PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

21 November 2000

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

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

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TUESDAY, 21 NOVEMBER 2000

Tuesday, 21 November 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.06 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Schools: funding

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to her comments of last week that 'principals have never been so happy and cannot believe how well they are doing and how much money they have'. Are these the same happy principals who yesterday voted 197 to 3 to support a motion of no confidence in the minister?

Honourable members interjecting.

The SPEAKER — Order! I ask opposition members to come to order to allow the minister to answer the question.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Benambra!

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. I particularly ask the honourable member for Doncaster not to disrupt proceedings.

Ms DELAHUNTY (Minister for Education) — I am pleased to announce to the house that we have reached agreement with the Victorian Association of State Secondary Principals. The secondary principals association has agreed to implement the government's new funding formula. I shall refer to the statement that has been agreed to by the principals.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Wantirna! I ask the honourable member for Doncaster for the second time today to cease interjecting.

Ms DELAHUNTY — The secondary principals association has accepted the commitment of the Premier and the Minister for Education that no school will be worse off. The secondary principals association has agreed that the transitional arrangements offered by the minister in Parliament last week will be available. It has also agreed that under those arrangements no school will be disadvantaged and that there will be no reduction in programs or staffing as a result of the new funding model.

Mrs Peulich interjected.

The SPEAKER — Order! The honourable member for Bentleigh!

Ms DELAHUNTY — As a result of the 5 per cent increase — —

Mr Cooper interjected.

The SPEAKER — Order! The honourable member for Mornington!

Ms DELAHUNTY — Clearly, the truth that is discomfiting the opposition is that as a result of the 5 per cent increase in funding that the Bracks government is putting into school global budgets, the overwhelming majority of schools across Victoria are better off and are welcoming the funding model. It is good public policy.

Mrs Peulich interjected.

The SPEAKER — Order! I ask the honourable member for Bentleigh for the second time today to cease interjecting.

Ms DELAHUNTY — It is good public policy, as both the Premier and Professor Peter Hill have said. It implements the equity policy that the previous government did not have the courage to implement. It puts all Victorian schools on the same footing to attract and recruit top staff, and it puts an end to the iniquitous situation whereby high-cost schools in easy-to-staff areas of Melbourne were subsidised by the low-cost schools in some areas of regional Victoria and the western and northern suburbs. At last, no school will be worse off. In fact, the overwhelming majority of schools will be advantaged.

Last week in Parliament the honourable member for Warrandyte made the spurious claim that under the funding model Heathmont Secondary College appeared to be disadvantaged to the tune of $185 000. The department advises me that despite the declining enrolments at the school, it could be advantaged by around $209 000 under the new model.

Honourable members interjecting.

The SPEAKER — Order! I ask both sides of the house to cease interjecting in that manner. That level of interjection is not acceptable.

Ms DELAHUNTY — It is distressing to share with the house the fact that the figure the honourable member provided to the house was out to the tune of $400 000! Members opposite never got it right on education when they were in government, and they will not get it right now they are in opposition.

It is a good funding policy. It will allow all schools to have the funding and the flexibility to attract top teachers so they are able to deliver on this government's education priorities — namely, higher retention rates, higher literacy and numeracy standards and lower rates of truancy. Why should those schools — for example, those in Broadmeadows — not have the same ability to attract top teachers as the schools in the eastern suburbs? Under this funding model they will have the ability to do that.

Walk for Reconciliation

Ms LINDELL (Carrum) — I refer the Premier to the importance of reconciliation between indigenous and non-indigenous Australians and ask him to inform the house of the details of Melbourne's Walk for Reconciliation.

Mr BRACKS (Premier) — I thank the honourable member for Carrum for her question. As most honourable members would now be aware, Melbourne's Walk for Reconciliation will be held on Sunday, 3 December, and will begin at 8.00 a.m. from Flinders Street station. It will be the culmination of reconciliation year, which has been a feature of the year 2000. The government's wish is to make it one of the biggest walks to take place in Australia, even surpassing the one in New South Wales.

The walk is a unique opportunity for all Victorians to demonstrate their commitment to the reconciliation process and to build not only on other successful walks but also on the spirit of the Olympic movement, particularly the Olympic Games opening and closing ceremonies, which focused on indigenous Australians and the process of reconciliation.

It is pleasing to note that on several occasions Parliament has passed bipartisan motions supporting reconciliation and offering an apology to those indigenous Victorians who were affected by the stolen generations of the past. It is the only Parliament in Australia in which indigenous Victorians have addressed the house from the floor of the chamber on their history and hopes for the future, to which both government and opposition parties were able to respond. It was one of the most moving occasions in Parliament this year.

The government has also begun the process of working in partnership with indigenous Victorians in a broader and more practical way through the new justice agreement and the new council on Aboriginal affairs, which I chair as Premier. I advise the house that the Victorian government has recently entered into a landmark protocol with the Aboriginal and Torres Strait Islander Commission (ATSIC) to ensure the settlement and resolution of native title claims in Victoria. I congratulate the Minister for Aboriginal Affairs and the Attorney-General on their efforts in securing that landmark agreement, which will ensure that native title matters are, as much as possible, dealt with outside the court system through mediation and agreement.

The Walk for Reconciliation is an important step in this process and for the future. It is not a walk organised by the Victorian government, although the government supports it and will back it as much as possible. In keeping with the bipartisan nature of the matter I have written to the leaders of the opposition parties inviting them to join me at the front of the walk. I have also invited all honourable members to participate in the walk, together with their friends, associates and anyone else they can gather; all Victorian federal members, including ministers and shadow ministers; and church, union and business leaders. Altogether I have written more than 1000 letters.

I urge all Victorians to join me in the walk on 3 December and urge the leaders of the opposition parties to join me at the front of the walk to demonstrate the bipartisanship of the Victorian Parliament on this important symbol of reconciliation and the future.

Schools: funding

Mr RYAN (Leader of the National Party) — Given the consistent reports from country Victorian secondary colleges of the government's new funding formula creating chaos in arrangements for curriculum delivery, staff promotion and recruitment, and inevitably resulting in the removal of flexibility in school administration, will the Minister for Education explain to country school communities why this flawed ideological experiment should not be abandoned or at least delayed until next year?

Ms DELAHUNTY (Minister for Education) — I thank the Leader of the National Party for his ill-informed question. I repeat the words of the agreement from the secondary principals association:

> The parties agreed that under these arrangements —

that is the new funding formula —

> no school will be disadvantaged and there will be no reductions in programs or staffing as a result of the new funding model.

It goes on:

> Current levels of resources and flexibility will be maintained.

I should have thought the Leader of the National Party would be interested to see fairer and more equitable funding for the schools in areas his party purports to represent. In the past, some of the smaller regional schools have been subsidising the easier-to-staff schools, particularly in the eastern suburbs of Melbourne.

For example, in the electorate of the honourable member for Wimmera, according to the new funding model Kaniva Secondary College will be advantaged to the tune of some $46 000. Moving to Gippsland, where schools have low retention rates and where the Bracks government is committed to putting more resources into schools so that young people may be kept at school or in training, Cann River P–12 college should receive an advantage of around $75 000 under the new model. Irymple Secondary College, near Mildura, should receive an advantage of around $77 000.

Mr Cooper interjected.

The SPEAKER — Order! For the second time I ask the honourable member for Mornington to cease interjecting.

Mr Maclellan — On a point of order, Mr Speaker, the Minister for Education is quoting from a printed list of schools and I ask that she be requested to make it available at the end of her answer.

The SPEAKER — Order! Was the Minister for Education quoting from a document or referring to notes?

Ms DELAHUNTY — I am referring to notes.

Opposition members interjecting.

The SPEAKER — The house will come to order, particularly the Leader of the Opposition. I do not uphold the point of order. An honourable member is obliged to make a document available if he or she is quoting from it. The minister was referring to notes.

Opposition members interjecting.

The SPEAKER — Order! I ask the Minister for Education to continue her answer.

Dr Napthine — On a point of order, Mr Speaker, with respect to your ruling — —

Mr Thwaites — You are not questioning a ruling, are you?

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier! I warn the honourable member for Doncaster.

Dr Napthine — The minister had a document in her hand that was clearly not notes but a typed table from which she was directly quoting figures and the names of schools. For her to advise the house that she was referring to notes is an absolute and utter lie!

Honourable members interjecting.

The SPEAKER — Order! I am prepared to rule on the point of order raised by the Leader of the Opposition. The Chair clearly witnessed that the Minister for Education quoted from a document in the earlier part of her response, which she indicated in her answer was an agreement between the government and school principals. That was not the document requested. Subsequently, a request was made by the honourable member for Pakenham that the document the minister was referring to at that time be made available. The minister advised the Chair that she was not quoting from a document, so she is not required to make it available.

Dr Napthine — She lied!

The SPEAKER — Order! I will not permit the Leader of the Opposition to use unparliamentary language. The house should come to order.

Mr Maclellan — On a further point of order, Mr Speaker, in view of your ruling I ask that the minister table any documents from which she has quoted during her answer.

Mr Batchelor — On the point of order, Mr Speaker, what we are seeing is an attempt to rewrite history.

Honourable members interjecting.

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

Mr Batchelor — For the assistance of the Chair, and for the edification of the opposition, I refer to the ruling of former Speaker Delzoppo in *Rulings from the Chair 1920–2000* headed ‘Tabling requirements — public documents/personal notes distinguished’:

> If a minister quotes from a public document, he —

the language is a bit old fashioned —

> is required to table the document. However, if he is referring to his personal notes or a memorandum or aide-memoire prepared for the minister, he is not required to table the document.

Every member knows that that has been the longstanding practice of this house, and it is inappropriate for opposition members to take misleading and false points of order. They do it time and again.

Honourable members interjecting.

The SPEAKER — Order! I will not permit the Leader of the House to proceed down that track when speaking to a point of order.

I have heard sufficient on the point of order raised by the honourable member for Pakenham to rule on it. My previous rulings on making documents available stand. However, in raising his point of order the honourable member referred to the document that the minister quoted from in the earlier part of her speech, which is the agreement. I ask the minister to make that document available.

The minister has indicated she will make that document available.

Mr Smith interjected.

The SPEAKER — Order! The honourable member for Glen Waverley!

Ms DELAHUNTY — When the opposition loses the debate it starts to act like a rabble. I am happy to table the agreement because it shows — —

Honourable members interjecting.

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

Mr Holding interjected.

The SPEAKER — Order! The honourable member for Springvale!

Mr Baillieu — On a point of order, Mr Speaker, the document the minister is now holding is not the document she was quoting from at the end of her answer.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. I ask the honourable member for Mornington and the Attorney-General in particular to cease interjecting.

Mr Baillieu — Mr Speaker, from my position in the house I could clearly see the typewritten list from which the minister was quoting. The whole gallery could see the same document! It is no wonder the principals passed a vote of no confidence — —

Honourable members interjecting.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Hawthorn. The Chair will not tolerate any more points of order on this issue. It has been resolved.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Monbulk! The house will come to order to enable the minister to conclude her answer.

Ms DELAHUNTY — The Leader of the National Party asked a question about regional schools. We clearly know that more than 1400 of our 1600 schools are overwhelmingly better off as a result of this funding formula. Indeed, no school will be $1 worse off. Every school that believes it has difficulties — as I said in the house last week — will be analysed on a school-by-school basis. Any school that says it has difficulties will be offered supplementary funding.

Melbourne: building approvals

Mr WYNNE (Richmond) — I refer the Minister for Planning to the importance of continued growth in the construction industry. Will the minister inform the house of the latest information concerning new approvals in the central city area?

Mr THWAITES (Minister for Planning) — The commercial and retail industries are recording strong growth in construction under the Bracks government. I am pleased to advise the house that commercial construction for September, the latest month, was up some 19 per cent over the same month in the previous year. Retail construction was up 82 per cent, a significant growth.

I am also pleased to advise that the growth in multi-unit residential development is positive. In the Southbank area there is strong support for new developments such as the Eureka tower. I am pleased to advise the house that at Docklands a new development has been recently approved as part of Mirvac's Yarra Waters precinct.

This week I was able to approve Mirvac building no. 3 — more good news. That development includes the construction of a 5-level podium and a 29-level residential tower, with a showroom and office at ground level fronting the water promenade. This is a magnificent spot for a village — a magnificent place! It will add $55 million of further construction activity for Victoria.

It is anticipated that the building will commence next year. That, of course, builds on the strong support for buildings 1 and 2 as part of the Mirvac development. I congratulate Mirvac and all those associated with it, as I congratulate the minister for docklands and major projects who has facilitated this project from the very beginning.

I should compare the pro-development and pro-investment approach of the government to the approach of the shadow Minister for Planning. In a recent letter from the Property Council, a proposal the shadow minister put forward was described as anti-investment, anti-growth and anti-jobs. This is the repositioning of the opposition.

Honourable members interjecting.

Mr THWAITES — There was a lot of criticism of course of the previous planning minister. At times he was criticised for being too gung-ho about development. However, the new opposition is now known to be anti-investment, anti-jobs and anti-growth.

Mrs Peulich — On a point of order, Mr Speaker, the Minister for Education was asked to table a document which she has made available to the house. On checking with the manager of opposition business I have ascertained the document she made available to the house has yellow highlighter on it. When the minister was quoting I distinctly saw a sheet of paper with pink highlighter on typed text, with additional handwritten notes.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Pakenham! The honourable member for Cranbourne!

The Chair has already ruled on the matter. The only thing further the Chair can do is to examine the *Hansard* record. If necessary I will report back to the house. I will not hear further on the issue. I warn the honourable member for Mordialloc!

Mr Batchelor — On a point of order, what has been seen here today is a deliberate campaign organised by the opposition: lies and attempts to mislead!

The SPEAKER — Order! I do not uphold the point of order and I will not allow the Leader of the House to take a point of order to make a point in debate.

Mr Maclellan — Mr Speaker, on a point of order, I find the remarks of the Leader of the House personally offensive and ask they be withdrawn.

The SPEAKER — Order! It is time I counselled the house. It is my opinion that today question time is very disruptive and brings the Parliament into disrepute. I ask the house to come to order so that question time can be concluded in an orderly fashion.

In regard to the point of order of the honourable member for Pakenham, I use the wisdom of my predecessors, in particular the previous Deputy Speaker, John McGrath, who counselled the house on many occasions that offence can be taken far too easily and that some of the hurly-burly of politics should be allowed to continue in the chamber. Having said that, I am cognisant of the fact that it has been the tradition of the house that, when a member takes offence at particular words, the honourable member who uttered those words withdraw them. I ask the Leader of the House to withdraw.

Mr Batchelor — Mr Speaker, I seek clarification. Which words specifically refer to the honourable member to which he takes offence? I am happy to withdraw words but I need to know what they are and what was specifically directed to him.

Honourable members interjecting.

The SPEAKER — Order! I counselled the house and expressed my views on the type of language to be uttered in the chamber. I indicated that when a member has taken offence at certain words the tradition has been for those words to be withdrawn.

I ask the Leader of the House to cooperate with the ruling from the Chair and to simply withdraw.

Mr Batchelor — I withdraw.

Schools: funding

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to yesterday's meeting of state secondary school principals where a motion of no confidence in the minister was passed by 197 votes to 3 votes and I ask: is it a fact that when the minister's

funding formula was applied to her own examples in Bellarine, Belmont, Warrnambool, Ringwood, Balwyn and Eumemmerring, the schools were an average of $180 000 worse off, even after taking into account the government's so-called transitional funding?

Honourable members interjecting.

The SPEAKER — Order! The Minister for Gaming!

Ms DELAHUNTY (Minister for Education) — The answer is no. Clearly the opposition is disappointed that the government now has an agreement with the principals. I repeat the terms of the agreement: the principals have accepted the commitment by the Premier and the Minister for Education that no school will be worse off. The principals have agreed that transitional arrangements, as offered by the minister in Parliament last week, will be available. Following detailed analysis, the government will work on a school-by-school basis.

The opposition does not want to accept that at last an equitable funding formula has been introduced and agreed on. The Premier and the Minister for Education have said that no school will be one dollar worse off.

The government is working with the schools that believe they have difficulties. That is why today the principals have agreed that under these arrangements no school will be disadvantaged. As a result of the new funding model programs will not be reduced and staffing will not be reduced.

Mr Honeywood — Mr Speaker, my point of order is that the document tabled by the minister, which is not signed, shows an amount of minus $40 000 for Bendigo Senior Secondary College. Does the minister still stand by the claim based on her own written — —

Honourable members interjecting.

The SPEAKER — Order! Standing orders and sessional orders do not allow for supplementary questions. There is no point of order.

Tertiary education and training: funding

Mr VINEY (Frankston East) — I refer the Minister for Post Compulsory Education, Training and Employment to the meeting last Friday of tertiary education ministers and ask her to inform the house of the impact on Victoria of the federal government's position on the matter of growth funding for training for the next three years.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I thank the honourable member for Frankston East for his interest in funding for the training system within Victoria and particularly for his interest in Chisholm Institute of TAFE and the Frankston campus of that institute.

As many honourable members will know, the state and territory ministers met with the federal training minister last week to negotiate a new Australian National Training Authority (ANTA) agreement. The critical issue at the table was the massive growth in the apprenticeship and traineeship system over the previous three years that had not been supported with increased commonwealth funding. As I mentioned in the house, figures for October of this year show that in Victoria the number of apprentices and traineeships is 23 per cent higher than for the same period last year. An additional $40 million has been provided by the state government to assist with that growth but, unfortunately, a commitment from the commonwealth has not been forthcoming.

At last week's meeting the federal minister again demonstrated his intransigence by not being prepared to provide additional above-indexation funding for any of the states or territories. So we have had three years of no-growth funding for the training system, which is working particularly well throughout Australia and is supported by the states and territories, and are faced with another three years without additional money to fund growth.

In November last year the Victorian government was forced to place a cap on the number of government-funded apprentices and trainees who are with private training providers. Following extensive consultation held by the State Training Board around the state and across all providers the board has advised me that the issue of growth funding is critical if Victoria is to continue to grow the training and apprenticeship system. In the board's view, without an urgent injection of funding from either the state or the commonwealth — as I mentioned, the state has already put in significant additional funds — we will be forced to place some constraints on the apprenticeship and traineeship system.

The ANTA board has also recognised the need to consider how some of those constraints can be put in place to deal with the current levels of growth within the training system. Because of the commonwealth's irresponsible position I have been forced to apply restrictions on the lifting of the cap on apprenticeship and traineeship commencements with private registered training organisations. Those restrictions will apply

until the end of June 2001. A quota will be applied to registered training organisations on the basis of current provisions, and registered training organisations that wish to increase their number of places will be able to apply for a higher quota. New entrants to the training market will also be able to apply for a government-funded provision.

That choice of how best to manage demand in the face of the commonwealth position — its unpreparedness to provide additional funds — has been supported by many of the organisations across the state. It is not the best option — the best would be to gain additional funds from the commonwealth — but given that the commonwealth is not coming to the party at this stage the state government has been forced to put the chosen option in place.

I will finish by saying that Minister Kemp is acting like an endangered species: he will say anything to protect his hide. Honourable members on the other side who do not like that quote are reminded that it comes from the honourable member for Warrandyte in 1997.

Schools: funding

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to her comment of last week that under her new school budget formula not one school will be one dollar worse off and to her announcement a short while ago of a rushed agreement reached today with principals' representatives, and I ask what additional funding has been made available today and what costings have been made by her department or the Department of Treasury and Finance on the new rescue package in an attempt to correct the flawed formula of last week.

Honourable members interjecting.

The SPEAKER — Order! The Minister for Post Compulsory Education, Training and Employment!

Ms DELAHUNTY (Minister for Education) — They cannot accept that the secondary principals agreed it is a good funding formula, and the rest of the schools agree.

It is not only the principals saying it is a good funding formula. Professor Peter Hill of Melbourne University said:

> Last week, the state government took another important step towards fairer and more equitable funding formulae.

I am very happy to table that document.

At the moment the arrangements have been inequitable because schools that are more favoured and in more affluent areas tend to have more experienced teachers, and schools in more disadvantaged areas tend to have younger teachers. Professor Peter Hill says

> This places all schools on the same footing when it comes to recruiting and paying for its profile of staff.

Mr Perton — I raise a point of order on a clear question of relevance. The honourable member asked the minister 'How much?'. She is answering a different question. Now is not the time for her to give additional and introductory comments. She has done that in previous answers.

The SPEAKER — Order! The honourable member for Doncaster raised a point of order on the matter of relevance. The question referred to the budget formula. I believe the minister was giving information in relation to that part of the question. She was relevant in her answer and I will continue to hear her.

Mr Seitz interjected.

The SPEAKER — Order! The honourable member for Keilor!

Ms DELAHUNTY — Professor Peter Hill is saying it is a good funding formula. As members of the house would be aware, the government has invested — —

Mr Richardson — My point of order, Mr Speaker, relates to the minister's reference to Professor Peter Hill, who so glowingly praised the formula. I wonder whether that is the same Professor Hill who implemented all the left-wing educational policies of former Premier Kirner?

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. I do not uphold the point of order. I point out to the honourable member for Forest Hill that I would not allow even him to take a point of order to make a point in debate.

Mrs Peulich interjected.

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

Ms DELAHUNTY — It has been established that the funding is fair and of advantage to all schools in Victoria.

As you would know, Honourable Speaker, the school global budgets that have been announced for schools in

the year 2001 have been increased by 5 per cent. That increase represents an extra investment of $140 million for schools across Victoria and includes extra funds for the teacher agreement; for the government's Managed Pathways policy to keep at school those students who have been dropping through the cracks and were left uncared for by the previous government; for special learning needs in schools; and, as promised and pledged by the government, for lower class sizes.

It is apparent that honourable members on the other side do not want to see more money invested in schools. That is what we on this side were elected to do and that is what we are doing — investing wisely and strategically in education to improve literacy and numeracy standards in all schools, not just the privileged few; to diminish the level of truancy among the young people who are missing school; and to achieve higher retention rates.

Mr Ryan — On a point of order, Mr Speaker, the minister is clearly debating the point, and I ask you to sit her down.

Honourable members interjecting.

The SPEAKER — Order! The Chair did not hear a word the honourable member uttered. The honourable member will repeat his point of order.

Mr Seitz interjected.

The SPEAKER — Order! The honourable member for Keilor!

Mr Ryan — On the question of relevance, Mr Speaker, the minister is clearly debating the point, and I ask you to sit her down.

The SPEAKER — Order! I am not prepared to uphold the point of order. However, I remind the minister of her obligation not to debate the question.

The minister has finished her answer.

Economy: government policies

Ms BARKER (Oakleigh) — I refer the Minister for State and Regional Development to recent comments by Howard government ministers about the Victorian economy and ask how those comments compare with the latest statistics on the strength of the Victorian economy.

Mr BRUMBY (Minister for State and Regional Development) — I thank the honourable member for Oakleigh for her question. Last week the federal Treasurer teamed up with the federal Minister for Employment, Workplace Relations and Small Business, Peter Reith, to criticise Victoria's so-called lack of competitiveness, saying that the government had a 'big lesson' to learn if it were to 'keep Victoria competitive'. One could hardly say that was great timing from the federal Treasurer and the federal workplace relations minister.

I am happy to advise the house that page 3 of today's *Age* carries a report on figures released yesterday by the Australian Bureau of Statistics under the heading 'State exports soar to record high'.

Mr Robinson interjected.

The SPEAKER — Order! The honourable member for Mitcham!

Mr BRUMBY — It will be instructive for the opposition, which has been teaming up with its federal counterparts to talk down the Victorian economy, to hear that Victoria is now the nation's second-largest exporter of goods. The article states:

> For the first time in decades, Victoria has overtaken New South Wales to become Australia's second-largest exporter of goods, as soaring exports of cars, car parts and oil have lifted the state's export base to a new level.

It is not a bad news story!

Today the ABS released its summary of monthly statistics and the house needs to be aware of a few other things in addition to the great news about export growth. The ABS monthly statistics show that over the past 12 months Victoria has had the strongest job growth of any state in Australia — 4 per cent, which is a full percentage point above the national average — and the lowest unemployment rate in more than a decade.

Ms Asher interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition!

Mr BRUMBY — I am also pleased to advise the house that this week's *Business Review Weekly*, which carries the results of a survey of the profitability of the 1000 largest publicly listed companies in Australia, shows that this year Victoria has also achieved the highest share of net profit after tax by those top 1000 Australian companies, with 43.9 per cent of all profits after tax.

In addition, over the past year Victoria has had higher than national average job growth in the information technology industries, the largest share of biotechnology companies by market capitalisation and 50 per cent of all new biotechnology start-ups. The

latest statistics also reveal that in the first 12 months of the Bracks government's time in office Victoria experienced gross domestic product growth of more than five percentage points — comfortably above the national average and with a rate of private business investment more than double the Australian average figure.

When the federal workplace relations minister was in Melbourne last week, riding his bike near the Shrine of Remembrance, he made some comments about the Fair Employment Bill. He said it would result in 'hundreds if not thousands' of job losses. Again, one cannot say his timing was too crash hot. Today several major employer groups have given their support to the Victorian government's bill — the Victorian Automobile Chamber of Commerce, the Victorian Road Transport Association, the Master Builders Association of Victoria and the Housing Industry Association are all out there supporting the Bracks government's Fair Employment Bill. Where does that leave you?

The SPEAKER — Order! The minister will address his remarks through the Chair and not across the table.

Honourable members interjecting.

Mr BRUMBY — Under the Bracks government Victorians are seeing a competitive economy, high levels of growth, record levels of exports, record levels of construction activity and new investment in information technology and biotechnology — in short, they are seeing a competitive, export-oriented economy. As the Deputy Premier said so succinctly, that mob over there is anti-investment, anti-jobs and anti-growth!

Minister for Education: performance

Dr NAPTHINE (Leader of the Opposition) — I address my question to the Premier. Given that the Minister for Education's promise to cap class sizes turned out to be false, that she allowed students to be taught in asbestos-filled classrooms, that she claimed the department had one consultancy only when it in fact had 37, that she misled the house when she tabled one document only when she was reading from two, that 197 — —

The SPEAKER — Order! I point out to the honourable member that if he proceeds down that track I will cease to hear him.

Dr NAPTHINE — One hundred and ninety seven state school principals have declared that they have no confidence in the Minister for Education, and today the Premier has had to intervene to fix the minister's mistaken school budget formula. I ask: when is the Premier going to sack this incompetent minister?

Mr BRACKS (Premier) — The Leader of the Opposition raised about six different points in his question. On each point his assumptions and assertions were absolutely dead wrong. There is only one person in this house who is likely to be sacked, and he is sitting opposite me.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Werribee, the Attorney-General, the honourable member for Monbulk and the Leader of the Opposition! I warn the honourable member for Keilor!

Drugs: weapon regulation

Mr MILDENHALL (Footscray) — Will the Minister for Police and Emergency Services detail the steps the government is taking to tackle drug-related crime, particularly in the area of knife, syringe and bladed-weapon offences and the effect of these crimes on young people?

Mr HAERMEYER (Minister for Police and Emergency Services) — Next month the government will introduce tough new restrictions, which follow on from legislation passed by the Parliament earlier this year relating to control of the display, marketing, possession and use of knives and other weapons and associated penalties. A regulatory impact statement is currently under public discussion, and details of the new restrictions and associated penalties will be announced shortly. Also, the police are to be issued with additional metal detectors to enable them to detect the presence of knives in the community.

The Leader of the Opposition will be pleased to know that the laws will apply to his own party room — in particular to the honourable members for Malvern, Warrandyte, Hawthorn, Berwick and Brighton.

The government is also pleased to announce that under the Victorian Law Enforcement Drug Fund it has today approved a grant of $80 000 for research into crimes relating to knives, syringes and bladed weapons and the influence of alcohol and drugs on those crimes. The research will be conducted jointly and managed by the Victoria Police, the Royal Australasian College of Surgeons and RMIT University. Experts from a wide variety of disciplines will be undertaking the research to provide the government with the hard evidence that is needed to establish why and how young people are arming themselves with syringes, knives and bladed weapons and the ways in which the problem can best be tackled.

It is important to get across to young people the message that, firstly, the carriage of knives is not cool, and secondly, it does not offer them any protection. In fact, young people are more likely to become the victims of the weapons they carry than to have those weapons provide them with any protection. It is an unfortunate fact that although young people are the most likely to be the carriers and perpetrators of blade-related crime, they are also the most likely to be the victims. Drugs play a fairly significant part in that, the dimensions of which will be explored and the issues clearly identified.

I finish by complimenting the Victoria Police on the incredible success of Operation Leader in the central business district. Year-to-date figures to 20 November indicate that there has been a 47 per cent reduction in rape, a 33.3 per cent reduction in robberies, a 14.1 per cent reduction in arson, a 0.9 per cent reduction in property damage, a 24 per cent reduction in burglaries, a 37.9 per cent reduction in deception and a 11.5 per cent reduction in theft from cars. As well, shoplifting is down 15.6 per cent and the theft of bicycles has fallen by 15.4 per cent.

Unfortunately the incidence of drug crimes has risen by 55.4 per cent, but this is plainly attributable to the highly proactive police presence in the central business district under Operation Leader. I congratulate the Victoria Police on the success of that operation.

PETITION

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

Preschools: volunteers

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 Parliament immediately acknowledge the important role played by volunteer parents on their local preschool committees and recognise the significant contribution that preschools and their committees make to their local communities.

Your petitioners therefore pray that immediate additional support is provided so that volunteer committees can receive targeted financial assistance for administrative support in managing their preschools.

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

By Mr LANGDON (Ivanhoe) (80 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General — Performance Audit Report — Services for people with an intellectual disability — Ordered to be printed

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s17D a lease by the Indigo Shire Council

EcoRecycle Victoria — Report for the year 1999–2000

Environment Protection Act 1970 — Order varying Industrial Waste Management Policy (Control of Ozone-Depleting Substances) *(Government Gazette G46, 16 November 2000)*

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns September 2000 — Ordered to be printed

Planning and Environment Act 1987:

Notice of approval of the new Monash Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

Campaspe Planning Scheme — No. C8

Casey Planning Scheme — No. C22

Statutory Rules under the following Acts:

Education Act 1958 — SR No. 111

Health Act 1958 — SR No. 113

Interactive Gaming (Player Protection) Act 1999 — SR No. 112

Road Safety Act 1986 — SR No. 114

Subordinate Legislation Act 1994:

Ministers' exemption certificates in relation to Statutory Rules Nos 113, 114.

ROYAL ASSENT

Message read advising royal assent to:

Crimes (Amendment) Bill
Electricity Industry Bill
Electricity Industry Legislation (Miscellaneous Amendments) Bill
Heritage (Amendment) Bill
Petroleum Products (Terminal Gate Pricing) Bill
Project Development and Construction Management (Amendment) Bill
Public Lotteries Bill
Statute Law Revision Bill
Wrongs (Amendment) Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Health Services (Amendment) Bill
State Taxation Acts (Further Miscellaneous Amendments) Bill

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 5.00 p.m. on Thursday, 23 November 2000:

Marine (Amendment) Bill

Courts and Tribunals Legislation (Miscellaneous Amendments) Bill

Building (Legionella) Bill

Gas Industry Acts (Amendment) Bill

Superannuation Acts (Beneficiary Choice) Bill

Victorian Qualifications Authority Bill

Victorian Curriculum and Assessment Authority Bill

University of Melbourne Land Bill

Magistrates' Court (Infringements) Bill

Information Privacy Bill — Amendment of the Legislative Council

Planning and Environment (Restrictive Covenants) Bill — Amendments of the Legislative Council

This will bring to conclusion the legislative program for this sessional period. I point out that the usual time for considering the motion on Thursday has been put back 1 hour to 5.00 p.m. That was done in consultation with other parties to provide some additional time. It will be in the hands of the house; the government could accommodate business concluding at the traditional time of 4.00 p.m.

This week there is for consideration an additional item to the average number the house has considered in previous weeks. It is not unreasonable to expect that the Council's amendments might not take the house as much time to consider as would a bill. As I said, the time has been set in an attempt to provide additional time and if the house were to conclude its business earlier than the time provided for the proceedings could be wound up. Another alternative is making second-reading speeches at a time other than after the 5 o'clock guillotine.

I make those comments at the beginning of the week so that honourable members can factor them into their consideration. It is not an attempt to curtail opportunities but rather to put in their totality the tasks necessary to be concluded in the last week of the parliamentary sitting. I thank the opposition and the National Party for their assistance in having the motion agreed to.

Mr McARTHUR (Monbulk) — The opposition supports the motion. As the Leader of the House mentioned, in recent days there has been considerable discussion on the program. The house has a workable program for the final sitting week of the spring sessional period.

It is worth noting just a couple of things in passing. It seems that the government has taken notice of the urging of the opposition at the end of last year's spring sitting and this year's autumn sitting that it ensure it has sufficient legislation to lie over to allow an orderly and sensible start to the next sitting. Given that this afternoon notice has been given of the introduction of 4 bills it appears that some 15 bills will be held over until the autumn sitting, although given that the Whistleblowers Protection Bill has been languishing at the bottom of the notice paper it is perhaps really only 14 bills.

It is worth noting it is clear that in the course of this sitting the government has done something reasonably unusual — it has split what would usually be single bills into two or three separate bills to pad out the notice paper. For example, today's notice paper lists the Victorian Qualifications Authority Bill and the Victorian Curriculum and Assessment Authority Bill. Those two bills could easily have been combined and the opposition would have welcomed that. Last week the house considered a series of gaming or gambling bills that could have been combined. In the past it has been the practice of government to do that where practicable to speed business through the house.

The separation of legislation into the Victorian Qualifications Authority Bill and the Victorian Curriculum and Assessment Authority Bill is probably more about the relationship between the two ministers with responsibility for education than the government's business program. Clearly, the senior education minister, the Minister for Post Compulsory Education, Training and Employment, has taken control of her bill and does not want it to be in any way under the management of the junior Minister for Education, who during question time was the troubled Minister for Education.

Leaving that aside, the program is sensible and I am sure honourable members will find it a reasonable workload for the week. As the Leader of the House has said, we should be able to conclude the business of the house at about 5 p.m. and go on with matters such as Christmas felicitations.

Mr MAUGHAN (Rodney) — The National Party also supports the government's business program. It is a reasonable program for the house to accomplish this week — nine bills to be passed and two amended bills from the Legislative Council — which has not always been the case in the past.

Although the house is finishing on a good and cooperative note I take this opportunity to appeal to the government to provide sufficient time for consideration of major pieces of legislation. In the past few weeks the house has dealt with matters about which members had insufficient time to consult with their constituencies. I refer particularly to the Fair Employment Bill. Most people in country Victoria do not understand the implications of that measure and certainly have not had the time to express to their local members their views for or against it. I am not anticipating attitudes to the bill. Although I acknowledge that some support it, many others are vigorously opposed to it and at this stage they do not know the detail of it.

As I said, the National Party supports the government's program for this week, which is reasonable. I am sure the house will conclude by the 5 p.m. time limit — and hopefully before that. I thank the Leader of the House for his cooperation during the sitting in discussing these issues in a constructive and cooperative manner with the Liberal Party and the National Party.

Motion agreed to.

MEMBERS STATEMENTS

Bellarine Peninsula: youth events

Mr SPRY (Bellarine) — I direct the attention of the house to an extraordinary series of community-orientated events held on the Bellarine Peninsula over the weekend. Admittedly the weather was absolutely perfect, but it is unusual to have a weekend chock-a-block with youth-focused activities. I pay tribute to the people involved in the activities and commend them on the amount of work they do to support young people on the Bellarine Peninsula, where it is so necessary.

On Saturday morning at the beautiful caravan park in Batman Park at Indented Head the water activities section of the Geelong region scouts, headed by leader Blair Richards, Gowan Cooke, Ross Hutton and Mike Smith, along with the legendary honorary commissioner Lofty Thomas, gave 70 or 80 younger scouts in that region an opportunity — in the words of Patrick White — to shoot their personal Niagaras.

Later in the day, due to the efforts of the Springdale Community Cottage, Ocean Grove neighbourhood house and Barwon Association of Youth Support and Accommodation, the Bellarine Youth Festival was conducted at Bellarine Secondary College. The people involved in the festival, led by Lisa Neville, are also to be commended on a fantastic day of great activity, which culminated in the evening with a so-called rave involving 150 young people.

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

Parliament: bocce challenge

Mr CARLI (Coburg) — I congratulate the parliamentary Labor Party's bocce team. On the weekend the Labor Party had yet another triumph over the Liberal Party when it won the inaugural bocce tournament at the Veneto Club. The Labor team fought off a very strong challenge by the Liberal team, which was led by the Leader of the Opposition.

Mr Baillieu — On a point of order, Madam Deputy Speaker, the Labor Party's Minister for Sport and Recreation actually withdrew from the government team.

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

Mr CARLI — The Labor Party team won the tournament despite the Liberal team members showing up early to practice wearing white T-shirts with the words 'Liberal Party bocce team' on them and their rather liberal interpretation of bocce rules. All told, even given those disadvantages, the Labor Party team won.

It was a very exciting game. At the conclusion of 2 hours of play the score was tied at 18 all, so they had a sudden death, one-ball-only bowl. The two best players were the honourable member for Essendon, from the Labor team, and the honourable member for Bulleen, from the opposition party team, and the honourable member for Essendon was overwhelmingly voted the player of the tournament.

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

Disability services: early intervention

Mr MAUGHAN (Rodney) — I call on the government to immediately and substantially increase funding for services for children with disabilities. Some 8000 Victorian children under the age of six years have severe to profound disabilities. The parents and families of those children have enough difficulties simply coping with day-to-day problems without having to worry about the lack of adequate services. Early intervention services are absolutely crucial in helping children to cope with their disabilities and maximising their potential to lead satisfying and productive lives.

Currently 2500 Victorian children are on the waiting list for early intervention services, so they are receiving no services at all — and many of those who do are receiving only 1 or 2 hours a week.

I call on the government to use some of the $1.7 billion surplus it inherited from the previous government to immediately provide an additional $30 million per annum for early intervention services in Victoria.

Ms Allen interjected.

Mr MAUGHAN — We would have done if we had been there this time around.

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

Hasan Bagdas

Mr LEIGHTON (Preston) — I advise the house that this week I am sponsoring the exhibition in Queen's Hall of the artwork of prominent Kurdish artist and Preston resident, Mr Hasan Bagdas. Mr Bagdas is a much-acclaimed artist who has exhibited at the National Gallery of Victoria as well as overseas at various locations, including London, Hamburg and the Guangzhou Academy of Fine Art in China.

For each of the past 11 years Mr Bagdas has exhibited his work to the local community at the Darebin Arts and Entertainment Centre in Preston to celebrate the Kurdish national day (Newroz), which is held in March. Hasan has also been invited to exhibit this coming year in Toronto, Montreal, Hamburg, Frankfurt and Berlin.

I have known Mr Bagdas for more than 12 years. His work is of the highest quality, and we are fortunate to have an artist of his international standing based in Preston. The focus of his art is the environment and human rights, particularly discrimination against women. He also plays an active role in the Kurdish community.

I invite all honourable members to view his work in Queen's Hall this week and in particular to attend the official launch of his work by the Minister for the Arts at 6.30 this evening.

I congratulate Hasan Bagdas on the quality of his work and on the display in Queen's Hall, and I wish the exhibition well.

South-eastern suburbs: drainage

Mrs PEULICH (Bentleigh) — I direct to the attention of the house a survey program recently completed by Melbourne Water that sought to identify properties that were prone to flooding because of inferior underground drainage systems throughout the metropolitan area. The study established that thousands upon thousands of properties are now designated as flood prone. Nine thousand of those are in the municipality of Glen Eira, which comprises a large part of my electorate; 5000 are in Bayside; and thousands upon thousands are in the suburbs that constitute the Kingston municipality, as well as other south-eastern suburbs.

The ramification for home owners is declining property values. Councils are struggling to come to terms with the issue, which may result in a drop in rate revenue as properties are revalued. They are being forced to administer planning overlays to cope with the problem.

So far the state government has been silent on the issue, particularly the Department of Infrastructure, which also has responsibility for drainage in urban developments. I call on the Minister for State and Regional Development to set aside significant funds to upgrade drains, especially those servicing properties that Melbourne Water has established are flood prone, to ensure the problem is tackled adequately. Although it has a modest capital works program, Melbourne Water does not have the capacity to respond comprehensively. Funds exist, and I call on the Bracks government not to neglect the south-eastern suburbs.

President's prize

Mr VINEY (Frankston East) — I congratulate Melissa Gaddie, a parliamentary intern in my office for the past few months, on winning the parliamentary intern prize awarded by the President of the Legislative Council, along with Aaron Hart, who I understand works with you, Mr Acting Speaker. As winners of the President's prize, Melissa and Aaron depart today for a Commonwealth Parliamentary Association-sponsored trip to Manchester to participate in the CPA Youth Parliament that commemorates the new millennium.

I wish such prizes were around when I was their age, but Aaron and Melissa are operating at a higher academic level than I managed to achieve! Melissa is studying arts/law at Monash University. Her project focused on the serious issues associated with drug addiction in Frankston. She undertook extensive research, including considerable work with the local people involved in fighting the drug problem in Frankston. Along with me she also organised and facilitated a local forum. One of the good things about that was Melissa's ability to attract local secondary students to the forum.

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

Police: Eltham station

Mr PHILLIPS (Eltham) — I register my disgust and disappointment with the recently announced decision of the Minister for Police and Emergency Services that the new Eltham police station is to be built on the existing station site. After my many years of lobbying to obtain funding from the former government and have it included in the budget — which the incoming government has honoured — there has been a lot of toing and froing about the building of the station, including where it should be built.

The police have said it should be built on the site of the former Eltham shire offices. At the time I also thought it was the best possible site: it was vacant, located on the main road and, if not quite available, at least owned by the Nillumbik Shire Council.

Unfortunately, even though the department recommended it as the best site, the minister has opted out of making the hard decision to acquire the site from the shire council. The chamber of commerce is also disgusted with the minister's decision, as I believe are the majority of Nillumbik shire councillors. It is unsatisfactory to simply put the new police station on the old site, which is off the main road and means relocating police to substandard accommodation.

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

Glen Rouget

Ms ALLEN (Benalla) — I extend my heartfelt gratitude and congratulations to the 200 police, State Emergency Service and ambulance officers and volunteers who gave their time and resources to find 13-year-old Glen Rouget, the autistic boy who went missing in the Mount Samaria State Forest near Mansfield while on a bushwalking excursion with teachers, volunteers and other students last Wednesday, 15 November.

Glen was missing in the rugged bush terrain for two and half days, and the searchers found him on Friday afternoon. I was fortunate enough to arrive at the Mansfield Autistic Centre on Friday just as those present received the news that Glen had been found. It was incredibly emotional to be part of and witness the overwhelming relief and tears of joy expressed by Glen's parents and grandparents and staff at the knowledge that he was alive, if not a little worse for wear.

As the honourable member for Benalla I am proud of the police and emergency services officers and all the volunteers, who came from Mansfield, Benalla, Alexandra, Euroa, Mount Buller and surrounding small towns to help with the search. I congratulate them all, especially Sergeant Bruce Klinge from Mansfield police, who led the search and stayed out in the bush overnight to keep vigil. The dedication and persistence of all those people resulted in the wonderful success of finding that very special young man and returning him to his family.

Gunnamatta Beach outfall

Mr DIXON (Dromana) — Over the past two weeks a massive amount of rubbish has been washing up in the vicinity of the Melbourne Water outfall at Gunnamatta Beach, which is in my electorate. The rubbish has created a significant public health risk. Either the process at the eastern treatment plant in Carrum has broken down or there has been illegal dumping into the pipeline at a number of locations between the treatment plant and the outfall. That has serious implications for security and the degree of public risk it presents.

The Australian Surfriders Association has spoken to me about its concerns and has said it has approached the minister for a briefing. I encourage the minister to meet with the association, because it has serious concerns and, on a positive note, also has some solutions.

The solution to the problem involves looking at the big picture. The community needs to reduce the amount of water it uses and thus reduce the amount of waste water it puts into the system. The solution also involves treating the water to an appropriate standard to increase the reuse of water so that reuse becomes an accepted norm. The whole community needs to establish and embrace the big-picture solution so that the sort of damage to the beach that occurred in this case no longer occurs and the water quality at the outfall is improved.

Kayla Sims

Mr SEITZ (Keilor) — I congratulate Kayla Sims of Keilor Downs Primary School on winning the year 5 metropolitan west zone award of the prestigious Nestlé Write Around Australia program.

The program, which is now in its fifth year, is a creative writing competition that is open to all schoolchildren in years 5 and 6 and which awards more than $200 000 worth of prizes to both individual winners and their school libraries. Kayla's winning entry, entitled 'Tasty snakes with peanut butter', was selected from about 40 entries in the Hobsons Bay, Maribyrnong, Wyndham and Brimbank areas. As a zone finalist, Kayla received a backpack full of Nestlé products and a congratulatory certificate. Kayla will now move into the state finals on 22 November — tomorrow — and I wish her the best of luck. She will receive $500 worth of books for the school library — —

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

MARINE (AMENDMENT) BILL

Second reading

Debate resumed from 2 November; motion of Mr BATCHELOR (Minister for Transport).

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.

Mr SPRY (Bellarine) — The purposes of the Marine (Amendment) Bill are to make provision for the licensing of operators of registered recreational vessels and to make other necessary amendments. I will provide the background to the bill and refer to those who will be affected by it.

It is estimated that 131 000 recreational boats are currently registered in Victoria and that therefore some 250 000 existing and potential operators will be affected by the bill. The figures I have quoted have grown steadily over the past few decades and it is expected the figure will continue to grow as more and more people choose to take up that form of recreation on the inland and marine waters of Victoria.

Together with an awareness of the pleasures of recreational boating activities goes a general recognition that attention to safety is imperative. I am talking not just about educating people on how to survive when a boat capsizes but also about the need to concentrate on safety through regulations, codes of conduct, and importantly, increasing peoples' awareness of the laws and regulations that govern the use of watercraft.

One of the horrifying features of increased activity on the water, especially in connection with motorised vessels, is the increase in the number of incidents caused by the inexperience of operators — inexperience that has translated into 120 recreational boating fatalities over the past decade. Of the 853 incidents that were reported to the police over the summer of 1999–2000, 10 involved fatalities and 22 involved serious injuries. The estimated cost of those incidents to the community is in excess of $15 million.

The most notorious incident in recent times involved a personal watercraft, or jet ski as they are commonly known. The incident, which occurred in Werribee South in February 1995, resulted in a fatality and led to a Marine Board of Victoria investigation and ultimately this bill. I remind the house of that incident in all its gruesome detail because I want it to have an impact on the debate. The facts are outlined in the *Age* editorial of 28 February 1995 entitled 'Controlling power skis'. It states:

> The death of a boy in an incident involving a power ski at the weekend underlines tragically the growing unease about the use, or misuse, of these rowdy craft. Legally, in Victoria, power skis are just another powered vessel. They are restricted to 5 knots within 200 metres of shore and may come no closer than 30 metres to any swimmer or other craft.
>
> No licence is needed to drive them. Clearly, lots of Victorians enjoy riding them, but among those who go to the beach to swim, fish or simply to enjoy the sand and sun, feeling against power skis runs high. Anecdotally, at least, the terms 'power skier' and 'hoon' seem to be interchangeable. Statistically, it is the same: 70 per cent of complaints to the water police concern power skiers.

The editorial goes on to ask what is to be done?

> The police say the rules concerning power skis are impossible to enforce from the shore. Therefore they need more boats and more people if they are to catch power-skiing law-breakers. The average man or woman on the beach wants power skis banned altogether, on the ground that beach-front tranquillity and power skiing are contradictions in terms. Allowing power skis near beaches, they claim, is analogous to permitting trail bikes in the botanic gardens. The Premier —

who at the time was Jeff Kennett —

> has promised a thorough review of power-ski regulations.

The *Age* goes on to suggest one possible way to handle the problem:

> What should be considered as part of the review is the restriction of power-ski launching to nominated sites and a complete ban from in-shore areas. That way swimmers and power skiers could co-exist in relative peace.

That was the *Age* editorial of 28 February following the death of that young boy at Werribee South. When the court hearing took place on 24 August 1995, an article on page 3 of the *Age* commented:

> A man accused of riding his power ski over two young boys, killing one and seriously injuring the other, was riding the ski backwards, the Melbourne Magistrates' Court was told yesterday.
>
> In an opening statement to the court, the prosecutor, Mr Joe Dixon, QC, said several witnesses told police the power skier, believed to have been 21-year-old Jose Manuel Rodriguez, had been acting 'like an idiot, skylarking, lairising (and) acting stupid before the crash'.

The young offender will live forever with the consequences of that tragic episode.

Those quotes highlight the tragic consequences of unregulated and unrestricted power-boat use. I have highlighted the use of personal water craft — the jet ski — but they apply to all forms of power boats. The legislation also covers the entire range of motorised boats, whether they be sailing vessels with outboards on the back or high-speed, high-powered personal water craft, which is sensible.

The opposition when in government was in the process of developing similar legislation, so it recognises the importance of the bill and will not oppose it, despite having some reservations about certain aspects, which will be highlighted by a range of speakers.

Returning to the power-ski incident I referred to earlier, I will highlight some of the findings of the investigation into the accident, which are instructive. Evaluation found that around 12 per cent of police-issued marine infringement notices were issued to power-ski operators and about 1 per cent to operators of registered marine vessels; and the majority of offences related to exceeding speed limits and entering prohibited zones. The statistical evidence entirely supported the anecdotal evidence of local authorities and the police.

Most submissions believed the existing legislation was adequate if properly enforced. The investigation found that the existing legislation was largely based on the segregation of incompatible activities and that the regulations aim at keeping the speed down. It appears that compliance has largely been the problem rather than massive deficiencies in the existing regulations.

The present system assumes that activities may take place unless there is a specific ban. However, an alternative system would say the activity is banned unless there is specific permission — a complete change of emphasis. In other words, you are 'out' unless you are declared to be 'in' a declared or zoned area. Effective zoning combined with better enforcement is a much more reasonable option than a complete ban.

The investigation found that there are certain areas where prohibition exists under the present regulations, and penalties for infringements should be increased. The investigation also found that licensing would increase the competency of operators, which goes without saying.

Whatever form of legislation is brought into the house, an emphasis on national standards is desirable. If Australia's recreational boating public moves from one jurisdiction to another, there needs to be some form of compatibility between the states. With that in mind, the 1 January 2000 edition of the *National Marine Guidance Manual — Principles for a Common National Standard for Recreational Boat Operator Licences* made the following comments:

> The National Marine Safety Committee has agreed on a set of principles as the basis of developing a common national standard for recreational boat operator licences.
>
> The aim of the national standard is to:
>
> > provide for consistency and mutual recognition of licences;
> >
> > set a minimum standard of competency to improve safety in recreational boating.

By way of comparison between Victoria's proposed legislation and the legislation in other states, I highlight some of the comparisons. Recreational vessel-operator licensing is a requirement in Queensland, New South Wales, Tasmania and South Australia.

Significantly, those standards are not uniform. An operator licence is not required in Victoria, the Northern Territory, the Australian Capital Territory, or Western Australia. All state and territory ministers have agreed to the development of a national standard.

The comparative summary of interstate recreational vessel operator licensing requirements, which are part of the *National Marine Guidance Manual*, set out the principles or ideals we wish to aim for. They are not all covered in the bill, which is one of its major faults. The government has not taken much notice of what other states or other jurisdictions want. It has gone out on its own to develop the legislation.

I will highlight some of those principles set out in the manual:

1. Operator licensing should apply only to mechanically powered vessels.

That is consistent with the proposed legislation.

2. Recreational vessel operators holding current (valid) licences that are consistent with the national standard are recognised in all states and territories of Australia to the extent of the period of currency (validity) of their licence, shall convert their licence to a new state of residence after a period of three months continuous residence, and are exempt from test requirements on application for an operator licence in another state or territory.

The principles or ideals go on for several pages, and I do not intend to detail them all. I simply draw them to the attention of the house as principles that we should aim for. Broadly speaking, opposition policy has been to develop legislation in pursuit of the nationally espoused guidelines.

In formulating a response to the bill the opposition shadow minister has invited comment from a wide range of industry participants. I speak of organisations such as the Boating Industry Association; Savage Marine; the Personal Watercraft Industry Association; VRFish; the Australian Volunteer Coast Guard Association; Coast Guard Loch Sport; the Scuba Divers Federation of Australia; the Gippsland Angling Clubs Association; JV Marine; the Gippsland Fishing Club; the Victorian Yachting Council — power boat division; Boronia Marine; the Paynesville Motor Cruiser Club; the Gippsland Lakes Yacht Club, and so on.

Mr Steggall interjected.

Mr SPRY — It could well be in that list somewhere. We have been in touch with many of those people. Many honourable members have electorates with water frontages that lend themselves to a wide range of boating activities, and most opposition members with such electorates wish to make a contribution to the debate.

Bellarine is unique in that its 90-odd kilometres of water frontage include a river system, a lake system, ocean frontage — including passage through the notorious Rip — bay frontage and the estuarine waters of Swan Bay, and that is a huge variety of waters. I have invited comment on the bill from foreshore committees of management and others who are interested in the subject. I have received a number of responses, mostly in broad support of some sort of boat operator licensing system.

I highlight one of those responses from the executive officer of the Bellarine bayside foreshore committee of management in Portarlington. He thanked me for information about the Marine (Amendment) Bill and stated that he had raised with the Marine Board of Victoria on a number of occasions his concerns about personal watercraft use, particularly in waters off the Portarlington caravan park. He writes:

> Last Christmas I counted 170 personal watercraft operating from the park and with a population of around 10 000 guests in the park in peak periods, the potential for accidents is very real.

That demonstrates the active concerns of many people, not just from the Bellarine Peninsula but from around the Victorian coastline and many inland waters, and their willingness to get behind any legislation that will improve the situation.

I mentioned the opposition's concerns about the legislation and I will briefly highlight three of those: firstly, fee structure; secondly, concessions that have received absolutely no consideration in the legislation; and thirdly, and importantly, the fact that the legislation fails to affect licensing of hire boat operators. The fees will be set by regulation, as conveyed in the second-reading speech. I trust that process will be fully consultative — in contrast with the lack of consultation in the rock lobster industry in Victoria. The same minister is handling both pieces of legislation and I hope she will do a far better job of consultation on the fee structure than she has with some issues regarding Victorian fishing legislation of recent times.

The concessions are also a major concern to the opposition. Many older Victorians spend a great deal of time on the water. Fishing, sailing or just plain boating are wonderful forms of recreation. Some people like to take their children and grandchildren out with them. No mention is made in the bill of the need to consider those older people, and I am not talking just about concession card holders but all older people. The government should have mentioned that, particularly in the second-reading speech, and perhaps even translated it into the legislation.

The third issue I mentioned was hire boat operators, a group that is specifically excluded from the bill. The second-reading speech states, in part:

> Hire-and-drive vessels are classified as commercial vessels and are surveyed annually against specified safety standards. Although hire-and-drive vessels are used for recreational purposes they are not registered as recreational vessels and operate under separate regulatory arrangements. As such they do not come within the scope of the licensing scheme proposed here.

Mr Maclellan interjected.

Mr SPRY — As the honourable member said, it cannot be a safety issue. However, it is a real concern because many people, particularly in the powered watercraft industry, could have been brought within the ambit of coverage but for that specific exclusion. Admittedly, the legislation will not take effect until the summer of 2001–02, the summer after the one we are approaching. I hope there is time to bring in regulations that will require hire boat operators to be covered by a similar licensing provision. If that is not done the legislation will encounter real problems.

Mr Steggall — What about if I hire a boat from a mate?

Mr SPRY — That is the point. One would have thought the entire gambit of the operation was covered by the legislation. I emphasise the fact that the government will need to consult and act quickly to ensure the adequate coverage of the use of hire-and-drive vessels by operators.

In concluding my contribution to the debate, I hope I have made it clear that my constituents will be directly affected.

We trust that some of our grave misgivings about the legislation will be addressed in the regulatory provisions that will be developed. If not, accidents will continue and sadly, death and serious injury will follow those accidents. Many members on this side of the house have a strong interest in the legislation and will deal with the bill as it affects their constituents.

In conclusion, the opposition accepts the need to introduce legislation that licenses and thus regulates boat operators. Much of the legislation ignores national water safety objectives and, as I have said, the opposition is not happy with some specifics in the bill. However, in the interests of improving general water safety across the state, the opposition does not oppose passage of the bill in spite of the fact that it will not take effect until the summer of 2001.

Mr STEGGALL (Swan Hill) — I do not enter the debate on the Marine (Amendment) Bill with the same enthusiasm as others. Some of us have to be convinced that it will have benefits.

No-one will argue against licensing of drivers of personal watercraft — the matter has given much concern to people on the Murray River, around Port Phillip Bay and similar places. The licensing regulations for all boats sometimes give us headaches. Swan Hill borders New South Wales, where legislation requiring boating licences has been in place for some time, although driving a boat that travels at less than 10 kilometres an hour does not require a licence. That will create some interesting anomalies for New South Wales licensees operating in Victoria, as occurs daily. It is also common for Victorians to hold New South Wales licences.

The legislation tells me that will be okay and that the New South Wales and Victorian licences will be reciprocal until the licence expires, and then Victorians will be expected to have Victorian licences. However, I wonder why they would be expected to have Victorian licences. Nothing in the legislation tells me I have to have a Victorian licence if I am, or can be, the holder of a New South Wales licence.

Under New South Wales law, one does not have to be a resident of New South Wales to hold a New South Wales licence. I introduce that information into the debate because residents on the border of Victoria and New South Wales are comfortable with both licences.

For those interested I point out that in New South Wales registration is not required for a boat under 5.5 metres and powered by around about a 5-horsepower motor. That is another area where anomalies will be introduced by the bill.

Swan Hill is also close to South Australia, where there is a different concept. The South Australian operation is designed to educate people. There is one licence: you pay a fee, get a licence and it is yours for life. It will appeal to people on the Murray River to pick up a South Australian licence for use in its waters and in Victorian waters. The mutual recognition parts of the legislation have some interesting areas to travel. I wonder how that question will be resolved.

When a government introduces an annual licence fee that picks up 250 000 people in one go I sometimes wonder whether that is the way to resolve the safety issues of boating. All the people and organisations contacted have come out in favour of the legislation. Other organisations half-expected the Labor government to introduce the legislation and have no opposition to it except that they are cynical about the approach it takes: the bill introduces a $20 fee, plus a $20 test plus a $5 licence endorsement for personal watercraft. Nevertheless the legislation has a good feel about it, and I hope it will not create enormous headaches.

It is always wise to have a good look at the penalties in a bill to see what Parliament imposes on the people and

whether it impinges on the freedoms of individual operators. The penalties in the bill range from $100 to $3000. It introduces licensing and legal requirements that now come into play for the boating public.

In northern Victoria most people are comfortable with the New South Wales model. We have difficulty with the proposed model that picks up all types of motor-powered recreational boats.

Mr Baillieu interjected.

Mr STEGGALL — As the honourable member says, at the moment Western Australia, the Northern Territory and Victoria are the only states that do not have licensing. It is recognised there are about 138 000 registered boats in Victoria so the legislation should pick up about a quarter of a million people in its first year. It will be interesting to see whether the use of penalties on recreational boats users will be effective. I do not greet the proposed legislation with a lot of enthusiasm when I think about all the people in my area who get around in little tinnies — little putt-putts — they use for fishing in rivers and lakes.

In his second-reading speech the minister talks about surplus funds from licence revenue going into a five-year boating safety fund, but people in the boating world are keen to see that money somehow returned to the recreational boating industry. Those of us from northern Victoria sometimes get cynical when a community of 10 000 people puts up its hand alongside a community of 3 500 000 and comes off second best, or even fourth or fifth best. I hope the government will secure funding for small communities, although that is already in place under the existing registration procedures and the boating fund. People in country areas have benefited from time to time from funds expended in those ways.

Although the National Party will not oppose the bill there are a couple of areas on which it would like to speak to the minister while the bill is between the houses. One such area is hire boats, which are treated in a strange way in the bill, because apparently a person will be able to hire a boat without having a licence. I have some difficulty with that provision. It is nonsense. In his second-reading speech the minister uses the argument that:

> Whilst the uncontrolled use of hire-and-drive vessels by unlicensed operators would lead to safety concerns under the new scheme, restricting their use to licensed operators only would be likely to have an unintended adverse impact on the hire-and-drive industry. This would be particularly so in relation to use of hire-and-drive vessels by visitors to Victoria.

The rest of the bill talks about ensuring everything is safe and uses lots of fine words, but the rules change when it comes to hire vehicles.

On the Murray and on Lake Eildon, for example, the most popular boats are house boats, which are now nice little revenue earners. A family enjoying the use of a house boat will now get caught up by the need to apply for a licence. I wonder about the benefit of that, especially as the minister and the government do not appear to think people who hire and drive vessels present a safety issue. It seems the safety of people who hire vessels will not be all that important, yet the rest of the legislation is full of regulations and penalties that are said to be of benefit. The National Party will monitor passage of the bill through the other place. It would be handy if the minister could put a bit more substance into the provisions for hire boats, because as they stand at the moment they are nonsense.

The bill covers low-speed and low-powered boats, such as those used on northern Victorian lakes for recreational fishing, and that aspect should be looked at. Those of us who live on state borders get a lot of headaches from border anomalies, and the fact that the proposed provisions cover low-speed boats signals another little headache coming on, although it might not be too bad because until the government amends the legislation northern Victorians will probably use either the New South Wales or the South Australian licensing system. I mention that only in passing.

I understand the emotion behind the proposed legislation and the good reasons for its imposition on the people of Victoria. However, honourable members should take it from my comments that I am far from impressed by the bill. Victorians wanted personal watercraft to be licensed and registered, as well as some regulation of fast vessels, but bureaucracy being what it is and the government being a new government the decision has been taken to go the whole hog. I say to the government, ‘Good luck!’.

I trust the proposed legislation will not impose too many penalties on people who in millions of cases have until now been able to drive and operate low-powered recreational boats without the need for licensing, heavy regulation or Big Brother staring down at them. I am sorry the government has decided to go that way because it impinges on people’s freedoms.

I am also annoyed that the bill gives more people the power to impose their will on those who have for many years been plodding along with their little boats without being worried by the regulator. It is a pity that Victoria

is going that way. I do not put that argument to oppose the bill but merely to express my disappointment.

National Party members hope that while the bill is between houses the government will have discussions with us about the hire boat industry and about bringing the regulations governing small, low-powered boats into line with the New South Wales act.

Mr TREZISE (Geelong) — I support the Marine (Amendment) Bill. I have listened carefully to the first two opposition speakers and note their general support for the bill. Although I note the concerns the honourable member for Bellarine has about licence fees, I feel relatively relaxed about them. I support their introduction, knowing that the money will be spent either on administration or on the bottom line — that is, boating safety.

The honourable member for Bellarine said that 250 000 people will be affected by the bill. I do not believe he means they will be affected in a negative sense, because the bill will enhance the safety of those 250 000 people and their families.

I am pleased to support the bill from two points of view. The first is as a father of two children living within 100 metres of Eastern Beach, which we frequent regularly, especially over the summer. I am pleased the bill addresses the behaviour of what I describe as the hoons who ride on jet skis, many of whom are seen at Eastern Beach.

Secondly, before being elected to this place I was a shipping manager at the port of Geelong. I am aware of the time and energy that port staff put into looking for boats that get in trouble, not only out on Corio Bay but also out past the Rip, so I support the bill from that point of view.

I enjoy working with the honourable member for Bellarine on the Road Safety Committee, and I note that much of the bill's provisions reflect those that apply under the car licensing system. No-one can get into a car and drive away without a licence, yet at any age and without any experience people can hop into high-powered motorboats and drive off with a number of passengers. It is ludicrous that they can put at risk not only themselves but also their passengers and other boat users who are on the water at the time.

I also note with interest that similar legislation applies in the other states and territories, with the exception of the Northern Territory and Western Australia. The proposed licensing arrangements will also be consistent with those adopted by the National Marine Safety Council. That means Victoria's legislation will be consistent with legislation applying across Australia. The Australian Maritime Safety Authority will welcome that consistency.

As a father of two daughters who regularly frequent Eastern Beach, I am mortified, along with thousands of others who visit that beautiful beach, by the behaviour of the hoons on jet skis. Not all those who ride jet skis are hoons, but a fair percentage of them are. I see them speeding, drinking alcohol and riding close to the beach, where young toddlers paddle in the water. That is a recipe for disaster. As has been noted, just such a disaster occurred only a couple of years ago at Werribee. I support the legislation because it will start to control the people who operate powered jet skis inappropriately.

Speaking from a shipping manager's point of view, most boat operators operate their craft responsibly. However, we are coming up to Christmas, when one often sees people with no knowledge and little experience getting out in little aluminium dinghies — tinnies — and finishing up in trouble. They are disasters waiting to happen.

While noting the concerns of the opposition, I support the legislation and wish it a speedy passage.

Dr NAPTHINE (Leader of the Opposition) — In speaking on the bill I represent my electors of Portland. The Portland electorate has a high level of recreational boating activity, particularly on the beautiful Portland bay, the Bridgewater Lakes, the Glenelg River in the west of my electorate, Rocklands Reservoir in the north of my electorate, Lake Hamilton, Lake Bolac and a number of other lakes and rivers.

My electorate has significant boating facilities for fishing, waterskiing and general recreational activities. Indeed, boating is a common pastime among my constituents.

I circulated copies of the bill widely among a number of groups and individuals who I was aware would be interested in it. They included people involved in the boating industry, the selling of boats and recreational fishing and angling clubs, and the waterskiing fraternity. I was interested in the feedback I received, to the effect that they had not been aware of the proposed legislation until they received the information from me. They said they appreciated the fact that the Liberal Party and I, as their local member, were prepared to consult with them on something that will impact on their recreational activities.

The general feedback was that they supported the licensing of power boat operators, in particular

operators of personal watercraft, or, as they are commonly known — although I understand it is a trade name — jet skis. The feedback to my office — be it from Ross Astbury of Casterton, Hugh Hobbs of Cavendish, Robert Downes of Hamilton or John Brown of Casterton, all of whom are involved in those activities — was, 'Yes, we support the general thrust of a licensing system, although we have a number of concerns'.

I now raise those concerns, some of which were highlighted in a letter to me from the Hamilton Aquatic Club of 15 November, which states:

> … our club strongly supports the introduction of licences in Victoria and many parts of the amended bill, particularly those which introduce a blood alcohol limit … [a] nationally recognised licence and the transfer of other licences to the new proposed Victorian licence.

The members of the club support the general thrust of the licensing system. However, some of the concerns they asked me to raise relate to the fee structure, which, as they put it, has caused considerable debate. They make the point that while western Victoria is a wonderful place with a beautiful climate, boating activities in the area tend to be more seasonal than they are in the northern states. They therefore say that having a fee structure that is comparable to the structure in Queensland is not appropriate given the time spent on the water.

The club members suggest that the fees will be just another tax and point out that boat registration fees already apply. They also say that many of their members are already paying new recreational fishing licence fees. Even though the second-reading speech suggests the fees will go to marine safety as distinct from the administration of the scheme, they argue that the boat registration fees are already used for that purpose. They therefore suggest that the government look at the fee structure. A number of the people I mentioned also raised the fee structure as a matter of concern.

My electorate borders South Australia, which is therefore the most appropriate state for me to draw comparisons with so far as licence fee structures go. As outlined in the second-reading speech, the proposed fee structure is $20 for a test, $25 per annum for a licence and $30 per annum for a personal watercraft endorsement. Many of my electors also go boating in South Australia, which happens to have a Liberal government and where there is a $23.60 one-off examination fee and a $22.60 one-off licence fee. There is a $22.60 one-off licence instead of an annual fee, and many of my constituents already have a South Australian licence under that system. They might look to see whether they can keep their $22.60 one-off South Australian licence and not have a Victorian licence at all!

An interesting anomaly has arisen in the Glenelg River area. While the river is mainly in Victoria — its mouth is in Nelson — some bends meander into South Australia. Although powerboat operators may enter the water in Victoria, as the river meanders into South Australia they can occasionally end up being booked for driving a powerboat without a licence. Therefore many people using the river have to have a South Australian licence.

I raise a couple of other issues on behalf of my constituents. The first is the need for pensioner concessions, because it seems inappropriate for pensioners to pay the full $25 per year fee. For many retired people who live in and around Portland recreational fishing is an important part of their retirement. They are now having to pay a recreational angling licence for sea fishing for the first time, and it is inappropriate for them to be hit with a $25 a year fee to operate a small vessel used for recreational fishing. They are not speedboats or personal water craft but small runabouts used for fishing. It is a bit rich to hit pensioners and seniors with the fee, and I urge the government to consider introducing a pensioner concession.

Local operators of yachts have also raised the fee issue with me. One does not think of yachts as motorboats or powered recreational vehicles, and originally yachties believed the legislation would not apply to them. But having studied the bill, yachties find that if their yachts have small motors for manoeuvring, under the marine regulations they are required to have licences for safety reasons. They believe it is an anomaly, and on their behalf I call on the government to address it.

Owners of vessels that are principally yachts should not have to have licences of the sort that apply to owners of powerboats. A yacht that has a small motor for safety reasons or for manoeuvring in a marina should get an exemption. A reading of the bill indicates that any vessel with a motor that is used or could be used for propulsion needs a licence, and that is a real problem. If a person at the helm of a yacht running under full sail at sea is pulled up and does not have a licence to operate a speedboat or other powered boat, he or she could be prosecuted because the boat has an engine that could be used for propulsion. I bring this anomaly to the government's attention and trust it will be fixed.

I seek clarification on the rubber duckies operated by surf lifesavers throughout Victoria. Surf lifesavers do a fantastic job, voluntarily devoting their time and energy to water safety. Although they use rubber duckies that have engines on the back, the surf lifesavers may not necessarily have licences to drive motorboats. Will they be prevented from using motorised rubber duckies to save people at risk of injury or drowning at sea? That possibility is nonsensical. The government should take action to either provide a blanket exemption for surf lifesavers operating safety equipment, including rubber duckies and any other motorised rescue vehicles, or meet the full cost of testing, training and licensing the volunteers in Victoria's lifesaving organisations, because they clearly should not be disadvantaged by the legislation. Neither should volunteers be driven away, putting those who use the state's beaches at risk.

State Emergency Service volunteers also use boats in flood control and other search and rescue activities. Again, those volunteers should not be out of pocket because of the introduction of fees for licensing boat operators. I call on the government to ensure that all volunteers who are required to have licences to operate recreational vessels, whether they are lifesavers or members of the State Emergency Service, are not out of pocket or disadvantaged. Should the government not wish to provide an exemption, it should pick up the full cost of training, testing and registration.

The electors of Portland support the general thrust of the legislation but have asked me to raise issues relating to the fees compared with those in South Australia, the need for pensioner discounts, the anomaly created in the yachting fraternity, surf lifesaving facilities and licences for SES volunteers.

Mr CARLI (Coburg) — I am pleased to support the Marine (Amendment) Bill, which has been discussed for some time and has certainly taken a number of years to come to fruition. The bill is important for water safety because it ensures that Victorian boat operators will have a minimum knowledge of boating rules and safe boating procedures by requiring them to pass a test and be licensed to operate a boat.

The bill has received general support from the boating community. I have had discussions with members of the State Boating Council and the Boat Industry Association. They say one of the positive aspects of the bill is that the money from the licence fees — $16 million over five years — will be put back into the boating community and into improving safety among recreational operators, which is important.

I acknowledge that the Leader of the Opposition had concerns about the cost levels and whether this was another impost, or tax. Certainly it is another impost, but the money will be used for the benefit of the boating community. That is why it has received positive support from the peak organisations in the recreational boating community.

There are some 250 000 recreational boat operators in Victoria, of which 40 000 are already licensed in other states, particularly South Australia and New South Wales. Those people will automatically be able to hold licences in Victoria, or they will be able to continue to use licences from other states and have them recognised in Victoria. Western Australia and Northern Territory still stand outside the system. Nevertheless, the fact that Victoria has moved to license boat operators is a big plus not only in promoting safety but also in trying to ensure consistency in the nation's regulations.

During the past 11 years 120 people have been killed in boating accidents, many of which have resulted from the poor handling skills or unsafe behaviour of boat operators. As I said, $16 million will be reinvested in the boating community to radically reduce the level of carnage and injuries. The money will also be used to promote investment in boat safety programs as well as slipways and other facilities for the benefit of the recreational boating community.

The bill has been well received, and I am pleased the opposition supports it. I wish the bill a quick passage through the house.

Mr PLOWMAN (Benambra) — There is universal support for the Marine (Amendment) Bill, because almost everyone is concerned about the safe use of boats.

My concerns relate to inland waters, where there have been many boating incidents largely due to drink-boating. That is also a problem for people who are not used to inland waters and who come up to the Murray River, Lake Hume or Lake Dartmouth on holidays, have one or two drinks too many, behave in a totally unacceptable manner and put theirs and many other people's lives at risk.

I remember seeing a young man at Wangaratta District Base Hospital who had suffered extensive injuries when he dived out of a boat and hit a snag, cutting himself open from the chest down to his groin. That indicates the serious risks for people who do not understand the waters their boats may be in. In the main the bill applies to coastal waters, but it has just as much application to inland waters in country areas.

Previous speakers have talked about hire-boat and jet ski operators. Honourable members to my left and right who have experience with jet skis in Port Phillip Bay, particularly in the Frankston area, will have a lot to say about that. However, the same applies to jet ski operators on Lake Hume and hire-boat operators on inland lakes or rivers who are not aware of the codes of practice that apply to those waterways or who have no knowledge of the location of the state border and therefore do not respect the laws of the state governing that water.

I support the bill, but I have some concerns. If we are to rely on the regulations that apply to people who hire craft to determine their responsibilities vis a vis the people who own the craft, I am concerned that the legislation does not apply across the board — and I cannot see why that is so. An owner of a boat is likely to be far more responsible than someone who hires a boat for a weekend, does not have any idea about the laws of the water and is inexperienced in the dangers of waterways to which he or she exposes swimmers and other boat operators. Undoubtedly jet ski operators are a better example of that than operators of boats on inland waters, but the same principle applies.

The other area of concern is reciprocal rights. A New South Wales licence will be recognised in Victoria, but there is nothing in the bill to suggest that a Victorian licence will be recognised in New South Wales. I understand that that will be included in complementary legislation in New South Wales, but I would like some reassurance from the government that the reciprocal rights offered to New South Wales licence-holders will be reciprocated by way of a similar recognition of Victorian licences in New South Wales or other states.

The legislation is different in every state. About 40 000 Victorians hold interstate licences, most of which are New South Wales licences. Because I happen to live on the border I am aware of the requirement for the licence to be reciprocal and to be of value to Victorians or others who visit my area to enjoy its vast waterways, which are unparalleled in the state.

Lake Hume and Lake Dartmouth are two most delightful inland waters. Lake Dartmouth in particular is an unspoiled area. It is a magnificent stretch of water that is home to some of the best Macquarie perch in Victoria. It is certainly a magnificent area for people who wish to enjoy recreational pursuits, such as boating on inland waters.

Another area is the River Murray, which is the most magnificent waterway in Australia. I point out that at the moment Tammy van Wisse is swimming the length of the Murray. I am sure all honourable members applaud her mammoth efforts — she is doing it in support of environmental issues relating to the Murray — and wish her well in her attempt to achieve what Graeme Middleton achieved some years ago. I am sure all honourable members will follow her progress with interest.

Mr Maclellan interjected.

Mr PLOWMAN — It is quite an interesting year for Tammy to be doing it because, as the honourable member for Pakenham interjects, there is much more water in the river now. When Graeme Middleton swam the river it had only a quarter of the water it has now, so the dangers for Tammy are far greater. The water temperature is the biggest problem she faces.

The bill requires every vessel that can be activated by motor to be licensed. That worries me from a sailor's point of view. Having been involved in sailing all my life I know that you can have either a fixed or removable motor in a yacht, and whether or not it is there the fact that a vessel can be powered by a motor means that the person in charge of the vessel has to be licensed. That is nonsense, because yachtsmen are trained from an early age to be aware of the water laws and to be good seafarers and yachtsmen. It is nonsense to propose that they need a licence.

The proposed charges are realistic. The bill provides for rates of $25 and $30 for operator licences, which includes the opportunity to drive personal watercraft, which I imagine include jet skis and similar types of craft. Those fees are reasonable when one considers that in New South Wales the fee is $77 for a three-year licence, with a $22 testing fee; and $36 for a one-year licence, also with a $22 testing fee.

I endorse the interesting point made by the honourable member for Swan Hill that many people who use inland waters have small boats — tinnies or whatever one calls them — with very small motors yet will be charged the same amount as those who drive high-powered vessels, whether on inland or coastal waters. Those people, particularly older members of the community, should not have to pay the same fees as those who drive high-powered vessels, yet there are no exemptions for age. In particular, if the owners are recreational anglers they are a very different kettle of fish — excuse the pun — from the people who use high-powered motorised vessels to impress other people and hoon about — to use the common term — risking their own safety and that of others.

In conclusion, the Liberal Party consulted with the Australian Volunteer Coast Guard, which believes licensing is a good thing — it matches the provisions applying in New South Wales to some extent. Michelle Gatti from the coastguard believes an organisation such as hers should be exempted from the charge. After all, it is manned by people who provide a community service by going out weekend after weekend and receiving no remuneration — they do it purely for the love of the water and the safety of others.

Chris Avery from the Albury-Wodonga Yacht Club expressed much the same sentiment when he said the club provides a volunteer community rescue service. I should think those sorts of services exist all around Victoria. The individual members who provide such services have to obtain licences, and that is fair enough because they need to have the skills to operate the watercraft involved, but I believe an exemption from the charge should also be available.

The boating businesses contacted — Bruce Avery from the Bonegilla Boat Shop and Leigh Martin from Leigh Martin Marine — believe licensing is a good thing provided licences are reciprocal between New South Wales and Victoria.

Individuals who want to ensure there is some guarantee that the licence fees will end up being used for the benefit of the industry from which they are taken were also contacted. At present the licence fees are not hypothecated. Obviously if the money from boating licence fees were put back into the industry and into boating and water safety — as is the case with recreational fishing licence fees — people would be far happier to pay them.

Mr SEITZ (Keilor) — I support the bill. I declare a pecuniary interest in that I am an owner of a small aluminium dinghy. It has given my family and me years of pleasure and I hope we will be able to continue to pass the licence tests proposed in the bill. That is the point I want to address.

Having used Port Phillip Bay over the years I have seen at first hand some people abusing the bay — harassing dolphins by driving and waterskiing near them and splashing people in smaller boats by going past in big and powerful boats with waterskiers behind.

Most accidents involve aluminium dinghies — they are the vulnerable ones. The honourable member for Swan Hill said people with those sorts of boats should not have to be licensed, yet it was on a lake outside Swan Hill that an incident occurred involving a father and son in a small aluminium boat. It is tragic when fatalities occur. The statistics show that between 1989 and 1990 some 120 fatalities occurred as a result of boating accidents. The number of incidents reported to police between 1999 and 2000 totalled 853, 10 of which were fatalities and 22 of which were serious injuries involving recreational boats. The cost to the community is estimated to be some $15.5 million — a high cost. A cost is also borne by the volunteer coastguard members who risk their lives to rescue people. It is therefore important that people have a basic knowledge of the operation of motorised vessels in Victorian waters, whether it be inland waters, the bay or the ocean.

Although I support the bill, I ask that a major community education program take place within the various boating and fishing clubs and ethnic communities and that the licensing test be made as easy as possible while enabling people to be educated in the fundamentals of water safety and appropriate water sport behaviour.

Many people, particularly elderly migrants, who enjoy fishing on quiet lakes, especially inland, are concerned that they will now have to sit a test. I have discussed their concerns with the minister, who has advised me that they will be assisted with the test. For example, it will be provided in different languages and the necessary information will be provided to them so they are able to cope with it easily.

On New Year's Eve flares are burnt on the beachfront. One concern about that is that it causes pollution, and another is the question of whether the people discharging the flares have the proper safety equipment with them. Requiring people to be licensed to drive boats will mean they have a greater sense of responsibility for their actions, which is important for water safety.

I refer to the situation in the United States of America. I had the fortune — or misfortune — to be at a boat harbour in New England on 4 July, and saw flares going off everywhere. People consumed too much alcohol while celebrating, and I saw yachts and other items being damaged. Unlike the situation in Australia, fireworks are not banned as entertainment, so almost all the marina went up in flames. Damage occurred not only to motorboats and yachts but to the whole marina.

Some people think they have a natural right to use the waterways, but they must understand that they also have a natural responsibility for the greater good of society and the care of marine life. It is appalling that people harass dolphins by using high-speed boats and waterskis to try to get close to those lovely creatures of the sea.

Although I support the bill, I ask for adequate education facilities and programs to be made available for people so they do not panic when sitting the licence test. I hope the bill will prevent future fatalities on the waterways. I commend the bill to the house and wish it a speedy passage.

Ms McCALL (Frankston) — None of us who represent the electorates surrounding Port Phillip Bay would have difficulty supporting any act of Parliament that encourages respect for the water and an understanding of the need to use water vessels safely and sensibly.

Firstly, I wish to put on the record my thanks to the Frankston, Daveys Bay and Canadian Bay yacht clubs in my electorate for their input into this bill. I also wish to thank those recreational fishermen in my electorate who have spoken to me about the bill at some length. The issues they have raised are interesting. Yacht owners and boat owners generally tend to be responsible people. The Frankston coast guard assures me that the people they are called out to save in Port Phillip Bay are rarely boat owners but people who hire or borrow boats.

I am supportive of the bill in principle, because regulating the use of watercraft is no different from regulating the flying of aircraft or the driving of cars. Issuing people with licences to use craft that have the potential to kill people or cause damage instils a sense of responsibility in them. However, on behalf of the community of Frankston I express a grave concern about the lack of a reference in the legislation to the hire-and-drive vessels of commercial operators. That matter is of concern to the opposition, particularly to me. I have previously put on the record my concern about the hiring and driving of jet skis in Port Phillip Bay.

I live on the beach in the Frankston electorate — not literally on the beach, but adjacent to it; the honourable member for Pakenham need not panic, I do not camp on the beach — and I have had the misfortune of listening to jet ski operators hooning up and down Port Phillip Bay with total disregard for any regulations or restrictions. Honourable members who are familiar with Olivers Hill will know that part of Port Phillip Bay works as a echo chamber when jet skis come too close to the beach. When they do that, 99 times out of 100 they are not driven by the owners but by people who have hired the jet ski for the day. He — —

Mr Maclellan interjected.

Ms McCALL — Yes, ‘he’: the drivers are predominantly male. The drivers often come from landlocked electorates so they have less regard for Port Phillip Bay and its delicate ecology than do the local residents. They seem to think driving down the Nepean Highway or the Monash Freeway to hire a jet ski and hoon around Frankston beach and Olivers Hill is a great day out. I must say on behalf of the electors of Frankston that we are disappointed that those sorts of people are not required to be licensed as well. They would probably argue that because they are at the beach only for the day they can do little damage. Having regularly gone out in the coast guard boat along Frankston beach — the people who run that coast guard boat are great people — I can assure honourable members that those casual jet ski riders take no interest whatsoever in the rules of the water and often ride too close to the dolphins and the beach. I do not criticise the police for not chasing people like that, because they have limited resources to do so. The coast guard members sometimes ask them to move away, or they may manage to get a licence number from the side of a jet ski to enable them to report the rider to the police.

The use of jet skis is one issue that upsets the people who use Port Phillip Bay more quickly than any other. Yachties in general are responsible, and boat owners in general are responsible. No-one has any argument with ensuring that all those who use watercraft are responsible. However, the opposition is concerned about the unruly element that is not covered by the bill — that is, the hire-and-drive jet ski operators and recreational fisherman who hire boats for the day or weekend. Many of them have no regard for the need to behave appropriately on the water, may not take life jackets with them and may go out without any form of telephone communication — and what happens as a result?

On my side of the bay — I know the honourable member for Mornington will back me up on this — there can be dramatic changes in the weather. Because the government has not put any money into the safe boat harbour at Olivers Hill, there is no safe place to retreat to, so they get into trouble and the coast guard is obliged to save them.

Those people are not the ones who take part in the Melbourne-to-Hobart yacht race, nor are they the ones who sail out of Mornington over Christmas or take part in the Cock of the Bay race. They are not experienced boat users or owners but casual owners or hirers. The opposition is concerned that they have been disregarded.

Under the heading 'Hire and drive vessels' the second-reading speech states:

> Hire-and-drive vessels are classified as commercial vessels and are surveyed annually against specified safety standards.

That is one thing. The third paragraph under that heading states:

> It is therefore proposed to develop separate regulatory arrangements.

How separate do they necessarily have to be? There is already a 12-month deferment on the introduction of most of the legislation. Not all temporary jet ski users are hoons. I have been on the back of a jet ski and I can see some of the attraction, although I think it is minimal. As some of the new jet skis cost more than $25 000, you will find more people hiring than buying them. The opposition would like to see regulations covering jet skis introduced as a matter of urgency for temporary users.

The honourable member for Portland referred to older members of the community who may be boat owners. Not everyone who owns a boat is young, looks terrific in navy and white while he or she walks around the deck of a yacht and earns a vast sum of money. Many people who bought yachts earlier in their lives have now retired and are using them for recreation. Many of them are probably members of the three yacht clubs in my electorate, and my concern is that no concession is being made for those older members of the community.

Many of them are also recreational fishermen who take an active interest in the conservation and preservation the flora and fauna of the bay, including the wonderful dolphins. Consideration should be given to those members of the community who comfortably and happily pay licence fees for recreational fishing. They will now be socked with licence fees for owning yachts or boats. Who knows what may come with the introduction of the marine parks legislation!

The opposition does not disagree with the principle of licensing boat owners and promoting the responsible ownership and use of boats in Port Phillip Bay. However, it has grave reservations about the omission of casual boat users and jet ski users. The people of Frankston are looking forward with some eagerness to see whether the government will bite the bullet and introduce stringent regulations to prevent those unpleasant elements who seem to enjoy riding jet skis up and down Port Phillip Bay — one of the Clerks is as conscious of this as I am — and close to the beach where I live. I look forward to the speedy reduction in speed of jet skis on Port Phillip Bay.

Mrs MADDIGAN (Essendon) — I am not sure whether the honourable member for Frankston was suggesting that one of the Clerks was a hoon who sped up and down the bay on a jet ski! I sincerely hope not.

I am pleased to support the Marine (Amendment) Bill because it introduces many overdue changes. Anyone who has seen the way that new boat owners behave in Port Phillip Bay or inland waterways, including the Maribyrnong River, which borders my electorate, will appreciate the bill. It is surprising that more accidents have not occurred considering the total lack of knowledge often displayed by people who use boats. The bill allows for the licensing of all operators of a registered recreational vehicle, which is defined as 'any boat equipped with an engine that is used or is capable of being used for propulsion'.

From my observations at Christmas of the activities on Port Phillip Bay, at Point Lonsdale and along the Maribyrnong River, many people who own and use boats have no idea of safety procedures or the water rules. Part of the licensing procedure will ensure that people demonstrate a basic knowledge of water rules and safe boat operation.

The lighthouse keeper at Point Lonsdale tells stories about the number of boats going through the Heads that are saved each year. When the tide changes the speed of the water travelling in and out is immense. Divers say they can end up in Melbourne if they are dropped off at Port Lonsdale at the change of tide. One need only sit on the beach on Christmas Day or Boxing Day and watch people in the boats they have received for Christmas to see how dangerous they are and how costly it is to the state when they get into terrible difficulties at the Heads.

The lighthouse keeper advises that at Christmas time as many as 20 or 30 boats are saved each day after being washed out of control through the Heads. As most of the people in those boats have no desire to go to Tasmania, it shows how dangerous it is if you do not understand even the basic things about tides.

One of the problems explained to me was that people do not understand that the change of tide at the heads happens at a different time from the change of tide in Melbourne. People read their papers in the morning to see what time the tides change in Melbourne and then take their boats down to the heads, or somewhere near the entrance to the bay, based on the tide change in Melbourne. There is a difference of several hours and that is why so many boats get into trouble.

It is obvious that the testing and licence procedure is essential. The bill will introduce similar testing for drivers of boats as for drivers of motor vehicles. It is fair to compare motor vehicles and boats because they cause similar damage.

The introduction of the bill will be widely applauded in the community, especially by those who have had extensive boating experience and are concerned when they see people with little skill or knowledge of marine conditions using boats and attempting to make various strange and unbelievable manoeuvres on the water.

The Maribyrnong River is in my electorate. It is a narrow river with speed limits, which are enforced by the water police. A huge amount of damage has been done to the river banks because of boat operators not knowing the speed limits and not understanding the effect excessive speed has on the banks. Over the years the cost to the community of repairing the bluestone banks of the Maribyrnong River through my electorate and further up through the electorates of Niddrie and Keilor has been substantial. Most of the damage has been caused by the constant wash of boats travelling too quickly up the river. Also, many new boat owners have come to grief because they do not know the Maribyrnong River is tidal.

The introduction period for the legislation is necessary because people have to be given the opportunity to get to know the rules before they get their licences. There are many boat owners in Victoria, so it is only fair that they be given the opportunity to learn the new rules and make appropriate arrangements to ensure they can get their licence at the appropriate time.

According to the second-reading speech, there are 131 000 registered boats in Victoria, which is a substantial number. As the honourable member for Bellarine mentioned, there are moves afoot to have a uniform system of licensing throughout Australia, which will be worth while, particularly on the River Murray, where there are users in both New South Wales and Victoria.

Victoria has been waiting a long time for the legislation. It was an election promise of Labor and is another example of the Bracks government fulfilling its election commitments.

Mrs FYFFE (Evelyn) — I am pleased to speak on the Marine (Amendment) Bill. I recognise the need for licensing of boat operators, as I have spent many years boating and fishing on Port Phillip Bay. I have also spent some time around Lakes Entrance and other coastal areas, but most of my experience has been on Port Phillip Bay, so I recognise the need for the licensing of boat operators. It is unnerving to sit in a 12-foot tinnie teaching children to fish and untangling lines while people cause problems by coming close to the boat, travelling at excessive speeds and not understanding the basic rules of boating.

Jet skis are a big issue around Port Phillip Bay. The operators of jet skis seem to have a total disregard for the safety of swimmers and for anyone just drifting along in boats, catching whiting or flathead. They have no concern for others as they play with their latest toys and totally disturb the environment.

The bill has a good foundation, but I have concerns about certain aspects of it. A tremendous number of retirees take up fishing and boating as their main hobbies. I see them down at Sorrento putting their boats into the water. It is essential that we consider introducing pensioner concessions for boat owners. Some pensioners have been boating for years, and when they are on a tight, fixed income the cost of running a boat is important to them.

I am also concerned about learner boat operators — I suppose they could be called learner drivers. My children learnt to drive a boat and were taught safety measures. They were also put through schools to learn to operate radios, even though they were too young. They had to be 16 years old to go through the courses, but we put them through when they were 12 or 13 so they could operate the radio in an emergency.

Provision for learners is lacking in the bill. We all want to be able to teach our children sensible ways. It is okay to have a lower fee for the 12 to 15-year-olds, but that is giving them a licence to drive a boat out on the bay. Many of them do not have good sense or judgment, and once they are out of sight of their parents on the shore all they want to do is go as fast as hell and not give consideration to anyone else. They need to learn to operate the boat under the care of an adult so that they learn correct safety procedures.

Port Phillip Bay is becoming very crowded. It is good to introduce legislation to license boat operators, but only if it is policed and enforced. I would like all the funding from the licence fees, once the minimum administration costs have been taken out, to be tied completely to both education and enforcement. We do not see enough of the water police; we do not see enough of the fisheries people on the bay. We always see people catching fish that are undersized. There is not enough policing.

There is certainly not enough policing of dangerous boat operators and jet ski operators in crowded areas. Last summer down at Sorrento I had to call the water police because of a couple of hoons on jet skis. The police could not come out and speak to those people as there was not enough time in their day. I am sure even a stern warning might have slowed the hoons down.

It is important to enforce regulations and to check that people have licences as they are putting their boats into the water. It is in order to charge parking fees because they bring in revenue for councils and may provide for order at the boat launching ramp, but they do not do anything about safety out there on the water. I can understand in some of the less crowded areas around the state's coastline that many people will not be happy about the boating licence fee, but in the crowded areas I am talking about, whether it is in Port Phillip or Western Port or at other more popular areas, the licence fee is needed.

Also it is important to look after our senior citizens. We have encouraged them to take up a healthy lifestyle and to occupy themselves with boating, which is good for people living in coastal towns. People who have retired to coastal towns have improved the economic turnover of many of the towns.

Exemptions on licence fees should be given to the Australian Volunteer Coast Guard operators. They should be licensed but there needs to be an exemption on the fees. Lifesavers spend many hours voluntarily operating rubber duckies, and they do a fantastic job. It seems wrong that there will be an impost of a licence fee on volunteers who devote hours to saving lives along Victoria's coast.

Victoria needs to come into line with the other states, and the New South Wales licences must be recognised. I remember spending an horrific holiday — perhaps the only one our family had in about 15 years — yachting around the Queensland islands. We had the fortune to be invited by friends to join them sailing around the islands. Although we were only able to be there for four days, I have never been so frightened as I was by all the hoons who said they could sail yachts when they hired them. We did not know from which direction they would come. They could not take any avoidance measures at all. We seemed to be the ones who always had to change tack and get out of their way. They travelled at speeds far in excess of what they should have been travelling in those crowded areas.

I have some reservations about the bill. As it will not be enforced until the middle of next year, more time should have been spent looking at the areas I have mentioned: the pensioners, the lifesavers, and the coast guard operators.

It is an interesting experience to be out there on the bay and to watch the jet skiers. However, I cannot see how the legislation will hold them in. They put their craft into the water, go like hell, take them out and disappear after disrupting what should have been a peaceful day at the beach for families who go to such areas with their children. Jet skiers seem to delight in going to places like Rosebud where the water is shallow and safe for children.

I recognise that several other members want to speak on the bill. I reinforce the need to provide for pensioner concessions and for facilities for parents who want their teenagers to learn how to drive boats before they are given full licences. It would take a strong-willed parent to argue that a teenage son or daughter needed a lot more time on the boat under supervision when faced with him or her waving a piece of paper and saying, 'I have my licence. Of course I can take the boat out'.

Mr INGRAM (Gippsland East) — The main purpose of the Marine (Amendment) Bill is to introduce a recreational boating and jet ski operator's licence. The introduction of the licence is a worthy idea. The bill will bring Victoria into line with other states, particularly the bordering states, which have had recreational boating licences for a number of years.

My electorate of Gippsland East has some of Australia's greatest waterways — in particular the Gippsland Lakes, which constitute Australia's largest inland waterway. It also has some of the country's best smaller coastal estuaries and a large number of rivers. However, it also has some of Australia's most dangerous water, including the eastern part of Bass Strait, with which most people would be familiar. The safety of recreational vessels, particularly in coastal waters, is a matter of some concern.

Members of the boating community have raised with me their concerns about the introduction of the bill. I sympathise with some of those views, but I acknowledge the need to introduce licences so the activities of recreational boating vessel operators can be monitored and their safety ensured. In particular, they expressed concern that the bill will introduce another tax and impose additional regulations on those operating — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Narracan knows he is not supposed to discuss matters with the public.

Mr INGRAM — Those concerns have been raised with me through my office over the past few weeks.

As I hold a commercial marine board ticket I believe I have some knowledge of safe boating. For the information of the house I will explain what is required to achieve a commercial operator ticket and then show the difference between those who hold operator tickets and those who currently operate vessels.

You need to put in a lot of sea time before being eligible to sit the examination to gain a ticket — whether as a coxswain, a master five, a master four, a master three, a master two or a master mariner. You also need a good understanding of meteorology, weather conditions and basic shipboard safety. The principles of navigation and engineering must also be understood.

For the past nine years I have operated a boat as a skipper. Currently, recreational sailors can purchase a boat and operate in the same waters as I do without a licence. That leads to some dangerous situations. Every year during summer in the area where I grew up — the beautiful Mallacoota inlet — people in boats came to grief on the sandbar because they did not have a basic understanding of ocean conditions. The requirement for gaining any licence should include a basic understanding of seamanship. Unfortunately, that is missing from the bill.

You can buy a boat and read a book on boating and believe you understand basic seamanship. In the past, some people who have bought vessels and gone to sea have come to grief. In a number of unfortunate incidents people have lost their lives because they did not understand weather conditions, ocean conditions or basic seamanship — including how to restart an engine and, in some cases, the need to carry basic equipment such as flares. The licence test should include a test of basic seamanship.

A number of speakers have expressed concern about the exclusion of hire vessels, and I understand their concern. The Gippsland Lakes region has a large number of hire vessels. It should be understood that requiring recreational operators to have up-front licences could place some of them at serious risk of bankruptcy because of a loss of revenue. As part of their hiring out of vessels those operators can and will convey a knowledge of basic seamanship and operational requirements to their customers. For the time being that concern can be put to one side, but it should be reviewed in future.

A number of issues need to be addressed. One is the broad definition of ‘motorboat’ or ‘powered vessel’ and the question of whether the smallest outboard boats, such as small tinnies operating on some of the inland waters, could be exempt. Some members have mentioned sailing vessels. I have a problem with those vessels, particularly if they are operated in the ocean or in some of the larger bays or estuaries.

The same safety factors are involved as apply with powered vessels. Some people operating sailing vessels still believe everyone has to give way to them, but that is no longer altogether true, because they have to give way to boats undertaking commercial fishing activities. People operating sailing vessels, particularly those who jump on a sailing boat and go out into Bass Strait where the water conditions are very dangerous, need basic seamanship skills, and real seamanship includes a lot of understanding of the safety factors.

Support for the idea of licensing has been expressed in various press releases. The Boating Industry Association Victoria, for example, has welcomed the proposed legislation, and a press release from the State Boating Council quotes the words of a senior police officer:

> People need to realise that the dangers associated with having an inexperienced person driving a power boat were similar to having an unlicensed person driving a motor vehicle.

The importance of that fact has been underestimated in the past, and it is to government’s credit that the proposed legislation recognises it.

If the bill achieves the aims of increasing the knowledge and safety of people who operate power boats, particularly jet skis, and giving the police and the Marine Board of Victoria the powers they needed to remove a licence where necessary, people will in future be more safety conscious and more conscientious in the way they operate their vessels. That is the real key to the bill, which I commend to the house.

Mr KILGOUR (Shepparton) — I will make a few brief comments on the Marine (Amendment) Bill, which is basically a safety bill. It is unfortunate there is a need for such legislation, the stimulus for which is the number of serious accidents and deaths caused by the type of craft now to be covered under it. The bill proposes that people must be licensed to operate certain craft so that, as the previous speaker said, people who do the wrong thing can have their licences taken away. I would like to think that 10 years from now the legislation will have resulted in fewer accidents and fewer people being killed.

I had a daunting experience once. I was driving a ski boat and the skier behind dropped off his skis. I turned the boat around to see how he was and saw another ski boat driven by a 15-year-old boy run over him. The boy had obviously not bothered to look where he was going. That was a very frightening experience because I did not know whether my friend would come to the surface. Fortunately, because he was hit by the front of the boat and thrown to the side, his legs did not come into contact with the propeller. He was lucky. I remember thinking at the time how disappointing it was that someone so young and reckless could be allowed to drive a ski boat capable of causing death or serious injury. Parliament must ensure that Victoria's waterways become safer than they are now.

I am pleased the legislation makes provision for personal watercraft, better known as jet skis. So far as I am concerned jet skis are the scourge of summer for people on the water. While camping on the Murray River and around the bay I have heard the incessant burble of those craft, often being driven in an unsafe manner. The honourable member for Evelyn referred to hoons driving jet skis. Unfortunately it appears that the terms 'hoon' and 'jet ski' are linked. Although not everyone who owns a jet ski is a hoon, a lot of jet skiers forget about safety and cause problems on Victoria's waterways, particularly when they come close to where small children are swimming. Something must be done about them and I am pleased that the proposed legislation will bring them into the net.

The real intention of the bill concerns speed on water so it is unfortunate that it proposes bringing into the net the hundreds of Victorians who own 10-foot and 12-foot aluminium boats and who do not misbehave but just putt around and do some fishing. I am one of those people. I believe I am responsible when I get out on the water with my aluminium boat and 7 horsepower motor.

People in northern Victoria have been buying freshwater fishing licences for many years, but now they will also have to sit for a licence to drive their boats. I would have preferred the minister to look at the existing New South Wales legislation, which provides only for boats that can travel faster than 10 kilometres an hour. I do not believe craft powered by small outboard motors that are used responsibly by older people like me for fishing purposes are causing the trouble — they are not a safety hazard. I would like to have seen legislation that did not force such people to acquire licences. However, the idiot factor is out there — there is always an idiot who will do the wrong thing, whether on a jet ski or in a power boat — causing danger to other people.

Having lived near the state border and having fished and camped on the Murray River for many years I believe the minister should get together with the relevant ministers of other states to ensure that Victorian licences enable people to use their boats in those states. If you get a driver's licence in Victoria you do not have to change it when you drive into New South Wales, and you should not need to do so if you are in a boat.

I grew up near and fished in the Murray River. I know one can travel down the Murray in a boat, see a lagoon running off it and very soon find oneself fishing interstate. It is stupid to think that licences cannot be interactive between states. The bill provides for New South Wales licence-holders to be licensed in Victoria, but it does not go far enough. Interactive licences should be available for people, wherever they fish across Australia.

I believe the proposed fees are appropriate for most people, but as I said, some older, retired persons may have some concerns about being tested for and buying five-year licences. I would have thought people with craft powered by small motors could have been exempted from the bill's provisions.

I support the bill, but ask the Minister for Ports in another place to look at interstate licences and the licensing of owners of boats with small motors. I have been in contact with my local boat retailer, who seems to be happy that the government is introducing legislation to try to prevent unsafe behaviour on our waterways. I wish the bill a speedy passage through the house.

Mr MAXFIELD (Narracan) — I speak in favour of the bill. The honourable member for Shepparton talked about exempting low-powered boats from the licence provisions. I note that at the opening of the recent duck-hunting season a tragedy occurred when the overloading of a low-powered boat resulted in its being overturned. The need for safe boating applies to all boats, regardless of the size of their motors.

I also noted with interest the comments about whether licences should operate in different states. When I observe the behaviour of members on the other side of the house I sometimes think they need licences because they are in all sorts of states! However, I will steer clear of the poor jokes and talk on the bill.

The bill, which will promote boating safety, is long overdue. I have spent enjoyable times engaged in boating pursuits. I have canoed, kayaked, sailed and skied and gone fishing in boats, and those experiences

have been among the joys of my life. During those times I have been acutely aware that a lot of people do not have a clue about boating safety. As soon as they can borrow somebody's boat or raise enough money to buy their own they jump in and charge off!

I have spent a lot of time on the Gippsland Lakes. I noted with interest the comments of the honourable member for Gippsland East. Lakes Entrance has a dangerous bar, and it is not uncommon to see boats coming to grief on it.

Opposition members interjecting.

Mr MAXFIELD — Obviously members on the other side of the house are always coming to grief at bars, but I will not go into that.

Many boats have overturned at the Lakes Entrance bar, and sadly deaths have occurred as a result. In many cases the accidents have been caused by inexperienced people taking risks and not understanding boating safety. It surprises me how many times I see boats going through the bar whose passengers are not even wearing life jackets. If the boat you are on gets overturned in a big wave, it is too late to put on a life jacket.

It is vital to have safety standards that people are aware of and understand. The proposed licensing regime will ensure users have a greater understanding of boating safety, because they will have to undergo a test to demonstrate that they comprehend the safety issues surrounding boat use.

During my youth I enjoyed going out in low-powered tinnies, as we called them, and in more recent times I have enjoyed being on high-powered boats. When I was younger I could just jump into a boat and charge off whenever I wanted to. However, today we are acutely aware of the safety implications of giving minors the opportunity to put their lives and the lives of other people at risk in pursuit of enjoyment. People should be encouraged to participate in water and boating activities because they provide wonderful, healthy experiences, but they should be made aware that boating has inherent dangers. In that respect the bill is many years overdue, and for that reason I welcome it.

An examination of the number of deaths in boating accidents over the years clearly hammers home the need to provide a safe boating environment. Not only does the boating public need the training and skills that will be provided under the licensing system, but also the fees — which are not high, being around $20 or $30 — will generate extra funds to cover the administrative costs of the scheme and promote boating safety. Existing and prospective users need to be aware of the dangers as well as the pleasures involved in boating activities. I look forward to training courses being conducted across the state to enable those who are interested in boating to gain the skills they need in a safe learning environment.

The fees will also be used to provide and maintain safe boating facilities, which were unfortunately allowed to run down during the cutbacks in the Kennett government era. Some work has recently been done at Lakes Entrance to develop the sorts of facilities that are required. Victorians need safe harbours where they can go boating in safety, and that will require an increase in expenditure. Victoria's boating facilities will benefit from the funds that will be generated by the licence fees. In the first year alone $2 million will be put into promoting boating education and developing facilities, and that will grow to $4 million by the fifth year of the system. The money is long overdue. I am sure that, along with me, many boat owners will have no hesitation in paying the licence fees, because we know the money will be well spent.

I also noted with interest the comments in the second-reading speech about special provision being made for boat hire companies. The requirements of hire companies have had to be recognised because the hiring of boats can provide many people with their introduction to boating. It is important that the licensing system ensure that people are introduced to boating via low-powered craft. Most hire boats are not high powered and are a great medium through which people can gain boating skills.

It is important that the legislative provisions and regulations enable boat hire operators to continue their special and important role in the industry while protecting the safety of all water users. It is with great pleasure that I support the bill.

Mr MACLELLAN (Pakenham) — The bill is framework legislation that will need adjustment for many years to come because it offers only the beginning of the answer to the problems that other honourable members have referred to.

I am concerned that the behaviour of a minority of jet ski hire operators and users has triggered a demand for yet another licensing system. The honourable members for Frankston, Essendon, Gippsland East and Narracan have all contributed to the debate, and I acknowledge what they have said. However, as the honourable member for Gippsland East would understand, under the bill a young person who operates a small dinghy with a sail that has a 2-horsepower motor for

emergencies on the rare occasion when the boat might become becalmed or be in difficulty will be required to have a boating licence.

That is the level to which the framework bill we are debating goes. I believe it would be a perfect bill for one of the all-party parliamentary committees to keep under review to see whether it can recommend amendments to reshape it.

It is framework legislation; it is the first cut and one should therefore be tolerant of it. Some honourable members seem to think that licensing will be a safety measure but the honourable member for Frankston dealt effectively with that when she said that those who hire jet skis and boats are not covered by the legislation. The very people who are thought to produce the most risk are outside the legislation whereas people who are just beginning to learn the proper etiquette of yachting, boating or water behaviour and the consideration of others — young ones on their way — will be required to have a licence.

I will not go into great detail but a reading of the bill gives an inkling of the situation. Proposed section 133, which is inserted by clause 22, states:

> A person who holds an operator licence must have the licence in his or her possession while operating a regulated recreational vessel.
>
> Penalty: 2 penalty units.

That sounds good. Apparently one is expected to have the licence whilst operating the vessel. Mercifully it is not necessary if one falls overboard because one is no longer operating the vessel. If the vessel were inflatable and offered some prospect of staying afloat longer, I would say the proposed section provided a safety measure, but carrying a licence will not make one safer in itself. However, the cancellation of the licence, the confiscation of the boat or a whole range of things that are yet to be determined, might lead to better behaviour! I wonder whether the mere licence itself will hold the miracle that some honourable members hold out for.

Proposed section 134 states it is an offence to allow somebody else to use one's recreational vessel unless on reasonable grounds one believes they have a licence, which presumably means one has been told they have a licence, whether they have or not. Proposed section 135 states:

> This Part does not apply to a person —
>
> (a) who is operating a general recreational vessel; and
>
> (b) who is of or over the age of 21 years —
>
> until 12 months after the commencement of section 22 of the Marine (Amendment) Act 2000.

The safety issues are deferred and it is therefore hard to agree that this is a safety bill. It could more honestly be described as a framework bill around which some sensible regulations might be built. The sensible approach would be to say to young people, 'We are going to make it easy and encourage you to have a graduated experience towards a full experience'. The honourable member for Narracan described his experiences. Children should start with a knockabout dinghy and move on in experience with, perhaps, a series of tests.

It is an insult to expect pensioners with a lifetime of experience on the water, including boating etiquette and the safe operation of boats, to take out a licence and pay the full fee. I have not gone into the legislation in sufficient detail to know whether it will be necessary for a fisherman who holds a master fisherman's licence and who has had a lifetime of fishing experience in Bass Strait and Western Port to take out a recreational fishing licence as well, although the Attorney-General indicated that the answer would be in the negative.

On land drivers have a plastic, durable motor vehicle licence bearing a photograph indicating their qualifications. Perhaps there should be a similar approach for those engaged in water activities. They should have a plastic photo-licence with the appropriate endorsements on the back. Why should someone be expected to have a bunch of licences out on the bay — one for the boat, one for the fishing, and for who knows what else? And one hopes they will still have with them their driver's licence for the car parked in the car park!

The bill is a beginning, and as a framework it has the goodwill of all sides of Parliament, but it will need to be revisited many times. Honourable members do not want to say that all jet skiers are bad or that the noise they make is the issue. I do not like the noise of the motor mower when it is used next door to my house, but I realise that if the motor mower does not make a noise then the grass does not get cut. One must accept that there are reasons why one has to put up with certain things. If government can get a similar approach of acceptance to water usage, be it in rivers, lakes, inlets, bays or out in Bass Strait, and a graduated approach to licensing, it may be on the right track.

However, if technical and further education colleges are expected to run six-month, part-time licence courses it will not get the cooperation needed to make the legislation work. Parliament speaks on behalf of the broader community and there is goodwill for the framework, but it will evaporate quickly, for instance,

when the yachting community realises later this summer or next that a young child sailing a dinghy equipped with a motor for emergency purposes must pay for a licence.

Anyone in charge of a dinghy will need to have a licence. If no. 1 child will not be in the dinghy, no. 2 child will have to have a licence — and so on. How many licence payments can a family expect to have to make for the one dinghy? Perhaps there is overkill in that area while in the area of hire and use the problem is under-recognised.

There are twin issues before us. The first is pensioners, who are being insulted by being asked to pay for full licences when with their lifetime experience they should be the ones who are teaching and passing on their knowledge to younger ones. The second is young people, who have a barrier against doing the right thing and who are being invited to break the rules rather than abide and accept them.

The legislation as a framework should be supported by both houses. However, it requires further work if it is to succeed in appropriately meeting the challenges posed by the many people who enjoy the water and related activities in this state.

Ms LINDELL (Carrum) — It is with great pleasure and some rejoicing that I speak on the Marine (Amendment) Bill.

Certainly many of my electors will be overjoyed to see a government willing to regulate the use of jet skis. Although I do not wish to denigrate jet ski operators in the main, some of them have presented difficulties for people living along the Port Phillip Bay, particularly in the suburbs of Carrum and Bonbeach, and people living along the Patterson River.

There have been many complaints about family occasions, weekends and pleasant summer evenings being destroyed by the incessant noise caused by irresponsible jet ski operators. Although the honourable member for Pakenham said he did not like the noise of motor mowers next door — and I agree with him — a motor mower can go for only so long. However, jet ski users have driven some residents of my electorate to distraction: they have been known to start pounding down Patterson River as early as 8.30 a.m. on any day of the week, but particularly on weekends, with a procession of them following all day and well into the evening, around 9.00 o'clock.

Many people would appreciate the efforts of a Carrum resident who lives right on the Patterson River, which should be an idyllic place to live. Herb Baptist has been to the fore in his efforts to have something done about the rogue jet ski element.

Many of my constituents will be pleased by the attempt to regulate some of the irresponsible and dangerous practices that are undertaken by some, perhaps the minority, of jet ski operators, who have no regard for other people in the water or others living alongside or close to the bay. I agree with the honourable member for Pakenham in saying that the bill is a first step in educating the community to understand that Victorians have a wonderful asset in Port Phillip Bay, which, used responsibly, can be enjoyed by all.

The bill has been given a good reception from boating, angling and yachting clubs in my electorate. Many responsible boat owners understand the safety aspect of the bill that requires them to be licensed. Many residents of Patterson Lakes who live beside the water with direct access to Port Phillip Bay have made large investments in their watercraft. They will be comforted in the knowledge that their investments will be partially protected from people who can come along with no licence whatsoever and no education and create dangerous situations as they negotiate the narrow opening at the mouth of Patterson River, where at times the channel can be shallow. The bill will require boat owners to receive a moderate education in boating safety before they gain a licence.

The other issue I will briefly mention is the establishment of a boating safety funding program, which will generate $16 million over the next five years. Carrum has already received some funds. After five or six years of promises by the previous government the Carrum coastguard, which launches onto the Patterson River, has finally had funds approved to replace its coastguard boat.

This is a fabulous bill for Carrum. It will help to regulate jet ski operators and bring some relief to residents living along Port Phillip Bay. The bill will give Patterson Lakes residents peace of mind and some surety that the government is looking after their interests. The entire boating community of Port Phillip Bay will continue to benefit from the wonderful efforts of the Carrum coastguard — especially in its new boat, which should arrive about Easter time. I ask all honourable members to support the bill.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for magnificent Mornington!

Mr COOPER (Mornington) — Thank you very much, Mr Acting Speaker. I agree with that description of my electorate which, as you and the house will be

well aware, has a coastline on both Port Phillip Bay and Western Port. Therefore the Marine (Amendment) Bill has a significant impact on the people of my electorate, both those who own and use boats and those who frequent the beautiful beaches of my electorate and see those boats in operation.

The bill is important because it brings Victoria into line with the other states — with the possible exception of Western Australia — on boating safety, and therefore it is welcome. However, I touch on a couple of matters. In doing so I support the remarks of my colleague the honourable member for Pakenham, who said that in its current form the bill will clearly need to be reviewed and that that should perhaps be undertaken by a select committee of Parliament. That committee will need to consider some of the apparent gaps that have been brought to the attention of honourable members by those who have spoken in the debate before me.

I reiterate the concern expressed by other speakers about the fact that commercial operators and users of hire-and-drive vessels will not be caught by the proposals in the bill. As I think the honourable member for Pakenham said, perhaps most of the law-breaking or antisocial behaviour associated with boats occurs when people hire a jet ski or powerboat and immediately start hooning about without any sense of responsibility for the rules, or any feeling for anybody else. Those who engage in activities that I have observed and that others have reported to me in the areas in my electorate where people in boats or on jet skis come dangerously fast into swimming beaches may be a minority, but they have created a situation where the demand has been placed on Parliament to pass a bill like this so that some semblance of control can be exercised.

I am concerned to note that commercial operators and users of hire-and-drive vessels are exempt from the provisions of the bill. I am also worried that the bill contains no provision for learners, which is extraordinary. Youngsters have to sit an exam before they get a learner's permit to drive a car, and there are all those advertisements on television urging parents to give their children experience on the road because that is how they will learn. Yet the expectation is that people will sit for an exam, get a licence and start driving a boat without an experienced person alongside them to show them the traps for young or inexperienced players. I do not refer only to young people, as plenty of idiots driving boats are well beyond their teenage years.

Learner operators or learner drivers of boats should be treated in exactly the same way as we treat learner drivers of motor vehicles. They should be given the same opportunity to learn alongside experienced operators, rather than saying, 'Sit the technical test, get the certificate and then get behind the wheel of a boat and do your learning out there, among everybody else'. That is something in the bill that needs to be thought about again. Honourable members will be taking a great risk by sending people who have only a piece of paper into very busy waterways, particularly during the summer in Port Phillip Bay. In Western Port that is complicated by not only the number of vessels but also the dangerous waters, shoals and sandbars. Having sailed a lot on Western Port, I know just how complicated and dangerous its waters can be.

By arrangement it has been agreed that each contributor to the debate will take only a brief time.

Mr Smith — Hear, hear!

Mr COOPER — Therefore, I will conclude my remarks. However, I direct the attention of the government to one matter. I may have read the bill wrongly and, if so, someone can point out the good reason for what I am about to raise. I note that in all the clauses providing for the suspension of an operator's licence for drink-operator offences — that is, driving a boat while under the influence of alcohol — there is no linking of that suspension with a motor car driver's or motorbike rider's licence. I suggest that someone who drives a vehicle while under the influence of alcohol should have all licences cancelled. In many circumstances driving a boat under the influence of alcohol is just as dangerous as driving a motor vehicle or a motorbike. Yet my reading of the bill is that it means a drink-driving offence is treated exclusively within the operation of boats and has no linking to motor vehicles. There may be a good reason for that, and if so, I would like to hear what it is. That matter certainly needs further exploration as well.

If honourable members are going to address safety, we need to do it about all areas of the state, and we cannot separate the waters from the roads. I urge the government to reconsider that matter and work out how to provide that link, because a drunk is a drunk is a drunk. If a person is going to be drunk and get behind the wheel of a motor car, the likelihood is that he or she when drunk will get behind the wheel or tiller of a boat — and vice versa. Honourable members must keep in mind that somebody who gets drunk on our waterways while driving a boat can get behind the wheel of a car until he or she is caught again. There needs to be a link, and as the police will be enforcing the legislation they can at the same time police both the roads and the waterways for drink-driving.

The bill really sets a framework rather than being the end product. Therefore I reiterate and join in the urging of the honourable member for Pakenham in saying that in the very near future this important measure should come under the scrutiny of a select committee of Parliament so that all the gaps that have been exposed by members during the debate can be filled in. Then the legislation on marine safety will cover all the contingencies that the public expects it to provide for. A year or so down the track, after a tragedy occurs, it will be no good saying that we did not think about that matter. Given that the bill will be passed without opposition, over the next six months or so honourable members must decide quickly whether the legislation can be improved with the introduction of an amending bill in either the autumn or spring session next year.

Ms BEATTIE (Tullamarine) — It gives me great pleasure to join the debate on the Marine (Amendment) Bill. Other honourable members have focused on the fact that they have lovely waterways and beaches and lakes in their electorates. My electorate has what I believe to be the world's premier airport, but it does not yet have a lake or a beach.

Mr Cooper — I can spare a little beach; we'll send you one.

Ms BEATTIE — I might ask one of the ministers to supply one.

It was interesting to listen to the honourable member for Mornington, who focused on clause 10, which relates to drinking and boating. My husband and I have a small tinnie that can take three adults. We often go down to Swan Bay near Queenscliff to do a spot of fishing — although I think the fish are allergic to our boat!

Recently we were down there and saw what was obviously a grandfather taking out his three grandsons in a craft the size of ours. He piled the three children in and there was not one piece of safety equipment in that boat. Fortunately he was caught by an inspector. There were no flares, no oars and no life jackets. It was terrible. When the inspector confronted him, he said, 'But we always do it this way and nothing's happened yet'. I suggest that was due more to good luck than good management. It was pleasing to see the inspector warn him off in no uncertain terms and make sure they did not go out that day.

Clause 10 talks about the disqualification of licence for refusal to allow the taking of a blood sample. One of the pleasures that my husband and I used to indulge in was taking our small boat down the Maribyrnong River on Melbourne Cup Day and seeing the sights of the race from the river. Over the past couple of years we have refrained from that simple pleasure because of the hoons in boats around Flemington racecourse. Some of them, obviously drunk, should not be on the water. As a matter of fact, they are lucky to be on two legs, and I am amazed how they can actually steer their boats. They surround and circle around small boats, yelling, screeching and screaming. Obviously it is the only time of year they are out on a boat, and they should not be.

Like the honourable member for Mornington, I believe that perhaps at some time in the future there will be a cross-reference from boating while under the influence to drink-driving. With some of the money from the licence fees going back into a safety fund perhaps one day we will see advertisements on television such as the Transport Accident Commission advertisements that have been so effective.

Operators over 12 but under 16 years of age will be eligible for a restricted licence. That is a good idea. They can undergo training while somebody is in the boat with them and get their licence when they are mature enough.

All in all it is a great bill that will allow for safety in the marine environment, which has been lacking for years. I congratulate the minister on introducing the bill, which I commend to the house.

Mr THOMPSON (Sandringham) — Following a serious incident where someone lost a life some five years ago as a result of a jet ski collision the then minister instituted an inquiry through the Marine Board of Victoria. It is salutary to note some of the conclusions that arose from that inquiry because they may have some bearing on the discussions that have already taken place. Recommendation 2.16 states:

> The fundamental problem associated with power skis is not one of legislation but one of enforcement.

Paragraph 4.9 states:

> The potential benefits of licensing with respect to general boating safety can be appreciated with reference to the performance of other states.

It has been suggested that people are pleased that Victoria is coming into line with other states. The paragraph continues:

> Generally Victoria, Western Australia and the Northern Territory do not require licensing of operators of recreational craft whilst all other states do. If licensing makes the positive contribution to safety its proponents claim, then the incident record of those states without licensing should be significantly worse than those states requiring licensing.

> Comparison of both fatal accident statistics and insurance claims for each state show that Victoria is amongst the lowest. It is therefore unlikely that licensing will have a major benefit for the state in terms of an overall improvement in boating safety.

That remark is made in the marine board's report to the minister of the day in relation to jet skis in particular but also in relation to a wider licensing regime.

The bill will affect or have an impact on a number of organisations in the Sandringham electorate. Many members of the Sandringham Yacht Club have powered vessels, even if they are just yachts that use their motors to move out of the pens in the marina before putting up their sails. Many members of the Beaumaris Motor Yacht Squadron have small aluminium boats with motors that are used just to power the craft offshore to a local reef or rock pool, where they might then enjoy the recreational pursuit of fishing. The Australian Volunteer Coast Guard, the Black Rock Yacht Club and half a dozen lifesaving clubs will also be affected.

The Leader of the Opposition said earlier today that under the legislative regime now before the house lifesavers, who have already undertaken extensive training within a club environment, will be required individually to gain or qualify for a licence at the cost of $25 a year. That may be possible to justify providing the legislative regime directs the funds derived from the licence fees towards education, but the honourable member for Pakenham made some germane points when he said the bill must be construed as a framework and no doubt many changes will be made to it over the next few years.

I believe the wider community would accept the stronger standards for the recreational users of power jet skis. The marine board report suggests that power jet ski operators are 12 times more likely to breach the law than any other recreational boat users. At the same time a large proportion of power boat users — fishermen, yachtsmen and people associated with lifesaving — would be using their vessels and craft in accordance with the law.

Although the opposition is not formally opposing the bill it has a range of concerns, which have been enumerated by other opposition speakers. The honourable member for Pakenham referred earlier to the fact that it is an offence not to have an operating licence in one's possession. I am not sure how that is interpreted in the case of a jet ski operator. Is he supposed to be holding it between his toes, or in his hand, or is it in order if he has it in his sandshoes on the beach? The bill is not clear on that point.

It is an offence to allow a non-licensed person to operate a vessel. Often a fisherman might go out with a number of friends and require one of his colleagues to hold the steering wheel while he is hauling in the fish or doing some general work around the boat. Is it expected that his friend, who might be out for just a day's fishing, might be required to hold a licence as well? It is suggested there are around 130 000 registered boats in the state, and it is envisaged that some 250 000 people might be required to hold a licence.

One of the difficulties in imposing regulations down the track is that they might be used to derive a revenue base to fund purposes beyond the initial purposes. By way of conclusion I shall quote a former president of the Victorian Yachting Council, Graeme Ainley, on whether licences should be mandatory for personal watercraft. He stated:

> No. Safety and education should be paramount, but mandatory licences won't do any good unless you have to do a training course first. All it will do is register you as an owner of a boat — the same sort of thing as a fishing licence.

He further stated:

> The primary focus should be on safety, and boat operators should be required to undertake a practical safety course — rather than sit for a written licence test — such as those run by the yachting council to train people in boat handling and navigation. The longer we go without a compulsory education system the more accidents there will be.

Our task as legislators is to strike the fine balance between constructive regulation and over-regulation that imposes a financial impost and a regulatory burden on members of the community.

Mr LANGDON (Ivanhoe) — I support the Marine (Amendment) Bill — not that Ivanhoe has a vast pool of water in the middle of it or that I own a boat.

An honourable member interjected.

Mr LANGDON — As the honourable member for Dromana knows, my electorate — —

An honourable member interjected.

Mr LANGDON — Yes, we get powered watercraft on the Yarra River, but we do not get any on the Darebin Creek unless the drivers are foolhardy and have had a few drinks.

Because of time constraints and the need for as many speakers as possible to be heard, my contribution will be brief.

The bill is the first step in regulating an area that has previously been unregulated. It will assist with

improving safety. Since 1996 I have been a member of the Road Safety Committee, which has gone to great lengths to protect all citizens on the roads and to review all aspects of safety. The honourable member for Mornington picked up on a particular point about drinking and blood alcohol levels, and no doubt the combination of alcohol and driving whether on the water or on the roads will be addressed in the months and years to come.

The bill extends the government's commitment given at the last election to introduce a licensing system for boats. It is estimated that the bill will cover about 250 000 craft. I am aware that licensing systems exist in other states, and many Victorian residents hold licences in other states. The bill will phase out that practice over time, so people will need to obtain their licences in Victoria.

The most important aspect of the bill is that it will establish a boating safety funding program, which is long overdue and which will raise approximately $16 million over the next five years to support boating safety education, promotions, services and facilities. As I said, the bill will implement an excellent promise given by the Labor Party during the election campaign, and I am pleased to support it.

Boating safety is paramount. We have all seen reports in the media of boating accidents. An extensive publicity campaign on boating safety is long overdue, and I fully support the bill and the government's commitment to deal with the issues. I commend the bill to the house.

Mr DIXON (Dromana) — I am pleased to contribute to the debate on the Marine (Amendment) Bill given that boating is important to my electorate, not only for the local residents but for the many people who tow boats there or collect their boats at their holiday houses. I have a boat with a 90-horsepower engine and have been boating on Port Phillip Bay for about 20 years.

I have been in favour of introducing boating licences for a long time, because I hope they will be a compulsory education facility for the people who use boats on the bay. However, boat owners are concerned about the licences as a tax because they are already hit in a number of ways: they have to register their trailers and boats; they often pay launch fees, usually to a government instrumentality; and they have to pay for fishing and radio licences. On top of all that they will now have to pay for boating licences. A fair amount will be thrown at boat owners, and boating is certainly not a rich man's activity — ordinary people engage in recreational boating.

The money raised, even though it is not hypothecated — we will have to watch that carefully — will go towards safety initiatives, which I believe is a good idea. A major safety initiative should be the enforcement of the various boating rules and regulations. Rules and regulations of any sort have to be enforced, and requiring people to sit a test for a licence is a sure way of educating the community about them. It is a first-rate safety mechanism. Improving signage, especially at boat ramps and piers, would also be a great way of educating boat owners. Perhaps another good way of educating boat owners about safety aspects is to issue leaflets when boat licences and registrations are renewed.

A further safety issue is the lack of safe refuges or harbours on the bay. The idea of $1-for-$1 grants for boating clubs or foreshore committees to enable them to build more boat havens and safe harbours on Port Phillip Bay is important and would be a good use of the money.

I am concerned about the people who hire boats. In my experience the people who hire boats, whether they are personal watercraft or just powerboats, seem to have a disregard for or lack of knowledge of the rules. Their activities should be regulated more than those of anyone else. I hope when the regulations are announced we will find they place onerous responsibilities on the hirers to ensure that they are aware of the boating regulations and the safety issues concerning boating. I believe people who hire boats should be licensed. I receive a number of complaints about the incredible noise created by personal watercraft. Not only are the craft noisy, but the users ignore basic boating etiquette and safety rules. One suggestion was for personal watercraft or jet skis to be used only on days with even numbers, so that people can go to the beach to enjoy themselves on the odd-numbered days. I think that is a positive suggestion.

A licence is a education tool in itself. It should test a person's knowledge on the safety equipment required on boats, safe speeds at which boats can travel, the various zones in the waterways, safe travelling distances, the rules of rights of way for other boats and sailing craft, basic meteorology, the loads that can be carried on a boat and the rules about drink-driving.

It is important that boat owners and operators who will be licensed are aware of the whale and dolphin regulations in Port Phillip Bay. I believe that an endorsement of those who tow skiers is necessary. I

usually tow skiers on a ski biscuit or inflatable tube. That is a responsible task that should not be tackled by novice licence-holders.

The yacht clubs in my electorate have concerns about yachts with motors. Earlier speakers have asked whether a person in charge of a yacht with a motor, even if it is only sailing, should be licensed to operate a powerboat. That issue needs to be addressed, either through regulation or by amendment further down the track.

I endorse the legislation in principle. However, I will reserve judgment until I see the regulations that follow on and until I am assured that the revenue raised will be used for safety programs, especially those to which I have referred.

Mr VINEY (Frankston East) — I am pleased to support the Marine (Amendment) Bill which, for a range of reasons, is of interest to residents of my electorate. The bill's importance in promoting public safety is heightened by the fact that it will establish a boating safety funding program that over the next five years will generate almost $16 million to promote boating safety and education and provide services and facilities. The expenditure will commence at $2 million in the first year and rise to some $4 million by the fifth year of the program.

Members of the boating community will raise questions about the licence and associated fees, so it is important to focus on the issue of safety. A fee of $25 or $30 to use personal watercraft such as jet skis is a small price to pay for improving public safety.

Many people in Frankston East and the surrounding area are involved in the boating industry. Many have tinnies in the backyard, which they launch along the Frankston foreshore. Boating is an important asset not only for the residents of my electorate but for the many people who visit Frankston. It is also becoming an important part of the local economy. The legislation will assist in promoting its safety aspects, and is long overdue.

When my constituents raise the issue of safety and licence fees with me I point out the significant changes in the licensing of drivers and the road safety rules that led to a reduction in Victoria's road toll over the past few years. I believe the bill will be the start of a new era in safe boating practices.

Operators over the age of 12 years but younger than 16 years will be eligible for a restricted-operator licence. As a teenager I recall going out on the bay with a couple of friends in their father's boat. On my asking whether they were eligible to operate the boat, I was assured that they were. Although they may legally have been entitled to do so, given the way they handled the boat, I am not sure whether it was appropriate for them to be in control of a boat without the appropriate training.

The legislation is worth while. It will be supported by people in my electorate who own boats and who are involved in the boating industry, including the purchase and sale of boats and their maintenance and peripheral activities such as fishing. I give the bill my wholehearted support and commend the minister on the excellent work she has done in introducing it to Parliament.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Mr JASPER (Murray Valley) — I support the proposal contained in the legislation to introduce a licensing system for all boat operators in Victoria.

During the 1980s I received representations from a range of people from my electorate who believed there should be some form of licensing system for Victorian boat operators. Many people use the waterways in country areas, particularly in my electorate, where there are many rivers, streams and lakes and boating is a big operation. The information provided to me was that difficulties were being experienced because of loutish behaviour by speedboat drivers on rivers, streams and lakes. There was also an increase in drink-driving, where people who had been drinking alcohol had charge of both high-speed and low-speed boats and a number of accidents occurred as a result.

People who wanted to get the best out of and make the most pleasant use possible of waterways and lakes without being upset by people who were not operating boats properly were concerned that the police had no power to do anything about loutish behaviour. They certainly could not breath test a person they thought was intoxicated and should not be in charge of a speedboat. An added factor was that people of a very young age were driving speedboats.

It is interesting that the response I received from the then Labor government was that the statistics did not support the introduction of a licensing system and that there would be great difficulty in implementing such a system. Despite the representations I made during the 1980s to the former Labor government no support was provided to implement some form of licensing system for Victorian boat operators.

Following the change of government during the early part of the 1990s I made further representations to the

coalition government on the basis that some form of licensing system should be introduced for all boat operators in Victoria. Unfortunately, despite those further representations no action was taken.

In the mid-1990s, the Marine Board of Victoria instituted an investigation following a number of boating accidents. It recommended the introduction of a licensing system for operators of mechanically powered recreational boats. Following many boating fatalities a number of coronial inquiries also resulted in a recommendation for the introduction of a licensing system. Greater pressure was brought to bear on the former and current governments to introduce a form of licensing system in Victoria.

It is interesting to look at what happens in other Australian states. I note the comments made by the minister during the second-reading speech. It states:

> The majority of Australian jurisdictions, with the exception of Victoria, Northern Territory and Western Australia, already require operators of recreational boats to be licensed …
>
> The bill applies licensing to all operators of registered recreational boats, defined in Victoria as any boat equipped with an engine that is used or is capable of being used for propulsion.

The detail provided by the minister in the second-reading speech outlines the two forms of licences that will be implemented: the general operator licence and the restricted operator licence for those between the ages of 12 and 16 years. There will also be a special licence for those who operate personal watercraft or jet skis, who will need to satisfy additional requirements of the marine board.

I note also that there will be a breathalyser test available so that the marine board or the police operating within the confines of the waterways can breath test a person in charge of a powered boat, and a zero blood alcohol requirement for proposed licence-holders who are under the age of 21 years. I support the proposed licensing system and its staged implementation.

I am concerned about three specific issues that need to be brought to the attention of the minister. One involves the border anomaly situation. Those who live along the border between Victoria and New South Wales are aware of the great range of border anomalies and the work undertaken over the past 20 years to eliminate those anomalies through the border anomalies committee. The bill will still result in an obvious border anomaly — New South Wales has a licensing system for people who operate powered boats but with exemptions.

According to the information I have, in the New South Wales system boats under 5.5 metres in length and with engines under 4 kilowatts — approximately 5 horsepower — are exempt from the registration requirement. The New South Wales system also exempts licensing of operators unless they travel at more than 10 kilometres an hour.

In Victoria, all boats have to be registered; in New South Wales, some boats are exempt. In Victoria, all operators of powered boats will need to be licensed; in New South Wales, operators in charge of boats travelling at speeds of less than 10 kilometres an hour will not need to hold a New South Wales licence. If boat operators are on the Murray River and proceed up the Ovens River from Lake Mulwala, once they come into Victoria they will need to be licensed on a reciprocal basis.

The border anomaly must be rectified. The minister has not taken into account the fact of the exemption in New South Wales. No exemptions are proposed in the legislation for those to be licensed in Victoria. The minister should respond to that matter, and I hope the house can get some action while the bill is between here and another place to address the anomaly and overcome it. I repeat that in New South Wales all boat operators are licensed except if the boat travels at less than 10 kilometres an hour: in that case the operator does not need to be licensed, while in Victoria the operator has to be licensed.

These are the sorts of anomalies that people on the border between New South Wales and Victoria deal with all the time. Although a lot of work has been done to eliminate these anomalies, legislation that fails to address border anomalies is still brought before Parliament.

The proposed charges are $20 for a licence test and $25 each year for a licence. Operators who are aged between 12 and 16 years will pay half the fee, but there is no mention of a pensioner fee. Again, I hope the minister will respond to that omission and indicate what concessions will be available for pensioners. Undoubtedly the pensioner groups will bring the matter forward as an important issue and look for a concession. If a concession is provided for 12 to 16-year-olds there should be similar consideration for pensioners.

The third issue of concern is about where the funds are going, how they will be utilised and what will happen in the final analysis with the collection of the fees. It is believed that about 250 000 people will pay the licence fee, which will result in an annual revenue to the state

government of up to $5 million. I suggest to the minister that these funds be hypothecated to the Marine Board of Victoria and used to develop facilities to ensure that people understand their obligations as licensed speedboat or powerboat operators, and to improve the waterways for boat users, whether they are recreational or commercial operators.

I would like to think the minister will respond to the matters I have raised. The legislation is long overdue. On many occasions in Parliament I have raised the issue of licensing for speedboat and powerboat operators. As I indicated during the 1980s and the 1990s, the reasons that were provided in those years were not valid and did not provide an appropriate defence for not introducing such a system.

No doubt many people will say this is another bureaucratic intervention into boating activities with the imposition of restrictions. I support the legislation on the basis that appropriate controls are needed, and these controls, through a licensing system, will be appropriate for the boating industry in Victoria.

Mr BATCHELOR (Minister for Transport) — I conclude the debate by thanking the large number of honourable members who contributed to it, particularly the honourable members for Bellarine, Swan Hill, Geelong, Portland, Coburg, Benambra, Keilor — no boating going on in Keilor, but anyway! — Frankston, Essendon, Evelyn — not much boating going on in Evelyn, either — Gippsland East, Shepparton, Narracan, Pakenham, Carrum, Mornington, Tullamarine, Sandringham, Ivanhoe, Dromana, Frankston East and Murray Valley.

As you can see, Mr Acting Speaker, it is an extensive list, and support for the bill has come from all sides of the house — from the National Party, the Liberal Party and the Independents. The government thanks them. It is multiparty support for an overdue public safety initiative. Individual members of Parliament, their parties and the Independents are to be congratulated for being generous in providing support for the new initiative.

No-one spoke against the bill in principle or raised fundamental concerns, although a number of important issues were raised. It is important that members of the opposition parties raise matters of detail for consideration. Some of those issues related to the exclusion of hire-and-drive boats from the legislation. It was stated in the second-reading speech that it is the government's intention to develop a separate but complementary regulatory arrangement that we believe will achieve the same safety outcomes.

We propose to do that with the industry in a sensitive and consultative way.

An opposition member interjected.

Mr BATCHELOR — As usual, that is right. That is helpful advice. The government welcomes the ongoing support of the opposition in achieving a good outcome.

We will achieve that in the hire-and-drive industry by ensuring that businesses are not needlessly disadvantaged or jobs threatened by a blanket approach. Hire-and-drive vessels are already subject to annual survey inspections by the Marine Board of Victoria, which places the onus on such businesses to give clear operating instructions to the people they hire their boats to.

There is scope to expand the conditions and, if necessary, require the hirers to be licensed if that proves to be the only viable means of achieving our safety objectives. The government believes that issue can be adequately dealt with. Consultations with the hire-and-drive industry will occur over the next 12 months with a view to introducing new arrangements as soon as possible after the introduction of operator licensing.

Concern was expressed about tinnies and other low-powered boats being included in the proposed arrangements. Incident statistics show that small boats, along with more powerful boats, are regularly involved in accidents and fatalities. Over the past five years almost 40 per cent of recreational boating fatalities have occurred on inland waters, including small lakes and rivers, where the boats people use are primarily tinnies and other low-powered craft. It is for that reason that those craft have been included in the scope of the bill.

Concerns were also expressed about anomalies in other states and the mutual recognition of licences, which the honourable member for Murray Valley raised in the penultimate contribution to the debate. The bottom line is that Victorian licences will be recognised by other states and interstate licences will be recognised in Victoria. The bill provides for a three-year transition period during which Victorian residents holding interstate licences will have time to convert them to Victorian licences.

It is true that licensing systems vary to some extent between the states. Since it is introducing its system latterly, Victoria has the benefit of learning from the experiences of other states. It is important to note that the Victorian proposal is consistent with national competition principles.

A comment was made about the approach in New South Wales, where operators require licences only if their boats travel at more than 10 knots. That approach is not favoured by the Victorian government on safety grounds and because it creates significant enforcement difficulties. If you asked the New South Wales government, you would probably be told that if it could start again from scratch it would prefer a system similar to the one in the bill. It may well be that the successful passage of the bill will provide the impetus for New South Wales to follow Victoria's lead.

Another matter involved yachts with small motors. The bill says that anyone operating a registered recreational boat, including any boat with an engine, will need to be licensed. The government recognises that in circumstances where the engine is not the primary means of propulsion and is therefore not being used it may be sensible to consider an exemption from licensing. The regulation-making powers in the bill provide for that, so there will be further detailed consultation during which the advice given and the comments made during the debate will be taken into consideration.

The last matter I wish to comment on is the fees, in particular their quantum, to whom they will apply and the categories. The government believes the proposed fees are reasonable. The cost of a licence will be $25 a year, which is lower than the fee in New South Wales. Honourable members should remember that boating is a discretionary activity. The fees will be paid into the boating safety funding program, so they will in effect be returned to the boating community. Most of the money will go to the volunteer safety organisations.

The bill, which deals with recreational boating and implements an important safety initiative, has been given widespread support in the Parliament. The government thanks all those members who contributed to the debate and wishes the bill a speedy passage through the upper house.

The ACTING SPEAKER (Mr Seitz) — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975 and as 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.

COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 31 October; motion of Mr HULLS (Attorney-General).

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

Dr DEAN (Berwick) — The bill contains a number of alterations to various parts of the justice system. The alterations are not necessarily linked, but they all concern the justice system. I will refer briefly to the first three amendments and then spend a bit more time on the class action provisions, which are interesting and need to be looked at closely.

The Liberal Party is not opposing the bill, but it wishes to raise some important questions in relation to it. The bill ensures under clause 4 that the authentication of probate orders can be done through electronic means. The Supreme Court rules already provide the capacity for signatures to be transferred electronically, and by including access to the Supreme Court rules in the probate legislation the bill modernises the authentication process for probate orders.

The law of probate is, if not the oldest, certainly one of the oldest areas of law and litigation in our system of justice, and as a consequence it is very much a paper-based jurisdiction. As the legal profession moves towards reducing the amount of paper used and increasing access to electronic data, probate is clearly one area where much could be achieved. The proposed change is a very small one; I hope far greater changes will be made in the use of information technology (IT) in probate law.

It is a pity the legal profession has always effectively lagged behind other professions in its use of IT instead of leading, given that it is the most paper-based profession in Western society. Lawyers have not been

known in modern times for leading in areas where other professions have led. However, this is an area where the legal profession could lead. There is no reason for it still to be a paper-based profession, save for its lack of motivation to change. There is no reason — I have said this many times — why the entire process could not be electronically handled: the solicitor could brief the barrister by way of electronic communication; the barrister could draft documents that would be transferred via telecommunication; both parties could talk about a document displayed on their screens; once the document was fixed and determined it could be electronically transferred to a filing system in the Supreme Court; the Supreme Court could electronically charge the solicitors firm a filing fee on a monthly basis; and once the matter was electronically filed in the Supreme Court documents could be transferred to screens at the bench and the bar table and manipulated as required.

Such a process would cut down the time taken enormously, because when the endless arguments about amendments to documents take place they could be amended in the court. For example, if an application were made to amend a statement of claim in a certain way, rather than the parties having to hand up bits of paper with red underlining, reach agreement about the amendment and file the amended statement of claim, all that would need to happen is that the judge would make the amendment on computer; the amendment would show up on the screens of the barristers concerned; they would all agree to the amendment and the amended document would become the statement of claim.

The Victorian legal profession ought to be leading in that area, and it is a great pity it is not. It would do the legal profession an enormous amount of good to be able to tell the rest of the community that it was grasping the nettle and leading on information technology.

The bill makes a number of short amendments to ensure that court transcripts are provided in a more economical way. When I was plying my profession I spent some time in the Supreme Court. On the rare occasion when I appeared in the County Court, all the recording was done by tape.

Mr Ryan — What about in the Magistrates Court?

Dr DEAN — There were no transcripts at all!

At that time transcript writers were part of the whole process of the Supreme Court. They were employed by the court and it was a very dignified process. The judge knew the transcript writers and there could be communication between bench and writer to ensure that everything proceeded according to plan. Modern commerciality has now caught up with the courts and transcript writing is put out to tender. Firms tender to be the transcript writers for the Supreme Court, the best deal is done, the contract is won, and I imagine those firms subcontract out to other transcript writers. There are now quite a number of court reporting services in the vicinity of the courts, all of which seem to be doing quite well. It looks as though the contractual and competitive process has finally made its way into the court reporting system.

The bill provides for changes to guardianship. When the Victorian Civil and Administrative Tribunal (VCAT) was formed it contained two divisions: the tribunal division and the administrative division.

I pause to say that the Guardianship Board does a fabulous job and that its members are not given the praise they deserve often enough. It is an incredibly difficult process because they deal with people whose rights are vulnerable; they deal with emotional situations where they must ensure that one person's rights are determined by another person and that that person is appropriate, because quite often families differ as to who should look after the disabled person or whoever it is who needs a guardian. I say to the Guardianship Board — which it is still called even though it is part of VCAT — 'You do a fabulous job and I take my hat off to you'.

When VCAT was formed the Guardianship Board was swallowed up by the administrative division. As a consequence, an appeal on the merits of a decision of the Guardianship Board to the former Administrative Appeals Tribunal was removed because effectively the board was already part of the tribunal. Although there was debate about that at the time, I believe the government has now made a good decision. There ought to be an appeal from a decision of the Guardianship Board on the merits of such a decision, and it is not as difficult as it might seem because it can be an appeal across divisions. The administrative division can make the administrative decision but that decision can be appealed to the tribunal division, where the quasi-judicial tribunal can hear and adjudicate on the appeal. That is a good change.

I have said many times that the Liberal Party is now an entirely different party to the one it was. It is making its own decisions on these matters and the decision it has made as a party is that this is a good decision and is supported.

Mr Wynne — A good decision!

Dr DEAN — One of those rare good decisions, yes. It is important to emphasise the good decisions of the government because there are so few of them. When one comes up we must — —

An honourable member interjected.

Dr DEAN — I withdraw that, Mr Acting Speaker. It was a cheap shot.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Berwick will ignore interjections, which are disorderly.

An Honourable Member — It is true, you are being very kind to them.

Dr DEAN — I am being very kind to them.

I turn to talk about the class action provisions of the bill. I have always been mildly confused and quite sceptical about class actions. I understand it is an area of law that is growing. The modern community believes it is important to ensure in relation to liability that major companies and corporations are brought to heel where they otherwise might not be. I also understand that representative actions where each and every plaintiff has to be named can be difficult to conduct and that there needs to be a different way of adjudicating on such matters. I believe there is a way to go in determining how class actions should be handled.

In the United States of America class actions are not now seen as the panacea it was anticipated they would be. There are major difficulties with them. To some extent they have got out of control because they are open ended and the law always strives not to be open ended. They are putting the judiciary in a position where many of the principles of certainty no longer exist.

I will explain briefly how this came about. The Supreme Court in its wisdom believed it ought to be able to provide a capacity for an originating motion to institute a class action and introduced rules to do that, similar to those in the Federal Court of Australia. I have had a look at order 18A of the Supreme Court rules, and they closely follow what is in the bill. The bill has come about because of a dispute, and I do not know what level it has got to at the moment. Is it in the High Court?

Mr McIntosh — Special leave is being sought.

Dr DEAN — Special leave is being sought to have the High Court determine whether or not the Supreme Court had power to make the rules. I thank the learned honourable member for Kew.

It is clear the legislation will obviate the need to proceed with that action — or one would hope it would — because the action is based on whether the Supreme Court can of its own volition institute rules that create a class action. I hope the bill will put that beyond any doubt.

Clause 13 amends the Supreme Court Act to insert proposed section 33C, which describes a class action. It is an extremely broad description and gives great discretion and flexibility to the court in determining where a class action should lie. Proposed section 33C(1) provides that subject to this part, if:

> (a) seven or more persons have claims against the same person; and
>
> (b) the claims of all those persons are in respect of, or arise out of, the same, similar or related circumstances; —

that is in itself pretty wide —

> and
>
> (c) the claims of all those persons give rise to a substantial common question of law or fact —
>
> a proceeding may be commenced by one or more of those persons as representing some or all of them.

Even the meaning of the words ‘substantial common question’ is broad and requires court interpretation. The court has a wide discretion as to whether it will or will not allow a class action. It has to have that discretion because of the difficulties that arise out of class actions. We in Parliament should express our views because the reports of our debates are sometimes read by people in the legal profession. One of the essential elements of class actions is that the court, given its wide jurisdiction, keeps a tight rein on the way the actions arise. If it does not we will go down the American path and have a situation where the whole system of class actions may be brought into disrepute. I have no doubt that the judiciary in Victoria will keep a tight rein on the way these broad orders are implemented.

Proposed section 33E relates to consent of group members. It refers specifically to a number of people who cannot be included as group members, and I note that that does not appear to include a member of Parliament. I assume that the reason specific people are taken out of the capacity to be in a class action is that people can be included in such an action whether they like it or not, and there would be a temptation because of political motivation to run certain actions that automatically included a number of categories of

people such as representatives of corporate and government bodies, and the government bodies would find themselves caught up in class actions even though they did not know about it — or if they knew they certainly would not want to be part of it — and consequently they are not included in the process.

I believe the same reasons they are left out apply to members of Parliament, but members of Parliament are not excluded, and that is something that needs to be looked at.

The next matter I turn to briefly, because I do not intend to spend a long time on the bill, is proposed section 33H, referring to the originating process. Proposed section 33H(2) states:

> The endorsement on the writ must, in addition to any other matters required by the Rules to be included —
>
> (a) describe or otherwise identify the group members …

That does not mean that the group members must be named. It must identify the group members by description. Proposed subsection (3) states:

> In describing or otherwise identifying group members for the purposes of sub-section (2), it is not necessary to name, or specify the number of, the group members.

This is the heart of a class action where there are common factors and a group of seven or more people institute an action and describe a class of people whom they believe are caught by the action, and the action proceeds. The court gives orders as to notice for other people who may be caught up in this group, and that notice — —

An opposition member interjected.

Dr DEAN — Yes, I am sure the honourable member for Kew will tell me the actual section. That gives the court enormous power to describe those who are given notice of the class action. It can be as broad as advertisements in newspapers.

For example, if seven people bring an action with sufficient commonality and the Supreme Court says they can run with it — —

Mr McIntosh interjected.

Dr DEAN — I thank the honourable member very much. Proposed section 33X is headed 'When notice to be given'. Proposed section 33Y sets out what the order must specify, and at subsection (3) it states:

> An order under sub-section (2) may require that notice be given by means of press advertisement, radio or television broadcast, or by any other means.

Again I return to the example. The action is on foot; notice has to be given by television or radio, and the case proceeds. The issues are fought out and at the end of the day, say, liability is established and the defendant is liable for whatever it was being sued for — whether it was, as in some of the American cases, in relation to cosmetics or fridges that blow up in people's faces. Then comes the tricky bit. Because the group members are not named or identified and their number is not necessarily known, how does the court deal with this? This is the nub of the concern. The court is given wide discretion. It can frame an order in any way it likes.

The court can say that specific people ought to have specific amounts, and it can allow specific people to run specific actions. But in general it will give an order for a lump sum or an amount that, say, should be paid into an account, which those people who come within the group can access.

Let us say the order awards $1000 per head to all those in the class action. Those who are notified and have in turn notified the court are automatically included, and the judge will take them into account. The judge has to estimate the likely number who were notified but did not say anything and just sat on their hands. Those who did not see the advertisement would be caught, too, because they would know nothing about it. The judge would have to give some thought to how many of those might come out of the woodwork. Honourable members can see how incredibly indefinite the whole process is.

What happens once the sum is exhausted — when people get their $1000 and so forth? An order can be constructed whereby you can go back to the court, but it would be most unfair if a defendant had a second bite taken out of his or her or its finances because the judge had miscalculated the amount that was needed.

The honourable member for Kew will speak in more detail on the matter, but this is the nub of it. What happens to the people who never saw the advertisement? A cause of action has been determined, which by definition they are members of and are therefore party to. However, the first time they hear about it is, say, five years later — in case of time limits — when they return from South Africa, having been on a volunteer program to dig wells. They come back to Australia to suddenly find that they want to sue the company because the thing blew up in their faces. However, they find that the action has already been and gone and there is no money left. Although they are members of the action it is a case of res judicata — they cannot sue over the same thing twice — so they cannot

run an action against the company. Will that be able to happen?

The honourable member for Kew has looked into the matter and kindly directed to my attention proposed section 33KA of the Supreme Court Act, which allows a person to make an application to be taken out of the group. It is his view — I am not sure that I agree, but he is usually right so I probably should — that that can be done after a judgment is given. So a person who comes back to Australia from South Africa will have to make an application to be taken out of the group before he can then bring his action. Otherwise he would be blocked by res judicata or issue estoppel, because you cannot sue over the same thing twice once the matter has been determined.

An honourable member interjected.

Dr DEAN — I presume that is what it is for. I do not know whether that is the case, but it would be better if, as part of their judgments, judges made orders that covered this situation. So in circumstances where it was just, the order would not apply and a person would not be a member of the class. That will be the cause of greatest concern unless the judiciary is able to manufacture or so frame orders and procedures to take care of it. I have absolutely no doubt the judges can do so.

I am a great believer in giving more rather than less discretion to the courts. I believe they approach things in a non-political, objective and educated way, and as a consequence we can be relaxed in doing so. It is not that I am concerned about the courts having wide discretion; it is that I believe and hope that in the exercise of that discretion the courts narrow rather than broaden this broad legislation.

Mr RYAN (Leader of the National Party) — The bill amends five acts of Parliament — the Administration and Probate Act of 1958, the Evidence Act of 1958, the Guardianship and Administration Act of 1986, the Juries Act of 2000 and the Supreme Court Act of 1986. I will make a brief contribution on behalf of the National Party, which supports the bill.

The first matter with which I will deal is the change to the Juries Act. The bill simply substitutes a new commencement date in the principal act: it was 1 January 2001, for which the bill substitutes 1 August 2001. That simply reflects the delay in the passage of the legislation through this place. The National Party supports the amendment.

The second matter is the amendment to the Evidence Act, which deals with transcript providers in civil proceedings. In the years that I ran cases the provision of transcripts was often contentious. It did not matter so much in the Supreme Court, where the transcript was available as a matter of course, but in the County Court it was certainly a terrible problem. I speak in the context of conducting cases in a circuit environment. When running civil actions in the Supreme and County courts at Sale the availability of a transcript was always a problem.

There were numerous instances when the business transacted by the circuit court started with criminal work and then went to civil proceedings. Those proceedings started with civil juries and went into causes, which were a grab bag of the things left over when everything else had gone — a bit like the definition of ‘equity’ that a lecturer gave me years ago.

As I said, one of the problems with running civil litigation in a country environment was the provision of the transcript, because the clarification of certain issues often depended on its availability. Having access to a running transcript during a trial was always of great benefit. Within about half an hour of the evidence being given, the verbiage of the witness could be available to you. That made an enormous difference in tracing the evidence. Furthermore, in the event of an appeal, the transcript was invaluable.

In Supreme Court murder or serious criminal trials, which as I said were conducted at the commencement of the circuit, the problem was not so great. Transcripts were provided as a matter of course, so we could usually tag along on the back of those who were providing the service for the purpose of keeping them on the circuit.

Not surprisingly, you had to pay, and the cost was always a significant factor. Nevertheless, the availability of the transcript was important to the parties. The situation was similar in the County Court, although in the main transcripts were not used because a few years back County Court trials were not as grave as Supreme Court trials. Nevertheless there were often County Court cases that justified the outlay, although you had to make the appropriate application. However, the cost was always a consideration.

The availability of transcripts overcame awkward problems, as occurred in the famous case where the County Court judge’s notes were called for — and I say that with the greatest respect to the learned judges of that jurisdiction. In that case the judge’s notes included terms such as ‘doggy’ and ‘horsy’ or something in that vein, so it became important over the years to provide an accurate transcript of the evidence. The bill makes it

easier for the parties to proceedings to access a pool of people who are certified as being competent to provide transcripts of evidence.

A moment ago I spoke about the cost, which is significant for the parties involved. The amendment is excellent because it will enable the parties, prior to the commencement of proceedings, to organise their affairs to enable such arrangements to be made, avoiding, as sometimes occurred, a last-minute scramble to get someone of appropriate competence to provide that important service. The National Party also supports that amendment.

The bill also amends the Administration and Probate Act to enable the authentication of probate to be done electronically. The capacity to do so is part of the Supreme Court rules, but it is now being extended to administration and probate legislation. It is a sensible amendment that will give currency to the operation of that jurisdiction. Again, that is supported by the National Party.

The fourth area of consideration relates to the Guardianship and Administration Act. That act deals with critical aspects of legal administration because it relates to matters affecting the interests of the most vulnerable members of our community. It is important that those matters of administration are handled in a way that best serves the justice of that class of people. As the honourable member for Berwick has already done, I pay due accord to the people who have been engaged in that important area of the law over the many years the act has been in effect. It is now a component of the jurisdiction administered by the Victorian Civil and Administrative Tribunal, and it is imperative that it be looked after appropriately.

The various changes reflected in the bill will in turn have implications for the Guardianship and Administration Act. Clause 7 of the bill introduces the right of rehearings to the guardianship and administration jurisdiction of the tribunal. If the tribunal makes an order other than an interim or temporary order, a party or a person who is entitled to receive notice of the application may apply to the tribunal for a rehearing. It should be noted that the act provides that whenever an application is made various interested people who are not direct parties to the proceeding — usually extended family or close friends of the person who is the subject of the application — are entitled to notice of the proceeding. So, under the ambit and import of the legislation they do not need to be nominated on the papers to be entitled to notice of the proceeding. That broad group of people are entitled to apply for a rehearing at the tribunal without having to go to the Supreme Court. The National Party respects and supports that change to the amendment introduced by the previous government to return the position to what it was.

The legislation sets out the circumstances in which there can be no right to a rehearing. Broadly, those circumstances fall within three categories. The first is when an application for a rehearing involves a matter that was dealt with by the president of the tribunal. The logic of that is that a review of an order made by the president, who is the most senior member of the tribunal, should not be undertaken by more junior members of the tribunal but rather should be made in the Supreme Court.

The second circumstance in which a rehearing is precluded is when it involves an application under section 42B of the Guardianship and Administration Act for the consent of the tribunal to the carrying out of what is defined as a special procedure. Such a procedure may be for the purposes of medical research or medical or dental treatment. By definition those applications are either urgent in nature or they involve particular areas that are beyond the bounds of the tribunal to undertake such a rehearing.

The three circumstances that come within the ambit of the definition of a special procedure are also set out in the legislation. During the excellent briefing on the legislation given by the departmental officers we requested information about what circumstances constitute a special procedure. The first is the provision of standard or routine medical or dental treatment. The second is when the application relates to a protected person participating in clinical trials. The third is when the act addresses the question of whether an intrusive procedure, such as a sterilisation, a termination of pregnancy, the removal of body tissues or other treatments involving basic human rights, should be applied.

The Honourable Roger Hallam considered each of those categories during his contribution to the debate in the other place. In the interests of time I will refer to his excellent analysis of the whole process involved in those three categories. Broadly, the first relates to standard or routine medical or dental treatment. It is intended that there should be no right of rehearing in a case involving that sort of treatment because it involves either a sense of urgency or because it is of a relatively minor nature and it is inappropriate to disturb it.

The second category involves the participation in medical research or clinical trials. We made a number of queries at the briefing concerning that category to

ensure that appropriate protocols are in place to protect those people who may be the subject of an order of that type. The departmental officers were able to alleviate our concerns. The minister's second-reading speech sets out the safeguards in place. It states:

> Under procedures developed by the deputy president in charge of the guardianship list at VCAT, the Office of the Public Advocate, ethics committees and the research community, no application is pursued unless consent has been actively sought and gained from the proposed participant's next of kin.

Protocols that apply for the purpose of the application and the guidelines that go into giving it effect were referred to in the course of briefings. Those protocols were eventually provided, and in the course of his contribution the Honourable Roger Hallam read them into *Hansard*, where they are fully set out. Suffice it to say that the issue is well accommodated. Although as a matter of logic it was queried whether it would be wise to incorporate those protocols into the legislation or into regulations, they currently exist outside the legislation and regulations and are closely adhered to.

Under the heading of 'Guardianship orders', the third area in which there is no capacity for a rehearing, are those procedures which qualify as special procedures but which by their very nature are intrusive. As I said, examples relate to sterilisation, termination of pregnancy, and the like. Given the safeguards put in place the National Party supports the notion that such ought be the case.

If a rehearing does proceed the tribunal must hear the matter de novo — in other words, it is a complete rehearing and the tribunal has all the functions and powers that would apply if the matter were being dealt with in the first instance. An application for a rehearing does not of itself stay the proceedings, so that a party cannot delay the effect of the legislation by lodging an application for a rehearing, and if any delay is sought an application must be made to the tribunal to that effect. If it feels it is appropriate the tribunal will make an order staying the effect of the existing orders or otherwise, as it sees fit. I again echo the sentiments of the honourable member for Berwick in that I am a great supporter of courts and tribunals having broad jurisdiction in such issues.

The final area that is the subject of consideration under the legislation is changes in the Supreme Court Act. Principally the changes to class actions and the provisions relating to them arise out of the case involving Mobil Oil Australia. The details of that proceeding are set out in the second-reading speech. In essence a problem developed whereby fuel provided by the company during 1999 was alleged to be of poor quality and resulted in the grounding of many aircraft. A class action was subsequently launched on behalf of the owners and operators of the aircraft and the company made an application to the Supreme Court on the basis that the current rules do not properly establish the right of the court to conduct class actions. In June 2000 the Court of Appeal upheld the court's power to make the rules but did so by a bare majority. The company has now sought leave to appeal to the High Court.

The question of retrospectivity arises out of the provision which, presuming it is passed, will take effect from 1 January 2000. I ask the Attorney-General to comment on the issue of retrospectivity in his summing up of the debate. No doubt he turned his mind to the question at the time but where there are provisions of this ilk an explanation in *Hansard* that reflects the view of the government about why it is necessary is of assistance.

For reasons that I am sure are appropriate the members of the Scrutiny of Acts and Regulations Committee did not comment on that provision, which is why the Attorney-General should refer to it in his summing up. I otherwise defer to the comments of the honourable member for Berwick, who raised an interesting point about the impact on those who were not included in the class action. Again, I will be interested in the Attorney-General's comments.

Finally, the bill provides that any order for costs against the chosen litigant who carries a class action will be against only that individual and not against all those who comprise the class of people represented by the single litigant. The intention of the provision is to ensure that people who do not have the financial resources to bring a case are protected in the event that they fail and that the balance is maintained between the little person on the one hand and the big hitters on the other. The National Party supports that provision.

Other matters of a general nature are contained in the bill, including yet another of the infamous section 85 provisions.

Mr Hulls — It is a good one.

Mr RYAN — By way of interjection, the Attorney-General says, 'It is a good one', and I think it is. The use of section 85 provisions under the former government was widely canvassed, particularly among groups that saw the passing of a section 85 provision as somehow impinging on people's rights.

The Attorney-General is right in his observation that it is a good one, and such, of course, was the case previously. Invariably those provisions were used for the improvement of the operation of the legislation and for the protection of persons or classes of persons who were engaged in its administration.

The National Party supports the use of the section 85 provisions. A member of my staff calculated how many pieces of legislation containing section 85 provisions have been passed by the government. I think we are up to about 31 bills, either single bills or multiple numbers of them. It is another interesting issue to reflect on as to how times change. I support the bill.

Mr WYNNE (Richmond) — I support the Courts and Tribunals Legislation (Miscellaneous Amendment) Bill. I thank the honourable member for Berwick and the Leader of the National Party for their contributions and for what can only be regarded as strong endorsement of the Attorney-General's reform package.

The bill contains amendments to the Administration and Probate Act, the Evidence Act, the Supreme Court Act, the Guardianship and Administration Act and the Juries Act. The amendments are not minor but go to the heart of the government's justice reform package. They go to the efficiency and fairness of the Supreme Court and the Victorian Civil and Administrative Tribunal (VCAT).

In 1997 the Supreme Court launched an inquiry into the use of new technologies to streamline the administration of courts and tribunals and to improve public access to them. It is worth pointing out that it was generally regarded by the legal profession that that initiative was long overdue. I understand that the honourable member for Doncaster was one of a number of key proponents of the reform package established for the purpose of looking at Internet access to information about courts and tribunals, the use of video linking, and newer technologies and technological improvements to the court that obviously improve its efficiency and the capacity of the public to interact more satisfactorily with a process that many see as alien and frightening.

The Supreme Court's administrative review also identified a need to move to a system based on an electronic database for primary court records. The amendment will provide the court with the power to make rules of court that prescribe the method of authentication of records. Probate, which is important to many people, will now be able to be granted when a probate order is recorded electronically. The move from a paper-based system to an electronic system will improve the overall efficiency of the probate office and, I am sure, that is welcome.

The amendment relating to transcripts in the Supreme Court will reduce wasted court time and costs of litigation.

The ACTING SPEAKER (Ms Davies) — Order! I remind the honourable member for Kew that it is the custom in this house for honourable members who pass across the centre of the chamber to acknowledge the Chair.

Mr WYNNE — The current system allows for parties in a civil action to argue which transcriber should be used for the trial work. The court in those cases has to determine the issue anyway, and the amendment provides that where a preferred supplier agreement is in place the parties must show cause why an alternative supplier should be used.

I refer to the Guardianship and Administration Act. The legislation is of critical importance for the rights of Victorians who may have disabilities and become the subject of guardianship or administration orders. It would be fair to say that the previous government had little regard for people in those circumstances, and despite the strong advocacy of the Attorney-General when he was the shadow Attorney-General, the previous government opted to subject all the VCAT jurisdictions to a common procedure. I welcome the acknowledgment both by the shadow Attorney-General and the Leader of the National Party that the amendment is long overdue and that clearly the opposition, when in government, had made a significant error.

A two-tiered review system for guardianship and administration jurisdiction has always been important to protect the rights of Victorians with disabilities. That will now be reinstated and will include a right of rehearing of applications for special procedures made under part 4A of the act. The special procedures covered in the legislation, as indicated by the Leader of the National Party, refer to important matters such as sterilisation, termination of pregnancy, or the removal of any tissue or organ from a person. They are there to protect the fundamental rights of individuals and will provide special protections and safeguards, which I am sure both sides of the house now strongly support. They will not include applications for medical research, as they come from hospitals and related institutions and mainly involve clinical trials and are already the subject of their own stringent set of safeguards.

The right of rehearing applies to the parties to the original application; those who were entitled to a notice of the original hearing but were not a party to it and have the leave of the tribunal. The Public Advocate also may apply for a rehearing. The amendment is important and provides significant safeguards for the most vulnerable members of our community. The rehearing has its own procedures of hierarchy, requiring that the rehearing be conducted by a more senior member of the tribunal.

As has been indicated, class actions have become prominent in Australia in recent years in the wake of events ranging from contaminated peanut butter through to the most recent tragic Longford gas crisis. In January the Victorian Supreme Court introduced rules for class actions. In the past the court had heard a number of class actions where a large group of the plaintiffs were actually individual parties to the action. Those rules were designed to allow one person to represent another person having claims from the same or related circumstances. Indeed, the Chief Justice said at the time that the class actions remove the necessity for often large numbers of individual plaintiffs to pursue their own cases and make the handling of those cases far more efficient and cost effective both for litigants and for the court.

Since January plaintiffs have been required to opt into a class action in the Supreme Court and will be in a class action unless they opt out. The amendments to the class action provisions are long overdue and are necessary to ensure that class actions can continue to be brought before the court to provide ordinary litigants the opportunity to fight large and powerful corporate litigants.

The changes involve an alteration to the Constitution Act that has already been referred to, and in his summary the Attorney-General will turn to some of those matters.

In conclusion, the bill is aimed at protecting the rights of the most powerless individuals and groups and reducing costs and unnecessary delays in the court process. In some instances it is long overdue and in the case of the changes in technology it is an innovation and continues the outstanding reform package of the Bracks government and my colleague the reforming Attorney-General. I commend the bill to the house.

Mr McINTOSH (Kew) — Acting Speaker, I apologise for the indiscretion. The matter of ceremony in this place is a matter steeped in tradition and history. I am still coming to grips with the fact that barristers no longer wear wigs and gowns in court and that we cannot have QCs.

Mr Hulls interjected.

The ACTING SPEAKER (Ms Davies) — Order! The Attorney-General will have his chance in a minute.

Mr McINTOSH — It is marvellous how ceremony plays a part in our lives in many different ways.

I wish to briefly touch on the issue of class actions in the limited time I have to make a contribution. Class actions, as set out in the second-reading speech, have a major advantage in the administration of justice. Certainly, from the point of view of the plaintiff and from the point of view of costs, as the Attorney-General in his second-reading speech says, in a world of mass production and mass distribution damage can be caused right across a broad section of the community. However, there is also an advantage that is not touched on in the Attorney-General's second-reading speech: it is in the administration of justice. There can be many litigants confining their case to a particular issue at a particular time in a particular court, and that is also a good thing.

The second-reading speech also fails to touch on why the bill deals with a provision relating to class actions, which is the opt-out provision — that is, unless you specifically desire not to be included as one of the representative plaintiffs, you are included. You have to specifically say you do not want to be in the class of plaintiffs. I will not go through the exceptions because of the shortage of time. All the Attorney-General has done in the bill is parrot the existing rules of the Supreme Court and address a couple of anomalies.

One of my concerns about this sort of class action, particularly when it is legislated by a state, is that it can have repercussions on plaintiffs elsewhere in Australia. The bill is designed to have an extraterritorial program in that it applies to litigants outside Victoria. I do not dispute that it is within the power of the legislature to do that in certain circumstances, but it creates a circumstance of potential injustice. For example, an injustice may come about in the case of a Victorian washing machine manufacturer that distributes throughout Australia if as a result of an exploding washing machine people were injured.

The washing machine manufacturer may be a defendant in a proceeding brought by a number of plaintiffs as part of a class action, and unless they specifically opt out, every person in the country who is a potential plaintiff is included in that class of plaintiffs. If such a proceeding took place before the Supreme

Court and ultimately produced a verdict against the plaintiffs, by virtue of the doctrine of res judicata or issue estoppel every other potential plaintiff in Australia would be affected by the operation of the bill, and in accordance with the provisions of order 18A of the old Supreme Court rules the judgment would have effect against every person who was eligible to be a member of that class.

The Attorney-General will say the government has sought to address that provision with proposed section 33KA, under which even after judgment a person can come back to the court to be excluded from a class. Unfortunately I do not have much time to elaborate, but it concerns me that one of the heads of exclusion — and they are not just general provisions, they are two heads of exclusions — deals with persons who may not have a sufficient connection with Australia. I wonder why the provision relates to Australia, not Victoria. A circumstance could occur where someone may be locked out because they live interstate and may not be aware of a particular class action. Not all class actions will get the notoriety of the Eta or Mobil Oil cases, and accordingly, there may be a class of plaintiffs who may not have sufficient connection with Victoria although they are Australians. Perhaps the Attorney-General can explain why in that provision it is limited only to Australia.

The second matter I raise relates to the second head of exclusion — under which a plaintiff can come to be excluded from a class even after judgment — where the provision relates to 'just or expedient'. I am familiar with the term 'just and equitable in all the circumstances', which is a wide-ranging discretionary power that is well known in the law. However, I do not understand the use of the word 'expedient'. Does it mean 'economically expedient' or 'convenient if time permits'? Why is the word 'expedient' used in that clause?

The second matter that appears not to be addressed in the legislation relates to proposed section 33Z, which deals with the judgment of a court and the award of damages. The award of damages can be in an aggregate form, where a judge decides that, for example, the washing machine manufacturer has to pay damages totalling $10 million. Every person who is a plaintiff or a potential plaintiff has a claim under the provision and can claim on the $10 million. What happens if that amount is exhausted? Potential plaintiffs may not know about this particular action being litigated in the courts, may not say they want to be in, but may find out about it at a later stage. By that time the $10 million may be exhausted and their practical entitlement to recover may be exhausted.

The provision is taken out of the old order 18A of the Supreme Court rules and was the subject of review by the Court of Appeal. In a minority judgment, one judge raised as a concern the constitutional requirement that every person who has an issue to be litigated in the courts should be treated judicially. A judge of the Court of Appeal has raised a concern that a particular litigant not having his or her issues dealt with judicially may be unconstitutional, and that issue is going on appeal to the High Court. The matter was raised by the Court of Appeal in *Schutt v. Mobil* and remains unaddressed in the legislation. Perhaps the Attorney-General can enlighten the house as to why it was not addressed.

Mr HULLS (Attorney-General) — I thank all honourable members who have contributed to debate on the bill: the honourable member for Berwick, the Leader of the National Party and the honourable members for Richmond and Kew.

The bill is important legislation and has been sought by relevant jurisdictions. The changes it makes to the Guardianship and Administration Act were requested in part by the president of the Victorian Civil and Administrative Tribunal (VCAT), who was of the view that a two-tiered system should be properly provided for in the legislation. He took the view that the issues raised in his jurisdiction were qualitatively different from issues of any other jurisdiction and warranted deviation from the common procedure set out in the Victorian Civil and Administrative Tribunal Act of 1998.

I recall when I was shadow Attorney-General calling for a two-tiered system of review if a person was aggrieved by a decision of the then Guardianship and Administration Board. I made that position quite clear to the former Attorney-General but it fell on deaf ears. I am pleased to be able to introduce a more appropriate system, and it is also pleasing that members of the opposition are now supporting that approach.

A number of other amendments dealing with transcripts of civil proceedings are proposed to fix the situation that has been developing in the courts whereby a number of alleged service providers have been putting their hand up to provide transcripts. It has taken a lot of the court's time to hear arguments about who should be supplying the transcript prior to a matter actually proceeding. The proposed amendment to section 130 of the Evidence Act will allow the courts to make arrangements with a preferred supplier.

The proposed amendment to the Administration and Probate Act brings the courts into the 21st century so

the authentication of probate orders can now be done electronically.

The matter of class actions was also raised, and I will make a number of points about that. The Leader of the National Party spoke about retrospectivity and about whether the proposed legislation would be retrospective. I refer him to proposed section 33ZK, dealing with the transitional provisions of the legislation, which simply validates rules that came into effect on 1 January this year and puts the validity of the rules beyond doubt. That is a simple way of explaining it for someone who has concerns about retrospectivity. The proposed legislation is prospectively validating rules that are already in place.

A number of issues were raised by the honourable member for Kew. I simply repeat that what is proposed is, in the main, a transferral of order 18A into legislation as was requested by the court.

The Leader of the National Party raised the issue of section 85 of the Constitution Act. I refer him to the report of the Scrutiny of Acts and Regulations Committee dealing with that matter. The committee took the view that the proposed section 85 provisions were appropriate and desirable in all the circumstances. I also refer him back to some of the points I made when I was shadow Attorney-General. The former government moved many section 85 amendments simply because it had the numbers in both houses of Parliament to enable it to do so. When the Labor Party was in opposition it held the view — and it still holds the view — that many of those section 85 amendments were inappropriate. Some were appropriate, but many were not. In any event, the amendments did not get the scrutiny they should have because the former Kennett government had the numbers in both houses. We do not, and we know any proposed section 85 amendment will get full scrutiny, both in this house and in the upper house. Indeed the government, knowing any such proposal will get full scrutiny, is not going to abuse its power and will only propose section 85 amendments when absolutely necessary.

The Scrutiny of Acts and Regulations Committee said the proposed section 85 amendment is not only appropriate but desirable in all of the circumstances and made no further comment.

Mrs Peulich interjected.

Mr HULLS — I do not intend to take up the pathetic, ludicrous interjection of the honourable member for Bentleigh because the comment merely undermines the work that committee does.

Mrs Peulich interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Bentleigh!

Mr HULLS — Her interjection is really a slap in the face for all members of that committee, including members of her own party. It is best that her comments remain outside *Hansard* because she might find it difficult to justify her position in the party room.

The bill is good, appropriate legislation. I am pleased the government is continuing its reform of access to justice, particularly in the class action provisions of the legislation. The bill ensures that the people who could not normally afford to bring an action in their own right can become part of a class and therefore take action where appropriate as part of that class. I am also pleased that all members of the house support the bill, and I wish it a speedy passage.

The ACTING SPEAKER (Ms Davies) — 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.

BUILDING (LEGIONELLA) BILL

Second reading

Debate resumed from 2 November; motion of Mr THWAITES (Minister for Health).

Mr CLARK (Box Hill) — The bill relates to building regulation within the portfolio of the Minister for Planning and to public health within the portfolio of the Minister for Health. I will focus on the aspects of the bill relating to building regulation, and my colleague the honourable member for Malvern, the

shadow Minister for Health, will concentrate on those aspects relating to public health.

The bill has its origin in a number of recent outbreaks of legionnaire's disease and a steady increase in the level, or at least the detection, of the disease. It derives from a working party report chaired by Associate Professor Christopher Fairley of the Monash medical school, which reported in June 2000, and the government's response to that report in July 2000. The government accepted seven of the working party's eight recommendations. The recommendation it did not accept was to upgrade any existing systems that do not meet Australian and New Zealand standard ASNZS 3666 by requiring the fitting of drift eliminators and automated biocide dosing and automated bleed-off systems to all cooling towers. In relation to that, the government said it would consult further with industry to assess the impact of requiring the upgrading of existing systems that did not meet the standard.

The opposition has had the benefit of comments made by a number of individuals and organisations. I refer in particular to responses it has received from the Property Council of Australia and the Air Conditioning and Mechanical Contractors Association of Australia. Mr Jock Rankin, the executive director of the Property Council of Australia, wrote to me on two occasions. I will quote in particular from his second response, in which he said:

> I have now had a chance to further consider the bill and have had discussions with officials from BCC, DOI and DHS.
>
> As a result of those discussions I do not have any serious issues with the content of the second-reading speech, or the bill itself.

He went on to say:

> While the bill does place the onus of compliance on the owner, DOI have assured me that issues of liability are usually covered under normal lease provisions and that an information paper is being prepared which will advise owners of the issues to which they should be alert, including where lessees themselves install cooling equipment.
>
> This effectively deals with our concerns.

He also said:

> DHS have informed me they have done costings and templates on both preparing the risk management plan and the subsequent audits.
>
> While these are variable, depending on the number and type of cooling towers, we are prepared to accept the estimates at this point, and do what we can to assist the market to price both of these requirements efficiently and affordably.

Mr Rankin also said about clause 5, which inserts proposed section 75F(3):

> DHS have assured us that the compliance trail will be augmented by independent and random inspections by DHS inspectors as part of the overall regime, and also by specifically targeted DHS inspections where the audit raises concerns. We feel this explanation deals with our concern.

The opposition appreciates the detailed feedback provided by the Property Council of Australia.

The Air Conditioning and Mechanical Contractors Association of Australia raised with the opposition issues about the extent to which standards for maintaining airconditioning cooling tower systems should be regulated and the extent to which the people maintaining those systems should be required to be registered or otherwise subjected to quality standards.

The provisions in the bill are straightforward. They require landowners to register all cooling tower systems on their land each year. They also require them to take all reasonable steps to ensure that a risk management plan is prepared for those cooling tower systems and that the plan is reviewed and, if necessary, updated each year.

The bill requires the risk management plans and records to be kept on site. It requires landowners to take all reasonable steps to ensure that the plans are audited by approved auditors each year in the three months before registration is due to expire.

The bill provides for the appointment of inspectors who may carry out the usual range of duties of inspectors, including issuing improvement notices to persons who fail to comply with the requirements of the bill. It also requires fees to be paid for the registration and renewal of registration of cooling tower systems. The fees can be used to allow the Secretary of the Department of Human Services to carry out functions relating to the eradication, prevention or control of legionella and for education and research.

The bill also makes it clear that regulations under the Health Act relating to infectious diseases can cover the cleaning, maintenance, examination, testing and decontamination of anything likely to give rise to, harbour or propagate infectious disease.

The opposition does not oppose the bill and wishes it every success in achieving its objective of reducing the incidence of legionnaire's disease in Victoria. However opposition members have a number of concerns, which I hope the minister will address.

The first relates to whether an adequate number of approved auditors will be available to carry out the functions required under the bill, particularly in the short term. In his second-reading speech the minister said he expects that approved auditors will be drawn from the ranks of building surveyors and environmental health officers. The opposition understands that people will need to be trained to enable them to carry out their roles as approved auditors and that training will take time. People must be willing to undertake the training and the other obligations that are necessary to become approved auditors. The bill does not regulate the fees to be paid to approved auditors, and it is expected that supply and demand will attract sufficient persons to undertake the role. The opposition hopes this will be adequate to ensure that a sufficient number of approved auditors will be available.

The opposition still has some concerns about the impact the bill's regime will have on owners at start-up, even though the Property Council of Australia has indicated that it is now satisfied on the issue. When discussing future leases with prospective tenants, it should be possible for owners to negotiate adequate provisions to allow them to fulfil their obligations under the legislation. However, there will be a range of existing leases that do not necessarily give the owners the powers they need to do what is expected of them. A number of the obligations in the bill are not absolute but simply require owners to take all reasonable steps to do various things.

It may be that if an owner is confronted with a tenant who for whatever reason refuses to allow the owner to do what is expected of him or her under the bill, the owner can defend himself or herself by saying that all reasonable steps have been taken. Although that deals with the owner's situation, it does not necessarily deal with the public health gap that could be opened up. It will then be necessary to rely on the inspection and other follow-up provisions in the bill to bridge the gap. The opposition hopes that issue can be resolved.

The fee-levying power, which is very broad, does not deal solely with the administration of the bill. It deals with other functions that the Secretary of the Department of Human Services may want to carry out in combating legionella. It also deals with education and research activities relating to the prevention and control of legionella. The opposition has been assured that it is not intended that owners of buildings will fund a widespread research program into legionella, but the regulation-making power allows for that. Building owners in particular are entitled to expect that power not to be used to the fullest extent permissible.

There is an issue relating to national competition policy in proposed section 75GA, which states:

> A person must not conduct a risk management plan unless he or she is an approved auditor.

The opposition has no objection to requiring an approved auditor to conduct audits of risk management plans for the purposes of the legislation. However it is unclear whether the bill intends to go further and say that, independent of complying with the obligations of the bill, no person is entitled to hire anybody else to perform functions that fall within the definition of a risk management plan audit unless that other person is an approved auditor. I hope the minister or another spokesperson for the government can address that point and explain exactly what is intended.

There is also a query about exactly what is being audited in the risk management plan. Proposed section 75E(2) says:

> A risk management plan must —
>
> (a) address the risks specified in the regulations; and
>
> (b) include any other matters required by the regulations.

Proposed section 75E(1) describes a risk management plan as a document that identifies the risks associated with the use of a cooling tower system and sets out steps to be taken to manage the risks and to ensure compliance with any requirements relating to the system imposed under the bill or the Health Act.

However when auditing the risk management plan the audit is required to determine simply whether the plan complies with proposed section 75E(2). In other words, the audit does not have to explicitly address whether the plan manages the risks associated with the use of a cooling tower system and, in particular, whether the plan complies with any requirements imposed by or under the bill or the Health Act.

The question is: how rigorous is the audit in determining whether the risk-management plan is functioning to combat legionella? It may well be that at the end of the day the main purposes of these provisions in the bill are educative and procedural rather than containing the teeth that ensure compliance and that ultimately it is the regulations which will have the teeth to ensure that standards are achieved and maintained.

I have mentioned previously the concerns raised by the airconditioning contractors association about how maintenance standards will be achieved. Regulations made under the Health Act will address at least some aspects of those issues. Another recommendation in the

working party report deals with systems that do not comply with current requirements for drift emulators, automated biocide dosing and the automated bleed-off of systems, which I understand are predominantly cooling tower systems installed prior to 1990. As I indicated, the government said in its response that it was undertaking further consultation with the industry on that. This subject was not addressed in the minister's second-reading speech and I hope the minister will inform honourable members of the current situation. However, having raised those concerns I indicate that the Liberal Party does not oppose the bill. It certainly wishes the bill every success in achieving its objectives.

The ACTING SPEAKER (Ms Davies) — Order! The time appointed under sessional orders for me to interrupt the business of the house has now arrived.

Sitting continued on motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Mr DELAHUNTY (Wimmera) — I join the debate on the Building (Legionella) Bill on behalf of the National Party. The purpose of the bill is, firstly, to amend the Building Act to require the registration of cooling tower systems; secondly, to require the preparation and regular audit of risk-management plans of cooling tower systems and thirdly, to amend the Health Act to ensure there is adequate legislation to make regulations dealing with legionella and other infectious diseases.

As part of the consultation program undertaken by the National Party, the Honourable Jeanette Powell and I were pleased to be briefed by a member of the minister's planning office, a couple of staff from the Department of Human Services and also a staff member from the Department of Infrastructure. The National Party was grateful for that briefing opportunity. I indicate that after examining the proposed legislation and talking with many people across country Victoria the National Party is not opposed to the legislation.

We should all aim for the reduction of the legionella disease, whether it be in areas of recreation, while doing our shopping or in the workplace where issues of health and safety are important. The bill aims to strengthen the controls and maintenance of standards for cooling tower systems. The bill includes information and education programs which are an important part of keeping the community informed, not only the building people but also the maintenance people, including those involved in running shopping centres and the like. The honourable member for Box Hill spoke about Mr Jock Rankin. I will leave Jock Rankin alone tonight because the issue has been adequately covered from the point of view of the shopping centres.

The community has major concerns about public health risks arising from legionella infection. Any outcome of the bill must be, first of all, to improve public confidence. We have seen what has happened in recreation facilities, particularly tourist facilities, when there is a lack of confidence in the facility. A lack of public confidence can have a major impact on business. It is also important to have an outcome that results in reduced concern and anxiety within the community and the workplace.

From a community perspective, legionella hits people of certain health categories, including the elderly and those whose immune systems are already weakened by other infections. It is important that there is some reduction in the disease so that we can lessen the anxiety, particularly for those elderly people who take coach tours and visit some of the newly established tourism facilities across Victoria.

Legionella is an environmental bacteria that can be found in high concentrations in warm water systems such as cooling towers unless sufficient treatment is applied. Infection is known to be acquired in susceptible people through breathing in aerosols containing legionella from these systems. From 1991 to 1997, 20 to 40 cases of legionella disease were notified each year in Victoria, with deaths ranging from between one and nine. In 1998 there were 68 notified diseases with 8 deaths. In 1999 there were 64 cases with 5 deaths. From 1 January to 16 May this year there were 164 cases with 6 deaths, and these included four outbreaks across Victoria, one of whom came from Cobram. The legionella disease impacts on country Victorians as much as it does on urban dwellers. That occurs because more people travel nowadays; we are all much more mobile.

In 1979 legionella was proclaimed a notifiable disease in Victoria, requiring all cases to be notified to the then Health Department of Victoria. The large increase in the number of notifications could be due to the greater public and clinical awareness of the disease. In Victoria the fall in the number of deaths from legionella as a percentage of notifiable cases from 50 per cent in 1982 to 8 per cent in 1999 is thought to be due to increased clinical awareness and obviously, therefore, people being treated appropriately.

The National Party is not opposed to the bill. It is estimated that there are 10 000 cooling towers in Victoria. The major concern is that there is no database of information if there is an outbreak of legionella. The

bill is important as it captures that issue by providing for a database of information from all the cooling towers across Victoria. As has been said, it was very difficult to investigate the source of outbreak of legionella.

The bill provides that the owner of the land on which there are cooling towers must register them and complete a risk management plan identifying the risk, including a maintenance plan and the location of the towers, maintenance contractors and business owners, so that when there is an outbreak it can be addressed immediately, dealt with and the problem rectified. The risk management plan must be reviewed and audited each year by an approved auditor.

Concern has been expressed that in the early stages there will be a shortage of auditors, and it is understood from the second-reading speech that environmental health officers, building supervisors or an approved person from the Department of Human Services will do the job. Obviously it will take time for that to be set up.

I highlight a couple of other things I picked up from the second-reading speech. As I said, the initial work for the audit will be done by building surveyors and others. Again, I know that council environmental health officers in rural communities are under enormous pressure given the many regulations and acts they need to implement. It is important for the Department of Human Services to give adequate training to the people involved so that the community has some confidence in the initial audit.

Four authorised officers will be appointed by the Department of Human Services to issue improvement notices to property owners if risk management plans are not adequate. When we asked where the authorised officers would be located, we were informed that they would all be located in Melbourne. I hope rural facilities will not have to bear the extra burden of the costs involved in travelling to those facilities; I hope the Department of Human Services will wear that cost. The second-reading speech states that it is anticipated that the registration fees will cover the costs of enforcement and educational activities. Again, we ask that country facilities not bear any extra costs involved in those areas.

The second-reading speech states also that the government's reform package will include an enhanced technical, advisory and support function at the Department of Human Services. That will also be located in Melbourne. We must ensure that the country facilities are adequately maintained and looked after and do not have to meet exorbitant costs.

I read with interest that the working party report prepared for the government recommended eight points of action, of which the government is taking on board seven. The one that was not accepted but on which the government will undertake further consultation is:

> Upgrade existing systems which do not meet the Australian and New Zealand standard … to require fitting of drift eliminators and automated biocide dosing and automated bleed-off systems to all cooling towers.

The government's intention to undertake further consultation must be supported. I note that the working party consisted of many people, all of them located in Melbourne. Local government was included. As you, Mr Acting Speaker, will be well aware, when it is proposed that any building work be undertaken in country Victoria, the council is the first place the builders or anyone else concerned go to understand any aspects of the building. If there is an outbreak of legionella, the first point of call is usually the environmental health officer who is employed by the local council. So I was disappointed when I saw that there was not one person outside the metropolitan area in that working party.

I refer again to some concerns of the National Party. It is important to understand and work on the costs. As I said, country facilities must not be disadvantaged by the extra burden of the cost of travel by the inspectors or authorised officers. Even if the audit process has to be gone through — and it is important that that happens — there must not be an undue burden on country facilities in having auditors come from Melbourne. It is also important that no extra burden be placed on country councils, either in the training of the environmental health officers and building surveyors or in the implementation of the legislation.

Previous speakers referred to concerns about auditing, so I will not refer to those again. As I said, there will be only four inspectors, who will be important in implementing the legislation. The second-reading speech states that the overall cost to industry will be a one-off cost of $2.5 million and a recurrent cost of $2.4 million per annum. It is important that the costs be maintained at that level and the implementation of the measure undertaken so as to minimise concerns and, most importantly, reduce the incidence of legionella. As I said, the costs to industry are necessary and reasonable to achieve community expectations on safety and to address the public health risks posed by legionella.

In conclusion, the National Party has looked at the bill thoroughly and will not oppose anything we believe is good for country Victorians.

Mr VINEY (Frankston East) — I support the Building (Legionella) Bill because it is about public safety. The bill seeks to decrease the risk of an outbreak of legionella and increase public confidence in the control of the disease and the use of public spaces and buildings, including for employees.

At the outset it should be made clear that the bill will not ensure the eradication of legionella. The bill seeks to improve the management of cooling tower systems so that the risk of legionella is reduced.

I appreciate the contribution of the honourable member for Wimmera and in particular note the concerns he raised about the impact of the bill on country Victoria. I make it clear that the bill will assist people and businesses in rural and regional Victoria, because an efficient system with more certainty will be put in place.

On the matter of costs, it is expected that initially auditors will be drawn from environmental health officers and building surveyors around Victoria and that they will be able to combine visits to buildings for the audit purposes of the bill with those conducted for other purposes. One of the other things that needs to be kept in mind about helping keep down the costs of audits for landowners who live in rural and remote areas is that often an audit will require inspection of documents relating to relevant cooling tower systems and may not require an audit on site.

The bill aims to ensure that owners of land on which cooling tower systems are located are responsible for ensuring that a system is registered, that there is a risk management plan, that that is regularly reviewed and that it is audited by an independent person.

The bill will simplify and clarify requirements and obligations for building owners. Currently the requirements that building owners must follow exist under two acts, the Health Act and the Building Act. The bill requires owners to comply with regulations under the Health Act known as the Health (Infectious Diseases) Regulations. They are really guidelines, are advisory in nature and are not effectively enforceable.

The second relevant act is the Building Act for post-1994 buildings that require an essential services report reviewed annually by a building surveyor. The problem here is that it applies only to post-1994 buildings and that each report is individual to each building; so there is no clear consistency and the complexity of working under two acts leaves too many loopholes and too much to subjective judgment.

The new provisions under the Building Act will simplify and clarify the process and expectations for the management of cooling tower systems. All cooling tower systems will be required to have applied for registration within six months of the passage of this bill. The registration will provide information on where the systems are, what systems are being used, their location, construction features, and contact people such as maintenance persons.

All registered systems will be required to have a risk management plan within 12 months of registration. Guidelines on what will be required to be in the risk management plan will be developed in consultation with stakeholders and included in the regulations. In fact that consultation has already begun. The plans will be audited 12 months later, giving building managers about two and a half years to have their systems up to speed and operating in accordance with the new regulations.

The audit will be conducted by an accredited auditor such as a building surveyor, environmental health officer or other appropriately qualified person. The honourable member for Box Hill raised concerns about the question of audit. However, the Department of Human Services will provide the appropriate training and templates on how to conduct the audits. I regard the raising of national competition policy issues in this debate as somewhat spurious, given that obviously we require auditors who are appropriately qualified.

The Department of Human Services will also have an inspection role. Where an audit uncovers a problem the department's inspectors will conduct a separate investigation. The whole process will be managed by a system of penalties that include closing down buildings in extreme cases. As I said at the outset, the bill is about public safety, decreasing the risk of an outbreak of legionella, and increasing public confidence.

Mr DOYLE (Malvern) — Although this is a planning bill, it tackles a major public health imperative. I shall take honourable members back to the reason the bill is now before the house. On 26 April this year the first notification occurred that there had been an infection of legionella, which was eventually traced to the Melbourne Aquarium. By the next day 4 cases had been notified, and by the end of the outbreak more than 100 cases had been notified. The Department of Human Services also conducted more than 8000 urinary antigen tests to determine that. It was found that the specific strain was *Legionella pneumophila* serogroup 1, which accounts for about 75 per cent of the Victorian infections we get. It is interesting to note that of the 109 cases confirmed by the Department of

Human Services, a class action is now in progress with more than 150 litigants in the class — but of course I shall make no further comment on that.

In what became a negative information world, if I may class it that way, I pay tribute to the Department of Human Services staff, who did a sterling job not just in identification of the source but in the subsequent treatment of both public and private health imperatives that went with it. We know that the risks were managed through the risk management strategy contained in the guidelines for control of legionnaire's disease of 1989 and the regulations that were passed in 1990, which added a new division to the Health (Infectious Diseases) Regulations and put the onus on the owner to manage and control the cooling tower and evaporative condenser, serving airconditioner or industrial process types of towers. That was the regime that operated until now, where the owner or the tenant was required to maintain that system.

It is interesting also to note that was also covered by the Occupational Health and Safety Act 1985, as other speakers have mentioned. We have seen an escalation in the number of cases from 185 Victoria-wide in 1992 to 250 last year, where almost all the cases were admitted not only to hospital but to intensive care. The earlier death rate of 10 per cent is now, I believe, down to about 3 per cent or 4 per cent, which is a great tribute to our health system, mainly through the early detection of the disease, improved use of the antigen test and earlier information about the source of infection.

All honourable members know that cooling towers provide a very good means of pushing building heat into the atmosphere because the heat is transferred to the tower by a water circuit connected to a water-cooled condenser as part of a central refrigeration plant or, in some cases, a local water-cooled airconditioning unit. It is an efficient means because it allows the recycling of the water. As other speakers have said, that saves us about 25 to 40 times the water that would be needed if we were just discharging that water to waste. But the towers provide conditions to allow rapid growth of legionella, particularly in the biofilms of the system. Some 350 sites in the CBD and probably 10 000 individual towers throughout Victoria need to be considered.

I also point out that the disease is also subject to a seasonal variation. It is most prevalent in late summer or early autumn, so I hope this debate in Parliament today serves as an early warning to our industrial and commercial colleagues that if they have not checked their towers or done their regular maintenance, now is the time to do so. That warning to owners may be timely given the seasonal variations I just mentioned.

How do we approach this issue? As other honourable members have said, the government has chosen a broad-based approach to risk management. The opposition agrees with that, but we would need to be assured that all parties are appropriately responsible and that there is a total quality assurance basis, because legionella is somewhat like golden staph — once it is there you do not get rid of it. There is no way to get around that. The internal heat and the mass transfer in the process of cooling towers — although, as I have said, it provides the economic use of water through recycling — also provide ideal conditions for legionella to grow in the biofilm. Then, when there is air discharge, particularly from high towers, and particularly in concentrated areas like the CBD, there are particular problems with the risk of this disease.

I am pleased there has been no knee-jerk reaction to the outbreak, and no seeking to apportion blame. There has not been an attempt at a quick fix. But I seek the assurance that this bill represents a real attempt to diminish the level of risk, not create a new level of unworkable bureaucracy. I sound that note of caution.

I know this is enabling framework legislation, but until we see the health regulations we are unlikely to know the efficacy of the regime proposed. We will not know whether this is a focus on paperwork or on the problem. We need to see those regulations, particularly as proposed in clause 14, to determine the accuracy of the database of the cooling towers, the efficacy of the risk management plans and the audit and review provisions, and particularly the way the documentation will be maintained so there will be accurate working documents, not just a cursory attempt to fulfil the law as it is passed today.

We also need to know how broad the scope of those regulations will be, because they will need to be focused. We need to know how the risk management and auditing provisions will work, and whether, as the honourable member for Box Hill said, they will drill down to get to the source of the problems rather than just being some sort of on-the-shelf warm and fuzzy unworkable provisions because they do not get to the source of the problem. I hope they do, but I echo the remarks of other honourable members when I say I hope the simple issues can be resolved before then.

Those simple things include whether there will be enough auditors to manage the system. That issue needs to be addressed. However, as I said, I hope both sides of Parliament can work together to minimise that public

health risk. I hope the framework — the enabling legislation — will work.

I pay tribute to the officers of the Department of Human Services not only for the way they treated the outbreak in April but also for the ongoing work they have done. I also pay tribute to the Shades of Grey and the Building Industry 2000 groups, and in particular John Chessells and Albert Littler, who organised the June conference at which both the minister and I spoke and where a range of views were expressed. Many of those views found expression in this bill.

I also echo the words of the honourable member for Wimmera, who paid tribute to the work of the legionella working party chaired by Associate Professor Christopher Fairley. I hope the work of all those parties as well as the concerns of industry and the Parliament will be given expression in the bill. The proof of the pudding for the opposition will be in seeing how sensible the clause 14 regulations are, including how well they provide for risk management and how well they allow industry to work while protecting the public against that terrible disease.

It is strange that the disease was discovered only in 1976. It is a tribute to our public health officials not only that the disease, including its causes and sources, has been identified but that Parliament is now going through the process of refining the legislation to ensure that outbreaks like the ones that occurred in Victoria and New South Wales are minimised. The opposition understands that the disease cannot be prevented, but we must work together to ensure that the risks are minimised as much as possible. The opposition will be scrutinising the regulations carefully to ensure they are workable, but it is pleased to support this first step in ensuring that the public risk is minimised.

Ms BARKER (Oakleigh) — I am pleased to speak on the Building (Legionella) Bill, which is one of the most important pieces of public health legislation to have been introduced.

The bill will put in place a balanced approach to legislative and educative reforms. It is important to emphasise that the bill is the beginning of an ongoing process. The bill sets up a reform framework to reduce the incidence of legionnaire's disease in Victoria, thereby minimising the risk to members of the public and to employees in buildings that have cooling towers.

The purpose of the bill is to amend the Building Act to require the registration of cooling tower systems, to require the preparation and regular audit of risk management plans for cooling tower systems and to amend the Health Act to ensure that it has adequate powers to enable the making of regulations dealing with legionnaire's and other infectious diseases.

In the short time I have available, I will deal with a couple of issues on which I have done some work. It is important that cooling tower systems are identified and registered. As noted in the second-reading speech, currently there is no database showing the locations of cooling tower systems, but it is estimated that there are approximately 10 000 in Victoria. The register will not only identify where cooling tower systems are located but also include data on all key parties associated with the cooling tower system.

It is important that the register not only note where they are located but also include the owners of the systems, the maintenance contractors, the water treatment contractors and so on. The register will also pick up information on the system itself, including the use of time-dosing chemical pumps for automatic dosing, bleed-off systems that allow for the dilution of nutrients and drift eliminators that minimise the expulsion of aerosols that could contain bacteria. Because it will include a mapping facility, the register will also assist in identifying unfortunate outbreaks when they occur — although I hope there will not be many more in the future.

Another issue relates to the definition of cooling tower systems, which the bill defines as towers that recycle water and use fan-drawn cooling. That definition is important in that it excludes other cooling towers that are not at risk, such as those that use once-through running water and those that do not have fans. It is also important because it distinguishes between cooling towers and evaporative coolers, which are commonly used in Victorian households.

I will deal briefly with the risk management plans. Proposed section 75E in part 5B provides a meaning of 'risk management plan'. I note the comments of the honourable members for Malvern and Box Hill on the plan. The second-reading speech states:

> … a comprehensive kit containing information in risk management plans, including models for maintenance programs, will be developed by the public health division of the Department of Human Services, in consultation with the Building Control Commission and the Plumbing Industry Commission, and made widely available to property owners. Guidelines on the appropriate selection of water treatment companies will also be provided.

I agree that the risk management plans are extremely important. I have had a number of discussions with people about the bill, which I have a great interest in. One of my concerns is the way cooling towers are

currently dosed. For example, in many instances it is a consulting engineer who commissions a tower and recommends the level of dosing. It may be that a water treatment company considers that the level of dosing is inadequate, but that does not mean such advice will be considered or acted on. Conversely, it may be that an adequate system of dosing or testing a tower is in place but that the dosing or testing is not carried out adequately.

Another issue raised with me is the siting of towers in public areas or in areas that make it extremely difficult for the people testing or dosing them to gain adequate or safe access. They are just a few of the concerns raised with me, which I believe are important.

I understand the model kit for the risk management plans will refer to a number of factors such as structural deficiencies in cooling tower systems, the inappropriate siting of cooling towers near public areas and workplaces, stagnant water, nutrient growth, poor water quality and the time a system is left idle.

The development of risk management plans is, like other areas of work to be done in line with the bill, part of the strategy to provide a comprehensive package that the government hopes will develop effective control and maintenance procedures and reduce the incidence of legionnaire's disease — that is, a balanced approach between legislative and educative reforms.

I also note that regulations are to be introduced in other forms or in other areas concerning the Health Act and new plumbing regulations under the Building Act.

I have received some information showing that the new regulations under the Health Act will prescribe the requirements for water treatment and the inspection, servicing, cleaning and disinfection of cooling tower systems, and actions to be taken if high total bacteria counts or legionella are detected in test samples.

More work needs to be done and I look forward to being involved in the development of risk management plans or in the consultation on the regulations to be implemented to complement the legislation.

The establishment of the technical advisory and support function in the Department of Human Services will provide not only important technical information but also general information kits and risk management information and education. An information line has already been implemented to accommodate potential inquiries subsequent to the passage of the bill. Further research is required into both the design of cooling tower systems and water treatment.

Those are brief points on the bill. I have noted some of the further regulations that are required, including the development of materials and accreditation systems. I emphasise that while the bill is an important initiative it is part of a reform package that combines a number of regulatory and non-regulatory approaches to reducing the incidence of legionnaire's disease in Victoria. I welcome the bill and look forward to the further developments that will occur to provide the package of reforms. I congratulate the Minister for Health on bringing forward this important reform. I wish the bill a speedy passage.

Mr WILSON (Bennettswood) — I welcome the opportunity to speak on the Building (Legionella) Bill. I have had a long-term interest in the public health issues associated with cooling towers and the incidence of legionnaire's disease. As chief of staff to the former Minister for Health I closely followed the ongoing battle to reduce the incidence of legionnaire's disease in Victoria.

Like the honourable member for Malvern, I pay tribute to the Victorian public health officials who have made a significant contribution to the knowledge base on cooling towers and legionnaire's disease over the years. I have checked the figures on the incidence of the disease in Victoria and note that it has increased significantly over the past decade. In 1990, 13 incidents were reported, by 1999 the number had reached 64, and there have been an unprecedented 215 cases in the current year. Similar increases have occurred in other states and territories.

The report of the legionella working party offers a reasonable explanation for that dramatic increase. Page 6 of the report states:

> The increase in notifications is considered to be due mainly to greater public and clinical awareness, and to improved diagnostic methods. In Victoria, the fall in deaths from legionnaire's disease, as a percentage of notified cases (from 50 per cent in 1982 to 8 per cent in 1999), is thought to be also due to the above.

In this calendar year honourable members will recall the very public episode of legionnaire's disease at the Melbourne Aquarium, at Victoria Barracks and at that most famous of all institutions, the Collingwood Football Club. The figures I quoted earlier suggest that it is timely for Parliament and the government to put a new regime in place to deal with this serious public health risk.

The report of the legionella working party has significantly contributed to the bill. In essence, the bill seeks to achieve the following goals. It requires landowners to register all cooling tower systems on

their land with the Building Control Commission. It requires landowners to take all reasonable steps to ensure that a risk management plan is prepared for all cooling tower systems on their land and is updated. It requires landowners to take all reasonable steps to ensure that risk management plans are audited by an approved auditor annually. It provides for inspectors, who may issue improvement notices to persons who fail to comply with the requirements of the bill. It requires fees to be paid for the registration and renewal of registration of cooling towers, and for the proceeds to be used for the administration of the requirements of the bill. Finally, it makes clear that regulations under the Health Act relating to infectious diseases may cover the cleaning, maintenance, examination, testing and decontamination of anything likely to give rise to infectious diseases.

Victoria has an estimated 10 000 cooling towers and the task before the working party and the various government departments is not easy. The report of the working party noted six issues of concern: firstly, the increasing incidence of legionnaire's disease; secondly, the shortfalls in the existing arrangements; thirdly, the lack of record as to the location of cooling towers; fourthly, the problem that some cooling towers do not meet current standards of best practice; fifthly, the continuing large counts of bacteria and legionella in cooling towers; and sixthly, the increased burden on local government.

The Building (Legionella) Bill attempts to address those issues. I hope the new regulations will significantly assist in the fight against legionnaire's disease.

Mr BATCHELOR (Minister for Transport) — In late October 1998 a hot north wind blew over the suburbs of Thomastown and Reservoir.

Mr Smith interjected.

Mr BATCHELOR — I would not joke about it; 17 people from my electorate ended up in hospital. It is not a funny matter.

Ms Asher — Get on with the speech.

Mr BATCHELOR — I will get on with it all right. The former Liberal government was in power when the outbreak of legionella occurred in Thomastown.

Mrs Peulich interjected.

The ACTING SPEAKER (Mr Savage) — Order! Interjections are disorderly. The minister should continue his contribution.

Mr BATCHELOR — As I said, in late October of 1998 people in Thomastown and Reservoir who were going about their daily lives — carrying out ordinary activities, including going to the shops, walking their dogs, driving down Mahoneys Road, stopping at the traffic lights with the window down and visiting neighbours — were unwittingly subjecting themselves to an attack of legionella.

In that first week of November young people and old were dropping like flies because of an outbreak of legionnaire's disease at an industrial estate in Thomastown. At that time 17 or 18 people ended up in hospital, and some were in intensive care for four or five days. Lives were genuinely put at risk, and if it had not been for the excellent service provided at the Northern Hospital and at St Vincent's, the outcome for those people may have been more serious.

All they were doing was going about their daily lives unaware of the dangers that were lurking and unaware that the air they were breathing was life threatening and liable to cause them serious injury and illness. A small factory in Norwich Avenue, Thomastown, an industrial area inhabited by many small factories, was belching out an aerosol spray laden with legionella. People many streets away, in fact in the next suburb, breathed that in and ended up sick in hospital.

Under the arrangements that existed at the time it was difficult for the authorities to know how to deal with the outbreak. Local government and health department officials were at a loss to identify the source. People started falling ill around what is described as the Melbourne Cup long weekend, which compounded the investigatory problems facing the health authorities.

Mr Delahunty interjected.

Mr BATCHELOR — That's right, it happened in October. The evidence was that an outbreak of legionnaire's disease occurred over the long weekend. Health officials did not know the source so they went out in cars in pairs, sticking their heads out the windows to try to identify the factories that had cooling towers on their premises so they could note down the addresses and go back and inspect them. The difficulty with that approach was that any trees or higher building structures at the front of a property line concealed the cooling towers, preventing the speedy identification of potential sources of legionella.

Thirty or so factories and other premises were identified, and it took some six days to get around and properly test them all. In the meantime, some of the owners had caused their cooling towers to be treated,

which made the identification of the potential source more difficult. Nevertheless, with perseverance Kats Refrigeration was identified as having a similar legionella bacteria to that found in many of those who had fallen ill.

It is interesting to note a comment made at the time by Dr Graham Rouch, as reported in the *Age* of 25 December when the story was finalised. The publication date is interesting, because it was obviously designed to keep the facts away from most people. He said that the place had not cleaned its cooling tower in the six months before the outbreak.

The government is taking the lead in putting in place appropriate laws and regulations to deal with the problem. The bill has support across the chamber, which is appropriate. Clearly, many lessons have been learnt from the outbreak in Thomastown in 1998 and the more recent outbreak at the Melbourne Aquarium.

The bill is a great step forward, and I congratulate the Minister for Health on his foresight in introducing it. He has engaged in extensive consultation and has heeded the lessons of not only the aquarium outbreak but also the 1998 outbreak, which I referred to him in his previous capacity as the shadow minister. The bill will go a long way towards bringing the knowledge base of small operators and owners of buildings up to date. I hope it will prevent those sorts of outbreaks from taking place.

Mr SMITH (Glen Waverley) — I agree with previous speakers that the bill will go a long way towards preventing the spread of legionnaire's disease. There are a couple of points I wish to make, which I have made previously. I hope the minister will listen to my comments because some months ago, during the outbreak at the aquarium, an electrician from my electorate, David Fisher, came up with the idea that rather than having inspectors and a system of regulation down the line, tradespersons such an electricians and plumbers should be used to approve the latest maintenance of cooling towers. In other words, they would go along as electricians and plumbers to give compliance certificates when maintenance or other work was done on those sites. I put the idea to the Minister for Health and the Treasurer, who thought it was sensible.

When I looked through the bill I found that it referred to inspectors, who will be any persons appointed for the task. I had hoped that the positions would be taken by qualified persons. I had in mind people who run airconditioning companies. Most people know Peter Boyle, an owner of newspapers in the eastern suburbs who also owns airconditioning plants. He started his career as a plumber. The expertise that is required to inspect airconditioning systems is part of his trade. I had hoped the inspectors would need qualifications rather than being bureaucrats appointed to check on auditors.

Mr Viney interjected.

Mr SMITH — Whether they are independent is immaterial. The point is that the qualifications of the person — —

Mr Viney interjected.

Mr SMITH — Just listen. The qualifications required of a person working in the area should be that of an adequate trade. It is a simple idea. I am not knocking the bill, but a more practical way of applying and maintaining it would be to appoint qualified people.

I do not want to see major amendments but I would like to see the idea that qualified people should make the decisions taken on board. When work is done on your house, for example, the electrician is paid $20 and provides a compliance certificate, which is virtually a guarantee that the work is done properly. The idea comes from tradespeople, who are far more adept and qualified than members of the house to decide on the best means of doing work. The community wants to see this done sensibly and properly and the idea will facilitate a better administration of the bill.

Further, I want to make the point that the fees introduce another new tax. Whether the minister wants to recognise the point or not, the government is imposing yet another tax. I flag that the fees are another tax applied by the Labor government, and it will not go unnoticed by the people. There have been two other taxes today, including the tax introduced by the Marine (Amendment) Bill. It is part of the socialist philosophy to have more taxes. Regardless of what they are called, they are taxes.

Mr Thwaites interjected.

Mr SMITH — It always guarantees I will get the bite I want from the minister.

I ask the minister to take on board the bit about qualified tradesmen. It is a good, practical suggestion. I hope the minister comments on that when summing up.

Mr LANGDON (Ivanhoe) — I am pleased to make a contribution to the debate, brief as it may be. I commend the Parliamentary Secretary for Human Services, the honourable member for Frankston East,

for his work on the bill. I am aware that the honourable member for Oakleigh has also spent an enormous amount of time on it, and her expertise in the committee meetings I have attended has demonstrated a refreshing and commanding interest in the subject.

The effects of legionella are alarming. The number of deaths has increased from 13 in 1990 to 215 so far this year. The issue cannot be ignored and the minister is taking a responsible approach. The investigating reports best sum up what is happening with the managing of the health risk associated with cooling towers. Parliament cannot legislate against disease, bacteria or other things of that nature, much as honourable members would like to. The bill will bring cooling towers and their maintenance under the control of a management process.

The Minister for Transport summed it up best when he described how in 1998 when the department investigated the problem in Thomastown inspectors had to stick their heads out of the car windows to see what cooling towers were in the Thomastown area. That was an absolutely and utterly appalling situation in this day and age given the control society has over otherwise life-threatening diseases.

Although the bill is a step in the right direction it is by no means a total control mechanism, because, as I said, disease cannot be legislated against. The legislation is designed to reduce the risk of the contraction of legionella from cooling towers. The honourable member for Thomastown outlined how appalling the situation was in 1998 because of the lack of a central database for cooling towers. The bill proposes the establishment of such a database to be administered by the Building Control Commission and will require that owners register towers.

I looked at the cooling tower at my electorate office the other day and wondered how suspect it might be. I discovered it was not working. Water was pouring out of it so I asked for it to be inspected, and for the sake of my office staff and to eliminate any risks it will be fixed. The owner of the property is more than pleased to register the cooling tower. He was concerned about it. He said that people walking past the building rather than those inside would probably be affected, which is what happened earlier this year at the aquarium — those waiting outside to get in were affected. A slight fee is involved depending on the size of the property. It can be as low as $300, which is not an enormous amount for a person renting out a property to pay to ensure the safety of citizens on the street and the occupants of a building.

Risk management measures contained in the bill will reduce the incidence of legionnaire's disease, which has been growing since 1990. I commend the minister for acting on a disease that is causing public fear. Although the bill is a step in the right direction the government must remember it is only a step, not a solution. Thorough investigation, registration and management of cooling towers are steps in the right direction. I commend the bill to the house.

Mr MACLELLAN (Pakenham) — I briefly join the debate to urge the minister to consider using the good offices and skills base of the Plumbing Industry Commission to assist with the bill.

The assumption has been that building inspectors would be the appropriate people to deal with airconditioning installations to ensure that legionella disease is not a problem. Although I suspect a handful of building inspectors — probably a handful operating in the private sector rather than those employed by municipalities — might have the appropriate skills, a large number of plumbers working in airconditioning would be the appropriate people to work on airconditioning equipment, to certify it and to ensure that the appropriate standards are maintained.

Mr Smith interjected.

Mr MACLELLAN — Yes, I am happy to acknowledge that the honourable member for Glen Waverley spoke exactly along those lines.

In the plumbing industry any work worth more than $500 — and it would be possible to vary that to include any work at all, as is the case in the electricity industry — must be notified and certified to be in accordance with the regulations. In the event that a random inspection finds work done to be not in accordance with the regulations, disciplinary action is taken against the practitioner. The plumbing industry has a reporting mechanism, a 24-hour phone-in service and self-certification, and there is a database that is suitable for the collection of information once registration of an installation is completed.

When a qualified practitioner works on a cooling tower and finds it to be in order it should be recertified on each occasion. It would not be appropriate for someone to work on a tower and then simply rely on an annual inspection. It does not matter how often a tower is certified to be in accordance with the regulations, it should be certified each time work is done. If for some reason no work is done for more than 12 months there ought to be an inspection anyway. That seems to be the

recommendation from the working party, and it is the proposal in the legislation. I have no quarrel with that.

If, in the first month of 12, people work on the plant they should report back on any work done to the effect that it is in accordance with the regulations and that the plant is in good working order. Then, instead of having a single expiry date on which registrations or inspections must be made, cooling plants would be broken up into groups that could be inspected at different times of the year rather than all on one day such as 30 June.

The bill and the second-reading speech seem to indicate a preference for the Building Control Commission and building inspectors to be the parties involved, but I urge the minister to consider whether the plumbing industry can be helpful in the matter. Its mechanisms of self-certification, random inspection, database maintenance and insurance might well be a better and more helpful way to regulate work on cooling tower installations. Registration might well remain with the Building Control Commission — I have no quarrel with that — but when work is done, requirements have to be met and a registration database of the work done maintained. The mechanisms provided by the Plumbing Industry Commission offer the government a golden opportunity for the appropriate regulation of work and the keeping of appropriate records.

I make those suggestions to the minister and wish him and the bill well in the effort to maintain public health standards in Victoria.

Mr SEITZ (Keilor) — I support the Building (Legionella) Bill and congratulate the minister and the committee that worked on the reports on the government's response to the initial reports and the legislation now before us.

For me the bill brings back memories of the shock of the first legionella outbreaks in Victoria. I have an industrial background and have worked in places with cooling towers and on the maintenance of those towers. At the time no-one gave us any advice on how to do it, and the scientific knowledge was not around. The same is true of asbestos. The entire industrial work force of the western suburbs was exposed to asbestos at one time or another, and perhaps also to legionella.

I remember when all the cars parked anywhere in the area from Altona to West Footscray were covered in black spots that could not be removed even by a cut and polish. That illustrates the fact that in those days there were wind-borne chemicals flying around the western suburbs. I am pleased that today we have the results of scientific research to help us recognise the various diseases and the problems they cause.

Recent public debate has included the plight of prisoners detained in Changi prison during the war and has revealed the treatment they suffered and the number who passed away subsequently from mysterious illnesses at a very young age. They were exposed to stress and strain and to various diseases that were not identified. When they returned to Australia many of those people, whether they had been in Changi, Malaya or Borneo, felt they were young and fit, and they shrugged off their condition and forgot the treatment they had suffered at the hands of the Japanese.

Our concern for them is the same as the concern we feel for the working people who are responsible for maintaining a safe and healthy working environment for many people. These days we have strict regulations governing the removal of asbestos. Workers, health inspectors and union occupational health and safety officers all insist on the use of protective clothing, adherence to time restraints, cleaning, washing and so on during the removal of asbestos.

Coping with legionnaire's disease involves more than just passing legislation and appointing inspectors. The government must ensure that the people who maintain and repair the cooling towers are adequately educated, have the proper protective clothing and are not exposed to the disease. It is known that the disease is carried by airborne aerosol particles, which can be harmful to people who breathe them in. As the Leader of the House explained, experts were not able to locate where in his electorate of Thomastown the disease came from because there was no register of cooling towers.

I am sure that at least a rough database of the major industrial cooling towers now exists, but I am concerned about the smaller ones that have not been registered. The owners of those small cooling units may not even realise they come into the category of systems that should be registered and notified.

Many people have evaporative coolers in their homes. How do they function? Although they work on cooling water rather than warming water, as the cooling towers do, they are still a potential hazard and need to be regularly cleaned and checked.

The bill is long overdue. It is important that the legislation be enacted and that the appropriate regulations be put into place to prevent further fatalities. It is also important that the government remain vigilant. As new mineralised cooling towers and components are developed they need to be brought on line once they

have met the required health standards and comply with the regulations and safety checks. I wish the bill a speedy passage through the house.

Mrs PEULICH (Bentleigh) — Given the time, I intend to make my contribution on the Building (Legionella) Bill the briefest of the debate. Suffice it to say that the public expects nothing less of public health authorities than a quick response to serious issues. Given the publicity about the recent legionnaire's disease outbreak in Victoria, it was necessary for the authorities and the government of the day to be seen to be responding to a serious issue that aroused enormous community concern.

A government needs information to manage a public health issue, and none of that would have been available if the decision had not been taken in 1979 to make legionnaire's disease a notifiable disease.

I have discussed the bill with a couple of environmental health officers, both of whom agree that some system or framework needs to be put in place given the serious, infectious nature of the disease. However, both commented that the proposed plan was complex and elaborate and that time will tell whether the system is the right one. Both also said that the system would evolve and be modified significantly in the years to come.

Given that there are thousands of sites with cooling systems, there is a need to establish a register to track the source of the problem should another outbreak occur. The establishment of the register will also enable the implementation and audit of risk management programs as well as some sort of complementary system of health inspection.

One matter that needs to be closely monitored is whether there will be enough trained auditors and inspectors to do the job. The Department of Human Services, the Building Control Commission, the Plumbing Industry Commission, the Victorian Workcover Authority, local government and various sections of industry will be involved in setting the standards for and delivering the necessary education and training of all the players. The system will be phased in, so there will be an opportunity to monitor the situation.

I wish the bill well and look forward to Victorians having a greater degree of confidence in the management of a very serious disease.

Mr THWAITES (Minister for Health) — In thanking all those honourable members who contributed to the debate, I acknowledge that there is a good deal of interest in the topic.

Public health is an issue that both sides of the Parliament must have as a priority. As has been said, legionnaire's disease has become more prominent in recent years, not necessarily because the incidence has increased but, as the honourable member for Bennettswood said, because greater public awareness of it has resulted in earlier reporting.

Eight deaths have been caused by the disease in Victoria this year, and there was a similar number of deaths last year and the year before that. Although a large proportion of the reported cases of legionnaire's disease were caused by water cooling towers, there were a large number of sporadic cases, the source of which, in many instances, the authorities were unable to determine.

The bill and the framework it establishes will unfortunately not be able to eliminate all cases of legionnaire's disease. They will continue to occur, so the need to provide good medical treatment will also continue. I emphasise the point already made by some honourable members that there was a good response by the Department of Human Services to this year's outbreak of the disease at the Melbourne Aquarium as well as good follow-up medical treatment for those who unfortunately contracted the disease.

I also acknowledge the role that departmental officers have played in putting together this relatively complex legislation. I would like to have been able to come up with a package that was simpler; however, on examination the government found that was not possible, so it tried to come up with a package that fits so far as possible into the existing regulatory framework. That was one of the principal reasons for the Building Control Commission and the Plumbing Industry Commission being involved in the discussions on the bill.

The bill is only part of the story. A suite of new regulations will need to be implemented under the Health Act, the Building Act and the plumbing regulations. As I said, we have included those organisations in the new process because they are currently oversighting public health and building — that is, the building commissioner, the plumbing commissioner and the health department. The government could have set up a whole new bureaucracy and increased the health department's role, but it thought it would be cheaper and more efficient to use the existing work force.

A number of honourable members raised concerns. I will not go through them all in detail, but I should address some of them. The honourable member for Box Hill was concerned that the registration fees could somehow be used for revenue raising rather than being used directly for matters associated with reducing legionnaire's disease. I assure the honourable member that regulatory impact statements will be presented. The amount of the fee will be set out in each statement, so the honourable member will be able to measure it against the outcome to be achieved. The fees will go towards the cost of administering the inspection process and ensuring adequate education material is made available to the various businesses.

I also emphasise that the Department of Human Services, the Building Control Commission and the Plumbing Industry Commission see their roles as helping business. The government will be designing templates to assist them in designing the safety plans; it will provide training and assistance for the auditors so they can do their jobs properly; and it will provide information and education materials.

One of the great benefits of having a registration system is that the government will be able to target businesses for education. The registration system will also make it easier to track down the cause of legionnaire's disease in particular cases.

Currently there are something like 10 000 water cooling towers in Victoria and about half as many owners. Many are not sufficiently aware of the appropriate course to take to ensure safety, and the government wants to target information to those people.

The honourable member for Box Hill also raised the issue of national competition policy relating to auditors and suggested that accreditation may act as a barrier to market entry.

Mr Clark interjected.

Mr THWAITES — The accreditation of auditors will be required because the people carrying out that role need to be highly skilled and the government must be sure that they have the background, qualifications and skills to carry it out. While initially they will comprise building surveyors and environmental health officers, there is no statutory need for that.

The honourable member for Pakenham raised the issue of private and public auditors. The role will, of course, be open to private building surveyors, and in many cases I would expect that the building surveyors who are already carrying out the annual risk management plan for the owner will be able to carry out the audit as part of their job. It will make a more effective and efficient process.

The honourable member for Malvern made a number of complimentary comments about the work of the department in responding to the legionella outbreak at the Melbourne Aquarium, and I endorse those comments. Professor William Hart and Dr Carney had to undertake a lot of work under a great deal of pressure and they carried it out in a very professional way. At times Dr Graham Rouch, the great former chief medical officer, was missed. He had a good way with the press and was able to dampen community fears. All members of the house had great respect for Graham Rouch, who is now in retirement.

The honourable member for Malvern also raised the importance of the regulations, and I agree with him absolutely. The regulations will be difficult to implement, and as I indicated, a regulatory impact study will be carried out.

The honourable members for Thomastown and Oakleigh made substantial contributions. I thank the honourable member for Oakleigh for her role in progressing the legislation, together with the parliamentary secretary.

The honourable member for Glen Waverley raised the issue of tradespersons involved in the inspection process. I think there was some misunderstanding with the honourable member for Pakenham. There are two roles: the auditing role and the inspectorial role, which includes a prosecutorial and enforcement function. It is therefore not appropriate to have private sector tradesmen involved in prosecuting individuals who may be breaching the law. The inspectors will have a range of skills such as the investigation and inspection of cooling towers, the identification of problems and concerns regarding cooling tower systems, the communication of those problems and concerns, and the communication of technical advice to industry. The inspectors will have a different role from that of the auditors.

The honourable member for Pakenham raised an issue of work carried out by plumbers. Clause 9 of the bill provides for a compliance certificate to be issued where a plumber carries out work. However, there will be many cases where no additional work has been done on cooling towers and in those cases there needs to be a system of annual auditing.

The issue was also raised about an adequate number of auditors and inspectors. There will be enough auditors

because each building owner must have an audit and will arrange for that.

The honourable member for Wimmera raised the issue of auditors in the country. There are building surveyors and environmental health officers throughout country Victoria who regularly carry out work. I acknowledge that we need to ensure there is adequate provision for country Victoria. That will be important in the implementation of the legislation.

In relation to inspectors I point out that asking about the number of inspectors is like asking how long is a piece of string. The government could have many inspectors inspecting every water cooling tower every week, but the registration fees would be significantly greater. This system is one under which the inspectors will be operating on an exception basis when they get information from an auditor that something needs to be inspected or when they get a complaint. The total number of inspections needs to be a balance between cost to business through the registration fees and the protection and safety of the public.

I believe that covers most of the issues raised by honourable members. I thank them for their interest and their contributions. The point was made that over the years the legislation may need further refining, and I think that is probably right. The legislation is an advance that I originally sought soon after coming into office in November last year, when I set up a working party because of concerns about the framework. I congratulate the working party on producing the report that led to this legislation.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

TRANSPORT ACCIDENT (AMENDMENT) BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered next day.

Remaining business postponed on motion of Mr THWAITES (Minister for Health).

ADJOURNMENT

Mr THWAITES (Minister for Health) — I move:

That the house do now adjourn.

Planning: Clayton South development

Mr LEIGH (Mordialloc) — I raise for the attention of the Minister for Local Government the continuing crisis in planning within the City of Kingston.

Government members interjecting.

Mr LEIGH — They laugh! I will make any information that I have here available to the house. I refer to the recommendations in the report on the Clayton South urban design framework plan, which was presented to the City of Kingston in June. The report was prepared by David Lock Associates in conjunction with the Department of Infrastructure for the City of Kingston. The report made several recommendations about potential development sites in Clayton South and was used as a major planning guide by the municipality.

Mr Thwaites — On a point of order, Honourable Deputy Speaker, I ask the honourable member to indicate what action he is seeking the minister to take.

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

Mr LEIGH — I am seeking an investigation by the Minister for Local Government into the building activities of the mayor of Kingston. The planning study demonstrated that a multipurpose development at 18 Laura Street, Clayton South, should not occur, yet the mayor was the chairman of the committee that put up the recommendations.

He was appointed in March. In early June the draft report recommended that 18 Laura Street was not an appropriate site for a multi-unit development, yet on 26 June the council passed the mayor's recommendation that his development proposal take place. This man knew what would happen in the city and that his development property would be able to be turned into municipal — —

A government member interjected.

Mr LEIGH — The mayor gained a gift of over $100 000 because he knew in advance what would happen in his city.

What I seek from the minister tonight — although I do not expect him to come into the house tonight and

provide an answer — is an explanation of how it was possible for a mayor of a city to know in advance what would happen in his municipality and then get a development proposal through his council that approved a unit development for him but not for anybody else.

If it is not morally corrupt it is scandalous that this can go on. There is clearly a mess in the City of Kingston, and I request the minister to investigate it because it means — —

Government members interjecting.

Mr LEIGH — There is one rule for the mayor of Kingston, who is a Labor Party flunkey, and there is another rule for everybody else in the city — voted on by Labor councillors in general. I request an investigation into the mayor and his activities. Why is he able to gain $100 000 advantage over everybody else? It is not fair. If the Minister for Local Government — —

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

Sumnation World Cultural Festival

Mr HOLDING (Springvale) — I raise a matter for the attention of the Minister assisting the Premier on Multicultural Affairs. The minister will be aware that for several years the Springvale neighbourhood house has run the Sumnation World Cultural Festival in the City of Greater Dandenong. I seek ministerial action to ascertain whether it is possible for the state government to provide some sort of assistance. I have had the opportunity of attending this fabulous event, which brings many different ethnic groups together, including people from all around the world, to celebrate the harmony and peace that multiculturalism can bring.

It includes representatives from the many communities in the City of Greater Dandenong, including the Vietnamese, Cambodian, Chinese, Italian, Greek, Indian, Sri Lankan communities, and many others.

The City of Greater Dandenong is one of Victoria's most multicultural municipalities. Fifty-two per cent of its 132 000 residents were born overseas, and 45 per cent come from non-English-speaking countries. The Springvale neighbourhood house is a wonderful local facility that brings together people from many walks of life. In recent years it has taken a lead role in organising the Sumnation festival. As I said, it is a wonderful local event that is worthy of the support of the City of Greater Dandenong, which it already receives, as well as being worthy of some support from the state government.

Next year's event will be held on Sunday, 25 February, between 11.30 a.m. and 9.30 p.m. at the Sandown Racecourse, which is in my electorate. I encourage all honourable members who wish to attend to make themselves available. I know that the Minister assisting the Premier on Multicultural Affairs has attended in recent years. I ask the minister to see whether it is possible for the state government to provide some assistance for this wonderful local event to supplement the support provided by the City of Greater Dandenong.

Rail: Shepparton–Numurkah–Cobram service

Mr JASPER (Murray Valley) — I raise for the attention of the Minister for Transport my continuing representations for the reinstatement of the Shepparton–Numurkah–Cobram passenger rail service. This is an issue on which I have made strong representations to both the previous and current governments.

The brief history of the matter is that the rail service was disbanded by a Liberal government in the early 1980s. In 1982, after Labor won government, I continued to make strong representations to have the rail service reinstated.

Mr Nardella — On a point of order, Honourable Deputy Speaker, the honourable member for Murray Valley has raised exactly the same issue with the Minister for Transport in prior adjournment debates. I ask you to rule him out of order.

The DEPUTY SPEAKER — Order! There is no point of order. The honourable member for Murray Valley should continue.

Mr JASPER — The service was reinstated by the Labor government during the 1980s. It was a big battle to get it returned, and a very fine service was provided. Honourable members would be very much aware that during the 1990s under the coalition government that service in country Victoria was again discontinued. I fought hard to get the service reinstated in the 1980s and I continue to do so now.

I refer to a statement made by the Minister for Transport in a media release of 31 October. Under the heading 'Results of Cobram to Shepparton passenger bus service study announced', it states:

> … reintroducing passenger rail service was not viable in relation to the level of demand and the benefit for the local community.

> In light of these findings, the route will continue to operate as a coach service …

The minister goes on to say the contract will be retendered for the period 30 June 2001 to 28 August 2009. He then talks about the Springhurst–Rutherglen service, which was closed in 1962 by the Bolte government, and the Benalla–Yarrawonga service, which was closed by the Hamer government in 1978. He states in the media release on the cost of reinstating those services:

> … a total of $26.3 million would need to be spent on track and rolling stock upgrades, and annual subsidies would need to increase from $400 000 to $3.6 million.

The minister is also quoted as saying it would not be feasible to reinstate the service between Shepparton, Numurkah and Cobram.

I suggest to the minister he has all the study figures on the cost of reinstating the three services confused. It is not practical to reinstate the Springhurst–Rutherglen service or the Benalla–Yarrawonga service because there is no strong community support for that, but there certainly has been strong support for reinstatement of the Shepparton–Numurkah–Cobram passenger service.

I seek a review and the immediate reinstatement of the service because it will be supported by the people living in those areas, as reports and studies have already shown. I suggest the matter be looked into further and ask the minister to act on what will be best for the people of the area.

Gold discovery anniversary

Ms ALLAN (Bendigo East) — I ask the Minister for Major Projects and Tourism what action he is taking regarding comments by the opposition tourism spokesperson, who continually talks down the government's commitment to celebrations surrounding the 150th anniversary of the discovery of gold, and the government's tourism initiatives generally.

I refer the house to the campaign of misinformation that the opposition appears to be intent on running. It is disappointing for those who want to celebrate the 150th anniversary of the discovery of gold because they do not want the celebrations next year to be tarnished. I refer the minister specifically to the comments made by the opposition that the celebrations are less than six weeks away as further evidence of the misinformation the opposition is intent on spreading around country Victoria.

Gold was first discovered in Clunes by James Esmond along Deep Creek, and he was rewarded with £1000 for his efforts. I can inform the house that that discovery was made on 28 June 1851, so the celebration of the 150th anniversary of the discovery of gold is not six weeks away but in fact more than seven months away — on 28 June 2001.

The celebrations of the discovery of gold are very important to regions across country Victoria, particularly the central goldfields region around Bendigo and Ballarat. The discovery of gold has been important to the economic development of Victorian towns, not just in the 1850s but to the present time. It shaped those communities through migration, particularly of Chinese to Bendigo. Large numbers of Chinese people settled in Bendigo in the 1850s, all of whom were chasing gold.

It is very important that communities in country Victoria celebrate the discovery of gold not only from a tourism perspective but also to commemorate the discovery today and for the future. It is important so that people will be able to look back and say in generations to come, 'This is what was done to celebrate the 150th anniversary of the discovery of gold'. Unfortunately the opposition's comments have taken the shine off the celebrations. Many events are planned, but the opposition is intent on digging away in an attempt to bury positive government initiatives in tourism, especially around the gold discovery celebrations.

Mount Martha: bathing boxes

Mr COOPER (Mornington) — I seek action from the Minister for Environment and Conservation on the decision by her department to refuse permission to rebuild the nine bathing boxes at the Mount Martha Beach North that were destroyed by a storm in July this year. The minister would be aware that on 9 October her department wrote to the Mornington Peninsula Shire Council quoting a 1996 report entitled *Frankston to Mount Martha Coastal Processes and Strategic Coastal Plan* as justification for the decision. I have a letter dated 9 November 2000 from the author of that report, stating that the department's decision is not supported by the studies done for that report. It appears the minister has been seriously misled by her department into supporting a decision that is factually incorrect.

I ask the minister to urgently review this matter and to meet with me on site at Mount Martha Beach North so that she can personally acquaint herself with the real facts and then redress a major wrong committed against the owners of the nine destroyed bathing boxes. The minister told the house on 1 November that she was

prepared to meet with me to discuss this issue. I now ask her to keep that commitment.

Housing: waiting list

Ms BARKER (Oakleigh) — I ask the Minister for Housing what action she and the government are taking to ensure the Victorian community has an opportunity to participate in the segmented waiting list review.

I was very pleased to be asked to chair the review, which the government committed to undertake through its better housing policy published last year prior to its election to office. The review is examining the impact the introduction of the segmented waiting list has had on low-income families to ensure those families have reasonable access to public housing.

I have been pleased to chair the review and also put in place a community reference committee that includes representatives from many community organisations, local government, support providers and public housing tenants. The committee members are from diverse backgrounds and I have been pleased with the quality of the input to the review at the committee's first meetings. It has been marvellous.

The terms of reference are extensive and important. The most important is to review the impact of the introduction of the segmented waiting list, particularly in relation to changes in public housing access patterns for low-income households. One of the very important terms of reference, about which there has been significant discussion, is to examine with a view to enhancing them the existing and developing links between public housing and the provision of support and other related services. That issue was raised often in discussions on the terms of reference and how the review would be conducted.

It was often believed that the provision of support and related services was important in ensuring that people could remain in public housing and in achieving an appropriate mix of residents.

The review also wants to ensure that the other relevant reviews and policy development projects that are currently under way are taken into account. They include the homelessness strategy and broadbanding, which fit in with the issues that have arisen in relation to the segmented waiting list. The government is committed to ensuring that the wider community is again able to play a central role in the decision-making process. Many groups and individuals have expressed a desire to participate in that review, which is extremely important.

I ask the Minister for Housing what action she will take to ensure that the Victorian community, in both metropolitan and importantly rural and regional Victoria — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired. I remind the honourable member for Mordialloc of standing order 46. I ask him to put the book away or go somewhere else to read it.

Institute of Land and Food Resources

Mr BAILLIEU (Hawthorn) — I raise a matter for the Minister for Post Compulsory Education, Training and Employment concerning the Institute of Land and Food Resources, which is a prominent provider of industry training in the areas of natural resources, horticulture, agriculture, food industry and forestry and which has campuses at Dookie, Longerenong, Glenormiston and McMillan. The institute is in special circumstances, having been born of the Victorian College of Agriculture and Horticulture.

I ask the minister to explain to rural and regional Victoria her decision not to include the institute as a recipient of the regional funding distributed to tertiary education institutes, and more particularly to reconsider it.

CFA: clothing fibre content

Mr WELLS (Wantirna) — I raise a matter with the Minister for Police and Emergency Services concerning clothing standards for Country Fire Authority volunteers. Currently there is a push for CFA volunteer clothing to meet international standards. I am sure no-one would have any concerns about that. However, I ask the minister to assure the house that every possible avenue is explored to ensure that, where possible, wool or some other Australian-grown product is used to meet that international standard.

The issue was raised with me by a prominent Western District farmer, John Callahan, whose claims make commonsense. He has a strong commitment to farming, Victoria and the CFA. Currently CFA jackets are 100 per cent wool and the pants are 100 per cent cotton. However, the international standard calls for the jackets to be 100 per cent arimid. If that standard were met there would be no wool product whatsoever in the new jackets.

My information is that wool alone cannot satisfy the ISO standard but that a mix of 70 per cent wool to 30 per cent arimid would meet the standard. The minister should be taking that line and instructing the

CFA to ensure that the jackets have a high Australian content. Some 63 000 volunteers require new jackets, so the wool industry and farmers have a vested interest in providing them. It makes sense for the jackets to be made from Australian product.

I do not want the minister to roll over and simply satisfy the international standard. I would like him to investigate the possibility of using Australian products before he agrees to the standard.

Disability services: autism

Ms GILLETT (Werribee) — I raise for the attention of the Minister for Community Services a matter concerning the special needs of children with autism and autism spectrum disorders. I ask the minister to advise the house of the course of action she will take to ensure that those special children and their equally special families receive the human and financial support they need to enable those special children to reach their full potential and ensure that their parents and siblings are acknowledged for the enormously important roles they play.

Autism and autism spectrum disorders are difficult conditions to explain and understand. My interest in the disorders is both personal and professional and is echoed on both sides of the chamber. I know the honourable member for Wantirna shares my professional and personal concern.

Recently the Royal Children's Hospital undertook some significant and long-awaited research into the needs of children with an autism spectrum disorder called Asperger's syndrome. It produced a fantastic information kit that was designed for both the parents and families of children with the syndrome and the mainstream schools that have many kids with autism and autism spectrum disorder. That information kit is an outstanding contribution to increasing community understanding of the disorder. It supports and nurtures the families enormously, and I know the minister supports the initiative.

I ask the minister to advise the house on what further initiatives she is taking to ensure the community is able to help those kids and their families so the children can reach their full potential.

Sandringham: shopping precinct

Mr THOMPSON (Sandringham) — I raise for the attention of the Minister for Police and Emergency Services the increasing tendency over recent years for a wide range of antisocial behaviours to occur in the Sandringham shopping precinct in the warmer months of December, January and February. Local traders are particularly concerned about under-age drinking, vandalism and antisocial behaviour. Drug dealing has also been reported in the precinct.

Police rosters are drawn up some three weeks in advance and on a warm night when many people travel from all over Melbourne to Sandringham to spend time on the beach the immediate policing response is not necessarily available. I ask whether the minister could assist by putting together a pre-emptive policy for a reserve contingent so that when the weather is warm both the transit police and the local police, who do an outstanding job, may have the police strength on the ground that is necessary to make the area less attractive for people to travel to.

I invite the Minister for Police and Emergency Services to visit Sandringham on a warm night between now and February to examine the situation and discuss with local traders the levels of vandalism and antisocial behaviour that occur in the precinct.

Residential tenancies: review

Mr LANGDON (Ivanhoe) — I refer the Minister for Housing to the review of the Residential Tenancies Act. I understand she has appointed the honourable member for Bendigo West — an outstanding member — to chair the review, which is currently considering the impact of the legislation introduced by the former government on the rights of tenants. My electorate has a large population of tenants in both public and private housing to whom the review is of concern.

The issues under consideration include ways to increase security of tenure for public and private tenants, to improve standards in the private rental market and to enhance procedures for reviewing unreasonable rent increases, which hit hard in the working-class areas of West Heidelberg.

A further important issue raised by members of the working party is the user friendliness of the act — that is, the difficulty many laypeople have in using it because of its structure and layout, including the number of sections it contains. The act is structured in such a way that much flicking back and forth is needed because many of the parts cover each tenure type separately, including residents of caravan parks and rooming houses. Although the duty and termination provisions are separate for each tenure type, the compensation and compliance provisions are not.

I ask the Minister for Housing to advise what action the government is taking to address the issue. As I said, the

matter is of major concern to my constituents. Eaglemont has the landlords, West Heidelberg has the tenants, and any clarification would assist both.

Irabina Early Intervention Program

Mr KOTSIRAS (Bulleen) — I ask the Minister for Community Services to take action to increase funding for early intervention services for children with autism. I have received a letter from a parent in my electorate, which states:

> My son, Andre, was diagnosed with autism shortly before his fourth birthday. He has difficulty in communication, social skills and has other behavioural problems related to these deficits. The diagnostic team informed us that early intervention was immediately necessary and strongly suggested that we contact Irabina early intervention centre as it provides services specifically for autistic children.
>
> Upon contacting Irabina, I was dismayed to learn that they could offer us nothing for the remainder of this year and a waiting list exists of at least 40 families for places in 2001. Unfortunately, our chances are slim to none for receiving services there next year.
>
> …
>
> Irabina has the facilities and infrastructure already in existence to accept additional children. All that is required is additional funds to abolish the waiting list — a waiting list which is a direct contradiction to the term 'early intervention'. I am saddened to know that a lack of government funding is effectively hindering my child's progress and robbing him of a more positive future.
>
> Please don't deny Andre his basic right by depriving him of the education he is entitled to and so sorely needs. I implore you to take action to increase funding for Irabina early intervention centre — a step towards a better future for Andre, other children like him …

Irabina early intervention centre in Bayswater is the only facility in the eastern suburbs that meets the individual needs of autistic children. Unfortunately, as the letter outlines, there are no funds to expand autism services in the eastern metropolitan region.

I ask the Minister for Community Services not to ignore the requirements of Andre and to take appropriate action to ensure that he is provided with the appropriate services.

Tertiary education and training: Melton electorate

Mr NARDELLA (Melton) — I ask the Minister for Post Compulsory Education, Training and Employment to take to Dr Kemp in Canberra a request that the federal government provide appropriate growth funding in the post-compulsory education area. Dr Kemp is letting down many constituents in my electorate of Melton by not providing such funding. Some 49 per cent of students from several schools in my electorate leave before year 12 and it is imperative they have access to apprenticeships, traineeships and the post-compulsory education services that are necessary for them to lead fulfilling lives.

The federal government does not understand the people in my constituency of Melton and nor does it care to ensure they have the appropriate pathways for education and lifelong learning that honourable members on both sides of the house would support. It is incumbent on the federal government to train young people to ensure Australia remains a clever country.

The Minister for Manufacturing Industry is promoting various industries in Melton, but local people must be trained to take up the available jobs and secure a future for themselves and their families.

It is important that the Minister for Post Compulsory Education, Training and Employment take the fight back to Canberra and back to Dr Kemp.

Responses

Mr PANDAZOPOULOS (Minister for Gaming) — The honourable member for Springvale asked what sort of support the government can give to the Sumnation World Cultural Festival, which is organised annually by the Springvale neighbourhood house. As one of the local members I am lucky to live in the most culturally diverse municipality in Victoria, where 74 per cent of the residents were born overseas and 65 per cent of those were born in non-English-speaking countries.

It is one of the few places around the world with such diversity, and that is what the Sumnation festival is all about — the sum of nations. It is a celebration of multicultural life in the City of Greater Dandenong, and it provides an opportunity for people to come together to celebrate their diversity and learn about the community of the City of Greater Dandenong and the opportunities that are available.

The honourable member would be aware that Labor gave an election commitment to increase resources to the Victorian Multicultural Commission in its minor grants program. Last financial year that was increased to $888 000, and it has been increased to $1 million for this financial year. The government said it would like to see the Victorian Multicultural Commission take on more of a public profile in sponsoring events, and it has been taking applications as part of that process.

I was recently advised by the commission that it assessed an application by Springvale neighbourhood house and that it will sponsor that great event in February next year to the value of $2200. The multicultural commission will also sponsor more important multicultural events around the state. The government will be recognised for its support, but in the end what matters is the local communities putting in time and resources. I thank the honourable member for lobbying for the Sumnation festival. I am sure it will be a great event, and honourable members should turn up on 25 February 2001.

The honourable member for Bendigo East raised with me as the Minister for Major Projects and Tourism the celebrations for the 150th anniversary of the discovery of gold. The honourable member chairs the committee that is implementing a program in which the previous government had no interest. Despite all its rhetoric now, it was nowhere to be seen when local government and Gold Victoria were seeking funding to celebrate the important occasion of the 150th anniversary of the discovery of gold.

As the honourable member said, the celebrations are an important public reminder of the benefits the discovery of gold provided to the ongoing development of Victoria and the contributions made by the gold industry. They are also an opportunity to provide an education campaign for the community. The government's response is also about supporting gold-related tourism infrastructure projects and public celebrations and events.

It was never an objective that the celebrations be totally funded by the state government. It is important with this sort of program that communities show their commitment in partnership with the government. The state government, with its $1 million contribution, supported by local government, community volunteer hours and private sector sponsorship, can get $3 million worth of value for its $1 million contribution.

It is great that the government has been able to deliver on something the previous government did nothing about, but the opposition still wants to complain. In today's *Bendigo Advertiser* the shadow minister is reported as saying that the government has done nothing and the celebrations start in six weeks, being the start of 2001.

Rather than mischief making, all the honourable member has to do to find out the facts is spend a little time doing some research. If he had bothered to look at the web site of the Sovereign Hill Education Service he would have found on page 2 a brief history of the discovery of gold in Victoria. It was discovered by James Esmond, a young Irish prospector, who found gold in Clunes in June 1851. The public events do not start until June next year. I have announced that the committee, which is being administered by country Victoria tourism, is accepting applications. Local government has been advised of the applications. Councils have been awaiting that process.

Rather than criticising the process the Honourable Bill Forwood, a member for Templestowe Province in another place, should get on side and support the government in its great initiatives. Rather than being critical and talking down tourism opportunities for regional Victoria, the honourable member should do some research and support the government's initiatives. And he should accept blame for the fact that the former government did nothing about the anniversary.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Hawthorn referred to the Institute of Land and Food Resources at Melbourne University. He asked why the institute was not receiving the regional funding differential the Bracks government put back in place in TAFE institutes. I will give the honourable member for Hawthorn a little bit of history on the issue. The regional funding differential was in place under the previous Labor government so that regional TAFE institutes were paid properly for the additional costs they faced in communication and outreach services and the fact they had smaller class sizes.

However, the Kennett government cut out the regional funding differential for TAFE institutes; it got rid of it completely. It took the election of the Bracks government to replace the regional differential because it wants to help regional TAFE institutes. The honourable member for Hawthorn, knowing that the Bracks government wants to assist TAFE institutes in regional Victoria, wants to know why the Institute of Land and Food Resources is not gaining access to the regional funding differential. The institute is part of Melbourne University and Melbourne University is not — surprise, surprise! — a regional TAFE institute. It is a centrally based Melbourne university.

If the government were to extend the regional funding differential to organisations such as the institute mentioned by the honourable member for Hawthorn, it would have to extend it to a number of Melbourne-based institutes that supply other services around regional Victoria. The purpose of the regional funding differential is to provide for the additional costs of the institutes in regional areas. Melbourne University

clearly gets adequate funding for the provision of its services, and the institute mentioned by the honourable member for Hawthorn really needs to deal through Melbourne University. TAFE institutes that are located only in regional areas should get adequate funding so they do not have to share with their metropolitan counterparts. I remind the honourable member that the Bracks government has put back in place what the previous government cut out, and he is really crying poor when he tries to feign concern at this stage.

The commonwealth government's position on funding for TAFE institutes was raised by the honourable member for Melton. As I mentioned in the house earlier today, the commonwealth government, via Dr Kemp, is not providing additional funding for the growth in the training sector either in Victoria or across Australia. Victoria has certainly had major growth in the training sector.

Victoria is responsible for more than 27 per cent of the training provided across Australia while having only around 25 per cent of the population, so it does more than its share. The state government has allocated $40 million over and above the amount provided in 1998–99. We have put in extra money; the federal government has not.

One of the interesting issues, which was raised by the honourable member for Melton, is what will happen with the funding for Victoria next year. Dr Kemp did not want to provide any money for training in Victoria next year. That included growth money, which means that if he had got his way, every year around 10 000 young Victorians would have missed out on training.

Fortunately, despite the arguments made by Dr Kemp at the ministers meeting last week, all the states and territories supported Victoria's position. Our plan was approved and funding will be forthcoming next year, despite Dr Kemp's position that Victorians should suffer because it has a Labor government.

The Bracks government is committed to training and to ensuring that Victorians gain their fair share. I ask the opposition to join with me to fight Dr Kemp and the federal government to ensure Victoria gets additional growth funding.

Mr CAMERON (Minister for Local Government) — The honourable member for Mordialloc raised a matter concerning the mayor of Kingston. The honourable member chooses to attack people willy-nilly by saying things in cowards' castle that he is not prepared to say in public.

Honourable members interjecting.

Mr CAMERON — The honourable member for Mordialloc is an extraordinary coward. He goes about saying things without regard for the truth. He has recently said things about the mayor — —

Mr Cooper interjected.

The DEPUTY SPEAKER — Order! The honourable member for Mornington is out of his seat. I ask him to cease interjecting.

Mr CAMERON — At no time has the honourable member for Mordialloc had the guts to say those things outside this place. He goes about pretending that the government is investigating someone when it is not. The mayor of Kingston — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The behaviour of the honourable member for Mordialloc is unparliamentary. I ask him to behave or leave the chamber.

Mr CAMERON — The mayor of Kingston happens to be ethnic. The honourable member for Mordialloc has a certain opinion on that, which is reflected in an article in the *Age* of 20 November 1982, together with an article in the *Age* of 14 August 1994, in which the honourable member for Mordialloc also declared his interest in matters such as this.

Honourable members interjecting.

Mr Leigh — On a point of order, Madam Deputy Speaker, I am happy for the minister to read what he likes from 1982. The opposition would like to know whether the matter I raised tonight — —

The DEPUTY SPEAKER — Order! There is no point of order. I ask the honourable member to take his seat. The Minister for Local Government, to conclude his response.

Mr CAMERON — I understand the enormous sensitivity of the honourable member for Mordialloc. Let's look at an article in the *Age* of 14 August 1994, in which the honourable member for Mordialloc declared:

> That's the trouble with you migrants, you come over here and wreck the country.

That is the honourable member's attitude when it comes to the mayor of Kingston. In recent months he has not had the courage to say these things in public. He will say them only in cowards' castle.

Let it be clear that he has been prepared to say these things only in a sleight-of-hand manner, that he is gutless, and that he is the sort of individual who brings down officers of the public, such as members of the house, reducing us all to the lowest common denominator.

I assure you, Madam Deputy Speaker, that members on this side of the house believe in democracy and decency. We say that the honourable member for Mordialloc is the sort of individual who is supported by those in the Liberal Party who, in the *Age* of 20 November 1982, declared that the honourable member for Mordialloc represents:

> … the dearth of the kind of talent in the parliamentary party needed to do the hard and sometimes uninspiring work …

He is uninspiring! The article further adds that he:

> … ran a hectic door-knocking campaign and watched the size of the Labor majority soar.

Ms PIKE (Minister for Housing) — The honourable member for Oakleigh raised the review of the segmented waiting list that is currently under way. I thank the honourable member for her question and her excellent work in chairing the community reference group and overseeing the review.

The review is significant. It has been said anecdotally that there are a number of concerns about the application of the segmented waiting list, but the government is committed to a full and comprehensive review of the impact of the changes by the previous government on waiting lists, and in particular on access to public housing for low-income Victorians.

A major dimension of the review is community consultation. Consultations are presently being held to give the community, service providers and other people involved in public housing a broad opportunity to participate in the review. In that way, when the government looks at the application of the segmented waiting list system it can make beneficial changes. Between now and 30 November the group will hold public forums around the state, from Wangaratta to Preston and from Bendigo to Traralgon. Advertisements have been placed regarding the review in regional media across Victoria and in non-English-language newspapers, and people have been invited to make formal written submissions until December.

The community reference groups will consider comments from all quarters carefully and all the information they receive in the consultation process will be used as they prepare their report. I am looking forward to receiving their preliminary report and I thank the honourable member for Oakleigh for her magnificent work in chairing the consultation process as well as for her ongoing commitment to ensuring that the government's public housing system is open, responsive and able to meet the broad needs of low-income people in Victoria.

The honourable member for Ivanhoe raised the matter of the review of the Residential Tenancies Act of 1997. The government is committed to undertaking a full review of the impact on the rights of tenants of the changes to residential tenancies legislation introduced by the previous government. I have previously advised the house that the working group established to review the legislation includes representatives from the community sector and from tenants groups as well as from the Real Estate Institute of Victoria and a range of related organisations. The group is considering the application of the act and the means by which it can be made more user friendly.

In 1996 the Residential Tenancies Act, the Caravan Parks and Movable Dwellings Act and the Rooming House Act, each applying to different residential situations, were merged into the Residential Tenancies Act. At the time that seemed quite logical, but as time has gone on the length and complexity of the merged legislation has made it very difficult for different groups of property owners, tenants and residents to understand and use the act. It has been particularly difficult for people to whom only one section of the act was applicable.

The government is committed to the concept of consistency between different tenure types and has been listening carefully to concerns expressed by a range of groups about the useability of the act. Consumer and Business Affairs Victoria has advised that there have been some major implementation problems stemming from the consolidation of the three acts and that the whole act is very hard for laypeople to access.

In response to all those concerns I have now amended the terms of reference of the review to include a commitment to examine the structure of the act and to find ways to improve its useability. I am looking forward to the preliminary report and congratulate the honourable member for Bendigo East on her chairing of the group and the hard work the group that has already commenced.

Ms CAMPBELL (Minister for Community Services) — The honourable member for Werribee raised the issue of the special needs of children with autism spectrum disorder and congratulated the Royal

Children's Hospital and its research team that put together the Asperger's syndrome kit. I add my support to hers.

The honourable member asked that the government continue to work to ensure children with early intervention special needs are appropriately supported. I am pleased to state that in its 1999–2000 budget the government injected an additional $6.55 million into early intervention services. Children with autism spectrum disorder will benefit from that additional allocation of funds. The importance of early intervention has been highlighted in the government's budget, and early intervention programs will continue to be developed under the Bracks government.

When I became Minister for Community Services the department informed me that over the previous five to seven years under the former Kennett government it had been working to outsource as many functions as possible and had not concentrated on children with early intervention needs. Rather, it had concentrated on outsourcing. Can honourable members imagine what that gave the state? An under-resourced system and the overlooking of the needs of children with disabilities in favour of an ideological drive by the former Kennett government.

As a result of the extra $6.5 million over four years injected into early intervention programs in the budget, I am pleased to be able to inform the house and the honourable member that an additional 130 children have received early intervention services under this government. I am not happy that any child who needs it misses out on an early intervention service. It is important that the intervention service is received early, and the government will continue to try to ensure that children who require early intervention services have their needs met.

However, I point out to the honourable members for Werribee and Bulleen that while Victoria has had a 17 per cent increase in disability services as well as $6.5 million funding over four years, there continues to be a tussle between the needs for early intervention services, respite services, accommodation and many other services that families with a disabled child require.

I am committed to ensuring that there is an equitable distribution of funding among those services. The government has learnt from looking at the 252 early intervention agencies that some agencies, particularly those in the eastern suburbs, are receiving approximately $8000 a year per child, while the agencies in the western suburbs are receiving under $3000 a year per child.

The work that needs to be done to ensure that there is an equitable distribution of funds has begun within the Department of Human Services. The managers of early intervention services have met with the department and with me. They are working to ensure that we are clearly able to identify the needs of children to determine what services are available to assist them and that there is an equitable distribution of funds across the state.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Wantirna raised the issue of Country Fire Authority clothing, and the turnout gear in particular. While I am not in the habit of paying tribute to adversaries, I have to say that the one thing going in favour of the honourable member for Wantirna is that he is not the honourable member for Mordialloc.

The clothing and turnout gear used by CFA firefighters is a serious matter. While the preference of the CFA and the government is to use Australian produced and manufactured materials for that clothing, be it Australian wool or whatever, the primary prerequisite has to be the safety of the firefighters. The government must provide the safest possible equipment and clothing to those people, be they volunteers or career firefighters, who go into extremely dangerous situations to protect the lives, safety and property of Victorians.

Assessment of materials will be done on a strictly technical basis. While the government has a preference for locally produced textiles such as wool, at the end of the day the decision will come down on the side of whatever is the most appropriate cloth or textile to protect the firefighters in extremely dangerous situations. While I cannot give the honourable member for Wantirna an exact answer about what sort of textiles and clothing design will be involved, I take on board his preference for Australian-made goods and for Australian wool in particular. However, if the protection that that material offers firefighters is inferior to that offered by another sort of material, the government's decision will come down on the side of the more protective material.

The honourable member for Sandringham raised an issue about young people running amok during the hot summer nights in the Sandringham shopping centre. That sort of behaviour raises complex social issues. I understand that sometimes young people who come from outside the Sandringham area are involved, which adds to the complexity of the issue. I will endeavour to accept the honourable member's invitation to inspect

the shopping centre with him. I would be most happy to go there with the local police inspector for that municipality to try to work out some sort of approach involving the shopkeepers and the police.

I pay tribute to the Victoria Police who work in that area and do a fantastic job. I know they are aware of the problem. The honourable member for Sandringham referred to the difficulty of rostering police on the basis of weather forecasts, given the uncertainty about how hot it will be on a given night. However, I am sure a workable arrangement can be worked out. The local priority policing arrangements that have now been put into place are tailored to enable police to work out with local communities, shopping centres and traders arrangements that will satisfy their needs and draw together the resources of not just the police but also those of the local council and whoever else needs to be involved. I am quite happy to work with the honourable member for Sandringham in an attempt to address the issue.

Mr BRUMBY (Treasurer) — I will respond to the two matters raised with me. The honourable member for Murray Valley has persistently raised with the Minister for Transport the reopening of rail lines through his area. Tonight he referred to the Cobram–Shepparton–Numurkah line, if I have the geography correct, which as the honourable member pointed out was closed in the early 1980s by the then Liberal government, reopened for some time by the Labor government and then subsequently closed again. I will refer that matter to the Minister for Transport, who takes a keen interest in country rail lines. I know he will look at the matter closely and examine carefully the comments made by the honourable member.

I was in north-eastern Victoria on Saturday night at Milawa, where I was joined by the honourable member for Murray Valley for the opening of the sound shell. That great little investment for the area was supported by the government's rural community development program and a wonderful effort by the local community to raise funds for that vital community facility.

The honourable member went on to another function in Milawa while I went on to one in Whitfield, in the electorate of the honourable member for Benalla, where the government assisted with the establishment of King Valley Wines by committing up to $1 million for the sealing of the Whitfield–Tolmie Road. That commitment was given earlier this year and I believe the work will be undertaken next year. That initiative demonstrates that the Bracks government is at work in north-eastern Victoria, whether it be at Milawa or at Whitfield, by investing in country Victoria.

The honourable member for Mornington raised for the attention of the Minister for Environment and Conservation an issue regarding nine bathing boxes at Mount Martha that had been destroyed and the fact that no approval has been given to reconstruct them. The honourable member referred to a 1996 report. I will raise that matter with the minister and follow it up by writing to her, as I always do following adjournment debates. I know she will respond in due course.

Motion agreed to.

House adjourned 12.30 a.m. (Wednesday).