour is too high to ensure the safety of schoolchildren and motorists. I cannot think of another Victorian school with more than 300 students that has a road on its boundary with a speed limit of 100 kilometres an hour.

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

Public notaries: appointment

Mr LIM (Clayton) — I refer the Attorney-General to the government's commitment to modernising the legal profession, and raise with him the issue of public notaries in Victoria.

As the house will be aware, public notaries perform the valuable role of certifying the authenticity of legal documents for use overseas. My electorate of Clayton is both cosmopolitan and multicultural and many constituents require that service. In this era of globalisation and international trade the importance of notaries is increasing. However, the system of appointment of notaries in Victoria has not moved with the times. To become a notary in Victoria a person must apply to the Archbishop of Canterbury, who must officially seal the document of appointment. Such a requirement is inconsistent with Victoria's independence from Great Britain and forces applicants to go to the expense of obtaining legal representation in England.

I am also concerned that an applicant must have the support of the Society of Notaries of Victoria before he or she can apply to become a notary. The society's decisions are neither open nor reviewable, and it requires that applicants have practised as a principal lawyer for 10 years or more. In Tasmania and New South Wales the requirement is only five years. The Attorney-General will be aware that in most other states applications to become notaries are considered by the relevant Supreme Court. I have a situation in my electorate where a gentleman from Hong Kong of high standing in the legal profession in New South Wales applied to become a notary in Victoria but his application was not approved.

I ask the Attorney-General to address the anomaly that exists, not only in the case I have referred to but because the Victorian system is behind those that operate in other states of Australia.

Workcover: Mildura claim

Mr SAVAGE (Mildura) — I refer the Minister for Workcover to a communication I have received from Andys Engineers Mildura Pty Ltd, which is a good, medium-sized engineering firm in Mildura. In February the company advertised for a boilermaker and interviewed candidates, who completed an application form. Part of that form was a declaration that the prospective employee had no prior Workcover claims. The position was awarded to a 37-year-old man who asserted that he had no prior claims history.

Five months later the employee complained of a sore neck, which was diagnosed by the company's doctor as an aggravation of a pre-existing workplace injury. On being interviewed by the doctor he admitted to falsely answering the questionnaire and was dismissed for dishonesty and handed a termination payout. However, prior to the dismissal he had lodged a Workcover claim. The Victorian Workcover Authority admitted the claim, thereby forcing the company to continue paying the employee at the rate of $574 a week. The value of the claim is now a record sum of $67 682.40. The authority has further required the firm to prepare a return-to-work plan and nominate a return-to-work coordinator, and ultimately to re-employ the person. The penalty for non-compliance is a hefty fine.

Andys Engineers Mildura is a credible company and this type of draconian activity by the Victorian Workcover Authority is unacceptable. I ask the minister to review the situation and ensure the claim is not fraudulent. I also ask him to ensure that the company is not further burdened with significant Workcover levies. It has a long history of providing good employment in Mildura and a great reputation.

I ask the minister to conduct an urgent review of the situation. I know there are two sides to every story, but on the surface it appears that the company is being subjected to a fraudulent Workcover claim.

Housing: tenant charges

Mrs SHARDEY (Caulfield) — I raise for the attention of the Minister for Housing a matter concerning a report that appeared on 26 September in the *Hamilton Spectator*. It claims:

> Public housing tenants are being ripped off by the Office of Housing according to Hamilton-based consumer affairs advocate Geoff Barker.
>
> The OOH charges $252 to plaster six small holes in a wall.
>
> A Hamilton tenant was charged $162 to take a small load of garbage to the tip.
>
> Mr Barker said the situation was so bad he raised the possibility of forming a group to protect tenants' rights.
>
> …
>
> Mr Barker said many public housing tenants were 'disillusioned' at the time OOH took to do repairs and didn't bother to report minor wear and tear problems.

Mr Barker went on to say that tenants were unaware that the failure to report problems had got them into trouble. The tenants were unaware that if they did not have documented evidence of a request for repairs during their tenancy they would be charged for the cost of repairs after the final inspection.

Mr Barker gave eight examples of situations where he believed the Office of Housing had ripped off tenants. The article continues:

> A small load consisting of a glad bag, empty beer box, small table and bird cage was taken to the Hamilton tip from a Shilcock Street address. Mr Barker said the time taken would have been no more than an hour. Charge to tenant — $162.
>
> …
>
> OOH replaced a 12-month-old carpet in the whole of the house claiming it was stained. Mr Barker said the tenant accepted the cost but queried why the 12-month-old underlay also had to be replaced.

A representative for the *Hamilton Spectator* contacted the Office of Housing area manager in Warrnambool, was referred to Geelong and was finally referred to Melbourne. A spokesman there said that he would get back to the *Hamilton Spectator*, but of course by the time the paper went to press there was no answer. However, the spokesman pointed out that the Office of Housing had its hands tied because the fees were what contractors charged the Office of Housing.

The minister and the Office of Housing have the responsibility to manage these contracts. I again ask the minister to investigate the situation and find out why public housing tenants are being charged exorbitant amounts for minor repairs after they have left their tenancies.

I ask the minister to investigate the matter and ensure that through the Office of Housing she takes appropriate action to remedy this situation.

Housing: eastern suburbs homeless

Mr ROBINSON (Mitcham) — I raise with the Minister for Housing an issue concerning a serious shortage of crisis accommodation in Melbourne's eastern suburbs. The issue goes to the heart of homelessness, which is a problem that confronts this state. I am seeking the minister's assistance in ensuring that additional resources are provided to address this problem in the eastern region.

For many years the eastern suburbs have had the reputation of being in less need than other parts of the state for services such as crisis accommodation. Homelessness has not been considered to have been as big a problem in that region as it has been in other parts of the city of Melbourne and the state, but when one inquires and is familiar with what goes on in the eastern region it is apparent that that is an illusion. Homelessness is a serious problem in the eastern region; it is just not as widely recognised as it might be in other areas.

There are a number of groups that can provide advice about the extent of this problem, such as the Eastern Emergency Relief Network, which does a wonderful job, and St Vincent de Paul, and people such as John Bibby, who is with the Youth Adult Bureau based in Nunawading. All of them would say that homelessness in the eastern suburbs is becoming a more serious issue and requires a greater government response than has been apparent in recent years.

Housing and crisis accommodation resources have not kept pace with demand in the eastern region through the 1990s. That point is demonstrated if one compares the waiting lists in that region with the general waiting lists. At the time when the previous Minister for Housing said that the waiting list for public housing was very short I had people ringing my office saying that they had been waiting for eight years.

Some groups have done outstanding work, and I have already mentioned them. Others such as the Wesley Community Contact Centre in Ringwood have advised that they lack the resources to deal with this problem

adequately. On the one hand I congratulate the minister on the job she has done in recent months in appointing people such as Hal Bissett — with a significant ecumenical housing background — to positions of importance to address the problem, but on the other hand I urge her to go further and make sure resources are available in the eastern region of Melbourne to deal with this pressing and serious social problem.

School buses: review

Mrs FYFFE (Evelyn) — I refer the Minister for Education to the review of school bus services that is currently being undertaken. I first raised the issue of school bus problems in my electorate on 23 November 1999. I wrote to the Minister for Transport on 28 February regarding the school bus review and I received a response on 5 May telling me that the letter had been sent to the Minister for Education.

On 14 June I received a letter from the Parliamentary Secretary for Education, Employment and Training, the Honourable Theo Theophanous in the other place, informing me that the Department of Education, Employment and Training was finalising the composition of the school bus review panel. The letter states:

> … the review process is currently being finalised and it is anticipated that a press announcement will be made shortly inviting submissions to the review during term 2.

That did not happen.

Finally, during the term 3 school holidays I received notice of meetings to be held on the school bus review in late October — 11 months after I first raised the issue!

Enrolments for 2001 are well under way. Again parents face uncertainty about whether their child has a seat on a bus to get to school. Again, grade 6 children are being prepared for and are becoming excited about the big step of going to a senior school — many from very small schools — but they and their concerned parents do not know whether they will be able to attend the same schools as their siblings. There is no access to public transport for many of these children.

Last year the school bus debacle dragged on until the end of the first term this year. I urge the minister to take control and hasten the process in order to save the children from unnecessary worry and concern about this big step as they approach their senior school years.

Public transport: western suburbs

Mr LANGUILLER (Sunshine) — I refer the Minister for Transport to the long-overdue need for an outer western suburbs transport strategy. I seek the minister's assistance to ensure that the long-overdue comprehensive strategy is put in place in the western region to address the needs that have been raised with me consistently over the past two years, during the time the government was in opposition and since coming to office. I seek action for the purpose of ensuring there is an integrated road and public transport plan.

The residents of the western region have raised with me concerns about ensuring that public transport grows with population growth. They have asked me to ensure there is a principal bicycle network, which the people in the western suburbs are entitled to but do not have. They have raised with me issues pertinent to the need to have a logical and viable local bus and rail feeder network.

All those issues have been raised with me again over the past few months. I seek action from the minister to ensure that the local centres, including multimodal facilities and employment centres, are well serviced by public transport and public infrastructure. It is a matter of ensuring that the right balance is struck between public transport and infrastructure. For that purpose, I similarly seek action to have the electrification of the rail line to Sydenham undertaken, along with the upgrading of the Princes Highway in the western suburbs.

When in opposition the government said it would fix up the mess that was left behind. The people in the western suburbs are particularly worried that nothing has happened about the balance that the government needs to get right between public transport and infrastructure. The then opposition said it would get things moving. I have sought eight actions from the minister. I put on the record that it is important that we improve the existing public transport services and infrastructure. It can be done. If representatives of government authorities talk to each other frequently we can get things back on track.

The DEPUTY SPEAKER — Order! The honourable member's time has expired. The honourable member for Wantirna has just under 2 minutes.

Police: after-hour call-outs

Mr WELLS (Wantirna) — I raise with the Minister for Police and Emergency Services the provision of police supervision at night in rural Victoria. I urge him

to take immediate action on the current budget for police in rural Victoria. I refer to the need for police to be called out after hours. Victoria is divided into two for police purposes and two inspectors supervise the whole of rural Victoria.

I refer to a case of three crayfishermen who were drinking at a Mount Buller hotel. When they were refused more drinks they went to another hotel, but subsequently returned to the original hotel, where they assaulted two security guards. At 3.00 a.m. the owner of the hotel phoned 000 and was put through to one of the two inspectors.

During the winter season the Mount Buller police are stationed only 500 metres down the road from the hotel in question but work only from 9 to 5, Monday to Friday. The main problems are alcohol related and arise on Friday and Saturday nights, after people have done a bit of skiing. In order for the police at Mount Buller to be called out after 5.00 p.m. they need the authorisation of one of the inspectors. The night inspector argued for 10 minutes with the owner of the hotel about why he should wake the police officers to attend, even though two of the security staff had been assaulted. He said he had a budget to protect and that he would have to consider very carefully whether he would send the officers out.

I am not for a moment blaming the police officers or commenting on the police numbers, but I ask the minister to consider the police budget for calls that are made after business hours in isolated places so the public and their property can be protected. As I said, the issue is serious and the minister must consider supplementing the police budget to allow police to attend call-outs after hours in isolated areas.

Responses

Mr HULLS (Attorney-General) — The honourable member for Clayton raised a matter on behalf of a constituent, Mr Sze Ping-fat, who has actually applied to become a public notary and has had some difficulties. I can assure the honourable member and the house that as part of its commitment to modernising the legal profession the Bracks government is addressing what can only be described as the outdated application system for notaries.

As the honourable member indicated, the importance of public notaries is likely to increase with the expansion of globalisation. All honourable members would agree it is amazing that in 2000 Victorians who wish to become public notaries must still apply to the Archbishop of Canterbury in England. Victoria and Queensland are the only states in Australia where that anachronism remains; in all other states the respective Supreme Court makes the appointments. As for the requirement imposed by the Society of Notaries of Victoria that an applicant must have practised as a principal lawyer for at least 10 years, I remind the house that such a stringent precondition does not exist, even for appointment to the judiciary or the magistracy.

In 1996, as part of its review of the Evidence Act, the Scrutiny of Acts and Regulations Committee prepared a report on the role and appointment of notaries. That report recommended that the Victorian Supreme Court should assume responsibility for appointing notaries and that applicants must have been practising as lawyers for at least five years. I inform the honourable member and the house that currently officers from my department are consulting with the Supreme Court, the Law Institute of Victoria and the Society of Notaries of Victoria with a view to introducing in the autumn sessional period of next year legislation that will modernise the appointment of notaries in Victoria.

Ms PIKE (Minister for Housing) — The honourable member for Ballarat West raised with me the development of a women's housing policy and detailed the needs that many women have in both the private and public sectors, including the community-managed sector, for access to affordable housing. The primary focus of the policy that the government is developing will be to improve practical outcomes for Victorian women, to ensure that they have that access, and to ensure it fits within their needs and budgets.

The government knows, as the honourable member detailed, that a range of unique issues faced by women may be barriers they have to face in seeking housing. Single mothers in particular often find it difficult to obtain access to private rental accommodation.

The first and most important step to achieving the goal is the establishment of a women's housing policy committee. I am grateful that the honourable member for Ballarat West has agreed to chair that ministerial advisory committee. She has been invited to do so because of her keen advocacy in the area for many years. The committee will include other members who represent specific issues confronting public tenants, women in prison, women with disabilities, ethnic women, indigenous women and women from rural and regional Victoria.

Apart from representing the needs of those women, the committee will consider encouraging other females to be involved in the housing industry, particularly in the fields of real estate and construction. I am confident

that over time the committee will develop a number of strategies to enhance the participation of women generally in the housing sector.

The honourable member for Mitcham reminded the house that homelessness often occurs in outlying metropolitan areas, and that there has been an increase in homelessness in the outer eastern suburbs. Because of the inadequate services in those areas homeless people have drifted into the inner city and found support in the accommodation available there. It is for that reason the government has, in its most recent budget, allocated an extra $17.2 million over four years for growth and wage funding through the supported accommodation assistance program to improve services for homeless people.

The government has also announced and is well on the way towards a Victorian homelessness strategy. As a first step in that strategy the government has committed almost $7 million to develop new crisis accommodation centres in outer suburban and regional areas, so the outer eastern suburbs will benefit. A new service, to be based in the Ringwood–Mitcham area, will provide assistance to 18 households at any one time and will have a major impact on homelessness in that area. The Ringwood–Mitcham program will form one of the beginnings of the government's plan to address homelessness. The capital cost of $2.3 million will be drawn from the Office of Housing, and the estimated operational costs of $450 000 a year will be met by the new funds I mentioned earlier.

The honourable member for Caulfield quoted extensively from an article from the *Hamilton Spectator* which made a number of allegations about the role of the Office of Housing in providing repairs for public housing tenants. The allegations were that people were being ripped off and that repairs were taking far too long, and the article mentioned the length of time being taken to do repairs and also raised concerns about the cost of those repairs. The allegations are of concern to me and I will seek a briefing from my staff and provide a response to the honourable member.

It may be timely to remind the house that if the commonwealth government had not refused to index the commonwealth–state housing agreement over the past 10 years we might not be faced with the substantial funding difficulties we have at the moment, and that is why the Bracks government has put $94.5 million of new money into public housing to provide services and support for people in public housing and help Victoria on the road to rebuilding the state's public housing system.

I am happy to inquire about the matter and get a briefing from my officers about the allegations to determine whether there is substance in them. If necessary we will take action to ensure that people are not ripped off and that they receive timely service from the Office of Housing.

Mr CAMERON (Minister for Workcover) — The honourable member for Mildura asked that a matter concerning Workcover be examined. The honourable member has provided me with additional material to give assistance in that regard. I will follow the matter up and report back to him in the normal way.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Bellarine raised the fact that the Geelong Clay Target Club wants a further extension of time before vacating its site. It is my understanding that the club has had many extensions over several years to the requirement to vacate the site — which, interestingly, was made by the local council. The council decided the club should be found another site and that it was in an inappropriate area, being surrounded by a public park. That decision was made several years back.

Following that decision my department offered to decontaminate the seabed, and work to assess what is needed for the clean-up is about to start. It is very difficult to do such work when a gun club is operating on site. People need to move around to make their assessments.

My department will consider allowing the club to continue during the current planning phase, but the club will certainly not be able to have sole occupancy, because people will need to access the site.

Once the contractors start it will not be safe, either for the club or for the contractors, for both groups to remain on site. The club members need to be aware that there will be heavy machinery on site. Contractors cannot operate while shooters are on site.

The project is due to start by April, not to finish by April as has been claimed around Geelong. The government will look at some sort of cooperative arrangement during the planning phase of the decontamination project.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Wantirna raised the matter of the police presence around Mount Buller at night and referred to an incident that occurred there some weeks ago. The honourable member has missed the boat again. The issue has already been drawn to my attention by the

honourable member for Benalla and is being looked at at the moment.

The honourable member for Wantirna also misunderstands how the police resources are allocated. They do not have a night and day budget. A global number of police officers must be allocated according to operational priorities. Unfortunately during its last four years in government the party of the honourable member for Wantirna cut police numbers by about 800 through a process of deliberate attrition. He sat on the government benches and said nothing as hundreds of police officers left the force and were not replaced. It is hypocritical of him to walk into the house tonight and talk about the absence of police officers at Mount Buller.

Mrs Shardey interjected.

Mr HAERMEYER — The government is replacing the police officers that your party got rid of!

I do not know what the honourable member for Wantirna was doing during the last four years. Maybe he was playing with his thumbs or perhaps his tongue was so busy licking Jeff's jackboots that he was unable to speak. Not once did he raise the issue of police numbers. The government is increasing police numbers not by 8 but by 800 — 100 times more than the percentage of the popularity of the Leader of the Opposition — over the course of the Parliament.

The interest of opposition members in police numbers is noteworthy considering they could not find a single word to say about the issue when they were sitting on the government benches. It is nothing but appalling crocodile tears. I am confident that the issues at Mount Buller and other issues across the state will be addressed as the additional police come on line. The constituents at Mount Buller and throughout the Benalla electorate can be thankful that the honourable member for Benalla has been vigilant at all times in these issues and when they are addressed it will be no thanks to the honourable member for Wantirna or any of the opposition members.

Mr BATCHELOR (Minister for Transport) — The honourable member for Dromana raised the issue of the road conditions surrounding Boneo Road Primary School in Rosebud. He indicated that the primary school has about 300 students and enrolments have increased dramatically over the past 10 years. It is surrounded by roads with speed limits of 100 kilometres per hour, and through his knowledge and experience of his electorate the honourable member indicated that most motorists, including surfies as I understand it, drive at speeds close to but I hope not in excess of the speed limits in the surrounds of the school on the corner of Boneo and Limestone roads.

The honourable member for Dromana wants to know what the government will do. It is interesting that he should raise the matter now when the previous government had the opportunity to address the issue over the period when there was a dramatic build-up in student numbers. Nevertheless if he says it is a local issue, I will ask Vicroads to see if there are any particular problems with access to the school for parking or drop-off that might be addressed. The safety of schoolchildren going to and from school is an important issue for the Labor government.

Through the school council and the honourable member for Dromana, I ask the school community to see if there are any specific issues they would like the government to address. I recommend it make approaches through the black spot program, which is designed to deal with those sorts of issues. The black spot program is a $240 million program. It is a one-off safety dividend from the Transport Accident Commission, and the government is seeking nominations from individuals and community organisations around Victoria.

Mr Dixon — They've done that.

Mr BATCHELOR — It is a terrific program, as honourable members on both sides of the house will attest. If the Boneo Road school community has a specific issue it would like addressed rather than the generalised issue that it was prepared to live with during the seven years of the previous government, this government would welcome its specific comments and suggestions.

Ms Asher interjected.

Mr BATCHELOR — The honourable member for Brighton says the government has knocked them back.

The DEPUTY SPEAKER — Order! The Deputy Leader of the Opposition should settle down. The Chair has heard more than enough from her this evening.

Mr BATCHELOR — The Deputy Leader of the Opposition appears to know something that I am not aware of. I will investigate whether the application has been knocked back and advise the school community if that is the case or whether she is stabbing in the dark and trying to make cheap political points. I suspect it is the latter. However, I will check the veracity of those claims and get back to the school community.

The honourable member for Murray Valley raised with me train services to north-eastern Victoria, particularly those along the principal corridor through the north-east to Wangaratta and Wodonga, and the other principal line through that area to Shepparton. I advise the honourable member that the Shepparton rail services and the coach services beyond will shortly be up for refranchising under the privatisation arrangements of the previous government of which he was, I suggest, a sometimes reluctant or recalcitrant member, particularly given the closure of country rail services and the disastrous impact that they had on rural communities.

Those rail services to Shepparton are due for refranchising over the next 12 months, and the government will be making announcements during that period about how that refranchising process will proceed. I am sure the process will take into account the needs of the people of Shepparton and beyond and provide them with the most appropriate form of public transport. I remind the honourable member of the comments that have been made to me by local government, particularly about the request for more appropriate bus services to take people into Shepparton at a more convenient time. The government will consider all those issues because it understands the importance of public transport to rural Victoria.

In relation to that north-east corridor through Wangaratta and Wodonga, Madam Deputy Speaker, you would be aware that it is the main north–south link through to Sydney and that it is currently being considered by the federal government for the provision of fast train services as an extension of the proposal to provide fast train services between Sydney and Canberra. The government will encourage the federal government to provide those services, as it would clearly be a more popular and better used corridor than the Canberra–Sydney service. The government hopes that as a result of its recent deliberations the federal government, through the Minister for Transport — a member of the National Party like the honourable member for Murray Valley — will be able to deliver through Wodonga and Wangaratta to Melbourne the services that it has been able to provide to the national capital in the Australian Capital Territory.

The people of Canberra, the bureaucrats who occasionally visit there and the parliamentarians who visit there on their parliamentary journeys are well serviced by a whole range of community services, much more so than the people of Wangaratta, Wodonga and the intervening towns. I hope the National Party's federal Minister for Transport is aware of that and will be able to assist the people of Victoria. There is a great disparity between the provision of federal transport services, whether they be road or rail, to the people of country Victoria — which is a surprise, given that at the national level they are provided by the National Party.

The honourable member for Sunshine raised with me the outer metropolitan strategy that is being undertaken by my department. Consideration is being given to a long-term transport infrastructure development in the outer western region of Melbourne to be jointly developed by the municipalities of Melton, Brimbank and Wyndham in conjunction with Vicroads. Part of that strategy is an attempt to identify those areas that are growing in population at significant levels. Some estimates suggest that the population might grow by 40 per cent in the residential areas in the region under study.

The strategy will attempt to set the transport needs in a regional context and work with local government and the Victorian government in developing local and statewide plans. It is also an attempt to provide future directions for the development of transport infrastructure in the region over the next 20 years. It is designed to establish the initial priorities of the longer term planning needs and seeks to achieve a number of laudable objectives which I know the honourable member for Sunshine has been very active in supporting. In particular, the strategy seeks to ensure an integrated road and public transport plan to facilitate the growth of public transport patronage; to enhance the coordination of public transport services; to ensure that public transport services develop in response to the growth in population; to provide for interregional travel; and to provide for the development of a principal bicycle network, which was specifically referred to by the honourable member.

The project is designed to support a logical and viable local bus and rail feeder network; to identify key freight links to the markets of the industrial area that so typifies the west of Melbourne; and to ensure connections to support local activity centres, multimodal facilities and employment centres. Many of the key features that were identified by the honourable member for Sunshine are a key part of the outer western region study. The government believes that under its guidance Vicroads, together with the local government authorities in Melton, Brimbank and Wyndham, will be able to provide answers to those important threshold questions that are at the core of that study.

The honourable member for Evelyn raised with the Minister for Education the school bus review. That is an issue the honourable member has pursued with me, with the Minister for Education, and, through the

minister, with the parliamentary secretary, Mr Theo Theophanous, who is carrying out a review from the education department's perspective of the bus system that provides transportation to and from schools. I hope the parliamentary secretary will be able to conclude his deliberations and make recommendations to the Minister for Education before the end of the academic year or, if that is not possible, before the commencement of the new academic year.

The review will try to identify the current and future needs of schoolchildren travelling to and from school. The government encourages other members of Parliament, as the honourable member for Evelyn has done, to make a specific and detailed submission to the review.

The SPEAKER — Order! The house stands adjourned until next day.

House adjourned 10.59 p.m.