PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

9 May 2000

(extract from Book 7)

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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TUESDAY, 9 MAY 2000

Tuesday, 9 May 2000

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 2.04 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

Administration and Probate (Dust Diseases) Act
Gambling Legislation (Responsible Gambling) Act
Trade Measurement (Amendment) Act

DISABILITY SERVICES (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. R. THOMSON (Minister for Small Business).

ELECTRONIC TRANSACTIONS (VICTORIA) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. C. BROAD (Minister for Energy and Resources).

NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. C. BROAD (Minister for Energy and Resources).

VOCATIONAL EDUCATION AND TRAINING (COUNCIL MEMBERSHIP) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

QUESTIONS WITHOUT NOTICE

Waverley Park

Hon. P. R. HALL (Gippsland) — Will the Minister for Sport and Recreation advise the house whether the government or a government body is assisting the Australian Football League to prepare a land subdivision scheme for Waverley Park?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am discussing various options for Waverley Park with the Australian Football League (AFL). At some stage it will be seeking expressions of commercial interest in the development of the site. At present an interim heritage protection order has been granted to AFL park and will be determined by Heritage Victoria at the appropriate time.

I also understand that the AFL has the opportunity to have a say on heritage listing, and because of that process some outcomes are still to be determined. I will be taking great interest in those outcomes and their impact on the future of Waverley Park.

On a number of occasions I have answered questions from members of the opposition about Waverley Park in terms of trying to find a creative solution that will enable the best possible outcome. As part of that I have asked the Urban Land Corporation to look at potential creative solutions for the site.

Budget: small business

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Small Business inform the house how small businesses will benefit from the recent state budget?

Hon. M. R. THOMSON (Minister for Small Business) — I am proud to be a part of the government that has brought down the first Bracks budget. It is a good budget for small business; it will see a reduction in debt and a long overdue review of business taxation. The tax cuts that will come into effect will be of great benefit to business, particularly small business. Last week the honourable — —

Hon. Bill Forwood — On a point of order, Mr President, a sign is being held up in the back of the gallery — in the chamber — and I ask that it be put down.

The PRESIDENT — Order! I did not see the sign, but I point out to members of the gallery that they are encouraged to come to the gallery and listen to what is going on — —

Hon. M. A. Birrell — It is that idiot there!

The PRESIDENT — Order! I thought Mr Forwood said the sign was in the gallery.

Hon. Bill Forwood — I said it was in the house.

The PRESIDENT — Order! That is not the way I heard it. I take back what I said to visitors in the gallery — they are more than welcome. Members know of the ruling that they cannot display political symbols in the house. I am not sure what the member had in mind, but I suggest that he desists.

Hon. M. R. THOMSON — It is a good budget for small business. As the tax cuts come on stream after the review they will benefit business, particularly small business. The Department of State and Regional Development has been restructured to ensure a whole-of-department response to small business needs.

The question of a $1.3 million difference between the allocation for 1999–2000 and for 2000–01 was raised last week. I am pleased to announce that those savings will in no way affect service delivery to small business. That will be enhanced in the restructure. Grants to small business under the business development program will be increased over a four-year period from 39 per cent to 50 per cent. Prior to my becoming the Minister for Small Business and seeking that information there was no knowledge within the department of what proportion of that funding was directed to small business.

The government has continued to increase assistance to small business while achieving budget savings by stopping the duplication that occurred prior to the reallocation of responsibilities in the department. The government is pleased that, with a reduction in executive officer staff and therefore less management, more has been able to be achieved on the ground for small business. In answer to further queries — —

Honourable members interjecting.

The PRESIDENT — Order! After honourable members have settled down I will allow the minister to complete her response. The minister in conclusion.

Hon. M. R. THOMSON — The restructure has resulted in further savings through administrative cost reductions. Also, trust moneys expended on projects signalled to be completed in 1999–2000 and which have now been completed require no ongoing funds, so the offline budget commitment has been met.

I am pleased by what the government has achieved for small business as a result of greater concentration on small business needs by the entire Department of State and Regional Development.

Waverley Park

Hon. M. A. BIRRELL (East Yarra) — I refer the Minister for Sport and Recreation to his previous answer on Waverley Park. Is it a fact that the Urban Land Corporation is now preparing subdivision schemes for Waverley Park and, if so, who is paying for that work?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — As I mentioned in response to an earlier question, I have had discussions with the Urban Land Corporation regarding potential creative outcomes for Waverley Park. The corporation runs its own business as a corporate organisation. I have had no further discussions since that time regarding any work being undertaken. Should the corporation be pursuing a subdivision scheme in any manner that would be on a commercial basis of its own determination and not on the direction of the Minister for Sport and Recreation.

Rail: port of Melbourne link

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Ports advise the house what steps the government is taking to improve rail access to the Port of Melbourne?

Hon. C. C. BROAD (Minister for Ports) — The Bracks government plans to enhance rail access to the port of Melbourne. Those plans are in contrast to the approach of the previous government, which cut rail access to Webb Dock via Dynon Road with the development of the Docklands. The disused bridge downstream of the Charles Grimes Bridge stands as a sentinel to the lack of port planning by the Kennett government.

In the first Bracks government budget $3.6 million has been allocated over three years to fund the Dynon hub master plan development. That is a major feasibility and scoping study to assist in the streamlining of the Dynon rail yards to provide better rail access and train paths to the port and to improve the system as a whole.

The issue of rail access to the port is clearly fundamental to the growth of intermodal transport and to helping our transport and port system cope with the great increase in tonnages forecast to cross Melbourne's wharves. The Melbourne Ports Corporation and key stakeholders will be involved in the important project. Studies into the detailed route planning for dock-rail access to the Webb Dock areas are key ingredients to positively effecting the government's important

election policy objective — that is, carrying 30 per cent of total port trade by rail.

A further $3.5 million has also been allocated to extend the direct link between the port area and Freight Australia's rail yards at Dynon. The extension of the Docklands road, which I was pleased to announce, is also to commence this calendar year and to be in place by 2001. This represents the government's fundamental commitment to improvements of rail access to this nation's and Victoria's premier port and will increase the modal share of rail cargo to the port of Melbourne.

Waverley Park

Hon. M. A. BIRRELL (East Yarra) — I refer the Minister for Sport and Recreation to his previous answers about Waverley Park. Is the minister saying that he does not know whether the government's wholly owned Urban Land Corporation is planning a subdivision of Waverley Park; and, if not, will the government, in line with Australian Labor Party policy, instruct the corporation not to help in subdividing a sports facility that the ALP claims it wants to save?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — As I indicated in my previous answer, but which I may not have made clear to the Leader of the Opposition, I have held discussions with the Urban Land Corporation about the potential solution for Waverley Park. To clarify that for the Leader of the Opposition, I point out there is a vast amount of land surrounding the facility, which allows the opportunity to subdivide. Based on those discussions, the substantial amount of surplus land around the facility, which is under used, may have the opportunity to be used in a way that would form a creative long-term solution for Waverley Park.

Honourable members interjecting.

The PRESIDENT — Order! I am happy to terminate question time now if that is what the house wants.

Youth: regional committees

Hon. E. C. CARBINES (Geelong) — I direct my question to the Minister for Youth Affairs.

Honourable members interjecting.

The PRESIDENT — Order! I cannot hear the honourable member's question. I ask the house to settle down and allow the honourable member to ask the question.

Hon. E. C. CARBINES — Will the minister inform the house what action the Office for Youth is taking to provide better resources for regional youth committees?

Hon. J. M. MADDEN (Minister for Youth Affairs) — Honourable members may not be aware that there are currently 15 regional youth committees across the state. I have increased the staffing support to regional youth committees from five part-time officers in the rural regions to five full-time positions, plus two metropolitan support officers. The regional staff will be located in the Department of Education, Employment and Training regional offices and the metropolitan staff in the Office for Youth head office. Even though co-located in the regional DEET offices, direct line management will be to the Director, Office for Youth.

The staff in country offices will be responsible for supporting two regional youth committees each. In March this year I had a meeting with the chairpersons of regional youth committees, and it was clear that greater support was required for their activities in regional Victoria. I regard the regional youth committees as having a key role to play in regional and rural Victoria in ensuring that the needs of young people throughout Victoria are heard.

The role of the regional youth committees is as follows: to improve strategic planning; to coordinate services; and to provide advice and direction on youth service issues.

Waverley Park

Hon. M. A. BIRRELL (East Yarra) — I refer the Minister for Sport and Recreation to his previous answers on Waverley Park. Does the government's plan to subdivide the car park at Waverley Park mean that the government has acknowledged that it will not be proceeding with its plan of the area being used for Australian Football League football in the future?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I went through a number of questions about Waverley Park, and I am happy to continue answering questions about it. There is no government plan to subdivide the car park, but it had been investigated to facilitate a substantial outcome for Waverley Park. It relates to the situation arising from the interim heritage listing. I have facilitated that to ascertain whether there are potential creative solutions should Waverley Park be listed by Heritage Victoria as a heritage site so that there can be a positive outcome for Waverley Park.

Australasian Public Sector Games

Hon. R. F. SMITH (Chelsea) — Will the Minister for Sport and Recreation advise the house of the outcomes of the recent Australasian Public Sector Games?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Australasian Public Sector Games held in Melbourne between 26 and 30 April was a fantastic event. There were more than 3100 participants, with 450 from interstate and overseas, representing all Australian states and territories, Papua New Guinea, New Zealand and even Guam. Eighteen sports were played, including basketball, volleyball, cycling, golf, tennis, lawn bowls, swimming, softball, squash, table tennis, soccer, badminton, netball, duathlon, athletics, indoor cricket, road run and touch.

I have been informed that the event was delivered within budget and involved more than 300 volunteers and staff. Participants came from all levels of government, including federal and state — this year there was significant representation from local government — and from schools, hospitals and police and emergency services.

Despite my busy schedule I managed to participate in the volleyball competition.

Honourable members interjecting.

The PRESIDENT — Order! The minister is endeavouring to answer the question, but if Hansard cannot hear him his words will not be recorded for posterity. I ask the house to settle down.

Hon. J. M. MADDEN — Although I did pull up a bit sore from my participation in the volleyball competition, I can say that the opening ceremony was a delight to attend. Considerable enthusiasm and sportsmanship were displayed by all competitors.

The government is a great supporter of the benefits of health and fitness in the workplace derived from this sort of activity. These were truly the Active for Life games, which gave a terrific boost to involvement in sport and recreation and workplace fitness. Many teams formed for the games are already looking for other competition and are keen to do it all over again in years to come. The games have also established some exciting new innovations for events, including a web site allowing entry via the Internet.

Minister for Industrial Relations: responsibilities

Hon. M. A. BIRRELL (East Yarra) — Given that the Premier has transferred responsibility for dealing with the trade unions' Campaign 2000 from the Minister for Industrial Relations to the Minister for Manufacturing Industry, I ask the Minister for Industrial Relations what remaining role, if any, will she have for this major looming issue?

Hon. M. M. GOULD (Minister for Industrial Relations) — I thank the honourable member for his question. You can't believe everything you read in the newspapers, and that article is inaccurate.

Industrial relations: long service leave

Hon. KAYE DARVENIZA (Melbourne West) — Will the Minister for Industrial Relations inform the house what action her department is taking both to advise members of the public about their long service leave entitlements and to recover unpaid long service leave to which Victorian employees are entitled?

Hon. M. M. GOULD (Minister for Industrial Relations) — There is a high level of public inquiry about entitlements to long service leave to my department. There is a high demand from employees seeking advice about their full entitlements and a high demand from employers seeking advice about what their responsibilities are.

Each month my department deals with an average of 420 telephone inquiries about long service leave entitlements from both employers and employees. In the last financial year more than $112 000 was recovered from employers and paid out to employees. Within the first six months of this financial year a further $93 000 of entitlements was paid out to employees.

One of the biggest payouts was made in February of this year when it was found that a firm of solicitors in Bendigo had underpaid a law clerk by $21 000 because the solicitors were not sure of their responsibilities and the entitlements of the law clerk. As a result of inquiries made by my office that employee was able to obtain back pay of $21 000.

Honourable members interjecting.

Hon. M. M. GOULD — The reason for under-payment is often that the employer is not sure of the entitlements of the employee, and that was the case here. Two officers of my department, Mr Richard Desmond and Ms Mel Stork, deal with all the requests

that come in — as I said, there are more than 420 inquiries a month — and it is through their hard work that it has been possible to ensure that employees get their entitlements. I put on record my thanks for the hard work they have done.

Honourable members interjecting.

Hon. M. M. GOULD — They deal with a huge number of calls about long service leave entitlements. Both employees and employers who wish to make inquiries about long service leave entitlements should feel free to contact my office, which will assist them to ensure that the right entitlements are paid to employees. Many employers want to ensure that they pay their employees the right amount.

The PRESIDENT — Order! The time for questions without notice has expired.

Hon. Bill Forwood — On a point of order, Mr President, I have a question I would like to raise with you. It is a matter of public record that you have been asked to intervene in a dispute between two members of Parliament, one in this house and one in the Legislative Assembly. Sir, I ask if you would advise the house of the outcome of your intervention at a time that is suitable to you.

The PRESIDENT — Order! This is not question time for the Presiding Officer, but I will deal with the question. The issue of electorate officers is a matter for the Speaker. The Speaker and I have discussed the matter to which the honourable member refers, and I have had other discussions with other members of this and another place. I am hopeful that whatever difficulties there were have been resolved.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Industrial Relations) — By leave, I move:

> That so much of the standing orders as require answers to questions on notice to be delivered verbally in the house be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in *Hansard*.

The 49 question numbers are: 291, 293, 295, 296, 299, 301–304, 312, 315, 318, 320, 321, 326, 335, 337, 339, 340, 342, 344–346, 349, 353, 356, 361–363, 365, 369, 378, 387–392, 394, 399, 401–403, 413–415, 417, 418 and 427.

Motion agreed to.

Hon. K. M. SMITH (South Eastern) — On 21 March I lodged a question on notice with the Minister for Industrial Relations for the Premier.

The PRESIDENT — Order! Which question?

Hon. K. M. SMITH — It is question no. 289. Under standing order no. 71AA the minister has a set time to answer questions. The question has not been answered.

The PRESIDENT — Order! Have you given notice to the minister?

Hon. K. M. SMITH — Yes, I have given notice to the minister. When can I expect an answer?

Hon. M. M. GOULD (Minister for Industrial Relations) — Mr Smith has written to me about that question to the Premier. I have raised the matter with the Premier and will endeavour to get a response to the member as soon as possible. He would appreciate the difficulties we have with our lower house colleagues over that particular standing order. However, I have chased up the matter with the Premier and I hope to have the answer very soon.

Hon. M. A. BIRRELL (East Yarra) — Under standing order no. 71AA I raise my concern about the government's failure to provide an answer to question no. 289. I have heard the minister's explanation. The question has been on notice since 21 March and an extremely long time has been provided for the Premier to answer the question.

Hon. T. C. Theophanous — Turn it up. You used to take 12 months!

Hon. M. A. BIRRELL — If Mr Theophanous wants to look at our track record, I am more than happy for him to do so. He might bear in mind the fact that we brought in the rule and lived by it in government.

Hon. T. C. Theophanous — In this house, but not the other one.

Hon. M. A. BIRRELL — It is no use Mr Theophanous retreating from his accusation. I introduced this rule last time we were in opposition. It would have been easy for us to not have the same rule apply to us when in government but we kept the rule and worked to it. The person who most called us to account for this is the current Leader of the Government who put a number of questions on notice.

Hon. T. C. Theophanous — And you used to give her the same answer.

Hon. M. A. BIRRELL — No, we answered them either within 30 days or upon pursuit.

Hon. M. M. Gould — I am pursuing it.

Hon. T. C. Theophanous — Define 'upon pursuit'.

Hon. M. A. BIRRELL — When they were pursued by members under standing order no. 71AA. I am not suggesting that if ministers get a letter pursuing a question they must respond the next day, as desirable as that is. I am seeking from the Leader of the Government some indication of when she thinks there may be an answer so we do not need to raise this matter every day. We could then raise it when we expect the answer to be provided by the Premier via the Leader of the Government.

The PRESIDENT — Order! Standing order 71AA states:

> (a) If a minister does not furnish an answer to a question on notice within 30 days of the asking of that question and does not, within that period, provide to the member who asked the question an explanation satisfactory to that member as to why an answer has not been provided —
>
> (i) at the conclusion of the normal time for answering questions on notice on the day after that period the member may ask the relevant minister for an explanation; and
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> (ii) at the conclusion of any such explanation the member may move, without notice, 'That the council take note of the explanation'.
>
> (b) In the event that a minister does not provide an explanation, notice may forthwith be given of a motion regarding the minister's failure to provide either an answer or an explanation and precedence shall be given to such a motion on the next day of meeting in accordance with standing order no. 86.

In this case the honourable member asked the minister for an explanation and the minister gave the explanation that the matter was still with the Premier and that she had followed it up with the Premier. I regard the minister's answer as an explanation. It is an explanation that I have heard before. It is now in the hands of the honourable member as to whether he wants to pursue the issue by notice of motion by proposing it as a general business notice of motion on Wednesday.

Hon. M. A. BIRRELL (East Yarra) — I understand that, because I wrote the provision. What I am trying to do is desist from taking the step of moving a motion by not moving the motion, which I am aware I have the right to do. I do not want to take that step of moving a motion, which would effectively be a motion to condemn the government, if there is no need to do so. If there is an indication that the minister will provide the answer by the end of the week, I would not think of moving the motion.

Hon. M. M. GOULD (Minister for Industrial Relations) — I will endeavour to obtain the answer by the end of the week. I will inform Mr Smith if there is a problem in obtaining a response.

Hon. D. McL. DAVIS (East Yarra) — My question relates to question on notice 404. In accordance with standing order 71AA, I have communicated to the Minister for Industrial Relations that the question has been on notice for some time and that I seek some response.

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable David Davis wrote to me, but I was concerned about whether the letter was from him because he wrote his name 'David David'. Nevertheless, as it was on the honourable member's letterhead, I assumed it was from him. I give the same response as I gave to Mr Smith. The matter is with the Premier. I have pursued the Premier for a response and I will endeavour to get a response by the end of the week. If there is some issue or problem regarding that I will raise it with the honourable member.

Hon. P. A. KATSAMBANIS (Monash) — On a similar matter, Mr President, I seek an explanation from the Minister for Industrial Relations regarding questions on notice 307 and 323, which I placed on the notice paper on 14 March. On 4 May I wrote to the minister requesting that she provide an explanation on the next day of sitting and stating that in the absence of an answer or explanation I would formally pursue the matter in this place. I now seek an explanation why the questions have not been answered and an assurance that they will be answered as soon as possible.

Hon. M. M. GOULD (Minister for Industrial Relations) — Question on notice 307 is addressed to me as the representative of the Minister for the Arts in the other place, and question on notice number 323 is also to me as the representative of the Minister assisting the Premier on Multicultural Affairs. I have raised the issues with the relevant ministers and I will again pursue them to get answers by the end of the week. If there is an issue or problem regarding these matters, I will inform the honourable member.

CLASSIFICATION GUIDELINES

Hon. M. R. THOMSON (Minister for Small Business) — By leave, I move:

That there be laid before this house a copy of:

(a) Printed matter classification guidelines (amendment no. 1);

(b) Guidelines for the classification of films and videotapes (amendment no. 2);

(c) Guidelines for the classification of computer games (amendment no. 1); and

(d) Guidelines for the classification of publications 1999.

Motion agreed to.

Hon. M. R. THOMSON (Minister for Small Business) presented documents in compliance with foregoing order.

Laid on table.

PAPERS

Laid on table by Clerk:

Central Wellington Health Service — Report, 1998–99.

Kilmore and District Hospital — Minister for Health's report of receipt of the 1998–1999 report.

Murray-Darling Basin Commission — Report, 1998–99.

Parliamentary Committees Act 1968 — Minister's response to the Federal–State Relations Committee report upon Federalism and the Role of the States: Comparisons and Recommendations.

Planning and Environment Act 1987 — Notices of Approval of the following amendments and a new planning scheme:

Ballarat Planning Scheme — Amendments C4, C16 and C22.

Geelong — Greater Geelong Planning Scheme — Amendments R242, and R249.

Maribyrnong Planning Scheme — Amendment C1.

Moonee Valley Planning Scheme — Amendment C7.

Moreland Planning Scheme

Stonnington Planning Scheme — Amendments L40 Part B, L95 and L96.

Warrnambool Planning Scheme — Amendment C9.

Yarra Ranges Planning Scheme — Amendment L116.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 1 March; motion of Hon. C. C BROAD (Minister for Energy and Resources) for adoption of address-in-reply.

Motion agreed to.

Ordered that address-in-reply be presented to His Excellency the Governor by the President and members of the house.

DISABILITY SERVICES (AMENDMENT) BILL

Second reading

Hon. M. R. THOMSON (Minister for Small Business) — I move:

That this bill be now read a second time.

The Disability Services (Amendment) Bill expands the mandate for community visitors and implements the government's objectives and priorities for the delivery of services across disability types. It also removes two redundant references to aversive therapy remaining in the Intellectually Disabled Persons' Services Act 1986.

Funding for non-government disability services is made available under both the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991. Community visitors have not been able to access non-government services funded under the Disability Services Act 1991. This bill provides for the mandate of the community visitors to be extended to residential services for people with disabilities funded under the Disability Services Act 1991.

The legislative mandate for the community visitors programs are currently set down in three pieces of legislation — the Intellectually Disabled Persons' Services Act 1986, the Mental Health Act 1986 and the Health Services Act 1988.

Community visitors programs were introduced by a Labor government in 1986 as part of a package of reforms to address the needs of people with disabilities. The programs are managed by the Office of the Public Advocate.

As a means of ensuring that the program was able to continue to effectively undertake its role in protecting the rights of people with a disability the Public Advocate requested a review of the community visitors programs. An independent evaluation was completed in May 1998.

The evaluation report has now been released by this government.

The evaluation found that the community visitors programs provide impressive coverage of a wide

number of services and offer safeguards and access for individual consumer's issues not available elsewhere in the system.

This bill mirrors, where appropriate, the provisions for community visitors in the Intellectually Disabled Persons' Services Act 1986. The bill does not duplicate the administrative or operational provisions, nor the appointment mechanisms for the community visitors program, but relies upon those under the Intellectually Disabled Persons' Services Act 1986.

The functions of community visitors are to visit a residential service provider and inquire into:

the appropriateness and standard of facilities for the accommodation, physical wellbeing and welfare of residents; and

the adequacy of opportunities and facilities for recreation, occupation, education, training or rehabilitation of residents; and

whether services are being provided in accordance with the principles specified in schedule 2 of the act; and

any complaints from consumers.

A residential service provider is a person or a body that receives funding under the Disability Services Act 1991 to provide residential services to persons with disabilities.

Schedule 2 of the act outlines the principles which are to be furthered with respect to persons with disabilities. These seven principles confirm that persons with disabilities are individuals who have the inherent right to respect for their human worth and dignity and that persons with disabilities have the same basic human rights as other Australian citizens.

Provision is also made for a community visitor to visit a residential service provider with or without notice, or upon the direction of the Minister for Community Services. The bill also describes the powers of inspection for a community visitor on a visit to a residential service. The residential service provider is required to record the visits of a community visitor. If a resident requests to see a community visitor, the community visitor may submit a report to the Secretary of the Department of Human Services making any recommendations considered appropriate.

This bill also removes the two remaining references to aversive therapy in the Intellectually Disabled Persons' Services Act 1986. The use of aversive therapy was discontinued in 1997 and the references to it in the act are redundant.

I commend this bill to the house.

Debate adjourned on motion of Hon. R. A. BEST (North Western).

Debate adjourned until next day.

ELECTRONIC TRANSACTIONS (VICTORIA) BILL

Second reading

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The growth of the Internet and other electronic communications technologies is providing an array of opportunities and benefits for Victorians. Especially in the business sector, electronic commerce — or e-commerce — is enabling Victorian firms to harness information and communications technology to overcome the tyranny of distance. Experience is demonstrating that firms can use e-commerce to increase process efficiency, access new markets and respond creatively and effectively to business opportunities and customer needs.

Industry data indicates that e-commerce is being rapidly adopted worldwide. The current estimates are for e-commerce to reach around US$300 billion in the next year or so and, according to Forrester Research, eclipse the trillion-dollar mark by 2003.

Available data points to rapid growth in Australia:

the number of business web sites doubled between 1996 and 1998; and

Internet-based commerce has grown from $61 million in 1997 and is expected to reach $1.3 billion in 2001 [Source — NOIE, 2000].

The government is committed to boosting e-commerce in Victoria. A key component of the government's policy is to ensure that the legal and regulatory environment facilitates uptake of e-commerce across the state. This is critical to the future global competitiveness of Victoria.

Much of the research conducted across business and consumer markets has shown that a major impediment to the uptake of e-commerce arises from concerns about

security of information. This includes the capacity for parties to identify each other, to protect the confidentiality of their communications and to maintain informational integrity — that is, its accuracy and completeness. A further information security objective is non-repudiation, or preventing parties from denying that they sent or received particular information. The government will address information security issues in the creation of a stable legal environment for the conduct of e-commerce.

Regional areas will also reap the benefits of e-commerce. Web portals and secure links can assist efficient transfers of valuable information within regional communities and between rural areas and the city. Other advantages will be realised by supply chain initiatives and connecting communities with common interests.

Because e-commerce has a global dimension, it is vital for regulatory initiatives to be consonant with national and international best practice. The Electronic Transactions (Victoria) Bill has been developed through a national scheme to promote consistent and comprehensive legislation. The bill is modelled on the commonwealth Electronic Transactions Act 1999, which in turn adopts most provisions of the United Nations Model Law on Electronic Commerce 1996. The model law has been endorsed by a number of international jurisdictions. The commonwealth law was enacted in December 1999, and it is expected that the state and territory jurisdictions will soon follow suit.

In the Victorian context, the bill's objects are to facilitate and promote business and community confidence in the use of electronic transactions. It will enable business, the community and government to deal with each other via electronic means, with the clear support of law. It will enable contractual dealings, such as offers, acceptances and invitations, to be conducted electronically. The bill is a cornerstone of a sound legal and regulatory environment to support the uptake of e-commerce in Victoria.

The bill will also enable business and the community to deal electronically with government. The government is working to deliver its services online, to improve efficiency and service to all Victorians. The legislation will allow complex administrative transactions to be delivered online.

The bill will remove existing legal obstacles to conducting electronic transactions and put in place default rules for the time and place of sending and receipt of electronic communications.

Two principles inform this legislation. The first of these is the principle of functional equivalence, meaning that a transaction should not be discriminated against or held invalid simply because it was made using electronic media. The second principle is technology neutrality, meaning that the law should not provide advantages to or favour any particular kind of technology.

The bill adopts a minimalist approach to the regulation of electronic transactions. It establishes the basic rule that a transaction is not invalid because it took place by means of one or more electronic communications. It contains specific provisions stating that a requirement or permission under a law of Victoria for a person to provide information in writing, to sign a document, to produce a document, to record information or to retain a document can be satisfied by electronic communication, subject to minimum criteria being satisfied. Those criteria establish objective tests that are based on criteria of reliability and reasonableness. The bill also makes it clear that conduct of electronic transactions will require the prior consent of parties. That consent may be inferred from conduct or given subject to conditions.

The bill gives legal effect to electronic signatures. A person may use an electronic signature to satisfy a legal requirement to provide a signature. This comprises an electronic method that identifies the person and shows their approval of the contents of the document to a reliable level in the circumstances. There are a number of technologies currently available that may be capable of performing these functions. They have differing levels of reliability — a few examples are passwords and PIN numbers, fingerprints and thermograms, and public key cryptography — commonly known as digital signatures.

The bill seeks to encourage industry to develop reliable solutions to e-commerce security issues. It also provides guidance to users as to which information security functions are required for certain purposes. As such, the bill also aims to raise awareness about the salient electronic transactions issues to be addressed by the parties. This is reflected particularly in the default rules for time and place of sending and receipt of electronic communications. The default rules aim to take a commonsense approach to determining where and when an electronic communication was sent and received. Also, consumer protection rules continue to apply to the same extent in the electronic environment.

Consultation was conducted by the commonwealth and within Victoria to evaluate the likelihood of unintended consequences arising from the operation of the law. The

bill has been designed with the flexibility to address issues that may arise given the fast pace of change in this environment. A regulation-making power has been included to enable the government to respond to any issues that may arise in future.

As a key component of the government's legal and regulatory approach to e-commerce, the bill will provide the basis for an environment that boosts the growth of e-commerce in this state. As a key component of the government's legal and regulatory strategy, the electronic transactions bill will set the cornerstone for a world class environment for e-commerce.

I commend the bill to the house.

Debate adjourned for Hon. G. B. ASHMAN (Koonung) on motion of Hon. Bill Forwood.

Debate adjourned until later this day.

NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL

Second reading

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

This bill is the second of two bills, which implement the state's obligations under the Intergovernmental Agreement on the Reform of Commonwealth–State Relations, which was signed by the commonwealth and all states and territories in mid-1999. Like the first bill — the National Taxation Reform (Consequential Provisions) Bill — this bill also deals with some indirect impacts of the goods and services tax (GST) which the Victorian government believes must be addressed by legislative change.

The GST is a major new tax introduced by the Howard government and agreed to by the former Kennett government. While the Bracks government does not support the GST, it is obliged to honour the previous government's commitments under the Intergovernmental Agreement on the Reform of Commonwealth–State Relations. The first bill introduced several legislative changes, which were required as a consequence of Victoria's obligations under the intergovernmental agreement, including:

payment of GST equivalents by state entities;

providing scope for increases in fees or charges set by statutory rules;

cessation of the liability for financial institutions duty and stamp duty on quoted marketable securities from 1 July 2001;

adjustments to Victoria's state gambling tax arrangements relating to Tattersalls and Tabcorp to take account of the impact of the GST on those gambling operators;

abolition of stamp duty on bookmakers' statements; and

the cessation of state off-road diesel subsidies.

The first bill also introduced legislative changes considered necessary to deal with indirect effects of the GST, including:

exclusion of the GST from amounts deemed to be wages liable for payroll tax when payable for work under a relevant contract or an employment agency contract;

moving the liability for stamp duty payable, upon the purchase of second-hand cars from registered dealers, from the dealers to the purchasers; and

excluding GST from the amounts upon which stamp duty will be calculated in the cases of rental agreements, cattle sales and pig sales.

The changes in the first bill relating to second-hand cars, rental agreements and cattle and pig sales were necessary to overcome instances of circular taxation. If the changes had not been made, stamp duty would have applied to GST-inclusive prices and GST would have applied to stamp duty-inclusive prices. This so-called circular taxation would have been unworkable.

It is reiterated that there will be no windfall gain to the government arising from the fact that stamp duties will apply to GST-inclusive prices from 1 July 2000 as a result of the abolition of the wholesale tax.

This second bill resulting from national tax reform, which is being second read today, introduces legislative changes to meet the following remaining obligations under the intergovernmental agreement:

adjustments to gambling legislation relating to the casino and interactive gaming which reflect the state's obligation to take account of the GST in state taxation arrangements affecting gambling operators; and

increases in a small number of statutory fees and charges which are necessary as a result of the GST.

This second bill also provides for legislative changes, which are necessary to deal with indirect effects of the GST and as a consequence of some measures taken in the first bill. These particular changes are:

amendments to the Accident Compensation Act 1985 so that any additional premiums, which are in effect penalties, imposed by the Victorian Workcover Authority will not be subject to GST;

exemption of the GST from investment requirements under section 6 of the Funerals (Pre-Paid Money) Act 1993;

adjustments to the Racing Act 1958 which are consequential upon the abolition of the stamp duty on bookmakers' statements and the government's desire for bookmakers to still generate a financial return to the racing industry, with the racing industry responsible for operating bookmaking development funds;

adjustments to lottery agents' commissions so that GST is excluded from the commissions, so as to avoid erosion of the state tax base and the minimum amount of lottery prizes; and

provisions for an adjustment of the Transport Accident Commission's premiums — transport accident charges — in 2000–01 to account for the impact of the GST on the TAC's costs, including benefits payable, and for a downward adjustment of the consumer price index-related increment in the TAC's transport accident charges in 2001–02 to account for the impact on the consumer price index of the GST.

I now turn to the particulars of the bill.

Part 1 establishes the purposes and commencement dates pertaining to this bill.

Part 2 is concerned with minor amendments to the Accident Compensation Act 1985**.** Additional premiums can be imposed by the Victorian Workcover Authority in the event of an employer not forwarding a claim for compensation to the authority in the time required under section 108 of that act, or not meeting its obligations to pay compensation under section 127 of that act. The amendments to the Accident Compensation Act 1985 proposed in this part provide for these additional premiums to be collected as penalties which would not be subject to GST.

Part 3 is concerned with amendments to the Funerals (Pre-Paid Money) Act 1993 so that funeral directors will be able to meet their obligation to remit GST in respect of prepaid funeral contracts not later than 21 days after the end of the tax period in which the prepaid funeral contract was entered into. The amendment to the act proposed in this part will preclude the amount of GST payable as being part of the money associated with prepaid funeral contracts which the funeral organiser is required to invest. This amendment will thus avoid a conflict between the funeral director's investment requirements and the funeral director's liability to meet his or her GST remittance from the prepayment.

Part 4 of the bill is concerned with the obligation that the state has under the intergovernmental agreement to take account of the impact of the GST on gambling operators. As described earlier, the first bill resulting from national tax reform amended tax arrangements for Tattersalls and Tabcorp. This second bill provides for the introduction of a state tax credit system for the casino, whereby the casino will be given a credit, against its state tax liabilities, which is equivalent to the amount of GST that it has paid. All amendments for gambling operators are revenue neutral for the operators and government.

This part of the bill, in amending the Casino Control Act 1991, provides the assessment of a state tax credit in the case of approved betting competitions operated by the casino — of which there are none at the moment — as equivalent to the amount of GST paid with respect to such competitions. Part 4 of the bill also provides for the insertion in the Casino (Management Agreement) Act 1993 of the sixth deed of variation to the management agreement for the Melbourne Casino project. This deed has been signed by Crown Ltd and the Minister for Gaming, and clause 9 of the bill provides for it to be inserted as schedule 7 to the Casino (Management Agreement) Act 1993. The deed provides state tax credits to offset the GST on all gambling activities at the casino other than approved betting competitions.

Part 4 of the bill also provides for the amounts paid to accredited representatives or operators — as commission upon the sale of lottery or soccer football pool tickets — to exclude the GST. The part also provides that the amount paid as commission should be as approved by the Treasurer. These measures are to protect the minimum amount of prizes that should be paid and to avoid erosion of the state tax base.

Part 5 of the bill provides for changes to the Racing Act 1958 which flow from the abolition of the stamp duty

on bookmakers' statements that was provided for in the first national tax reform bill. These changes are to provide for the continuation of support by bookmakers of the racing industry and, in turn, for the racing industry to establish bookmaking development funds. Thus, steps are being taken to enhance the mutually supportive relationship between bookmaking and the racing industry. This part provides for the controlling bodies — the Victoria Racing Club, Harness Racing Board and the Greyhound Racing Control Board — to impose a bookmakers' licence levy not exceeding 1 per cent of the bookmakers' betting turnover. The controlling bodies are to direct a proportion of money raised from the levy into the bookmaking development funds which will be used to finance initiatives for advancing the bookmaking profession. It is anticipated that the proportion of levy income distributed to the funds will be 10 per cent of collected levies and that funding decisions will be made in consultation with the profession's representative body — the Victorian Bookmakers Association. The Minister for Racing will be responsible for approving the levy rules and guidelines for the administration of the funds.

Part 6 of the bill relates to amendments of the Transport Accident Act 1986 to provide for the transport accident charge — that is, the Transport Accident Commission premium — to include the GST from 1 July 2000. The TAC premium will not, however, be increased by 10 per cent. In the year 2000–01, the TAC premium will be increased by 5 per cent. This takes into account the net impact on the TAC of the GST and the embedded cost savings which the TAC will obtain from the abolition of wholesale sales tax on 1 July 2000. This increase will be in addition to any indexation of the TAC premium in 2000–01 by the annual change in the CPI, which is already provided for in the Transport Accident Act 1986. Part 6 of the bill also provides for any CPI-related increase in the transport accident charge in 2001–02 to be calculated by excluding the estimated impact of the GST on the CPI in 2000–01, as determined by the Treasurer and notified in the *Government Gazette* before 1 July 2001.

Part 7 of the bill provides for increases in certain statutory fees and charges resulting from national tax reform. There are a few such instances — cemetery fees, the maximum levy payable by legal practitioners to the fidelity fund, the maximum fee which can be prescribed for lodging a dispute with the Legal Profession Tribunal and certain fees and charges provided for in the Trustees Companies Act 1984. This second bill of legislative amendments arising from national taxation reform is necessary to complete Victoria's commitments under the intergovernmental agreement and to make other consequential amendments.

I commend the bill to the house.

Debate adjourned for Hon. R. M. HALLAM (Western) on motion of Hon. Bill Forwood.

Debate adjourned until later this day.

VOCATIONAL EDUCATION AND TRAINING (COUNCIL MEMBERSHIP) BILL

Second reading

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

That this bill be now read a second time.

This bill recognises the key role of technical and further education (TAFE) institute councils in the provision of training and further education. It also recognises the challenges and opportunities that face councils in a dynamic and ever-changing environment.

When there is the capacity for members of Parliament to become members of TAFE institute councils, there is always the risk that the councils may become forums for party politics. In the environment in which councils currently operate, this risk is simply not acceptable.

It is vital for councils to be able to engage in open and frank dialogue, without concern that those discussions may become the subject of party political debate. Accordingly, the government considers that it is inappropriate, as a matter of principle, for members to occupy positions on TAFE institute councils.

This bill will amend the Vocational Education and Training Act 1990 to make sitting members of the Parliament ineligible to hold office as members of TAFE institute councils and to remove from office as members of TAFE institute councils, those members who are members of state Parliament. The bill also makes other consequential and statute law revision amendments to the act.

Victoria's 14 TAFE institutes are governed by councils established by order of the Governor in Council. Council members, other than the institute director who is automatically a member, are appointed by the minister, elected by staff and students of the institute or coopted by the council itself. There is no specific membership category for members of Parliament.

There are members of this Parliament who are members of TAFE institute councils.

I commend the bill to the house.

Debate adjourned for Hon. E. J. POWELL (North Eastern) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (AMENDMENT) BILL

Second reading

Debate resumed from 5 April; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. B. W. BISHOP (North Western) — I am pleased to contribute to the debate on the Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill. While it may appear small, the bill is important because it continues the good name of Australia and Victoria in domestic and international markets, particularly the quality of our agricultural products.

The Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) agreed in September 1996 to abandon the use of mammalian material in stockfeed mixes fed to ruminants. That aligns well with national and international requirements driven, particularly in Europe and the United Kingdom, by outbreaks of mad cow disease in cattle, more commonly known as BSE or bovine spongiform encephalopathy. That disease had a huge impact in Europe. Many estimates have been made about the cost incurred. Some suggested it was more than £3.5 billion. It would be difficult to get an accurate figure on the cost as BSE rampaged throughout Europe. When remedial measures were put in place national cattle herds and confidence in the industry was destroyed. In 1996 ARMCANZ introduced a short-term measure until all the relevant details were fully dealt with by national agreement. That has been the case with many with agricultural issues.

As I said, the bill bans the feeding of stockfeed with mammalian material to ruminants and prohibits the sale of stockfeed containing such material. It is important in the agricultural and other sectors to have proper labelling. In this case the labelling must take place as the product leaves the rendering plant. In that way there can be no mistake or a change of procedure. It is a good example of how Victoria and Australia are responsible for ensuring that food products, whatever they might be, are safe, clean and can pass any test in either the domestic or international marketplace.

I shall give some brief examples of how Australia and often Victoria have led the way by testing to ensure that agricultural products are world class and accepted as such. During the time of the previous government Mr Philip Davis and I were involved with the issue of the marketplace concerns about cotton trash being fed to cattle. Victoria moved quickly and crisply to ensure that its cattle products were well documented and clear of any problems. That meant Victoria had the opportunity of gaining export dollars and, more importantly, international market access. Victoria's policy was to also document the use of growth promotants. It also ensured that product labelling for both domestic and international markets was appropriate.

I turn to grain production where a constant battle has been waged against insect attack especially when the produce is stored for long periods. Australia faces different problems from its competitors. Many overseas farmers experience extremely cold conditions during storage periods whereas some Australian farmers must store their product for more than six months in a warm climate, making it vulnerable to insect attack. The Europeans, Canadians and Americans do not have that difficulty.

Australian and Victorian farmers must be innovative and inventive in exploring ways to reduce the use of contact pesticides and at the same time ensure that overseas markets are comfortable with a product that is free of insects. The product must withstand the tests of market access and price opportunity. Those involved in international trade agree that some of the world markets implement tough import rules that could be translated as trade barriers. Because Australia has a relatively small population but is a big producer of agricultural product obviously the customer is always right regarding sales.

Perceptions about food safety can be stronger than fact. I remember that years ago the famous American actor, Meryl Streep, expressed concern about the health risks associated with the protective coating on apples. Almost overnight sales plummeted for the apples that used that coating. The resultant research proved that her view was incorrect and that no problems existed, but it shows that perceptions in the marketplace can be strong.

The genetically modified organism (GMO) debate that is taking place internationally is another example.

Education, communication and understanding are important. It is a hot topic in the United Kingdom and Europe but to a lesser degree in the United States of America and Canada. In the United Kingdom the GMO debate has been driven by public views about food safety. No doubt the incidence of BSE has had a remarkable affect on people living in those areas. The media has also been negative about the introduction of GMO. It has been a fertile ground for those who want to make a name for themselves. It presents an opportunity in most United Kingdom and European countries for the organic food organisations to put their points of view. Perceptions are extremely strong.

It is important that Victoria and Australia ensure that food products are clearly documented and labelled so that markets are completely satisfied. That requires a strong education program not only in the Australian market but also in the export market. Quality assurance programs have changed and Australia's markets now have confidence in farmers' capacity to supply safe, secure clean food of any type. Strong regulatory controls have been put in place over time. They have been driven by various industries, and that is the best philosophy on which to base quality assurance programs.

Careful management is required to ensure markets have confidence in our capacity to manage processes from the paddock to the plate to ensure no unsafe mechanism is involved in getting food to the market.

People involved in agricultural industries used to say it was important to manage the process of taking food from the paddock to the plate but now, such is the interest in our markets and the products plied on them that the words have been turned around. The emphasis on taking the product to the market has now changed and is going back the other way — that is, from the plate to the paddock — with world markets driving the product. Victoria and Australia must stay ahead of the market to keep our good reputation alive and well and to sustain it into the future.

I conclude my brief remarks by giving a snapshot of five good reasons for the introduction of the bill. Firstly, the labelling is of a warning nature to prevent stockfeed manufacturers from using certain meals in stockfeed. That is clear, straightforward and easily managed. Secondly, ARMCANZ introduced a ban on the feeding of meals of certain animal origin following the outbreak of BSE in the United Kingdom in 1996, which I have already mentioned. Thirdly, the bill replaces an order under the Livestock Disease Control Act that must be renewed every 60 days. That complication in the system is removed, locking the control in place on a long-term basis. Fourthly, the bill prohibits the feeding of such labelled meals to ruminants. Fifthly, the bill clearly indicates that meals made from fish, poultry, pig and horse products are exempted from the need to have warning labels.

The bill is another example of how governments of any persuasion can tidy up anomalies and ensure issues are handled with certainty and in a sustainable manner, thus ensuring the confidence of the domestic and international markets Australia relies on so heavily. I commend the bill to the house.

Hon. G. D. ROMANES (Melbourne) — I support the Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill, which ensures effective regulations can be made to label meals that can become constituents of stockfeed. The amending bill is essential to enable Victoria to continue to implement an internationally agreed ban on the feeding of mammalian protein, such as rendered blood and bone feed, to ruminants. As a result of researching the bill I am pleased to have had the opportunity of adding the word 'ruminants' to my vocabulary. I understand that ruminants are cloven-hoofed and cud-chewing quadrupeds such as sheep, goats, deer and cows.

As the previous speaker mentioned, the background of the bill dates back to 1996 when an association was established between bovine spongiform encephalopathy (BSE) — commonly known as mad cows disease — and the neurological condition Creutzfeldt-Jakob disease. Currently some 12 or so cases of CJD occur in the United Kingdom each year. As honourable members will be aware, there has been recent concern about a case of CJD in Victoria and the implications for the health of other Victorians.

Because BSE is caused by feeding mammalian protein to ruminants, there was a fear of a connection between eating cattle with BSE and contracting CJD. That became a major problem because at the time such issues became known world markets for beef became depressed. As the Honourable Barry Bishop remarked, perceptions are everything when there is a health risk alert in a country or throughout the world. That alert had a disastrous effect on world beef markets. Being a major primary producer Australia felt the impact of that depression of beef markets. In response to the concerns, the World Health Organisation put forward recommendations that no country feed mammalian material to ruminants. As a consequence the Agriculture and Resource Management Council of Australia and New Zealand banned the feeding of mammalian material in this region.

It is one thing to put in place a national agreement to take action, but in many instances the states and territories must put in place parallel legislation to ensure such agreements take effect. To ensure quick action was taken in 1996 a ministerial order was made under the Livestock Disease Control Act 1994 prohibiting the feeding of stock with mammalian material and prohibiting or regulating the sale and use of certain stock foods, as well as specifying labelling requirements in line with the national agreement. That was a short-term measure designed to respond to a situation of urgency, but since then the order has had to be extended every 60 days, which has associated administrative burdens. The order was not designed to be a long-term response to the need for legislation, and the amending bill is designed to overcome the problem of having to put in place a ministerial order every 60 days.

The bill also tidies up the labelling requirements in place and reflects what is largely current practice. It provides the flexibility to adjust by regulation changing requirements and to respond to demands from the European Community and other markets of value to Australia.

The amendment to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 provides that subordinate legislation can be prepared to regulate labelling of meal of animal origin in the production process. It is important to ensure through the amendment that at the point the meal of animal origin leaves the rendering plant its presence is made clear through the labelling of bulk foods and stock foods.

The bill is small; one might ask whether the labelling of stock food and the education of those who use it is a small matter. I contend that it is potentially a matter of great importance and enormous consequence because, if the controls, information and knowledge are not in place, dire consequences of the kind seen in the past can result. According to the *Australian Year Book 2000*, meat and meat preparations are worth $4 billion in exports per year. Given that figure, the Australian meat market is not an inconsequential section of our export market. Any action with the potential to affect that market must be addressed. The long overdue legislation tidies up a number of labelling-related requirements. I commend the bill to the house.

Hon. R. H. BOWDEN (South Eastern) — I support the Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill. This is an extremely important measure for the benefit and welfare of the people of Australia, particularly the agricultural producers in this state who are associated with the production and marketing of beef products.

Australia has the enviable reputation, which has been gained over many years, as being a source for the world of clean, green, high-quality food products. The bill is an important measure to protect that hard-won and maintained and very real asset. As the previous speaker, Ms Romanes, said, Australia is known throughout the world as a provider of vast quantities of beef. It is regarded as a quality supplier to Europe, North America and many other places. Therefore, anything that can be done to enhance and maintain the level of quality assurance and confidence in the produce of Australia and Victoria is to be supported and, for obvious reasons, it must be very carefully done and put in place. Australia is known for its beef production, dairy products and grains, and is able to supply the world with huge quantities of those important food products.

The bill had its origins in a very unfortunate and difficult circumstance that was noted in the United Kingdom in April 1996. At that time there was a great deal of publicity about the arrival of bovine spongiform encephalopathy (BSE), known popularly through the media as mad cow disease. The disease, which occurred in the United Kingdom, caused a great deal of damage to the reputation of British beef, which had had a very good reputation throughout the UK, Europe and elsewhere prior to the publicity. British beef became very suspect and the situation caused enormous difficulty to the economies of many farming enterprises. It could be said that in many ways the reputation for quality of the UK beef industry has not fully recovered, even to this day, despite stringent and tough corrective measures being put in place quickly.

In Victoria and Australia the Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) placed a ban on the feeding of mammalian material to ruminants in line with the expectation that every facility that could maintain the quality we have should take all reasonable steps quickly and efficiently. The bill therefore complies with the expectations placed on the state and nation and inserts suitable control mechanisms to protect our beef production quality.

The point should be made that this is not in any way, shape or form a trade restriction or a trade restrictive mechanism. It is purely and wholly intended to be a sensible and serious attempt to maintain a health procedure for the protection of domestic Australian consumers of beef and our valuable and most important export customers.

The control of the product where the feed is prepared is a good safeguard. The bill requires labelling at the point of production and where the product leaves the plant, so that there is no doubt that any product with mammalian material that leaves the plant is properly labelled, clearly indicating to the next level of contact — the distributors and the users — that it indeed has on it the restrictions that are intended by the bill.

The bill fully recognises that we are most sincere and careful about protecting the reputation of Australia and Victoria so that there is no chance the products in the food chain and the stockfeed that are produced domestically can be exposed and become a problem to other users.

A desirable aspect of the bill is the fact that it replaces a provision that was inserted early in 1994 under the Livestock Disease Control Act, which required prohibition orders to be renewed every 60 days. That measure has been followed consistently as a protective mechanism ever since. Honourable members can see from the consistency of performance and quality that the 1994 provision dealing with prohibition orders — even though they are of a temporary, 60-day nature — has done a very good job. However, it is recognised that, as valuable and administratively practical as that is, it is a good thing that the provision is now incorporated as a mechanism in this bill so that the 60-day rollover and renewal of the prohibition order is no longer required.

The bill contains a number of outstanding features that are worthy of support by honourable members. I shall briefly mention some of them for the benefit of the house. It was in 1996 that ARMCANZ introduced a ban on the feeding of material of mammalian origin to ruminants. The house is now following through with this legislation. As I said at the commencement of my remarks, it reinforces the importance and significance of the BSE or mad cow disease outbreak that occurred in the UK, which was a very unfortunate and in many ways sad event for many families, producers and for the industry world wide.

The bill requires the use of warning labels to prevent stockfeed manufacturers from using mammalian sourced or based materials as stockfeed for ruminants. The feeding to animals of meals so labelled is prescribed in the bill as being totally prohibited. There is absolutely no ambiguity about it. It is clear and its intention and proper goal is to protect the reputation of our country and state as a quality producer of beef products.

I mentioned earlier that the amendment replaces the 1994 mechanism under the Livestock Disease Control Act and that the 60-day rollover is no longer required under this bill.

To help the industry with the interpretation of the bill and assist the constituents who will read our various contributions to the debate today, I point out that a feature that should be noted is that meals made from fish, poultry, pig and horse products are exempted from the need to have warning labels.

This important bill further protects and enhances Victoria's reputation as a clean, green, quality supplier of food products on the national, intrastate and international scene and is a responsible piece of legislation. I commend it to the house.

Hon. R. F. SMITH (Chelsea) — I speak in favour of the Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill. This is an important bill for one of the most significant industries in this country, the meat industry. Honourable members heard earlier that the meat industry is worth something in the order of $4 billion to the national economy.

The bill will go some of the way towards protecting the interests of the meat industry and enhancing the economy of both Victoria and the nation. We are all aware of the outbreak of what is commonly known as mad cow disease in the United Kingdom in 1996 and the devastation it wreaked on the industry there. I dare say that industry is still feeling its effects, and there is still contention, particularly between the French and the English — then again, it does not take much for those two to be in contention.

The intention of the bill is to further implement the National Agreement on Mammalian Material, which bans the feeding to ruminants of stock foods containing mammalian material. An explanation was given earlier about what a ruminant is. I was appreciative of that explanation, which enlightened me.

At present a minister's control order under the Livestock Disease Control Act prohibits the feeding to ruminants of stock foods containing mammalian material and places restrictions on the manufacture and sale of such stock foods based on appropriate labelling. The order is in compliance with the national agreement. It is effective for 60 days and can be continued for further periods not exceeding 60 days. The order has been continued or remade since November 1996 in compliance with the national agreement.

The bill seeks to amend the act to implement provisions of the national agreement that cannot be implemented

under the act at present. Those provisions relate to the labelling of animal material in the production process where mammalian material may be an ingredient that could potentially enter the food chain and become stock food. The proposed amendments will require labelling animal material at the point where the material leaves the rendering plant when it could be mixed with other ingredients and used for stock food or for fertilisers or pet food.

The bill will permit the regulation of the labelling of products prepared at a rendering facility that potentially contain mammalian material. Provision is made to prescribe exempt meals. This will enable exemptions to be prescribed for meals that are not intended to come within the ambit of the current prohibition, such as fish and poultry meals. However, it will allow sufficient flexibility to adjust to the changing requirements of the national ban over some meals following demands from the European Community and other markets. That simply re-emphasises the importance of this bill to the industry.

In summary, it is important that this bill is supported by the house. It allows the industry to get back into a position from which it can re-establish its credibility worldwide. In recent years we have seen the havoc that can be wreaked on the industry when there is even a suggestion of impurities in meat coming through abattoirs. The Americans are vociferous when it comes to protecting the interests of their markets and jump at any opportunity that might enhance their interests. On that basis, I would expect the bill to receive the total support of the house. I commend the bill to the house.

Hon. J. W. G. ROSS (Higinbotham) — It gives me great pleasure to speak in support of the Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill.

The opposition supports the bill. It is designed to give effect to a decision of the Agricultural and Resource Management Council of Australia and New Zealand (ARMCANZ) to ban the feeding of mammalian material to ruminants — that is, to the National Agreement on Mammalian Material. As other speakers have indicated, currently a minister's control order under the Livestock Disease Control Act is in place but that has the disadvantage of needing to be renewed periodically.

ARMCANZ is a ministerial council which was created in 1992 by the amalgamation of the Australian Agricultural Council, the Australian Soil Conservation Council, the Australian Water Resources Council and the rural adjustment scheme ministers' meeting. It is the main policy coordination and implementation committee for agriculture and related matters in Australia and New Zealand. The committee has 17 members and is chaired by the federal Minister for Agriculture, Fisheries and Forestry, the Honourable Warren Truss. By way of interest, the Victorian representatives are the Minister for Agriculture, the Honourable Keith Hamilton and the Minister for Environment and Conservation, the Honourable Sherryl Garbutt. The council's objective is to develop integrated and sustainable agriculture, land and water management policies, strategies and practices for the benefit of the Australian community.

On the question of the feeding of materials of mammalian origin to ruminants it has been argued that the predominance of agricultural and related interests in the equivalent United Kingdom and European bodies was problematic because the policy-making processes did not include health ministries and the hysterical reaction to mad cow disease could have been moderated to some extent if there had been a greater involvement of health authorities. In addition, ministers predominantly concerned with matters of significant relation to trade can have a confounding influence on the debate. The lack of inclusion of any reference to ministerial input from the health disciplines or bodies such as the National Health and Medical Research Council might be considered as time passes.

The predominant thrust of the proposed legislation is the prevention of Creutzfeldt-Jakob disease, otherwise called CJD, which is a known degenerative disease of the human nervous system.

Worldwide the disease affects one out of a million people, most of whom are aged between 50 and 70 years. Knowledge of the disease was enhanced in the community when an incident that occurred last week was reported in the *Age* and *Herald Sun* of 4 May. The reports referred to a surgery scare where a person suspected of having Creutzfeldt-Jakob disease was admitted to the Royal Melbourne Hospital and the ordinary sterilisation procedures were not sufficient to cope with a possible CJD viral infection because the causative agents of CJD are extremely resistant to heat sterilisation.

Part of the problem is that a new variant of the disease has been recognised that affects younger people, many in their teens. In particular, 10 persons aged from 16 to 39 years were found to have CJD in association with the outbreak of mad cow disease. In CJD, the brain deteriorates leaving small open pockets so that the brain resembles a sponge, and nerve cells in the brain are lost. The symptoms of the disease are neurological in nature

and are consistent with this destruction of the brain. Typically, one sees rapid mental deterioration, involuntary muscle movements or jerks, memory loss, confusion and dementia. Later in the progression of the disease, visual disturbances occur that may lead to blindness and there is urinary incontinence and ultimately seizures, coma and death. Invariably, CJD runs to a fatal outcome. A marker of the disease is an abnormal protein called a prion that accumulates in the brain. Researchers believe a bacterium or virus that is as yet unidentified is responsible for CJD. Currently there is no cure for the disease. CJD progresses quickly and, as I have indicated, is invariably fatal.

In terms of its epidemiology, the disease is not particularly contagious and people suffering from it do not need to be isolated. CJD is one of a group of transmissible spongiform encephalopathies (TSEs), also known as prion diseases, that have been recognised in sheep for more than 250 years. They occur at a low incidence in many countries, but are not present in Australia or New Zealand.

The only non-human TSEs recorded in Australia were noted in 1952 when scrapie was diagnosed in a small group of Suffolk sheep in Victoria; and in 1991 when a feline spongiform encephalopathy was found in a cheetah imported from Great Britain to a zoo in Western Australia. None are known to exist at present, and previous occurrences are of inconsequential historical importance.

Worldwide there are six known TSEs of animals, including scrapie in sheep and goats; bovine spongiform encephalopathy (BSE) in cattle; chronic wasting disease in deer and elk; transmissible mink encephalopathy in mink; and prion diseases in humans. Accordingly the bill refers to exemptions for fish and poultry, and it is likely that pig and horse products may be added as an exemption because the prion disease is not known in those animals.

The bill has its genesis in the devastating epidemic of BSE or mad cow disease in Great Britain that peaked in 1992 and took about five years to subside. As I have already indicated there were about 10 cases of the new variant of CJD in younger people, which was the main cause of the concern.

As of September 1997, more than 168 000 cases of BSE were confirmed in Great Britain in more than 34 000 herds. It peaked in January 1993 at almost 1000 new cases per week. The outbreak is considered to have resulted from the feeding of scrapie-containing sheep meat-and-bone meal to cattle. Those meals are subjected to heat treatment, but just as was the case at the Royal Melbourne Hospital the intensive resistance of prion agents to heat was the reason they got through the cooking process that would normally have killed them. It is clear that the process of meal production is not sufficiently hot to disinfect those products. The problem is further compounded by the fact that the diseases have long incubation periods of four or five years. Large numbers of cattle were exposed to the contaminated meal over an extended period and the epidemic took a long time to subside.

Not surprisingly, as I indicated in my opening remarks, the European Commission imposed a global ban on British beef in 1996. It has been argued that by maintaining the assessment of the dangers within agricultural circles people reacted with more hysteria than would have been the case had the issue been handled by the ministry of health and that associated issues loomed much larger in the eyes of agricultural ministers. That is a moot point and I take no particular issue with it. Whether it is predominantly an agricultural or a health issue, the world response to this experience has been to impose bans on the inclusion of potentially infective species in meat meal.

In 1997 the United States Food and Drug Administration announced final publication of a regulation that prohibits the use of mammalian protein in the manufacture of stockfeed given to ruminant animals such as cows, sheep and goats. The bill essentially achieves that objective.

The bill achieves its objectives in two ways: firstly, by requiring that persons who manufacture meal of animal origin must not sell the meal to another person unless it is accompanied by a label or advice note that complies with the regulations — that is to say, they must be labelled; and secondly, the person who receives such notice or such meal appropriately labelled must comply with those directions. That is the extent to which the bill achieves its objectives.

It is arguable whether it would have been possible to go further. For example, in August last year the United States Food and Drug Administration decided to block Americans who frequently visited the United Kingdom during the mad cow disease scare from donating blood in the USA. Canada issued similar restrictions in association with the FDA.

Although mad cow disease and other encephalopathies in animals are not present in Australia or New Zealand, and although the bill is a major step in the prevention of any future transmission of those diseases to humans, the matter should be kept under constant review.

I repeat that the opposition supports the bill and wishes it a speedy passage.

Motion agreed to.

Read second time.

Third reading

Hon. C. C. BROAD (Minister for Energy and Resources) — By leave, I move:

That this bill be now read a third time.

I thank the opposition for its support for the bill, which regulates the labelling of mammalian material in the production process, where it could potentially become an ingredient in stock food. The bill strengthens the existing legislation that bans feeding ruminants with stock foods containing exempt meals. I thank the Honourables Barry Bishop, Glenyys Romanes, Ron Bowden, Bob Smith and Dr John Ross for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

BUSINESS OF THE HOUSE

Sessional orders

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That so much of the sessional orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Motion agreed to.

EQUAL OPPORTUNITY (BREASTFEEDING) BILL

Second reading

Debate resumed from 3 May; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. R. A. BEST (North Western) — I support the bill. Although opposition members have concerns about some of the retrospective provisions of the bill, we support the general principle that breastfeeding mothers should not be discriminated against.

Some honourable members believe that because it is already unlawful to discriminate against breastfeeding mothers under section 6 of the Equal Opportunity Act, which prohibits discrimination against someone who has the attribute of parental status or status as a carer — in other words, the right to breastfeed without discrimination is already enshrined in law — the bill does nothing more than restate the current position, even though it includes breastfeeding as a separate attribute in the section. However, the opposition is opposed to retrospectivity and would therefore not wish permissible acts under existing legislation to suddenly becoming offences because of the introduction of the bill.

The genesis of the principle of women having the right to breastfeed in public lies in the 1990 Innocenti Declaration on the Protection, Promotion and Support of Breastfeeding, to which Australia is a signatory. That declaration, which was sponsored by the United Nations International Children's Emergency Fund, set in train the promotion of breastfeeding throughout the world.

The attributes of breastfeeding are well documented and well known. It is advisable that children be fed exclusively on mother's milk for the first few months of their lives. Medical evidence shows that breastfed babies have a lower susceptibility to disease and illness and lower morbidity and mortality rates. Breastfeeding also protects mothers from such cancers as breast and ovarian cancer. I believe breastfeeding creates strong bonds between mothers and their babies.

Most mothers are conscious of where and in what company they breastfeed their children. It is incumbent on society to appreciate that it is a natural act, not something that is dirty, smutty or perverse. However, in recent times there have been a few examples of people taking offence at mothers feeding their babies in public. As we know, the media makes great play of such events. I have only four listed here; nonetheless all of them attracted enormous media attention. The first involved a mother who was breastfeeding a baby in a public area of a Geelong hotel and who was asked to leave; in another, a mother who was feeding her baby in a well-known Richmond restaurant was asked to go to another place so the businessmen nearby could not observe her; in 1997 a breastfeeding woman was asked to leave the Crown Casino food court area; and in 1998 a mother breastfeeding her child was asked to leave the Regent Theatre.

In all those cases the Equal Opportunity Commission said the Equal Opportunity Act covered the mothers and found against the companies involved. That is why

we believe the necessary provisions already exist and that the bill just restates the position, even though, as I said, it includes breastfeeding as a separate attribute.

We must be conscious of today's society. There are more women in the work force than ever before. Most of them work outside the home, which means they cannot breastfeed their babies unless they are able to take them to work and feed them there. If mothers do not wish to take their babies to work, their workplaces should have facilities to enable them to express their milk so they can feed their babies later. Under the bill workplaces have a responsibility to provide those facilities for breastfeeding mothers. That will rightly enable women to take their place in the work force while having the opportunity to breastfeed their babies.

We also have to accept that a lot of mothers do not need to work. They should also have the opportunity to socialise. That means they should be able to breastfeed their babies in restaurants, cafes, theatres or wherever while enjoying the company of their friends. However, along with the new rights we are enshrining in the legislation there is a need for balance, so I hope commonsense prevails.

I have friends who have babies, and I do not find it offensive when they feed them in front of me. They show a degree of modesty and if they take a responsible approach it does not create embarrassment.

None of us wants to see a repeat of past circumstances where if someone took offence breastfeeding mothers were asked to leave premises. At the same time one must remain conscious that some religions do not approve of the baring of breasts in public. They may not see breastfeeding in public as appropriate. It is therefore necessary to remain conscious of all circumstances and for commonsense to prevail among all parties when mothers breastfeed their babies in public.

The reality is that times change. Because I knew the bill was due for debate and because my children are now aged 26 and 22 and it is some time since I have experienced situations associated with breastfeeding, I asked my mother for her suggestions on what I might say about the bill. I said that I believed I had been a breastfed baby. She confirmed that I was and that my siblings were also breastfed. She said that in her day a woman retired to the bedroom to breastfeed when there was company or even when just the family was at home. She also said that that was done before the rest of the children were fed, emphasising the urge to nurture. However, I must put on record — she will be horrified at my doing so — that she does not agree with the practice of breastfeeding in public. She thinks people should be more modest in their behaviour. I explained to her that times change. One has only to reflect on where we have come from and where we are now. It was only in the last century that families had wet nurses feed their children. We progressed through to the Victorian era when even table legs were covered. In those days few parts of the human body were allowed to see the light of day. Today, however, society is far more liberal. People are now far more tolerant and accepting of breastfeeding and see it as a natural act. They also realise that nurturing babies on the milk of their mothers provides great health benefits. If circumstances change, parliamentarians must respond to those changes with appropriate legislation.

Once again, I express my support for the bill. It is important that women have the opportunity not only to breastfeed their children in public but to participate in the work force and pursue their chosen careers without being inhibited or limited by their need to provide and express milk. I have much pleasure in supporting the bill.

Hon. E. C. CARBINES (Geelong) — I am pleased in the week leading up to Mothers Day to have the opportunity to speak in the debate on the Equal Opportunity (Breastfeeding) Bill. Its purpose is to amend the Equal Opportunity Act 1999 and prohibit discrimination on the basis of breastfeeding. I am especially pleased to speak on the bill as a mother of two young children. I was fortunate in being able to breastfeed two young babies for the first year of their lives. I remember with great fondness breastfeeding them in that time. When I gave birth to my children I was overwhelmed each time by their innate desire to search for the breast and within a very short time to suck. I found breastfeeding to be a quiet, tender time with my babies, a time I will always cherish.

The advantages of breastfeeding to both infant and mother are well documented. Breast milk is the ideal food for babies. It protects them by increasing their immunity and allows them to thrive. Breastfeeding has many long-term benefits for the mother of the child as well, such as protection against breast and ovarian cancers and quickly dissipating fat stores deposited during pregnancy. For many mothers breastfeeding also provides a natural form of contraception. The act of breastfeeding is fundamental to the establishment of the bond between mother and child.

It is important to know that in order for breastfeeding to proceed well the mother must feel relaxed and

comfortable. She should be supported and encouraged. It is also important to remember that basic to breastfeeding is the need to feed a baby when it is hungry. Most people who have anything do with babies are aware of what is known as demand feeding, which by its very nature means that mothers need to feed in a variety of places, sometimes public places, and at a variety of times to satisfy the needs of their hungry babies.

Often when I was feeding my children I would be caught in public places with a screaming child. What should I do? Should I have waited until I got home to feed the baby? I tried to discreetly feed the baby in public places. Women who breastfeed in public places are discreet; they do not set out to flaunt their bodies. Their desire is to feed their hungry babies quickly and purposefully.

Honourable members have an obligation to ensure there are laws to protect and encourage mothers who breastfeed their infants, and the Equal Opportunity (Breastfeeding) Bill aims to do that. The bill sends a clear message that discrimination against breastfeeding mothers is illegal. Mr Best detailed incidents of discrimination against breastfeeding mothers, but I take issue with him. They prove there is a need to amend the act to include breastfeeding as an attribute against which discrimination should not be made.

Various examples of discrimination have been cited during the debate. Many honourable members will be aware of the infamous example of the woman who was asked to leave the Crown Casino food court because someone had taken offence to her breastfeeding her child. That incident provoked much community response. I was absolutely disgusted with the then Premier Mr Kennett who found himself unable to support breastfeeding mothers and even went as far as to say publicly that some people found breastfeeding offensive. At the time I was the candidate for Geelong Province and I took extreme exception to what Mr Kennett had to say. I promptly wrote a letter to the *Geelong Advertiser* expressing my dismay and contempt at his remarks. I am happy to say that the letter was published. A number of women and men contacted me after my letter was published to thank me for speaking up on their behalf.

At the time I was teaching Victorian certificate of education English at Corio Community College. The removal of the mother and baby from the Crown Casino food court provoked much class discussion. My year 12 students were absolutely staggered that the incident had occurred and that someone had objected to a woman breastfeeding her baby in a public place. Some of my students chose to focus on this issue for their common assessment task, or CAT 1, English study. I add that they did very well.

At the time the honourable member for Pascoe Vale in another place, Christine Campbell — now the Minister for Community Services — tried to introduce a private member's bill to amend the Equal Opportunity Act 1995 to prohibit discrimination on the basis of breastfeeding. To its shame the former Kennett government blocked that attempt. I am pleased to learn from Mr Best today that the opposition intends to support the bill, and I welcome that support.

I congratulate the Honourable Christine Campbell on her work to encourage and support breastfeeding mothers, which culminates in the bill. On behalf of the mothers in Geelong Province I thank the Nursing Mothers Association and our maternal and child health nurses for their tireless work to promote breastfeeding. When I was a new mother I benefited enormously from their advice, support and encouragement. Learning how to breastfeed can be a trying and frustrating time, and I know many Victorian women have benefited as I did over a long time.

It is not that long ago that breastfeeding was actively discouraged in our society by health professionals. Unlike Mr Best's mother who happily breastfed her babies, my mother's generation were actively discouraged from breastfeeding their babies, which led to a generation of people such as myself who were bottle fed rather than breastfed. That led to a serious decline in the 1950s and 1960s of the number of babies being breastfed in favour of bottle feeding.

The health benefits to babies and mothers are now well known, documented and accepted. Thankfully, with the support of health professionals, over the past decade or so the level of breastfeeding has increased. The majority of Victorian mothers now attempt to breastfeed their babies. Most do so successfully for varying times. Therefore, it is vital that mothers who choose to breastfeed can do so without discrimination. The passage of the Equal Opportunity (Breastfeeding) Bill will ensure that. I trust that it will have a speedy passage so it is on the record for Mother's Day on Sunday. I commend the bill to the house.

Hon. ANDREA COOTE (Monash) — As Mr Best spoke about his mother and Mrs Carbines mentioned Mother's Day, I put on the record that today is my mother's birthday. The purpose of the bill is to amend the Equal Opportunity Act 1995 to make it unlawful to discriminate against breastfeeding mothers. As did my

colleague Mr Best, I support the bill but have grave concerns about its retrospectivity.

As has already been outlined, breastfeeding has several advantages. Research shows that breast milk enhances a human's visual function and brain development; it gives infants a reduced susceptibility to disease and a lower morbidity rate; and it has economic advantages because it is cheaper and healthier than formulas. It protects mothers against breast and ovarian cancer and helps to provide spacing between pregnancies. It enhances the immune system and gives long-term protection against diabetes and cancer.

It is interesting to note the changes in community attitudes to breastfeeding. That can clearly be seen from the themes of World Breastfeeding Week since 1992. In 1992 the breastfeeding week called upon health care facilities to be responsible to the needs of mothers and babies. In 1993 it called for working women to combine their productive and reproductive lives. In 1994 it called for women to show how breastfeeding can be an act of strength, power and pleasure for women. The 1995 theme was to protect breastfeeding from harmful marketing and advertising. In 1996 the theme called for communities to have a responsibility to support breastfeeding mothers. In 1997 it called for the recognition of environmental benefits and awareness of the detrimental effects of bottle feeding. In 1998 it called for the awareness of huge health benefits to the country if mothers breastfed. In 1999 the theme called for the integration of information on breastfeeding into the educational system at all levels.

I believe discrimination of any kind is abhorrent and it is particularly bad for breastfeeding mothers. Some examples of discrimination have been referred to today. I refer to a commentary by Jenifer Joseph reported on the American abcnews.com site on 9 April 1999. It referred to the cover of that week's *Time* magazine which showed a Kosovo woman breastfeeding her baby amid the thousands of refuges in a Macedonian camp, a moving example of a woman breastfeeding in harsh times. Ms Joseph states:

> This poignant image of a woman engaged in a supremely natural act evokes nothing but our respect and sympathy. But when women in this country —

the United States —

> breastfeed in public — at the local mall or in a restaurant — they often spark little empathy and lots of controversy.

I believe it is exactly the same in Australia.
Mrs Carbines and Mr Best gave the example of an incident at the Crown Casino complex where a mother with small children was asked to leave on New Year's Eve in 1998 because she was breastfeeding. I am certain it must have been difficult trying to marshall four small children and a tiny baby out of the food court on New Year's Eve. An example was also given of an incident at the Regent Theatre in Melbourne in November 1998 where a woman from Bendigo had made a special trip to Melbourne to see a major production with her six-week old baby. Not only was she not allowed to breastfeed in the theatre, but she was not allowed into the theatre.

I do not agree with the minister where she is reported as having said in her second-reading speech:

> The social pressures of mothers in society weigh against the choice of breastfeeding and lead new mothers with demanding time schedules to opt for formula feeding to avoid embarrassment and social ostracism.

There are many reasons why women do not choose to breastfeed. The education of the community, employers, and the women themselves will change that attitude, not necessarily the introduction of legislation alone. The former Minister for Women's Affairs, the Honourable Jan Wade, is reported as saying in *Hansard* in 1998, when she was discussing this issue:

> If we wanted to insert certain provisions about nursing mothers we would have had to insert other provisions about pushers on trams, toddlers in supermarkets or babies in bassinettes. We would have to list every conceivable discriminatory situation about anyone who could possibly be discriminated against.

That is a very real issue.

There are various methods to educate employers, the community and the women themselves — for example, employers have a lot to learn about how to educate the work force, women and the people with whom they work. I refer to the La Leche League International, one of the world's leading authorities on breastfeeding. I refer to a summary of breastfeeding in the United States by Elizabeth Baldwin and Kenneth Friedman which states:

> Written policies supporting breastfeeding practices for the workplace will be developed, which address issues including work schedule flexibility; scheduling breaks and work patterns to provide time for milk expression; provision of accessible locations allowing privacy; access nearby to a clean, safe water source and sink for washing hands and rinsing …

Anything that is needed should be provided. We could learn a few lessons in Parliament House where the facilities for feeding mothers are less than satisfactory.

Employers in this country could develop written policies. In conjunction with their human relations

departments it is important that they work with their women employees and look at the flexibility and scheduling of breaks. Another way of educating the community is by using the mothers themselves. La Leche League talks about mothers helping other mothers in their learning of breastfeeding and the associated issues.

The 14th La Leche League International conference in 1995 established the following definition:

> … The concept of one mother sharing experiences, information and supporting another mother in breastfeeding is based on the fact that breastfeeding is essentially a normal, non-medical female function. The result is a woman who is knowledgeable about breastfeeding, makes conscious decisions in relation to her experience, is comfortable with her own particular breastfeeding situation and feels confident in her interaction with others as an agent for information and support.

Mother-to-mother support is invaluable. The Internet cannot be overlooked because it is a tool of modern life. Because of its flexibility mothers with small children can use it 24 hours a day for chatting and learning what is happening internationally. It should be embraced by the younger generation of women, and I encourage them to do so.

Many women have tried to educate their communities about breastfeeding. Alica Clemens, in volume 11, no. 2 of 'New beginnings' of March–April 1994 said:

> Having gained this wealth of mothering and breastfeeding experience, I longed to educate all those people who were set against nursing a baby in public. I wanted to tell them — all those mothers, mothers-in-law, fathers, fathers-in-law, and other assorted family members and friends — that I understood the discomfort and confusion. I wanted to tell them why I believe 'breastfeeding is best done in private' statements to be very narrow minded.

Mr Best referred to the Victorian era where almost every part of the body was hidden. The former community services minister, now the Leader of the Opposition in the other place, acknowledged the vital role that maternal and child health services play in educating the community about breastfeeding. That was also acknowledged by Mrs Carbines.

Trial of October 1999 states under the heading 'Moms cry out for protection of their right to breastfeed':

> Breastfeeding is not a lifestyle choice. It's a health choice for the mother and the baby.

The *Age* of 9 January 1999 quotes the vice-president of the Nursing Mothers Association as having said:

> It would be nice (for nursing mothers) to go into a shopping centre absolutely confident (they) have the right to be there. There needs to be a change of attitude of people in society to recognise that it (breastfeeding) is a normal part of society and doesn't need to be hidden away.

The legislation attempts to achieve that. I support the bill.

Hon. G. D. ROMANES (Melbourne) — I support the Equal Opportunity (Breastfeeding) Bill, which deals with a matter of great significance to the community. It amends the Equal Opportunity Act to prohibit discrimination on the basis of breastfeeding. By including breastfeeding in section 6 as an attribute on which it is unlawful to base discrimination, the bill will strengthen the act to ensure there is no doubt that the Victorian Parliament supports and encourages breastfeeding.

Other honourable members have mentioned incidents that have occurred over the past few years. Such matters have been reported in the media and commented on by the Nursing Mothers Association of Australia, which has brought before the Equal Opportunity Commission matters relating to mothers breastfeeding and being discriminated against in hotels, on public transport and in cinemas and restaurants.

Victorian women were disappointed with former Premier Kennett's response when the current Minister for Community Services attempted to introduce a private member's bill to strengthen the act when she was in opposition. His response was that some people would find women breastfeeding in obvious public places offensive. He gave no support to moves to strengthen the act on behalf of women who breastfeed. With the bill the Minister for Community Services makes it clear that discrimination on the basis of a woman breastfeeding is unacceptable and illegal.

Breast milk is the fundamental health food of the nation, both in a physical and psychological sense. That has been affirmed by health professionals and other bodies in Australia and worldwide. The population health division of the commonwealth health department published a fact sheet on breastfeeding outlining clearly the benefits for both infants and mothers.

I shall highlight some facts about breastfeeding. The four main benefits outlined are, firstly, that breastfeeding is a natural process that contributes to the bonding of a mother and her baby and contributes significantly to infant health. Secondly, breast milk alone in the first four to six months of a baby's life provides enough energy and nourishment to sustain normal growth and development. Thirdly, human milk is especially designed for human babies, containing substances which are essential for brain growth and

development and which act to protect babies from illness. Fourthly, research has shown that breastfed babies are less likely to suffer from eczema, food allergy and respiratory illness. Breastfed babies also are less prone to infections, such as middle ear infections, and are less likely than formula-fed babies to be hospitalised.

The fact sheet then refers to economic benefits and says that breastfeeding has definite economic benefits for parents. Some days ago I spoke to a midwife who estimated that it cost $1200 a year per family to bottle feed a child with formula, including the cost of sterilising equipment, bottles and so on. Breastfeeding has an economic benefit to families.

The Honourable Elaine Carbines outlined the contraceptive benefits for breastfeeding women without supplementation. Two key factors outlined in the fact sheet relate to education and support. Firstly, understanding the importance of breastfeeding and supporting women who have difficulties breastfeeding are vital in raising the rates of breastfeeding in Australia. Support is critical if one is to move forward in this area, given that we have a miracle formula — breast milk — which is ideal for babies. The second fact is that breastfeeding is a very natural process and many women have difficulties breastfeeding if they are unable to access adequate information and support to continue.

One should promote the benefits of breastfeeding, which would increase the health of infants and future generations of this country. I will emphasise that point by referring to my experience of motherhood, having breastfed three sons with variable success. I fed the first son for six weeks. That child was born in Zambia in central Africa. My husband and I were without personal support, and when that child became very ill the first thing I did was abandon breastfeeding. I realise in retrospect that that was probably a premature and unfortunate thing to have done. My second son was born in Melbourne and was breastfed for 10 months and my third son was breastfed for 14 months.

The length of time I breastfed my children was directly related to both the support and encouragement I had from people around me and my personal growth in confidence as a mother and a parent. Those factors can never be underestimated when considering breastfeeding. While I would not be so presumptuous as to extrapolate from my own experience the experience of the nation, all honourable members would be aware that the experience of millions of women across the world is similar.

There is common agreement about the benefits of breastfeeding and the actions required to support successful breastfeeding. Therefore, I draw the attention of the house to our very own Victorian breastfeeding guidelines, published in January 1998. The guidelines put forward the principles of breastfeeding in a clear and concise manner and have been endorsed by the Breastfeeding Protocol Committee of Victoria. I am interested in the aim of the principles, which is as follows:

> The aim of the principles is to provide and ensure an atmosphere conducive to successful lactation and breastfeeding in the Victorian community.

The aim emphasises the need for support for breastfeeding, and the general position of the community is important to breastfeeding mothers. The breastfeeding guidelines are important statements within the Victorian context. They state:

> Women should have:
>
> > Clear and correct information about the benefits of breastfeeding for themselves, their infants and their families.
> >
> > Support for their decision to breastfeed from their families, communities, health care workers, health care institutions and government.
> >
> > Education and support that increases their skills and confidence enabling them to sustain breastfeeding.
> >
> > Knowledge of, and access to, community support groups that are involved in antenatal and postnatal breastfeeding support, such as the Nursing Mothers Association of Australia.

The key words from those guidelines are education, information, encouragement and support. Yet the atmosphere is not always quite right. There are often problems in achieving community support for women who breastfeed, some of which are due to a generation gap. Older people in our society were taught that rigid feeding schedules, bottles and being out of sight when breastfeeding were the ways to handle the uncertainties of infant feeding. Reactions to the breast are complex. In many cases men associate the breasts largely with erotica or the sensual. That blurs the issue, making it more complex.

With the increasing participation of women in the work force, the support of employers, husbands and partners is necessary in establishing a successful breastfeeding regime. Many issues need to be tackled. Again I emphasise that the importance of the promotion of and support for breastfeeding across the community cannot be underestimated.

An example of how promotion and support can go astray is what took place in the Third World in the 1950s. It gained momentum in the 1960s and 1970s when infant formula companies launched an assault on Third World mothers and babies. They understood that connection between the skills, understanding and confidence of mothers and successful or unsuccessful breastfeeding. The infant formula companies used aggressive advertising and in many cases coopted nurses in the maternal health system, paying them and giving free samples of formula to mothers in hospitals. Being a potentially lucrative market, they were trying to suggest to mothers in the Third World that breastfeeding was not best for their babies and formula was the best alternative. Women in the west were using formula; therefore that was the way to go. Those companies were successful in undermining the confidence of millions of mothers worldwide.

I shall cite a couple of figures from a booklet published by the International Baby Food Action Network, which has carried out much campaigning on the issue. The introduction includes a table showing the decline of breastfeeding in certain countries. In Chile in 1960 at 13 months of age the percentage of babies who were breastfed was 95 per cent but by 1968 that figure had dropped to 5 per cent; in the Philippines in 1958 at 12 months of age the percentage was 63 per cent but by 1968 the figure had dropped to 42 per cent; in Singapore in 1951 at 13 months the percentage of babies breastfed was 78 per cent but by 1971 that figure had dropped to 7 per cent.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! Do you have a date or serial number to identify that document? Honourable members need to be able to identify the document.

Hon. G. D. ROMANES — It comes from a kit entitled 'Breast is best — from policy to practice' published in 1982. It is a guide from the International Baby Food Action Network on implementing and monitoring the World Health Organisation (WHO) and United Nations International Children's Emergency Fund (UNICEF) International Code of Marketing of Breast-milk Substitutes, which is to control the promotion of products related to artificial infant feeding. The guide contains a considerable amount of material.

Some honourable members may recall that infant formula gained the label 'baby killer'. As I have illustrated, the impact on mothers and babies was dramatic in Third World countries. Bottle feeding babies in a Third World country was highly inappropriate, given the often less than optimum hygiene conditions and the fact that, through poverty, many formula feeds were diluted. Corresponding to the drop in breastfeeding was a corresponding increase in hospitalisation and the mortality rate of bottle-fed babies.

That led to a worldwide campaign to curb the excesses of the infant formula industry. The WHO and UNICEF International Code of Marketing of Breast-milk Substitutes was introduced in 1981. Of course, that applies to Australia as much as it applies to the Third World. The Department of Human Services is obliged under the state's breastfeeding guidelines to ensure that all Victorian health care institutions can show they are also demonstrating a commitment to the WHO and UNICEF International Code of Marketing of Breast-milk Substitutes. That international campaign and worldwide problem also relate to this country.

A table compiled by the family and community support branch of the department from annual statistics provided by maternal and child health centres shows a slight increase in breastfeeding in Victoria from 73.8 per cent in 1994–95 to 78.1 per cent in 1998–99 for children fully breastfed on discharge. However, for children breastfed at three months of age the 1994–95 figure is 53.9 per cent compared with the 1998–99 figure of 52.4 per cent — a slight reduction. For children breastfed at six months, the figure has remained largely static, 40 per cent in 1994–95 compared with 40.1 per cent in 1998–99.

The statistics show we have a long way to go to promote the whole range of benefits of breastfeeding to mothers in this state, to encourage our health system to play a strong role in that promotion and also to tackle the ambivalence that is often seen in the broader community in support of women breastfeeding.

In that regard I congratulate the Minister for Community Services on her commitment to the best start in life for infants, which is encapsulated in this amending bill. I believe the minister has shown strong leadership by putting forward this amendment. I further congratulate her on not putting forward an amendment to just say we should all support breastfeeding mothers and opportunities to increase breastfeeding rates in the future, but for reinforcing her commitment through the Bracks Labor government's budget initiatives.

I remind the house that the budget recently presented by the government contains a 20 per cent increase of $3 million for the operational program of maternal and child health nurses. That will put further funds and resources precisely where they will make the most significant difference for breastfeeding — that is, to

support new mothers, especially in the early days when the establishment of successful breastfeeding regimes is most at risk. That very important initiative runs alongside the amendment the house is now dealing with, and I congratulate the minister on both initiatives. I commend the bill to the house.

Hon. M. T. LUCKINS (Waverley) — I am pleased to speak in favour of this bill, which follows on from the Innocenti declaration of 1990, to which Australia is a signatory along with 32 other countries, to promote breastfeeding throughout the world.

I support the bill because it tightens up or makes clearer the antidiscriminatory aspects of the Equal Opportunity Act relating to women who breastfeed. It also promotes the benefits of breastfeeding, and I welcome anything that encourages and promotes this practice. I do not consider that this amendment is necessary to give the full weight of the law to antidiscrimination provisions in the Equal Opportunity Act. Under the Kennett government the former minister responsible, the Honourable Jan Wade, and the head of the Equal Opportunity Commission, Dr Diane Sisely, made it quite clear that the act provided protection for breastfeeding mothers under the parental status provisions. Indeed, the government acknowledges that breastfeeding mothers have been covered under the legislation previously by inserting retrospective provisions in clause 4 — which inserts proposed section 223 into the Equal Opportunity Act 1995 with the transitional provisions — allowing that:

> … a complaint may be lodged after the commencement of the Equal Opportunity (Breastfeeding) Act 2000 alleging a contravention of this Act constituted by discrimination on the basis of breastfeeding, whether the alleged contravention took place before or after that commencement.

Proposed subsection (3) states:

> A complaint lodged with the Commission before the commencement of the Equal Opportunity (Breastfeeding) Act 2000 but not finally disposed of immediately before that commencement must continue to be dealt with under this Act as if section 3 of that Act had not come into operation.

So the government acknowledges that the provisions in the Equal Opportunity Act 1995 protected the rights of breastfeeding mothers.

There are many benefits for both mothers and children in breastfeeding, some of which have been outlined by colleagues who have spoken in the debate today. Certainly one of the benefits is bonding, that special quiet time with a newborn baby; it is very important for the baby to feel loved, safe and secure, but it is also a very rare opportunity for a mother to sit down and take the time to memorise every minute detail of the new baby — the scent and the softness — and marvel at how she made that little child.

Breastfeeding also has benefits for the development of the baby's teeth. Many studies that have been conducted show the use of formula bottles can also contribute to crooked alignment of teeth in children and young adults, requiring orthodontic treatment — which many honourable members will be aware costs an arm and a leg. I am happy to do anything to avoid incurring costs down the track.

The Honourable Glenyys Romanes has outlined the economic benefits of breastfeeding. The cost of formula is around $15 for a tin, and often that would last for about a week. There is also the cost of the sterilisation of bottles, either with a liquid sterilisation technique or plug-in sterilisers. There is also the inconvenience of having to be prepared with a bottle at all times and having to find somewhere to warm the bottle if you are out.

The nutritional benefits of breastfeeding have been spoken about as well. The colostrum for the first few days after birth provides babies with the greatest protection they can have: an immunity from disease for the first few days of their lives. The babies have the immunity from their mothers' own system, but once they are outside the womb they are at great risk from bacteria and viruses.

Mother's milk is the most concentrated source of nutrients and vitamins. The National Aeronautics and Space Administration, known as NASA, is always looking at new ways to make food more compact to ensure that astronauts get the right nutrients in a little tablet. I am sure if it could put breast milk into a little pill there would be a lot more space development!

Breastfeeding also has health benefits for the mother. It has been shown that although breastfeeding can be very stressful, many women who are at risk of postnatal depression have less likelihood of having ongoing problems if they breastfeed. Other benefits include having less chance of pre-menopausal ovarian and breast cancer. A few speakers have mentioned the advantage of protection from pregnancy while breastfeeding, which is something my mother may disagree with, having had six kids in five years and getting pregnant while breastfeeding along the way. People talk about the miracle of childbirth.

Hon. R. A. Best — A good Catholic.

Hon. M. T. LUCKINS — Yes, a very good Catholic. After Vatican II I always wondered about the

miracle of childbirth and the physiology of breastfeeding.

I digress for a moment. People talk about prostitution being the oldest profession. Last Friday I attended the international midwifery conference, at which it was made quite clear that the next time we have a debate on prostitution it should be noted that prostitution is not the oldest profession, midwifery is. Midwives in public and private hospitals and in private homes should be commended for their devotion to their profession because they show sensitivity to and empathy with the new mothers.

When I had my first child I thought the ability to breastfeed would be a little more natural than it is. Breast milk might occur naturally, but developing the ability to feed a baby can be very difficult. Breastfeeding is encouraged very soon after the delivery of the baby, but many women struggle from the first time they try to breastfeed. Many women have physiological problems related to breastfeeding. Some women get mastitis, others have soreness. Breastfeeding is very difficult to do, and it is quite draining. Breastfeeding immediately after the birth is very good because it encourages the mother's uterus to shrink and the body to return to normal.

All new mothers need support, encouragement and advice on breastfeeding. Breast milk is naturally regulated. I wonder at how easily breast milk is replenished to the level that is required according to demand. It is imperative that lactation counsellors be available, particularly to new mums in hospitals, to help them to get into a good routine with their babies from day one.

I was very pleased when in 1998 the Kennett government made a budget allocation of $12.9 million for the maternity enhancement strategy, which involved more home visits for new mothers, for young mothers, and for those who had had difficult births, such as delivery by caesarean section, to further encourage and support women to establish a good feeding routine for their babies.

The Victorian Maternal and Child Health Service is excellent. I always found it particularly helpful with advice on feeding my two children. The formation of play groups by that service for new mothers is a tremendous initiative that should be encouraged and supported. Other new mums who are going through the same thing are a wonderful source of support.

I am proud to say I am an honorary member of the Nursing Mothers Association, which has done so much over the past 40 years to promote and encourage breastfeeding in the community. A range of aids are available to assist mothers with feeding and expressing milk. A range of clothing which makes it easier for women who want to be discreet when breastfeeding in public is also available.

I breastfed my son for around six months, which was challenging at the time because he had gastric reflux. He regurgitated everything — everything that went in came out and hit the wall or the floor. During that time I got into a good routine. I stress that breastfeeding is a difficult thing to do and women need to be encouraged by their husbands, their parents, their families and the community to continue to breastfeed.

When I had Brianna I chose to breastfeed her for as long as possible. I went to the Presiding Officers while I was pregnant and suggested that a baby feeding and changing room should be established in Parliament House. It was established on the ground floor and was a great help to me initially after Brianna's arrival.

Members would be aware that ours is probably the only profession in Australia with no entitlement to maternity leave. I took Brianna everywhere for the three or four months prior to Parliament resuming for the spring sitting and was quite comfortable about feeding her in committee meetings and party meetings when necessary. My colleagues were very supportive; there was bipartisan support for my breastfeeding in committee meetings. I was fortunate that the members of the Scrutiny of Acts and Regulations Committee included the Honourables Bob Cameron, Carlo Carli, Murray Thompson and Peter Katsambanis, all of whom had very young children. The wives of Mr Carli, Mr Cameron and Mr Thompson had given birth at about the same time as I did — so those members could not escape breastfeeding wherever they went!

Members would be aware that Mrs Blair, the wife of the Prime Minister of England, is having her fourth baby. Surprisingly the Blair New Labour government in Britain is banning breastfeeding in the House of Commons. Australian Associated Press published an article on Friday, 7 April, headed 'Breastfeeding banned', which states:

> Britain's House of Commons has banned breastfeeding throughout most of the Houses of Parliament in a move that has dismayed women MPs.
>
> The new rules are a setback for the new generation of women MPs elected in Labour's May 1997 landslide and fly in the face of politicians' plans to make Parliament more family friendly.

> Under new rules House of Commons attendants are to take action against any visitors attempting to breastfeed in the public galleries, while MPs have been warned not to breastfeed in Commons committees and especially not in the actual chamber.
>
> A letter to the Sergeant-at-Arms — the official responsible for discipline and security — said Speaker Betty Boothroyd had banned eating and drinking in committee hearings and the presence of anyone who was not a member of the committee.
>
> 'Application of either rule should be taken to include babies and the feeding of babies' …
>
> Almost 200 MPs recently signed a petition calling for change after they were forced to attend 32 after-midnight sittings since Christmas. Six women MPs have given birth since the last election.

Today's generation of women have been raised and educated to believe that they can combine parenthood and a career. More young women are returning to work when babies should ideally be breastfed — from one to two years, according to the experts — and strategies to accommodate the needs of lactating mothers and family-friendly policies in the workplace must be encouraged. Some companies are doing very well. The Body Shop and Esso have feeding rooms and child-care facilities on site so that during the day mothers can visit their children and feed them on demand.

There must be more acceptance and tolerance in the community of the right of a mother to breastfeed in public or anywhere she deems it necessary to feed her child. If the bill achieves a greater awareness in the community generally and among employers in particular it is worth having the debate, although I believe breastfeeding mothers are protected from discrimination under the existing Equal Opportunity Act. Most women plan their feeds around their activities and it must be remembered that the bill is as much about the human right of a baby to be fed when it wants to be as it is about the right of a woman to breastfeed wherever she feels she must.

In my experience all women feed very discreetly and many are self-conscious about feeding in front of anyone, including their own families — let alone in a public place. However, to encourage breastfeeding for longer periods many members of our community who may take offence at the practice must be re-educated. I will provide the house with some examples of discrimination on the basis of breastfeeding. An article in the *Age* of 22 February 1999 states:

> A mother's right to breastfeed in public has failed the barrier at one of the state's most prestigious institutions, the Victoria Racing Club, a racehorse owner has claimed.

The woman was a member of the Victoria Racing Club. She said she was disappointed that her first invitation to the committee room at Flemington was withdrawn because of her request that her five-month-old baby accompany her. The article continues:

> Nicholas, born two-months premature, is breastfed on demand and would have asked for nothing more than his mother's milk.

An article in the *Age* of 10 February 1998 refers to a reporter, Wendy Bowler, who was breastfeeding her baby on a tram. The conductor approached her and said, 'Have you got a towel to cover yourself?'

Another case, again reported in the *Age*, refers to a mother being banned by the Regent Theatre from breastfeeding her infant during a performance of *Fiddler on the Roof*. The woman has lodged a complaint with the Equal Opportunity Commission. It is clear that cases of discrimination were brought before the commission and were supported prior to the bill being debated in this place.

Any woman who is discriminated against should be aware of her rights and free to take action under the Equal Opportunity Act. I am pleased the bill will put this issue in front of the community so that all people will know that breastfeeding, is the right of the mother and the baby and that it is unlawful to discriminate against anyone for breastfeeding in the same way that it is unlawful to discriminate on the basis of parental status, gender and the other forms of discrimination listed in the schedule to the act.

Members of the community, especially males, have a preoccupation with mammary glands. Even my five-year-old son has a preoccupation with what he calls 'boobies'. I am disappointed that women's breasts are so often displayed provocatively on television and posters and in movies; it is accepted by the community as normal practice, yet it can offend many people, males and females alike. Some in the community take offence at the sight of a mother breastfeeding a baby, but that is more a generational issue and presents an educational challenge. I hope that over time the community will become more tolerant of women and their needs.

Access to change rooms and feeding facilities for breastfeeding mothers has improved in shopping centres, in parks, including Albert Park, and at stations and airports. An incident occurred at Crown Casino and was referred to in an article in the *Age* of 9 January 1998. A woman was approached by a security guard in the food court. The article states in part that when the security guard approached the woman, said that

breastfeeding was not permitted there and invited her to move to a baby-changing area, the woman and her friend thought he was joking. I refer to that article because although some facilities may have a lactation room available it is the right of women to choose where they feed their babies. Babies benefit most from being in a quiet environment and often change rooms or feeding rooms are in toilets, which are not conducive to feeding babies. Regardless of whether there are specific facilities available, women should be encouraged to feed their babies where they want to feed them.

I support the bill, as I support any mechanism that promotes breastfeeding among young mothers. I look forward to the publicity from the debate going some way to helping educate those in the community who may be intolerant. I hope the bill will encourage more women to breastfeed for longer periods. I hope it also encourages women to go about their daily lives and take part in their activities in the community without feeling the need to be chained to their homes because they have to breastfeed. The bill does not change the status quo, but it is a worthwhile public relations exercise. I wish it a speedy passage.

Hon. G. W. JENNINGS (Melbourne) — I have pleasure in joining the debate on the Equal Opportunity (Breastfeeding) Bill. In the week leading up to Mothers Day most honourable members participating in the debate have used their contributions as an opportunity to honour mothers and their relationships with their children and to assert the rights of children and their mothers to maintain the nurturing element of the relationship that is exemplified by breastfeeding in a way that is clearly sanctioned by the law of Victoria.

The amendment to section 6 of the Equal Opportunity Act will clarify the status of the law by adding to the list of items prescribed as acts of discrimination in the schedule to the act. Those attributes include age, impairment, industrial activity, lawful sexual activity, marital status, physical features, political beliefs or activities, pregnancy, race, religious beliefs or activities, sex, parental status or status as a carer and personal association whether of a relative or otherwise with a person identified by reference to any of the attributes I have mentioned. Breastfeeding will be added to the list.

Three criteria are set out in the context of breastfeeding: breastfeeding in public places, being a breastfeeding mother, and the act of expressing breast milk. The bill is clear and specific and addresses the debate that has been continuing in the public domain during the past few years as to whether the Equal Opportunity Act applies to breastfeeding mothers during the course of feeding their children in public places. It is extraordinary that the issue gained prominence during the period of the former government to the point that it culminated in a commitment by the Labor Party prior to the last election that it would amend the Equal Opportunity Act to allow breastfeeding in public places. The amendment to the act will mean that Victoria is in line with a number of other jurisdictions, including Tasmania, Queensland and the Northern Territory.

It is the Bracks government's contention that the bill brings Victoria into line with the conventions established in the 1990s by the World Health Organisation (WHO) and the United Nations International Children's Emergency Fund (UNICEF). Breastfeeding was given prominence by the Innocenti Declaration on the Protection, Promotion and Support of Breastfeeding of 1990, which was signed by 32 governments and 10 United Nations agencies. In acknowledging the importance of breastfeeding the declaration set as a lofty objective for its signatories the establishment of educational and nutritional programs that reaffirmed the fundamental value of breastfeeding, especially the role it plays in the health and wellbeing of mothers and children throughout the world.

That worthy exercise came 40 years after an equally rigorous campaign by the manufacturers of infant formulas to promote the use of breast milk substitutes. The objective of what was virtually a corporate global conspiracy was to diminish the value of breastfeeding in the eyes of mothers across western and underdeveloped countries. The concerted campaign had an adverse effect on the health and wellbeing of countless millions of children throughout the 1950s, 1960s and beyond. That insidious corporate conspiracy fed on taboos about public behaviour and social sanctions, which led to a great deal of confusion and anxiety in many cultures around the world.

In 1990 the WHO, UNICEF and a number of governments across the globe attempted to restore the perception of breastfeeding as not only the most natural and beneficial but also the most desirable and socially acceptable form of feeding infants.

My colleague the Honourable Glenyys Romanes cited some data compiled by the Brookings Institute in Washington that was reported on in a booklet called *A Dangerous Trend*, which was published by the International Baby Food Action Network in 1990. The data shows that the number of babies being breastfed in Chile declined dramatically from 90 per cent in 1960 to 5 per cent in 1968. That decline was generated by an overt consumer campaign to promote breast milk substitutes at the expense of breast milk and the

comfort and nurturing experienced by breastfeeding mothers and their babies.

The second-reading speech delivered by the Minister for Community Services in the other place included a range of clearly identified benefits, including health and general wellbeing, that breastfeeding has for both babies and their mothers. The identification of those benefits was an essential part of the Innocenti declaration.

The value of breastfeeding in the first six months of a child's life is well documented. Breastfeeding helps to maintain a baby's immune system and leads to lower infant morbidity and mortality rates. Breastfeeding is beneficial for nursing mothers because it helps ward off urinary tract infections, reduces the incidence of osteoporosis and increases resistance to breast, ovarian and other cancers.

Not only is breastfeeding a positive nurturing and sensual experience for mother and child that enhances the relationship between them, but it has immediate and ongoing health benefits for both. I was privileged to witness the emerging relationship between my son and his mother during his infancy. Breastfeeding was the most obvious expression of his reliance on his mother as well as a clear demonstration of the bond that formed between them during the first years of his life. The symbiotic nature of the relationship between a nursing mother and her baby should not be either ignored or diminished.

Underpinning the bill is the fundamental human right of babies to be nourished by their mothers. It is necessary to establish a legal framework to ensure that that basic human right is observed. Mothers must be allowed to breastfeed free from the social sanctions of those who cannot cope with the concept.

The bill does not deny any Victorian the right to continue to hold his or her own moral values and religious beliefs. It will come into play only when a citizen, acting in accordance with his or her value system, discriminates against a mother breastfeeding her child.

The act comes into play only when the inappropriate imposition of prejudices or value systems impacts upon the rights of the mother and the child. It is not the intention of the Victorian government to devalue in any shape or form the moral or religious beliefs of any Victorian citizen. In that instance there is very little contention across the house. In the not-too-distant future other matters relating to the Equal Opportunity Act that come before Parliament may be a source of contention and may elevate the notion of moral divide, but at the moment there are none.

However, during the past four or five years there have been occasions when the current opposition has demonstrated that it views the nature of breastfeeding in public places as distasteful. On a number of occasions the former leader of the parliamentary Liberal Party implied, if not stated, that view. The *Age* of 9 April 1998 and the *Herald Sun* of 7 April 1998 report the concern of the then Premier about breastfeeding and that he appeared to consider breastfeeding in the public domain as distasteful. That inevitably led to a series of public discussions and expressions of community concern that resulted in the Labor Party including the issue in its platform. It now delivers the proposed legislation to clarify the status of breastfeeding and to ensure that those who breastfeed in public are not discriminated against in the future.

A healthy progression of change has occurred in the ranks of the opposition. I note the contribution of honourable members this evening and I read with interest the contributions from honourable members of the opposition in the other place. There seems to have been a breakthrough in the attitudes and value systems applying to the opposition today as distinct from when it was in government.

I take the opportunity to quote Mr Ashley, the honourable member for Bayswater in the other place who, in an exotic contribution, demonstrated his support for the bill. I may not be able to concur with many aspects of his contribution but I will quote two brief passages from *Daily Hansard* with which I am happy to concur. They are:

> It is baffling and almost bizarre that at the outset of the 21st century the will of Parliament is necessary to reinforce a woman's right to feed her baby in social settings. Westminster considers itself the mother of Parliaments but it can hardly be called a nurturing mother. The necessity for the amendment to the Equal Opportunity Act suggests something remains unresolved at the heart of our culture and way of life.

The honourable member continues:

> It is to the credit of the women's movement that it has been able to hold the line and achieve a degree of respectability which we will now incorporate into law as the basis for the future regard for breastfeeding and the role of mother and child in our society.

I am sure the honourable member did not mean in any way to patronise the women's movement and that he sincerely congratulated the movement both here and internationally for ensuring that the issue is maintained as one of human rights, with the result that various jurisdictions around the globe have introduced

antidiscrimination legislation and, more importantly, identified educational and health programs aimed at increasing the rates of breastfeeding in society.

There is some concern that in a well-educated society such as ours rates of breastfeeding are somewhat lower than those set in the Innocenti declaration of 1990. The most recently published figures available suggest that only 40 per cent of Victorian mothers are still breastfeeding their children at six months of age, whereas the recommended regime is to breastfeed an infant exclusively until six months of age and then to continue breastfeeding up until two years of age and to complement the child's diet with other nutritional elements.

Those figures were compiled by the Youth, Family and Community Services branch of the Department of Human Services from statistics provided by the maternal and child health centres in Victoria. They demonstrate how quickly the rates of breastfeeding fall away once a mother and child leave hospital. On discharge from hospital 78 per cent of mothers breastfeed. Only two weeks later almost 10 per cent of mothers have ceased the practice, and when the babies reached six months of age only 40 per cent of mothers were still feeding their children. Those 1998–99 figures are demonstrable evidence that at the end of the 20th century in one of the most highly developed and educated societies in the world there is still some way to go towards creating a supportive environment for mothers to continue breastfeeding their children.

All governments are obligated to do whatever they can to reassert the fundamental right to breastfeed in the public domain, to ensure that discrimination does not occur as a consequence of this most natural of activities and to promote wherever possible through better education and better public health measures the opportunity for mothers to continue to breastfeed.

A number of valuable contributions from members of this house have identified the positive activities and supportive programs introduced by a number of progressive employers to support women who choose to breastfeed in the workplace or within child-care arrangements attached to workplaces. Those progressive employers should be acknowledged and congratulated on their efforts. Wherever possible, the government should look at other opportunities available to it to promote such enlightened employment practices throughout the workplace.

Those types of measures are obviously required to redress the effective decline in the rate of breastfeeding within our society.

I conclude by summarising the steps leading to the legislation. Over the past two years in opposition my parliamentary colleague Christine Campbell, the honourable member for Pascoe Vale in another place, carried the issue with great passion and vigour. She was committed through the executive arm of government to ensure that the legislation was introduced into Parliament and received passage prior to the most symbolic day of the year, Mother's Day. I am pleased to be part of a government that satisfies her undertaking to Victorians. I am happy to be part of a government that has added a range of equal opportunity, accountability and democracy reforms. This is an important initiative and I am happy to support it. With the passage of the bill we honour Victorian mothers and children and add to the confidence that all mothers and their infants can share in the year following this Mother's Day a degree of comfort and security that they have not had in the past. I commend the bill to the house.

Hon. D. G. HADDEN (Ballarat) — I support the Equal Opportunity (Breastfeeding) Bill. Clause 3 covers discrimination on the basis of breastfeeding and clause 3(1) inserts into section 4 of the principal act, the Equal Opportunity Act 1995, the definition:

> 'breastfeeding' includes the act of expressing milk.

Clause 3(2) inserts as proposed section 6(ab) of the principal act breastfeeding as an attribute on which it is unlawful to base discrimination.

Transitional provisions are also to be introduced in proposed section 223 which states:

> (1) Subject to this Act, a complaint may be lodged after the commencement of the Equal Opportunity (Breastfeeding) Act 2000 alleging a contravention of this Act constituted by discrimination on the basis of breastfeeding, whether the alleged contravention took place before or after that commencement.

A complaint alleging discrimination can be lodged whether or not the alleged incident or contravention took place before the commencement of the act provided that no other complaint has previously been lodged in respect of the incident. Section 108(1)(c) of the principal act states that the Equal Opportunity Commission in effect has a discretion to decline a complaint if it took place more than 12 months before the lodging of the complaint.

As has been eloquently stated by previous speakers, the most basic act of nurture between mother and child is breastfeeding. Its aim is to feed the baby when it wants to be fed. The Innocenti Declaration on the Protection, Promotion and Support of Breastfeeding was adopted

by 32 governments and 10 United Nations agencies. In summary it sets out that it is the optimum goal and the wish of all mothers to breastfeed their infants for so long as is possible for the benefit of the health and welfare of both the mother and the baby.

In a 1994 analysis for her doctoral thesis on child-free women, Associate Professor Fran Baum of the Flinders University said that having children is not all it is cracked up to be. I can concur with that. Having a child is also a most pleasurable life experience.

Tim Colebatch, a journalist with the *Age*, describes himself as the economics editor of the *Age* and a father of four. In his article on 28 March entitled 'The decline and fall of motherhood', he cites statistics that Aboriginal women on average have 2.15 children each compared with 1.75 for Australian women generally. He says that Melbourne is more affluent than regional Victoria yet Melbourne women average 1.58 children compared with 1.99 for country women. In his article he states that:

> The real problems lie with a male culture that too often leaves it all to women, and a workplace culture that fosters workaholism and fails to provide flexible career paths for women who want to be parents. If they have to choose between career and children, there will be too few children.

The Australian Bureau of Statistics estimates that on current trends 28 per cent of Australian teenage girls will never have children. That is a sad fact.

I refer to the most famous recent case of the Coburg mother, Ms Cath Fisher, and her friend, Ms Gately, and their four young children who were ordered to leave Crown Casino's food court because Ms Gately was breastfeeding her child on New Year's Eve 1997. That certainly brought the issue out into the public domain. A lot of shock, upset and anxiety was expressed by many people across the community. Ms Fisher is reported in the *Herald Sun* of 3 April as saying that she could not believe anybody could be serious about a baby offending people by being breastfed in a public place.

Ms Fisher wrote to the former opposition spokesperson for women's affairs, Christine Campbell, seeking support to ban the discrimination of mothers who breastfed in public and she gained the support of nursing mothers world wide on the Internet. On 8 April 1998 Ms Campbell attempted to introduce a bill in the other place entitled the Equal Opportunity (Breastfeeding) (Amendment) Bill which was blocked. Leave for the bill to proceed was refused on that date. I am pleased to support the bill today.

The first of several authors I shall refer to today is Dr Jocelynne Scutt, a renowned feminist lawyer. Earlier this year she was appointed the first equal opportunity commissioner for Tasmania.

In the chapter entitled 'Gerrymander of sex' in *The Sexual Gerrymander* Dr Scutt looks at women and men and the politics of history. She analyses the history of women's oppression and writes about the scholarship of women and the studies of the social and political gerrymander women faced in all areas of work, power, public recognition, prostitution and of structural sexism. The Oxford dictionary defines 'gerrymander' as manipulation or the gaining of an unfair advantage. The centuries-long gerrymander is not limited to the vote or to the parliamentary seat but extends to public and private spheres.

She describes the private world of marriage from the time of the colonisation of Australia in 1788 to today's public world in public office and paid work. She says that in the public world of the 18th century women had no legal standing to sign contracts in their own right, to own their own incomes, to enter numerous trades or the professions, nor indeed to hold public office. However, women and children were allowed by law to work in the mines in Britain.

In 1904 Edith Haynes applied to the Supreme Court of Western Australia for permission to be admitted to practise law. She was denied that right. She completed her studies on the basis that the then Legal Practitioners Act of Western Australia stated that all persons with the requisite qualifications were entitled to be admitted. However, the Supreme Court of Western Australia found that as there was no definition of 'persons' in the act she was not one. Women's rights to pursue their careers have come a long way since then, and now we have the current bill.

In her book *Living Feminism, the Impact of the Women's Movement on Three Generations of Australian Women* Chilla Bulbeck interviews mothers and daughters. In her chapter 'Marriage and motherhood' she interviewed Anna, a trained breastfeeding counsellor who was born in 1951. Anna says breastfeeding is a learned skill rather than an automatic outcome. She praised the Nursing Mothers Association, which provided her with information on breastfeeding her children and, importantly, as a source of networking with other women who were likewise breastfeeding. She says that:

> For Anna breastfeeding was a defence against the family histories of eczema, asthma and hay fever. It also cemented the bonding process: 'a quiet time where you can relate positively with your baby', while night feeding releases

hormones which relax both mother and child. Kerry refers to the strong bonding and the 'indulging' of Aboriginal children through breastfeeding. Kerry continued intermittently to breastfeed one of her daughters until she was about three years old.

In the 21st century breastfeeding is a natural and inoffensive act. It is a child's right to be fed whenever it wishes to be fed. It is also the mother's right to feed the child uninterrupted without being embarrassed in public.

The object of the Equal Opportunity Act is to stop discrimination against people on the basis of various attributes. The bill introduces a further attribute of breastfeeding. It is a positive move in that the community will know that to discriminate on the grounds of breastfeeding is illegal because it is a natural and inoffensive act that should not be used to embarrass the mother and child in a public sphere. I support the bill.

Hon. R. F. SMITH (Chelsea) — I support the Equal Opportunity (Breastfeeding) Bill. It is pleasing that I follow a number of men who have spoken in support of the bill because it is important to demonstrate that men are supportive of mothers who wish to breastfeed. As a breastfed baby I can say that it is certainly beneficial.

The bill amends the Equal Opportunity Act to end discrimination on the basis of breastfeeding. Proposed subsection 6(ab) will provide and promote equality of opportunity for breastfeeding mothers. It is unfortunate that legislation has to be introduced to allow mothers to feel both proud and comfortable during breastfeeding, but the legislation is necessary for mothers to best deliver. My wife breastfed both our daughters and even to this day she refers to the bonding that took place and how she enjoyed immensely the process of breastfeeding.

In 1990 Australia was a signatory with 31 other countries in Florence to the Innocenti declaration, which provided support for the protection and promotion of breastfeeding. Given that a number of people have referred to the declaration, I shall read it in full. It states:

> As a global goal for optimal maternal and child health and nutrition, all women should be enabled to practise exclusive breastfeeding and all infants should be fed exclusively on breast milk from birth to 4–6 months of age. Thereafter, children should continue to be breastfed, while receiving appropriate and adequate complementary foods, for up to two years of age or beyond. This child-feeding ideal is to be achieved by creating an appropriate environment of awareness and support so that women can breastfeed in this manner.

I do not know why some people have difficulty with breastfeeding in public. The bill will encourage women to take up breastfeeding and may assist those individuals who are opposed or have problems with it to change their attitudes.

Breastfeeding is beneficial to both mother and child in a number of ways. Among the benefits are increased infant nutrition. It is recommended that infants be fed breast milk exclusively for the first few months and partially up to the age of two years. Breastfeeding also has clear medical benefits, including the reduction of susceptibility to disease and the lowering of mortality rates. It protects mothers from ovarian and breast cancers and is sometimes nature's contraceptive, although it is not always successful.

I thank the Minister for Community Services in another place who has responsibility for the bill and, in particular, all women who had the courage to campaign publicly on the issue. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Hon. M. R. THOMSON (Minister for Small Business) — By leave, I move:

> That this bill be now read a third time.

I thank the following speakers on the bill: the Honourables Ron Best, Elaine Carbines, Andrea Coote, Glenyys Romanes, Maree Luckins, Gavin Jennings and Bob Smith.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

CHINESE MEDICINE REGISTRATION BILL

Second reading

Debate resumed from 3 May; motion of Hon. M. M. GOULD (Minister for Industrial Relations).

Hon. R. A. BEST (North Western) — It gives me great pleasure to support the Chinese Medicine Registration Bill. The legislation had its origin many years ago and has a detailed research base. In 1995 the

Department of Human Services commenced a review of the practice of Chinese medicine in response to an increasing incidence of the use of complementary treatments and concern about any associated public health risk. A need existed for information on who were the practitioners, where and who were the patients, what educational provisions were in place for those practising, what risks were associated with the practice of Chinese medicine and of mixing herbal potions, who were the beneficiaries of the treatment and what framework was in place.

Research can be divided into three stages. The culmination of the first stage was the publication of a research report entitled *Towards a Safer Choice — the Practice of Traditional Chinese Medicine in Australia* by the Department of Human Services on behalf of all Australian states and territories. Following the publication of that report, a recommendation was made to the Australian Health Ministers Advisory Council that Victoria take the lead in exploring the feasibility of occupational Chinese medicine practitioners. A working party was established, chaired by Mr Robert Doyle, the then parliamentary secretary to the Minister for Health and Aged Care.

The purposes of the bill introduced by the government — arrived at via the report being made to the ministerial council and the establishment of the working party — are similar to those of the bill that was introduced in May 1999 but which progressed no further because of the election. The purposes are as follows: to protect the public by providing for the registration of and investigation into the professional conduct and fitness to practise of practitioners of Chinese medicine and dispensers of Chinese herbs; to regulate Chinese medicine and herbal dispensing services; to establish the Chinese Medicine Registration Board of Victoria and the Chinese Medicine Registration Board Fund; to regulate the advertising of Chinese medicine and herbal dispensing; to amend the Drugs, Poisons and Controlled Substances Act 1981; and to amend other acts regulating other health practitioners.

The legislation has been established following agreement between commonwealth and state health ministers. It is a wonderful opportunity for Victoria to take the lead in creating a model of regulation for Chinese medicine practitioners and herbal dispensers.

There has been extensive consultation since 1995, but it has been recognised and accepted that the time has come for regulation of that growing area of health care provision. The bill establishes a model for the rest of Australia that has the potential to establish world-best practice. My understanding is that no such model exists outside China. While there have been some criticisms of the bill's provisions not taking effect until 1 December 2002, some two and a half years away, having discussed that criticism with Mr Doyle, the shadow Minister for Health in the other place, I know he is more than happy with that time frame, given all the issues that need to be canvassed in establishing the framework for the regulation of the dispensing and practice of Chinese medicine. While the legislation creates the regulatory framework, many issues need to be worked through. The bill does not make any comment whatsoever on the merits or efficacy of treatment; it seeks to protect the public.

Part 2 of the bill deals with registration and the procedure for obtaining registration. The issues to be canvassed by the board in registering applicants fall under the following clause headings: 'Application for registration', 'Qualifications for general registration', 'General registration', 'Specific registration', 'Endorsement of registration', 'Entitlement of applicant to make submissions', 'Notification of outcome of application', 'Duration and renewal of registration', 'Application for renewal of and refusal to renew registration', 'Post graduate qualifications' and 'Restoration of name to the register'. A rigorous framework is being put in place for registration. Many people in the industry may have the impression that, because they are practitioners of Chinese medicine, they will have particular rights once the legislation is in place.

It is important to note that the bill contains no grandfather clause and no as-of-right provisions for people who are currently practising. They will need to go through the whole application process along with other people wishing to pursue a career in the field of Chinese medicine. It is important to obtain an assurance that the public will be protected at all times.

The Chinese Medicine Registration Board of Victoria must be comprised of people who understand all the issues associated with this section of medical practice. I am delighted to note that of the nine members of the board six will be practitioners. They should have the ability to address the issues of who qualifies and how.

One of the first issues the board will need to address is the standard of educational courses. One of the policies of the previous government was to ensure boards were skills based. An important issue that will confront this government in appointing board members is to ensure they have the appropriate skills. A board operating in what is a new framework and a new model will need to be conscious of all the protocols and issues associated

with dealing not only with other sections of medical practice but also with other sections and interests in Chinese medicine and herbal dispensing groups.

There will also be a need to address the establishment of protocols and the model that will be established to oversee this very new and important pursuit of medical practice. As I said, I am concerned that there may be some people — I have already had representations from certain people in the Chinese medical industry — who believe they will have as-of-right entry to practise once this legislation is passed. I am confident that the board will consider the qualifications, experience and backgrounds of those people when assessing their applications for registration.

It is important for the board to put in place transparent protocols for registration and to make the appropriate decisions to ensure public safety and confidence in the pursuit of this type of medical service delivery. As a layman who is not necessarily closely aligned to medical practice, I will be interested to see how the board will determine what educational courses will be the basis of registering somebody to practise under the legislation. While traditional western medicine has a rigorous educational process, most of the people in this section of complementary treatment do not necessarily have such a rigorous or structured education process on which to rely.

I will be interested to see how that works. I join with my colleague Robert Doyle in another place in welcoming the government's statement that it will take two and a half years to get the processes right so that many of the criticisms not only from inside but also from outside the profession can be averted. Many of the potions that are currently concocted by Chinese herbalists contain some quite poisonous substances and there needs to be an appreciation and understanding of the interactions between those potions and the drugs of traditional western medicine. It is an evolutionary process, but nevertheless it needs to be addressed.

The board has some very hard decisions to make, particularly about the courses, the practitioners and their titles. Living in a regional centre like Bendigo, which has a very rich and colourful Chinese history, I am aware of some of the people in my home town who have operated in this field. I do not intend in any way to pass comment on their ability or appropriateness to practise in that field, but I know some people operate under titles like 'Doctor' and 'Professor'. I am not sure that they are entitled to use those practising titles. That is one issue the board will have to consider in the future and I welcome such an investigation.

The bill enjoys the support of honourable members on both sides of the house. It originated in 1995 under the previous government and it has taken some time and research to get to the current position. I am disappointed that whereas the bill that was introduced in 1999 contained a section 85 statement to protect the board should it make determinations and decisions about the abilities of people operating in the practice or profession this bill does not. Unquestionably issues will arise as to people's suitability to practise. I place on record the comments by the Scrutiny of Acts and Regulations Committee in *Alert Digest* No. 5 of 2000:

> The committee notes that the terms of the clause appear to exclude the jurisdiction of the Supreme Court from adjudicating in actions for defamation against the board or its members. The committee notes that no section 85 statement was made in the second-reading speech nor is there a clause in the bill declaratory of a section 85 amendment, alteration or variation in the usual manner.
>
> The committee also notes that an almost identical bill, which lapsed on the dissolution of the 53rd Parliament, was introduced in the Legislative Assembly in May 1999 containing a section 85 statement in the second-reading speech and a section 85 clause in the bill for the identical clause, also numbered 56(3) as appears in the present bill. Further the committee notes that other similar health-related acts such as the Dental Practice Act 1999 and the Physiotherapists Registration Act 1998 contain section 85 statements for the identical or similar immunity provision.
>
> The committee is of the view that the terms of clause 56(3) clearly raise an issue as to the jurisdiction of the Supreme Court within the terms of reference of the committee pursuant to section 4D(b)(iii) of the Parliamentary Committees Act 1968.
>
> The committee will write to the minister to seek clarification as to the intended application of clause 56(3) and why it was thought unnecessary to provide a section 85 provision in this instance.

That concerns me. I hope the Minister for Industrial Relations, who has responsibility for the bill in this place, can provide that comfort for potential members of the board. As I said, the board has some serious and difficult decisions to make.

I would hate to think the board members will be faced with having to justify their decisions in the Supreme Court. Apart from that aspect, the bill has the support of both sides of the house.

I congratulate the government and Robert Doyle as the former parliamentary secretary for bringing the bill to the Parliament, because it addresses the issue of treatment and provides a framework that assures as little as possible risk to the community. I have great pleasure in supporting the proposed legislation.

Sitting suspended 6.31 p.m. until 8.07 p.m.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to contribute to the debate on the Chinese Medicine Registration Bill. A number of members on both sides of the house wish to speak on the bill and the opposition supports it.

Hon. W. R. Baxter — We have already said so.

Hon. S. M. NGUYEN — Yes. Many members of the other house spoke on the bill and supported it. I thank the Minister for Health in the other place for the work he has done to put together all the matters contained in the bill. I also thank the honourable member for Malvern, the opposition spokesman on health, for everything he did when he was Parliamentary Secretary for Human Services.

The bill is important to the whole of Australia and the Victorian community in particular. The Victorian government is trying to protect the interests of the members of the Victorian community who have used Chinese medicine in the past and wish to do so in the future. It is also trying to create new areas for those practising Chinese medicine who want to be registered.

Honourable members know that Chinese medicine has been used for a long time in Australia. Before western medicine was introduced to Asia, Chinese medicine was the only medicine available in many Asian countries. It is not a new subject but has been around for a long time.

The Chinese Medicine Registration Bill will establish a comprehensive system of regulation of the practice of Chinese medicine and the dispensing of Chinese herbs. Review of the practice of Chinese medicine was commenced in 1995 when the Department of Human Services was commissioned to study traditional Chinese medicine. The study was undertaken in all states and territories, with the work force component restricted to New South Wales, Victoria and Queensland, where more than 90 per cent of practitioners are located. The study resulted in the report, published in 1996, *Towards a Safer Choice — the Practice of Traditional Chinese Medicine in Australia*.

The practice of Chinese medicine has been growing at a rapid rate in recent years. In 1996 it was estimated that nationally there are at least 2.8 million consultations in Chinese medicine each year representing an annual turnover of more than $84 million. It is not a small industry. In 1996 there were an estimated 530 registered medical practitioners in Victoria who made claims for acupuncture on the Health Insurance Commission. In the same year, more than 320 Victorian Chinese medicine practitioners responded to a work force study of Chinese medicine. Provisions in the bill will ensure that people have a choice and have confidence in choosing traditional Chinese medicine.

The Australian Health Ministers Advisory Council established a working group with representatives from a number of states and territories. The group established a number of criteria and addressed the following questions: is registration the most direct, effective and least restrictive way of dealing with a significant risk of harm to public health and safety; and do the benefits of regulation clearly outweigh the potential negative impact?

Many people who attend practitioners of Chinese medicine have found they could not claim the fees on Medicare. It is important that Chinese medicine be recognised as a registered medicine so people can claim a rebate on their health insurance. The bill is a step forward and will make it easier for the patients of Chinese medicine practitioners. The bill will establish the Chinese Medicine Registration Board which will have the power to register suitably qualified practitioners. Advertisements will be placed in all newspapers inviting members of the community, including members of the Chinese community, to apply to be members of the board. Appointments will be made by the Governor in Council. The bill will play an important role in assessing and registering suitably qualified practitioners in one or more of the three divisions of registration: Chinese herbal medicine, acupuncture, and Chinese herbal dispensing.

Many registered health practitioners such as medical practitioners, nurses, chiropractors and physiotherapists are adopting Chinese medicine modalities, particularly acupuncture. I know a number of good people who practise acupuncture and Chinese herbal medicine. The bill will make it an offence for anyone who is not a registered Chinese medicine practitioner or herbal dispenser to use titles that suggest they are registered in any of the divisions of the register when they are not. On a number of occasions I have read advertisements in Chinese newspapers relating to the practice of Chinese medicine. Some advertisements claim they can cure almost anything. People have a responsibility to fulfil their obligations when advertising in newspapers.

Practitioners must not mislead the public in their advertising or in encouraging people to come to them simply because they need more patients. They must use advertising to look after their patients.

The bill provides for a code of practice to be issued by the board and outlines what constitutes unprofessional conduct.

Hon. B. C. Boardman — Who will be on the board?

Hon. S. M. NGUYEN — I do not know. The minister will advertise in the newspapers, so anyone who is interested can apply. You are welcome to apply, if you are interested.

Hon. B. C. Boardman — I am not allowed to; I am a member of Parliament.

Hon. S. M. NGUYEN — The board will be made up of experts who understand Chinese medicine.

After listening to and speaking with other honourable members I have learnt that many members of Parliament have received emails and letters from members of the Chinese community who are keen to see the bill pass, because it will help many good Chinese doctors who have studied extensively in China and who have run their businesses successfully in Australia for a long time.

The bill encourages doctors to obtain Australian qualifications. By attending school in Australia they will improve their knowledge of English, which will enable them to attract non-Chinese patients to their practices.

Western medicine has been around for a long time, and many people now want to try different fields. Chinese medicine is more popular than it was 20 years ago because people have become used to it. Twenty years ago it was hard to get non-Chinese Australians to go to acupuncturists because they were afraid the sharp needles would hurt. Today they feel more comfortable with that type of treatment, and acupuncture is now being taught in Australia.

These days medical students are taught about the effective control of the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS). Medical practitioners must ensure that the medical equipment they use is safe. Australia can be proud of its medical standards, which are considered among the best in the world. The Australian medical profession is concerned not only to protect the Australian community but also to help the governments of poorer Asian countries to protect their citizens against HIV and AIDS. The bill will serve as a model for China to follow in establishing a high standard of safety in the use of medical equipment. It is important for practitioners to have high safety standards when they are dealing with needles so that their patients feel they are being well looked after.

In Australia medical students have to go to university to receive a piece of paper to say they are qualified. However, many practitioners of Chinese medicine who have trained in their countries of origin do not have formal qualifications. They may have learnt from their parents or grandparents, the knowledge having been passed from generation to generation. Many of them are good practitioners and good doctors, but they need to continue their studies and achieve an Australian standard so they can look after their patients better.

The Minister for Health in the other place, John Thwaites, has introduced a lengthy bill to maximise the safety of Chinese medicine patients in Australia. The risks patients face from being treated by unqualified Chinese medicine practitioners include, among other things, contracting hepatitis C or HIV and the puncturing of vital organs, causing life-threatening pneumothorax and mental trauma.

The risks related to the dispensing of medicines include the prescribing of herbal substances containing hidden toxicity, herbs that are inappropriate for the condition being treated, herbs containing contaminants such as heavy metals and herbs adulterated by western chemicals such as steroids; the substitution of herbs by the dispenser without consulting the practitioner; and poor or non-existent labelling of ingredients. Other risks include the failure to assess the patient's underlying organic problems or to make proper referrals; and advising patients to withdraw from appropriate medical treatment or pharmaceutical medication. Practitioners must be aware of those things when they practise.

The Chinese Medicine Registration Board will have the power to register in separate divisions acupuncturists and Chinese herbal medicine practitioners who have the required qualifications. The board will also have the power to refuse registration. It will have the power to register Chinese herbal dispensers and to prevent unregistered persons from assuming certain titles. It will also have the power to endorse the practising certificates of suitably qualified Chinese medicine practitioners and dispensers to give them the right to prescribe a limited range of herbs. They are important aspects of the bill.

In conclusion, I support the bill. I look forward to hearing contributions from honourable members on the other side. Once the bill is passed and permits are issued to Chinese medicine practitioners, I encourage

honourable members who have not already done so to visit them. I commend the bill to the house.

Hon. B. C. BOARDMAN (Chelsea) — I am not sure that honourable members assembled in the chamber tonight know the historical significance of this debate, but this is a momentous occasion for the Victorian Parliament. The legislation undoubtedly has national and international implications. I cannot recall during my career of some four years debating legislation that has been more widely anticipated and embraced by as many sections of the community as the legislation before the house. For the first time in a western democracy there has been a concerted cooperative and conclusive attempt to regulate the practice of Chinese medicine. I hope the introduction and subsequent successful passage of the bill will establish the framework for mirror legislation not only nationally but internationally because the amount of work that has gone into the research and preparation for the bill is, to say the least, impressive.

I point out that the work was initiated and developed by the former Kennett government, which formed a policy in 1995 to develop the framework for a review and establish a consultative process. The Kennett government went through the at times stressful process to draft and subsequently introduce the legislation. I thank the Bracks government for having the foresight and initiative to realise the importance of the bill, to introduce it and subsequently pass it in 2000.

Chinese medicine is nothing new; it has been practised in Australia for more than 150 years. All honourable members will acknowledge that Chinese migrants were probably some of the first migrants to come to this country and build a community.

Hon. T. C. Theophanous — There was a Greek on the First Fleet!

Hon. B. C. BOARDMAN — And Greek migrants have been equally as important to Australia's prosperity as Chinese migrants. However, the Chinese community probably set the standard of playing an integral part in achieving Australia's overall social and economic prosperity.

Melbourne's Chinatown is one of the biggest and best examples of a Chinatown outside China. Melburnians are proud to have Chinatown in their city. Chinese multiculturalism is without doubt one of Victoria's greatest assets and it should be promoted at every opportunity. The legislation does that by promoting multiculturalism and recognising the cultural diversity and linguistic differences in the community.

I need to take a bold step and correct honourable members on one point. Traditional medicine in Chinese medicine is a misnomer. There is no such thing. The correct title is Chinese medicine. To call it traditional Chinese medicine is like describing western medicine as traditional — we all know there is no such thing. Chinese medicine is one of the oldest organised illness treatment processes and regimes in the world. It has been practised for thousands of years. China was probably one of the first civilised societies to have a regime of diagnosing people's ailments and prescribing herbs to deal with them. It has been the subject of research and discussion. Over time it transformed itself and has, for the want of a better word, reinvented itself. It is traditional simply because it exists. Therefore, to use the term traditional Chinese medicine, TCM, is not correct. It is Chinese medicine, just as we have western medicine. That is exactly its title.

Honourable members raised doubts about whether I have used Chinese medicine. They also raised doubts about whether I had any understanding of multiculturalism before I entered this chamber. The answer to both those questions is yes. Some time ago when I was in the Victorian police force I suffered an injury and my doctor, who also has a qualification in Chinese medicine, suggested I undergo acupuncture for a muscle-related injury. I was sceptical about the advice and was not sure it would succeed. I did not know whether there was an appropriate regime that would make the practice safe. However, I trusted my family doctor. I took his advice, and it turned out to be the smartest advice he gave to me. It accelerated my healing more than western procedures would have done. So, the answer to both those interjections is yes. That is why I am proud to support the legislation and the framework that has been created as a result of it. The essence of the bill is safety and protection for the public.

I refer to a report entitled *Towards a Safer Choice — the Practice of Traditional Chinese Medicine in Australia*, commissioned by the Department of Human Services in October 1995 when tenders were called for conducting the investigative process. An interim report came out in April 1996 and the final report, which was released at an official ceremony in 1998, was well received not just by the Chinese community but by the mainstream community as well. I pay tribute to Alan Bensoussman, the director of that review and also Dr Stephen P. Myers, the co-author of the report, for the immense work they completed in going through an exhaustive process over many years to come up with a document of world standard. The three or so years taken to complete the report represented the tip of the iceberg because the issue was the subject of debate,

proposals and potential frameworks for regulations for many years. Some of the key advocates of the bill were promoting legislation for some 15 to 20 years. The summary of the report states:

> The principal recommendation of this report is the introduction of statutory occupational regulation in the form of a restriction of title. The aim is to induce minimal, yet sufficient, regulation to ensure adequate public safety, and to cause the least anti-competitive effect in the health care marketplace. The result will be to minimise those risks presented by inadequate education and practice of TCM. Other associated recommendations are stated in the summary of recommendations.

That virtually sums up what the bill is about — protection for the public and regulation of the industry, which is growing incredibly. I am sure that apart from those members who have had personal contact with the industry honourable members could not comprehend just how big it is.

According to the report there are at least 2.8 million Chinese medicine consultations each year in Australia. That is a mind-boggling figure.

Hon. N. B. Lucas interjected.

Hon. B. C. BOARDMAN — Mr Lucas asked me about the Victorian situation and I will comment on that. The cost to the Australian health care economy of such a level of consultations is around $84 million. That was the situation when the report was discussed and developed. The report made it clear that by 2000 the number of people attending Chinese medical practitioners and the number of practitioners involved in Chinese medicine would potentially double.

Currently, there are more than 1500 primary practitioners. In Victoria it is estimated that there are probably 500-odd practitioners in Chinese medicine, not including those who practise acupuncture and massage exclusively. They come under the heading of non-primary practitioners, the estimation of which nationwide is around 3000. Unfortunately, the figures in Victoria are unknown. The report states that the disciplines of non-primary practitioners include medicine, nursing, osteopathy, physiotherapy and traditional Chinese medicine, but they are carried out in a part-time fashion. That means those practitioners, such as my doctor who is a general practitioner but also has qualifications in Chinese medicine, are part-time practitioners. My doctor uses his Chinese medicine qualifications in conjunction with his general practice.

The bill promotes the legislative mechanisms to deal with education and training to ensure people involved in the industry have adequate qualifications to practise in a safe and practical way and in the best interests of their clients. It is estimated that there are currently about 1100 students who may graduate in Chinese medicine over the next three to four years. If that is correct, it gives one an estimation and understanding of how big the industry potentially could be.

The legislation's introduction has brought some community concern. An element of that concern has come from the Australian Medical Association, which has embarked on an extensive lobbying process to voice its opposition to the introduction of the legislation to members of Parliament. While I have the utmost respect for the AMA, I am confused by its actions because, as I stated and made categorically clear, the legislation is about protection for the public. Without the legislation, those members of the public who choose to avail themselves of alternative medical measures could be open for possible exploitation.

The industry is solid. The bill proposes the regulation and framework so that those who are practising this type of medicine have the qualifications, necessary skills and the legal ability to offer protection to their clients. The point the Australian Medical Association is making is contradictory. An element of competition may be involved. While I respect the AMA's position, the industry is growing and more and more people will take up the availability of different types of remedies and medical advice. That may draw away potential customers from what we consider general practice or western medicine. I believe the AMA is unfortunately off the mark in its campaign concerning Chinese medicine.

The patients who avail themselves of Chinese medicine are intriguing. Two in three patients are female; 50 per cent are tertiary educated; and 80 per cent have English as their first language. That suggests the type of customers using this type of medicine are not from what we would consider a multicultural background. If the figures are right, the acceptance by mainstream society is high and the anticipation of mainstream society to the successful introduction of the legislation is high. I did not know until I read the report — and I have heard some conflicting evidence — that on average the cost of a consultation is $30 which is pretty much in line with the average cost of a general practitioner's consultation. A full course of treatment for whatever ailment one was seeking to rectify could potentially cost $670.

The cost is relevant. Mr Nguyen touched on this point and I believe his contribution was from the heart. Some health care companies are offering rebates for those availing themselves of Chinese medicine. HBA is

one — and it actively advertises that — and Medibank Private is another. Medicare is a different situation. Once the framework is in place and there is official recognition and registration of Chinese medicine, there may be some need for the federal government to investigate its role when dealing with this type of treatment under the Medicare benefits scheme. If private health insurers recognise the benefits of this type of treatment, the federal government should also recognise the potential for Medicare.

The evidence is that 7 out of 10 people who have availed themselves of Chinese medicine had gone to a general practitioner in the first instance. So 70 per cent of people on courses of Chinese medicine may well have been dissatisfied with the treatments they received from the general practitioners and looked for an alternative. The statistics on whether that has been successful or otherwise are unfortunately not available. Over time the statistics and the amount of research available relating to this type of practice will dramatically increase.

The argument about whether Chinese medicine works is a vexed question and a complex issue. The report openly explains the areas for which people seek Chinese medicine. They include treatments to manage pain, nausea and vomiting, and acupuncture is used for hypertension and other cardiovascular disorders, digestive disorders, neurological problems and drug addiction. Unfortunately, the number of clinical trials, mainly held in China, do not meet the same level of scientific and medical research used to collate data and collect evidence in Australia. The standards in reporting differ dramatically. From a scientific perspective, the evidence suggesting that those types of treatments work or otherwise does not exist. If a survey of patients was undertaken and I was asked to give a personal explanation, I would say that the one and only time I had acupuncture treatment it worked successfully. I would be a strong advocate for it, as would other patients who have availed themselves of those remedies. From a scientific perspective, that evidence does not exist to Australian standards. I hope the introduction of the legislation will change that.

As I mentioned, the education and training proposed by the bill is paramount. Currently, most medical practitioners operating in Victoria have been trained overseas. There is a degree of difference insofar as the level of training they receive. Some of the courses currently available in Australia vary dramatically. They range from a 50-hour course, which is a minor basic course that allows the practice of some parts of Chinese medicine, to more than 3000 hours which is a full degree course currently being offered by RMIT University.

In China those standards differ dramatically. However, 50 per cent of practitioners who have come from China and who are currently practising this form of medicine in Australia have had a minimum of six months clinical experience in the field in China.

If one is a qualified medical practitioner obviously one does not require the background and research into the medical aspects that the RMIT University requires for those particular courses. I understand the Bachelor of Chinese Medicine is currently a five-year course. Three successful courses have produced 60 graduates. Because there is no regulatory framework to harness and promote the skills of those students it is recommended that they go to Nanjing University to learn their practical application. Nanjing University is in the Jiangsu Province, which is the sister state to Victoria.

Once the legislation has been passed and the framework and the board established, some high-profile members of the Chinese community and those involved with Chinese medicine will have made a concerted effort to ensure that rules are put in place for the recognition of Chinese practitioners, herbs and so on, and for a Chinese medicine hospital to be developed for Melbourne. I cannot be more supportive of that. It will be a vital asset to the city and the Chinese and mainstream communities as well as a wonderful educational facility. The ever-increasing popularity of the course at RMIT University means students may not have to go to Nanjing to further their studies. Melbourne University offers a five-year course in acupuncture. A Chinese medicine hospital would be a wonderful investment for Victoria and would provide opportunities for Chinese medicine to be practised in the state. I hope the government will take up and promote the hospital when the process is further developed.

I understand no fewer than 23 professional associations represent different segments of Chinese medicine. Their membership varies substantially; some have as few as 40 members and some have as many as 764. More than half the associations have fewer than 150 members. That is another justification for the legislation because part of the bill and the recommendations in the report deal with those associations being more self-regulatory. There may be factional or ideological differences, but with different bodies promoting different aspects problems could arise. However, in the main the associations are working towards a common goal. It is a dangerous situation when standards are confused.

I understand the association with the most members is in Queensland. It was previously known as the Australian Acupuncturist Association of Australia but is now known as the Australian Acupuncture and Chinese Medicine Association of Australia. It has more than 700 members. Victoria is fortunate to have the Federation of Chinese Medicine Association, which has about 610 members and is led by Professor Tzi Chiang Lin, who has been one of the strongest advocates for the legislation and has worked closely with the previous government and this government to ensure the legislation is in the best interests of the industry and of the Victorian community.

Those associations are a vital part of the industry, but they should encapsulate the essence of self-regulation and harness their collective abilities to ensure that the principles of the legislation are promoted in all respects.

The report states that not all associations have substantive policies and procedures for record keeping on accidents and injuries that occur in traditional Chinese medicine practice, dealing with complaints, referral protocols to other health professionals and peer review or quality assurance. That is currently being carried out by the associations in a non-regulatory, supportive environment.

The report recommends that self-regulatory mechanisms of professional associations be strengthened and that the associations closely examine the requirements for new courses in Chinese medicine from the various universities to ensure they meet the rigorous protocols and qualifications that are in the best spirit of the legislation. The size of the industry demands that type of framework. It is an international example and it will be embraced internationally.

Other countries have recognised acupuncture, massage and massage techniques to varying levels, but the dispensing of herbs is a complex issue. Victoria has led the way for some years. We can be proud of that and I hope the rest of the world will take a great deal of notice.

The main recommendation of the study is that:

> Traditional Chinese medicine practitioners be subject to statutory occupational regulation and that the focus of this regulation be the protection of the public by ensuring practitioners have adequate qualifications for safe and competent practice.

The study also recommends that the following titles be protected: registered traditional Chinese medicine practitioner; registered traditional Chinese herbalist; registered acupuncturist; registered traditional Chinese herbalist and acupuncturist; registered Chinese medicine practitioner; and registered oriental medicine practitioner.

Clause 3 defines registered Chinese herbal dispensers, registered Chinese medicine practitioners, registered medical practitioners and registered practitioners. Although that is an excellent framework, it creates difficulty in the application of legislation. There is widespread usage in Chinese medicine of titles such as doctor and professor. I understand that in the Chinese culture a Chinese medical practitioner or doctor of medicine translates in English to professor. That means those who practise Chinese medicine use the title professor, which in Australia carries with it a high degree of credibility.

To me as a layperson the title professor means that a person has a high degree of integrity, qualifications and professionalism appropriate to the industry. However, in China one does not have to necessarily go through the full gamut of the training regime to qualify for the title of professor. Many of those practising in Australia should understand that there is no grandfather clause in the bill. The board will set the standard of qualifications and there is no as-of-right principle that someone who has a degree or tertiary qualification in China will be afforded the same credentials in Australia. Definitions are specific in the bill and the board will have direct responsibility to ensure that they are not exploited.

Division 2 refers to the Drugs, Poisons and Controlled Substances Act. Proposed new section 97 states that:

> 1. Poisons of plant, animal or mineral origin that in the public interest should be available only from a person registered under the Chinese Medicine Registration Act 2000 or authorised under another Act.

The exceptional importance of legislation allowing medical practitioners the right to dispense herbs cannot be understated. The herbs used in Chinese medicine are diverse in nature and in their application and origins. As proposed new schedule 1 of the Drugs, Poisons and Controlled Substances Act 1981 correctly specifies, those herbs come from animals, plants and minerals. Unfortunately even to this day endangered species are being culled to provide certain herbs used in the dispensing of Chinese medicine. That practice is endemic in China and to a lesser degree in Australia.

Under proposed new schedule 1 the minister and the Chinese Medicine Registration Board are empowered to ensure that the herbs to be dispensed do not exploit any international treaties and are lawful in the way they are developed and collected. Unfortunately insufficient reference was made to that exceptionally important aspect of the bill in debate in the other house. I draw

attention to those provisions as they are probably the most important aspect of the bill, not only in protecting Australia's national assets but also in protecting the assets of other countries and in ensuring Australian practice meets the standards set in the bill.

In conclusion I wish to make a number of acknowledgments. My colleague in another place the honourable member for Malvern acknowledged the incredible number of people involved in the process that has resulted in the introduction of the bill. All those who participated need to be applauded and thanked for their participation, professionalism, expertise and personal involvement over many years.

I particularly thank Dr Chris Brook, the director of public health with the Department of Human Services. I hope he still holds that position under the current government because his expertise and knowledge of that industry is invaluable. It is acknowledged in the report that without his insight and support the practice of traditional Chinese medicine may not have proceeded. He took on board the challenge to develop the process to ensure the framework came to fruition. His expertise and knowledge have been incredibly valuable.

I acknowledged in my opening remarks Mr Bensoussan and Dr Myers as the co-authors of the report *Towards a Safer Choice — the Practice of Traditional Chinese Medicine in Australia*. They have written an incredibly valuable document of world standard and, I reiterate, one that will have worldwide and international implications.

I also thank a good friend of mine, Professor Tzi Chiang Lin, the president of the Federation of Chinese Medicine Associations. He has been one of Victoria's strongest advocates for the introduction of the legislation and the development of a framework to protect the industry and the public. Without Professor Lin's knowledge, insight, enthusiasm, professionalism and participation over the many years prior to and during the development of the legislation — not just in Victoria but on a national level — honourable members possibly would not have been discussing tonight the introduction of this important bill. He is an asset to the industry, a gentlemen and a wonderful Victorian, someone fondly regarded on all sides of politics.

The Chinese Medicine Registration Bill is necessary legislation; I cannot state that more strongly. I repeat my opening remarks: the bill's passing will be an historic occasion for the Victorian Parliament. It is not very often that legislation initiated, debated and subsequently passed in the Parliament has potential international ramifications. It is also not very often that legislation is so eagerly anticipated and welcomed by the mainstream community. It has been an honour and privilege to contribute to the debate and participate over a number of years in the process leading to the drafting of the bill. I have made many friends and learnt much about Chinese medicine, a practice I believe in and will continue to support throughout not only my parliamentary career but the rest of my life.

Hon. JENNY MIKAKOS (Jika Jika) — I support the passage of the Chinese Medicine Registration Bill. It is with great pleasure that I note the bill's bipartisan support. As a number of honourable members have mentioned, the bill is a world first in regulating the practice of Chinese medicine, acupuncture and the dispensing of Chinese herbs.

The primary objective of the legislation is acting in the interest of public health. I do not think it is appropriate for members of the chamber who are not medically qualified, as I certainly am not, to endorse or otherwise a particular form of medical practice. I understand that an increasing number of members of the public are looking to complementary forms of medical practice. For that reason — —

Hon. N. B. Lucas — Don't you support it?

Hon. JENNY MIKAKOS — I support the bill. The primary objective of the bill is to ensure public health interests are met. It is about ensuring members of the public who use such forms of complementary medicine are well protected and provided for by appropriately qualified practitioners. I have not used Chinese medicine, but I know a number of people who swear by it and who have said to me it has made a positive contribution to their health and wellbeing.

It is important that in debating the bill I acknowledge that western medical practitioners have expressed a degree of concern about some aspects of the legislation. The schedule to the bill goes a long way towards addressing such concerns, particularly as it relates to those western medical practitioners who incorporate some form of Chinese medicine, for example acupuncture, in their own medical practices. As honourable members would be aware, the schedule provides that such medical practitioners who are registered under their own legislation will be exempted from the provisions of the bill, will be accountable to their own boards and will have to meet their board's own educational requirements regarding the use of such forms of Chinese medicine.

All honourable members received a great deal of correspondence regarding the bill in its previous guise prior to a number of amendments being made. That level of interest reflects the increasing number of western medical practitioners who are incorporating aspects of Chinese medicine in their practices. Those medical practitioners might not necessarily subscribe to the underlying philosophies of Chinese medicine but they are prepared to incorporate aspects of it as an increasing number of members of the public are considering various forms of health care, not necessarily taking the view that western medicine provides the answers to all health problems.

It should be acknowledged that western medicine has taken us a long way over the last 100 years, but it is equally important to acknowledge the contribution Chinese medicine has made over many centuries and continues to make both in western societies and in eastern societies where such medical practices have originated.

I am no expert in Chinese medicine but I have done a considerable amount of reading on the subject in the lead-up to this debate to better inform myself of its underlying philosophies. A great deal of that reading was most interesting. It is important to acknowledge that the underlying philosophy of Chinese medicine — that is, stressing the importance of preventive medicine — is increasingly being adopted by western medicine.

As honourable members have mentioned, the consultation process in the lead-up to the introduction of the bill in Parliament has had some history. The bill is a world first. Victoria is certainly the leading jurisdiction in introducing this modern legislation, which will probably form the basis of a national approach. In the preparation of the bill the government undertook a consultation process through which it received a great deal of correspondence and met with a number of organisations.

As Mr Boardman said in his contribution, a number of Chinese medicine practitioners have expressed their support for the registration requirements of the bill. I refer particularly to a press release dated 6 April issued by the Australian Acupuncture and Chinese Medicine Association, which represents 1200 Chinese medicine practitioners across Australia. It states:

> Without registration of acupuncture and Chinese medicine practitioners, the public is at risk from practitioners having completed little or no training. Registration of acupuncture and Chinese herbal medicine practitioners will be good for the public and the profession.

The bill certainly has the support of a great number of Chinese medicine practitioners and a number of other peak health organisations.

As part of its preparation process the government consulted with a range of organisations, including the Health Services Commissioner, hospitals and community health centres, the Anti-Cancer Council of Victoria, the Victorian Workcover Authority and many private health funds. One of those organisations was the Chronic Illness Alliance, a peak organisation of 40 member organisations that seeks to develop better focus in health policy and health services for people with chronic illnesses.

The alliance has conducted its own small-scale research into the use by its members of complementary therapies. The research shows there is a high reliance by its members on the use of some Chinese medicines. The alliance found as part of its research that Chinese medicines are an important part of the treatment of conditions such as cancer. Other research conducted by way of blind clinical trials in Australia has demonstrated positive results for acupuncture and Chinese herbal medicine in the treatment of conditions such as hepatitis C, irritable bowel syndrome, chronic pain, hay fever and menopausal syndrome.

There is certainly a need for further national research to demonstrate the therapeutic benefits of Chinese medicine, but the research conducted by the organisations to which I have just referred and the anecdotal information I have received suggests there are benefits for some members of the public in pursuing complementary medicines.

The bill's primary focus is on protecting the health of members of the public and ensuring they obtain their medical services from appropriately qualified practitioners. A main focus of the bill is the establishment of the Chinese Medicine Registration Board of Victoria. Although it does not seek to regulate every form of Chinese medicine but only those that are considered to potentially put the public at risk, the bill will regulate Chinese herbal medical practitioners, acupuncturists and the dispensers of Chinese herbal remedies. Such registration will be available to practitioners only upon evidence to the board of their having obtained the relevant qualifications — the courses are to be accredited and recognised by the board — and also upon evidence of their having the appropriate professional indemnity insurance.

A number of honourable members have referred to the absence from the bill of so-called grandfather clauses. I note that clause 94 allows a discretionary

grandfathering by the board where it is satisfied that a practitioner of Chinese medicine has practised Chinese medicine for 5 years or more over a 10-year period. In those circumstances the board will be able to register such a practitioner without that person having obtained any further tertiary qualifications or undertaken any further study. The clause reflects the fact that a number of Chinese medicine practitioners are highly qualified in their field and would probably not gain any benefit from any further study. The bill seeks to enable the board to set standards. It also contains a number of offence provisions and sanctions for unprofessional conduct, which is defined very extensively in clause 3.

The legislation is not likely to commence until December 2002. Between now and then Chinese medical practitioners will have time to hone their qualifications or undertake studies that are necessary for them to obtain registration with the board. As other honourable members have correctly identified, there will be no automatic grandfathering: practitioners will need to demonstrate that they have the necessary qualifications or experience to be registered; and the two-year lead-up will give current Chinese medicine practitioners time to meet the requirements set by the bill.

A major component of the bill relates to the complaints mechanism to be established and the informal and formal hearings. Notice requirements and appeal mechanisms are contained in clauses 21 to 60.

Opposition members — including Mr Best — have made comments about the lack of a section 85 statement or provision in the bill. My understanding is that advice has been received that such a statement is not required in the bill because the Supreme Court's jurisdiction is not being limited, by virtue of the fact that the board can give notice of its determinations to the public; and the common-law position is that a person cannot be held liable for defamation if he or she is performing his or her statutory duties, so it does not require any amendments to the Supreme Court's jurisdiction.

The other key aspect of the bill relates to the protection of titles. Such a mechanism has been used quite successfully by a number of medical professions in the past, including chiropractors and physiotherapists. They have designated the differences in their own medical practice and regulated standards and qualifications by having such regulated titles.

Under the provisions of the bill the board will also be able to regulate advertising by practitioners of Chinese medicine and develop a code of conduct and appropriate standards.

The bill includes a number of amendments to the Drugs, Poisons and Controlled Substances Act, providing for a schedule 1 to the poisons list to include a number of Chinese herbs. That will ensure that toxic substances are handled and dispensed by qualified Chinese medicine practitioners.

I again express my support for this significant piece of legislation. I am very pleased the bill has received bipartisan support in this chamber today. It will form the basis for a national approach to the regulation of Chinese medicine and will go a long way towards protecting the health of the many Victorians who wish to pursue complementary medicines by giving them some degree of confidence that the people they are seeing have the appropriate qualifications to dispense herbs and carry out their activities. I commend the bill to the house.

Hon. J. W. G. ROSS (Higinbotham) — It gives me pleasure to speak on the Chinese Medicine Registration Bill and to put on the record that the opposition supports the bill. That support does not constitute an endorsement of the efficacy or safety of many practices undertaken by Chinese medical practitioners. The bill establishes a comprehensive system of regulation of Chinese medicine and the dispensing of herbs.

The great bulk of the work on this legislation was done by the previous government and an enormous amount was done by Mr Robert Doyle, the honourable member for Malvern in the other place.

The bill did not arise in isolation; it is part of the global phenomenon of an increased interest by a large number of people in complementary medicine, which includes homoeopathy, naturopathy, iridology and other practices. In addition to that primary and emerging interest in complementary medicine, another explanation could also be a loss of confidence by individuals in some western medicine, also described as evidence-based medicine.

The use of herbal medications, in particular Chinese herbal medications, had become so widespread that by 1995 the Department of Human Services saw fit to undertake a study of the emerging popularity of those substances. The department was also cognisant of the fact that not only were lay people turning to alternative therapies for relief of their disorders but also many western-trained medical practitioners were becoming increasingly intrigued with activities such as acupuncture and herbal medication.

The department commissioned a study which resulted in a report called *Towards a Safer Choice — The Practice of Traditional Chinese Medicine in Australia*. The study was conducted at the Macarthur campus of the University of Western Sydney and Southern Cross University. The report provided a sorely needed inventory of the profession and an understanding of the background and training of individual practitioners. It also made it possible to investigate individual patient profiles, to gain some understanding of patients' clinical needs and to document any known adverse incidents involving the practice of Chinese medicine.

That project was viewed with great interest by jurisdictions around Australia and, in particular, allowed the Australian Health Ministers Advisory Council to accept some responsibility in the area. Accordingly, when that report was produced the Australian Health Ministers Advisory Council asked Victoria to explore the possibility of establishing an occupational registration process. The passage of the bill will be the beginning of an ongoing and extended process. Indeed, most provisions of the bill do not commence until 1 December 2002.

The first requirement in addressing the issues was to establish a legislative framework for the control of Chinese herbal medications. That was achieved in the bill with the use of the Drugs, Poisons and Controlled Substances Act, which happened to have a vacant schedule. Schedule 1 of that act, which has historically been reserved for dangerous poisons, has an interesting history. Until recently one could purchase such poisons from a pharmacy only after signing a poisons book. That procedure dates back to the 19th century when the signing of the poisons book was an important part of the detection of various crimes associated with potent poisons.

However, the caravan has moved on, as it were, most of those dangerous poisons have been moved into other schedules of the Drugs, Poisons and Controlled Substances Act and schedule 1 of the act has been left vacant. That vacancy provides an ideal opportunity to place many Chinese herbal medications into a legislative framework. Therefore, the first objective of the bill is fulfilled by the existence of a vacant schedule in the Drugs, Poisons and Controlled Substances Act which will accommodate those substances. Schedules 2 and 3 of the act list substances that are available only through pharmacies; and schedules 4 and 8 list substances traditionally available only on the prescription of an authorised medical or dental practitioner. Therefore, Chinese herbal preparations are being placed in an act with a therapeutic flavour.

Modelled on other legislation, the bill also achieves the protection of the title of health practitioner in the public interest. The bill provides for the protection of the title of 'registered Chinese medical practitioner'.

Clause 61 of the bill stipulates that a person who is not registered under sections 6 or 7 of the act must not:

> … take or use the title of registered acupuncturist, registered Chinese medicine practitioner, registered Chinese herbal medicine practitioner, registered Chinese herbalist, registered Chinese herbal dispenser or registered Oriental medicine practitioner …

unless he or she is so registered. So the title is given the equivalent protection as it is in a number of other health professions. The purpose of the bill is to minimise the community's exposure to health risks associated with this form of medicine. In fact, without wishing to particularise any incidents, there have been circumstances over the years where fringe practitioners have been involved in untoward practices.

As I said, there is no intention of giving a government imprimatur to the use of substances or practices. Nevertheless, unless the government is careful it could be confronted with a problem of endorsement of the action of some Chinese medicine practitioners. I raised this issue last month when the house was debating the Road Safety (Amendment) Bill dealing with drugs and driving. The Pharmacy Board of Victoria provided me with a list of herbal preparations that were incompatible with the working of complex machinery or driving. On that occasion I asked whether individuals would resort to their Chinese medicine practitioners as a source of advice on how they can use those preparations while working in hazardous environments or driving motor vehicles. The government needs to be careful in its executive activities not to be drawn into endorsing and giving an imprimatur to such practices.

Some comparison can be made with western evidence-based medicine. A large element of the practice of surgery is an art form rather than a science. In respect of therapeutic substances many drugs that are well established and listed in the British pharmacopoeia have their origins in traditional folk medicine — for example, in the field of analgesics, aspirin is a derivative of salicylic acid derived from willow bark. Morphine, an active ingredient of opium, is one of the best pain-killers known to man and was widely used in China centuries before it achieved the accepted standards of western societies. Derivatives of morphine such as heroin, cocaine and codeine are clearly the scientific consequence of what in the first incidence was folk medicine.

I also put in that category heart stimulants such as digitalis, which is derived from foxglove. Anaesthetics such as cocaine were discovered very early in South America and imported into Europe. So folk medicine has formed the foundation of a great deal of evidence-based medicine. Another substance useful in surgery is a muscle relaxant, curare, a South American arrow poison that causes paralysis of the muscles. It allows surgeons to operate without immobilising patients or have muscle twitching interfering with the surgery. Primitive forms of penicillin may have been known during the crusades when the application of mouldy bread and biscuits was known to assist healing and suppress infection.

A very strong tradition of empirical understanding of medicine was developed into a more scientific context. The difference of approach between western and oriental science in many ways has confused the public in terms of where Chinese medicine might sit. The roots of western science are found in the methods of the ancient Greek and Phoenician civilisations. It was their objective to make conclusions about the world from a limited number of self-evident truths or axioms — for example, it may have been suggested that the shortest distance between two points was a straight line. From other self-evident truths they were able to construct an entire theory about the nature of the universe.

The best example of that deductive reasoning was Euclidean geometry. Pythagoras was able to deduce the square on the hypotenuse of a right-angled triangle without resorting to any form of measurement. Honourable members will recall that principle from primary school. It would have been a great defeat for a person like Pythagoras to need to resort to measurement. It was not the way deductive reasoning worked. So the early processes of deduction in western science shied away from empirical science and experimentation as a way of finding out about the world.

In contrast, when one considers the history of Chinese science, it is almost entirely based on empirical science and experimentation. There is no question they made many great discoveries through the centuries, but there was little theoretical construction attached to Oriental science. There was much more emphasis on medicine and pharmacology as a practical art. The Chinese experimented and discovered whether substances worked. They did not need to have the theoretical constructs that we have come to accept as the norm in western medicine.

The alternative traditions in the development of medicine and pharmacology and surgery have developed independently. I am not suggesting any imprimatur is given to the methods implied in this legislation, but it is important we recognise that much of western medicine developed as a result of the careful study of traditional folk medicine and that it is almost beyond question that many Chinese medicines have since been included in the pharmacopoeia.

Nevertheless, it should be said that our society makes a huge investment in the development of new drugs. An enormous amount of work goes into following the procedures and undertaking the experimentation and laboratory work required to back up an application to register a new drug under the national proprietary register of medicines legislation. It is often said that the time taken from the synthesising of a new molecule that may have some therapeutic application to the stage of its being accepted by learned colleges or a body such as the British Pharmacopoeia is of the order of 10 or 15 years.

The NDF–4 registration process for new therapeutic substances requires extensive work on toxicity; carcinogenicity — that is, the extent to which substances may cause cancer; teratogenicity — that is, whether they break chromosomes and cause birth defects; and efficacy — that is, whether they work. Many of the laws in Victoria were developed in response to overt quackery and designed to mitigate the dangers of those practices to the community.

Nevertheless, society recognises the growing trend towards complementary medicine. That trend has generally been handled by treating most of the preparations made extemporaneously for individuals as lying outside state laws. For instance, if a neighbour with a cold asks me to do something for him outside the constructs of formal medicine and I say that a combination of honey, vinegar, lemon juice and a good lie down is the best way to deal with it, that does not infringe any laws because it is an extemporaneous suggestion to an individual. The responsibility is on the individual to accept or reject such advice, and he or she takes personal responsibility for any attendant dangers. That is how the complementary medicine industry currently works.

The bill will allow the practice of Chinese medicine to develop further in a safe and orderly manner. It is significant that the bill deals with the first new profession to be registered in Victoria in more than 20 years.

As I said, the bill is not an endorsement of any one treatment. I make the following comment about the concerns expressed by the Australian Medical

Association in particular: the bill should be seen not as an endorsement of any one treatment but as providing for standards of training and practice that will protect the public from untrained practitioners and dangerous practices. The only board with the power to determine appropriate standards for medical practitioners will be the Medical Practitioners Board of Victoria, and the board alone will determine which courses are appropriate for medical practitioners.

Having said that, I point out that there is clearly a need for consultation between the Medical Practitioners Board of Victoria and the Chinese Medicine Registration Board of Victoria. The merging of the western and eastern traditions of medicine will in the long term prove nothing but a benefit for the Victorian community. I repeat that the opposition supports the bill.

Hon. KAYE DARVENIZA (Melbourne West) — I have pleasure in speaking on this important bill, which has bipartisan support. I am sure honourable members on both sides of the house have been lobbied actively, as I have, by those members of our community who are particularly interested in the legislation.

In my role as parliamentary secretary assisting the Premier with multicultural affairs I have attended many functions for the lunar New Year. I have been lobbied vigorously by members of the Chinese community who are keen to see the bill passed by Parliament. However, I know honourable members on both sides have been lobbied not only by members of the community who strongly support the bill but also by those who have reservations and concerns about it.

The Chinese Medicine Registration Bill leads the way in the regulation of Chinese medicine by establishing the Chinese Medicine Registration Board of Victoria. The Republic of China is the only other country with legislation that provides for the regulation of complementary therapies.

The bill protects Victorians by regulating the practice of Chinese medicine, which is currently largely unregulated throughout Australia. Victorians' use of Chinese medicine and other forms of complementary therapies is increasing, and similar trends are reported by other countries. I understand that Chinese medicine is effective in the treatment of chronic and degenerative conditions, which are common in older people.

Many organisations have expressed their support for the registration of Chinese medicine practitioners, including registration boards and associations representing other health professionals, hospitals, community health centres, the Health Services Commissioner, the Anti-Cancer Council of Victoria, the Victorian Workcover Authority and many private health funds.

I acknowledge that a lot of the work that went into the preparation of the bill was done by the previous government, and I repeat that the bill has bipartisan support.

There has been extensive consultation on the bill since a review of Chinese medicine was commenced in 1995. In mid-1998 a ministerial advisory committee produced a final report recommending that Chinese medicine practitioners be regulated in the same way as other registered health care professionals. The government formulated the bill in consultation with all the key stakeholders, including the Federation of Chinese Medicine and Acupuncture Societies of Australia, the Alliance of Chinese Medicine Associations Australia, the Australian Medical Association, the Royal Australian College of General Practitioners, the Australian Acupuncture and Chinese Medicine Association, health care consumer groups, and a number of relevant training bodies.

The bill establishes a regulatory system for the practice of Chinese medicine and the dispensing of Chinese herbs. The bill protects the public who use Chinese medicine practitioners and other complementary therapies and ensures that the practice of Chinese medicine is safe for the public. It ensures full accountability of health care professionals who provide complementary therapies.

The bill also requires that the training of practitioners be of a high standard. It is particularly important that patients have confidence that the Chinese medicine practitioners they consult are well trained. A patient should also have access to effective mechanisms for dealing with any complaints that may arise concerning treatment.

Once practitioners of Chinese medicine are registered, patients may be more willing and more likely to report to their doctors that they have used that form of medicine. The previous speaker mentioned that western and eastern medicine practitioners should work together. The regulation of the practice of Chinese medicine will mean that patients are more willing to let their doctors know that they have consulted Chinese medicine practitioners and have been taking particular herbs or remedies that have been prescribed by those practitioners. That will lead to better communication and greater cooperation between the practitioners of the

different traditions which is a very important aspect of patient treatment.

The bill also provides mechanisms for establishing and enforcing clinical standards of practice which is also important. It provides opportunities to strengthen controls over the use of Chinese herbal medicines that illegally contain material from endangered species — one aspect of the bill about which many sectors of the community have expressed concern. Regulation in that area is a commonwealth responsibility under the Wildlife Protection (Regulation of Exports and Imports) Act. However, there have been difficulties in enforcing that legislation since proof is required that the medicines have been illegally imported. The Chinese Medicine Registration Bill gives the board the power to prepare and publish codes of conduct relating to the use of Chinese herbal medicine containing material from endangered species.

It is expected that the board would inform registered practitioners and dispensers that possessing, prescribing or dispensing Chinese herbal medicines that contain or purport to contain materials from endangered species may constitute professional misconduct under the act if proper permits have not been obtained under the Wildlife Protection Act. A finding of not guilty under that act would not necessarily prevent the Chinese Medicine Registration Board from finding a practitioner guilty of unprofessional conduct since the necessity to prove that the medicine has been illegally imported would not be necessary.

However, the Chinese Medicine Registration Board would have the power to prepare and publish codes of conduct that will be an important function in ensuring that practitioners are kept informed about acceptable standards of practice. The codes will be developed in consultation with the profession and other bodies such as the Pharmacy Board of Victoria. They are expected to provide a valuable input into those codes, which address the labelling, storage and dispensing of herbal medicine.

If in future it is considered that tighter regulation of the prescribing and dispensing of herbal medicines is required, the powers are adequate to enact regulations that will legally require the compliance of practitioners. For example, every prescription issued by a Chinese medicine practitioner should be in writing and contain proper information to allow the identification of every herb in the formula as well as any preparation, instruction, dosage and how often and when it should be taken. That is an area of strong concern that has been raised with me and other members of the community.

The bill also provides that other health care practitioners are easily able to identify those who are well qualified in Chinese medicine to treat and prescribe treatment to their patients. The bill also ensures that there are effective mechanisms for dealing with complaints — a very important issue — that might arise about Chinese medicine treatment.

The bill will establish a new board to be known as the Chinese Medicine Regulation Board. Other honourable members have described the composition of the board so I will not go through that again. It will have a number of responsibilities that I will quickly outline. The board will be responsible for approving appropriate qualifications that lead to registration. It will also have responsibility for the registration of Chinese medicine practitioners and Chinese herbal dispensers.

The board will have the authority to issue and publish codes of practice setting standards and giving guidance to practitioners. It will have the power to issue codes of practice relating to the preparation, storage, labelling, prescribing and dispensing of Chinese herbal substances including scheduled herbs. It will be responsible for investigating the professional conduct of those it registers. The board will have extensive disciplinary powers and the power to prepare guidelines for minimum standards for advertising Chinese medicine services.

I have had many years experience as a member of the Nurses Board of Victoria, previously known as the Victorian Nursing Council, so I have first-hand experience of the type and importance of the work involved in having a board that is responsible for registration, for setting down standards of practice and codes of conduct, for conducting investigations and disciplining those who are registered. It is most important that an area of health care that is becoming increasingly popular should have the same regulatory controls as other health care professionals.

In conclusion, the bill is important. It regulates an area of Chinese medicine and complementary health care that is growing in popularity and is at the moment unregulated. The purpose of the bill is primarily to protect the community through that regulatory process.

The intent of the bill is primarily to ensure that the practice of Chinese medicine is safe for all. I commend the bill to the house.

Hon. R. H. BOWDEN (South Eastern) — I am pleased to support the Chinese Medicine Registration Bill. For several years I have been active, particularly in the early stages, in encouraging governments to

examine the possibility of registering the practitioners of Chinese medicine. I am pleased to record the contributions of three people out of the many who have made excellent contributions to this important move for health services in the state. In 1995 during her time as Minister for Health, the Honourable Marie Tehan made the important decision to begin the processes of consultation and development which led to the bill.

I also recognise the important contribution of Ms Glenys Savage, a practitioner of Chinese medicine who has done a great deal to promote the positive benefits of this important area of treatment. I also advise honourable members of the contribution of Professor Wong Lun. Professor Wong is well known in the community for his constructive and professional work. I congratulate Ms Savage and Professor Wong on the clear leadership they have portrayed in the establishment of the processes that resulted in the bill.

I have always maintained an interest in the benefits of Chinese medicine because it is complementary to what we call western medicine. One of the outstanding, constructive and beneficial aspects of Chinese medicine is the fact that many treatments and practices are non-invasive; they are non-surgical and therefore save the treatments, surgical aspects and the shock that can accompany them. Many thousands of years of development and sophisticated knowledge have contributed to the information that is available through the practice of Chinese medicine. It is good that the community will be able to derive the benefits of those practices.

The objects of the board include the setting of standards, the training of practitioners, the registration of practitioners, and the discipline and the supervision of all other aspects including the responsibility to run an effective complaints procedure. That will elevate the standing of qualified practitioners of Chinese medicine in the community and will, over time, mean the reinforcement of the acceptance and confidence the community has in Chinese medicine. As has been said by previous speakers, that will benefit the community. It is a much-needed and positive element to the medical services available to the community.

The bill is timely. Not only is it desirable in the practice of the healing arts, but it is also timely that effective and proper legislation is in place to coordinate and prevent unhelpful fragmentation of the industry. It is timely that we will now have an orderly process for the registration and control of this popular form of treatment.

The bill is the result of much consultation. It is an example of Victoria setting the lead for legislation and providing a positive role model for other parliaments and legislatures around the world. That is not only good for our community, but it is recognition of a constructive part of our community. It also provides proof that Victoria is a sophisticated legislature that is prepared to examine important issues and provide leadership and a pathway for other states and nations to follow.

I am delighted to support the bill. I am a strong believer in the benefits of traditional Chinese medicine. I have benefited personally from visits to practitioners in the past and I am one of the many members of the community who have had positive results from treatments. I value Chinese medicine just as I value western medicine. I am pleased to support the bill.

Hon. J. M. McQUILTEN (Ballarat) — I recommend that all honourable members support this important bill.

Hon. R. A. Best interjected.

Hon. J. M. McQUILTEN — I have convinced Mr Best and I am pleased about that. The bill was worked on assiduously by a former member for Ballarat Province, the Honourable Rob Knowles, the former Minister for Health. He did a wonderful job on this complicated bill. It is important to change our attitudes to the way we, as a western society, view our medical and ancillary services. I say thank you to the Honourable Rob Knowles for his endeavours.

However, one slight problem was brought to my attention and to the attention of the former minister prior to the election. It related to the fact that some doctors are also practising acupuncture. It was a small matter in the larger view of the bill. I know the former health minister was trying to address the issue prior to the election of the Bracks government, so I have no problems with what he was attempting. His legislation, which we are now supporting, had a marginal flaw. I have a problem because I do not like self-aggrandisement, but I have been working with the Victorian Traditional Acupuncture Society over the past 12 months on that slight flaw. It has nothing to do with Rob Knowles. I believe he had acknowledged the problem with the society.

Through consultation with the government, the problem of medical doctors, who are also trained and qualified in acupuncture, has now been resolved by the bill, so I will take some credit. I commend the bill to the house.

It is a bipartisan approach to deal with real issues and reflects the efforts of the former Minister for Health. I support the efforts of the current Minister for Health

who introduced a bill that will be of benefit to all Victorians. The bill is significant. As parliamentarians we try to make a difference. I do not wish to be too particular because a number of members on the other side wish to play a different game.

Hon. B. C. Boardman — Name them!

Hon. J. M. McQUILTEN — The Honourable David Davis is one. He wants $750 000 for a school at Maryborough, but to do that the government will have to exclude other education requirements. I support the bill.

Motion agreed to.

Read second time.

Third reading

Hon. M. M. GOULD (Minister for Industrial Relations) — By leave, I move:

That this bill be now read a third time.

I shall refer to a couple of the points raised about the role of the board. The board may establish an accreditation subcommittee and can second suitably qualified people to serve on the subcommittee. The board may draw on the expertise of other boards that have set up accreditation processes, most recently the Osteopaths Registration Board, which has conducted detailed accreditation of university courses.

A question was raised about the proclamation not taking effect until 2002. It is expected that proclamation of all provisions will occur before then. The proposed timetable for implementation is that the board will be set up by December 2000 and the registration requirements will be implemented three to six months later — that is, April or June 2001. Amendments to the Drugs, Poisons and Controlled Substance Act will be proclaimed six months after, by December 2001. That will allow time for work to be done to establish a new schedule 1 of the poisons list.

A question was raised about grandparenting provisions for existing practitioners. Section 94 empowers the board to register practitioners who do not meet the qualifications for general registration where they have been in practice for at least 5 of the past 10 years. The board can also require practitioners to undergo further training or to sit examinations to assess their competency for safe practice. I thank all honourable members who participated in the debate and support the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That the house do now adjourn.

Beaches: syringes

Hon. ANDREA COOTE (Monash) — I ask the Minister for Sport and Recreation to refer a matter to the attention of the Minister for Planning in another place. Honourable members remember all too well the shock when earlier this year iron man Jonathan Crowe was pricked by a syringe while participating in the One Summer Iron Man contest at Elwood Beach in January.

That high-profile incident raised public awareness about a problem of growing proportions. Mr Crowe had to endure a waiting period of three months for the test results. As a result beach attendances dropped off and those daring to use beaches were warned to wear shoes and to look out for needles. A press release of 17 January states:

> Acting Premier and health minister, Mr John Thwaites, today announced increased funding and the formation of a task force to tackle the problem of syringes being left on bayside beaches.
>
> The task force will be comprised of representatives from councils and government agencies, including the EPA and Melbourne Water.
>
> Mr Thwaites wants a number of issues to be examined, including how to further improve beach cleaning and needle disposal facilities.

He said:

> We want all Victorians to feel safe on our beaches.

One can imagine my horror when I picked up the *Herald Sun* of 8 May and saw a photograph of a constituent, Mr Kilmartin, with a dozen syringes he had picked up while walking his dog. The article reports:

> Port Melbourne resident, Robert Kilmartin, was dismayed to discover the dozen potentially deadly needles at local Sandridge beach.

Given that the beach is in the health minister's electorate of Albert Park and given the importance of the issue, especially for Monash Province, will the minister disclose the appointments to the task force, the

stage it has reached and any plans resulting from its work?

Youth: camp safety standards

Hon. R. H. BOWDEN (South Eastern) — I ask the Minister for Small Business to direct a matter to the attention of the Minister for Community Services in another place. I received a letter from a Mrs Edney of 1368 Stump Gully Road, Moorooduc, about a difficulty experienced by her 12-year-old son Alex.

Alex attended a church residential youth camp at Trafalgar between 4 and 6 December last year. A regular activity involved the youngsters playing soccer at night using a ball of hessian soaked in petrol and wrapped around a frame of wire. One night Alex's shoe caught fire as it made contact with the flaming soccer ball. His clothing caught fire and he required hospitalisation. He is now permanently scarred.

The boy's mother visited my office and provided me with a great deal of information. She put forward the simple facts. Her concern is that the activities conducted at residential youth camps be investigated. Mrs Edney included considerable detail in the information she provided. I am happy to provide that information to the minister so that he can examine the setting of standards for such camps, including specifying a degree of supervision so that the wellbeing of youngsters can be more adequately monitored.

Courts: Mildura

Hon. B. W. BISHOP (North Western) — I ask the Minister for Small Business to direct a matter to the attention of the Attorney-General in another place. Although I welcome the government's commitment to build a new courthouse at Mildura, I am concerned at the spread of moneys allocated for that purpose. It appears that the courthouse may not be operational for some three years. If that is the case, the community should be certain that the best site is selected.

I know a committee is considering the selection of a site. Because I am not a member of that committee, I do not have any idea of the sites under consideration. However, I urge the government and the committee to show some vision and remember that the population in the area may double in the next 20 years. There has been some talk of a three-storey courthouse with lifts. Such a structure might impinge on the security of a courthouse and present difficulties.

The rumoured site would have limited parking and would provide little relief for people visiting the court. There has also been a strong push in the community to co-locate facilities such as the courthouse, the police station, the ambulance station, the Country Fire Authority and the State Emergency Service in one area. That has in-principle support from the operators of the facilities. Centralising and co-locating those facilities would save capital and decrease recurrent administrative costs. It would also make disaster management easier.

The old Mildura hospital site would make a fine choice. It has a great position, and a modern, one-storey courthouse could be built there. Ample parking would be available and the adjacent park would give people some relief from the courthouse surrounds. In future the Mildura Rural City Council might be relocated to that site. If Mildura has to wait three years for a new courthouse, will the minister consider the co-location concept which, given the growth of the area, would provide a facility the area deserves at a lower capital cost and with ongoing lower administrative costs?

Pakenham bypass

Hon. N. B. LUCAS (Eumemmerring) — I ask the Minister for Energy and Resources to direct the attention of the Minister for Transport in another place to the Pakenham bypass. On 1 March this year Premier Steve Bracks was quoted in the Pakenham *Gazette* as stating that the Pakenham bypass 'won't be forgotten'. Either I am wrong or the Premier has deliberately misled, misinformed or lied to the Pakenham community and the Shire of Cardinia about the project. It appears the project has been forgotten in the state budget.

On 15 March I raised the matter of the Pakenham bypass in the house, and to date I have not received a satisfactory answer. It is unsatisfactory that seven weeks have elapsed since the matter was raised with the Minister for Transport, via the Minister for Energy and Resources.

I shall mention a few facts. Firstly, the former coalition government, through the then Minister for Roads and Ports, the Honourable Geoffrey Craige, sought dollar-for-dollar federal funding for the Pakenham bypass. Secondly, prior to the last federal election the federal coalition government offered $30 million on a dollar-for-dollar basis during the term of the current coalition in Canberra. At this stage there is no sign of $30 million in the state government budget to match the $30 million the federal government offered for the project. It is hard to hide $30 million, but I have not been able to find it.

Thirdly, the Royal Automobile Club of Victoria classifies the Princes Highway, running through the Pakenham township, as the worst accident roadway in Victoria. In the past five years there have been 7 fatalities, 74 serious injuries and 149 other injuries. Fourthly, the proposed freeway would service the eastern extremity of the fastest growing area in Victoria. Fifthly, all Gippsland municipalities — each of them — support the project as the no. 1 infrastructure project for Gippsland.

The Premier seems to have misled the community, suggesting that funding for the bypass could be sought through the Regional Infrastructure Development Fund. If he looks at the legislation regarding that fund, he will see that the Shire of Cardinia was specifically excluded from the act. Therefore it cannot ask for money for the Pakenham bypass from that fund. It seems to me that the Premier has misled the community.

Given the apparent exclusion of funding for the Pakenham bypass in the state budget, will the Minister for Transport advise if and when the government is to take up the $30 million in commonwealth funding offered by allocating a similar amount so that $60 million can be expended on that most needed and justified project?

Mansfield–Whitfield Road: upgrade

Hon. W. R. BAXTER (North Eastern) — I raise a matter with the Minister for Energy and Resources for referral to her colleague in another place, the Minister for Transport. Many honourable members will be familiar with the delightful drive from Mansfield to Whitfield through the lovely village of Tolmie. They will also be aware that the road includes 7 kilometres of unsealed pavement.

I am pleased to advise the house that the Minister for Transport, in the context of the Benalla by-election — surprise, surprise! — paid a visit to Whitfield. Showing certain embarrassment at the time he was there, he included in the budget the sum of $900 000 to seal the remaining 7 kilometres.

I was delighted with that announcement. I happen to know a fair bit about that road — I dare say Mr Stoney and Mr Craige do as well. I am concerned because the cost estimate to seal that road is $1.6 million. I ask the minister to seek an assurance from her ministerial colleague that the budgetary allocation — it is over two years so it will be a strung-out job — of $980 000 will not lead to either a second-class half-baked job or the creation of black spots because the kerbing will be too sharp and the climbs too steep. It appears that we are being short-changed one way or the other and I fear there will be a $700 000 to $800 000 shortfall on the job.

Although I welcome the government's decision, I cannot help but think there is some cynicism in all this because of the timing of the announcement and the relatively low sum provided. I seek an assurance that the road will be built to the customary and accepted standards that are expected in 2000.

Gaming: report

Hon. ANDREW BRIDESON (Waverley) — I ask that the Minister for Sport and Recreation pass on my matter of concern to the Minister for Gaming in another place, the Honourable John Pandazopoulos. In December 1999 the Director of Gaming and Betting completed a review of regulations in the Gaming No. 2 Act, which dealt directly with bingo. The report has not yet been released. What were the recommendations of that report and when will it be made public?

Narre Warren South primary school

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I refer a matter to the Minister for Sport and Recreation and ask him to convey it to the Minister for Education in the other place. On 13 April I received a letter from the Minister for Education about the proposed Narre Warren South primary school. By way of background, the letter states that the Narre Warren South primary school was proposed by the government to be opened in 2001. It also indicates that the government has decided it will not open the school in 2001 as promised but will delay it until 2002. The budget presented last week shows there is no funding for the Narre Warren South primary school to be opened in 2001.

Hon. N. B. Lucas interjected.

Hon. G. K. RICH-PHILLIPS — A broken promise, that is right. The last paragraph of the minister's letter states:

> Following consultation at the local level it has been agreed that the new primary school will open at the beginning of the 2002 school year. Accordingly the project has been included in the department's 2000–01 capital works submission to Treasury.

I am aware that some public consultation took place last year. On 20 December 1999 a small article appeared in one of the local newspapers indicating that a public meeting would be held a day later, on 21 December. That meeting was supported by one of the local groups. I went along as an opposition representative. The public meeting, held a few days before Christmas, was

attended by 17 members of the local community. When I asked how many of those 17 were interested in the Narre Warren South primary school, only 7 indicated an interest. I also noted that the majority of the 17 people at the public meeting were known by name to the honourable member for Dandenong, the Honourable John Pandazopoulos.

I ask the Minister for Education whether any other public consultation was undertaken about the proposed Narre Warren South primary school or whether the meeting held four days before Christmas and attended by only seven people with an interest in the primary school was the only consultation on which the government based its decision.

Melbourne–Geelong road: upgrade

Hon. I. J. COVER (Geelong) — I raise with the Minister for Energy Resources, who is the representative in this place of the Minister for Transport, the question of roadworks. As honourable members will be aware, substantial roadworks are now under way on the Geelong road between Melbourne and Geelong — I might say, directly as a result of the last Kennett government's budget just 12 months ago, when $118.5 million was committed to upgrading the Geelong road between Melbourne and Geelong.

When talking about roadworks, I might point out that during the period of the Kennett government the former Minister for Roads and Ports, the Honourable Geoff Craige, devised a series of protocols with Vicroads on roadworks that were taking place, particularly with roadworks around the City Link project in the city of Melbourne, so that crowds coming to and from events such as the tennis at the national tennis centre or the cricket at the Melbourne Cricket Ground were not inconvenienced. I confirmed those protocols with the former minister earlier tonight. The same protocols were to be applied to roadworks taking place on other projects around the state, but particularly for the upgrade of the road between Melbourne and Geelong.

I refer the minister to an incident that occurred last Saturday, a matter that bobs up from time to time when the football is being played in Geelong and people are making their way from Melbourne to Geelong, or when a Geelong game takes place in Melbourne and Geelong fans are making their way up the road to Melbourne. Last Saturday Geelong fans were making their way to Melbourne to see Geelong play Hawthorn, which may not have been enjoyable — —

Hon. B. C. Boardman — It would have been a very long drive home!

Hon. I. J. COVER — I point out to Mr Boardman that the long drive was on the way to the game, not on the way home.

Hon. Kaye Darveniza interjected.

Hon. I. J. COVER — Is that a point of order, or are you just talking to yourself?

The PRESIDENT — Order! Mr Cover might like to get to his point.

Hon. I. J. COVER — I refer the house to an article in the *Geelong Advertiser* of 8 May by Andrew Meath, one of the newspaper's football writers. It states:

> Memo Vicroads: next time you schedule roadworks on a Saturday afternoon in football season, check the AFL fixture first.
>
> Roadworks, or a lot of stationary machinery on site ready for such a task, caused long delays for football fans heading to the MCG from Geelong.
>
> Perhaps the roadworks could have been delayed a couple of hours to avoid a needless traffic jam?

Hon. T. C. Theophanous — Have you still got two pages to go?

Hon. I. J. COVER — I have got only two to start with — and only two to go. I don't know why I fall for a fool like you. I expect the support from — —

The PRESIDENT — Order! Put your question, Mr Cover.

Hon. I. J. COVER — With the support of the Honourable Elaine Carbines, a fellow Geelong supporter, I ask the minister whether the protocols for roadworks as devised by the former minister are still in place. If not, I call on the minister to examine the Australian Football League draw and get it right for the rest of the season and, most importantly, over the period of the upgrade of the Geelong road, which will take place over the next two and a half years.

Minister for Industrial Relations: offices

Hon. D. McL. DAVIS (East Yarra) — Mr President, I seek your assistance on a matter that arose from some questions on notice that were answered earlier today. I refer particularly to questions 402 and 403, which were directed to the Minister for Industrial Relations and which related to her offices, particularly at 1 Macarthur Street and the 9th floor, 35 Spring Street.

As honourable members will be aware, this has been a point of discussion in the house over a number of

months now. What surprised me was that the questions were simply not answered. In her response to question 402 the minister said that it is not a portfolio responsibility of the Minister for Industrial Relations and the question should be asked of the Treasurer. A similar response was elicited for question 403.

Mr President, the reason I seek your assistance is that I find it surprising that a minister in this house — the Leader of the Government, no less — would do this when we have a tradition of attempting to answer questions in the fullest and clearest way possible.

Let me explain my point clearly. In answer to a number of the points in the long and detailed questions about aspects of her offices — the moves, the costs incurred, the renovation costs and other related expenses — the minister said that they were not matters within her ministerial competence or responsibility.

I find that surprising. Parts of the questions related to the number of days for which she occupied her offices. It appears that she was unable, as a minister of the Crown, to respond to a question about which day she had moved into an office and which day she had moved out. She felt it necessary to answer the questions in a way that suggested those matters were within the ministerial competence of the Treasurer.

Honourable members interjecting.

Hon. D. McL. DAVIS — I am not surprised that the Treasurer would need to keep close tabs on this, but I still find the minister's answers surprising because in the house in response to questions without notice from the Honourable Mark Birrell and me about this broad topic she has answered questions that are very closely related to these questions. These questions attempted to elicit greater detail from the minister to finally get to bottom of this series of moves.

I seek your assistance, Mr President, and ask what the responsibility of the minister is to answer questions within her portfolio and what her responsibility is to answer questions that are clearly matters on which she has some knowledge.

The PRESIDENT — Order! I will rule on the matter after I have examined a copy of the answers.

Gippsland: coastal subsidence

Hon. PHILIP DAVIS (Gippsland) — I raise a matter with the Minister for Energy and Resources. Public meetings at Sale and Yarram were called by the Gippsland coastal board in April to alert the community to the potential for coastal subsidence along the Gippsland coast, including the Gippsland Lakes, as a result of the extraction of oil and gas from under Bass Strait.

Although the meetings were told that there has been no observable subsidence to date, other than around the brown coal mines in the Latrobe Valley, concern was expressed by those at the meeting at the lack of accurate baseline information and a continuing program to monitor coastline and water levels.

Key requirements to determine what is happening include the installation of surface level monitoring stations, rehabilitation of a number of monitoring bores that are not working, modelling aquifer behaviour and an analysis of the impact of declining ground water levels on irrigation water extractions.

I ask the minister what action is being taken by the government to record current conditions on the coastline and in underground aquifers so that accurate information on coastline subsidence will be available.

Ballarat: electorate office parking

Hon. BILL FORWOOD (Templestowe) — I raise with the Minister for Energy and Resources, for the attention of the Minister for Local Government in another place, a matter concerning the operation of by-laws departments in local councils.

I have with me a copy of a letter dated 20 April written by the Honourable Dianne Hadden to Mr John McLean, the chief executive officer of Ballarat City Council. The letter deals with an issue related to Ms Hadden's electorate officer who, having parked near her office, was issued with a parking infringement notice on Wednesday, 19 April.

In her letter the Honourable Dianne Hadden asks the chief executive officer of the city, inter alia:

> Who reported and urged this action to be taken by one of your parking infringement officers against my electorate officer …

It is being widely asserted that a former mayor of the City of Ballarat, the current honourable member for Ballarat East in the other place, contacted a mate in the by-laws department of the City of Ballarat and encouraged him to shoot around and lay a bluey on a particular vehicle. Surely it is illegal for anybody to procure the prosecution of a person — to target a particular person in this way — he or she does not like. I ask the Minister for Local Government to investigate the issue.

Warragul: racing facilities

Hon. P. R. HALL (Gippsland) — The matter I raise with the Minister for Sport and Recreation is for the attention of his colleague the Minister for Racing in the other place. I am sure the Minister for Sport and Recreation will have a strong passing interest in the issue, which relates to the Warragul harness racing and greyhound racing clubs.

Almost two weeks ago when the shadow cabinet met in Warragul I took the opportunity to meet Mr Gerry Sneyders, the secretary of the Warragul Greyhound Racing Club, and to inspect some of the new facilities being developed at Logan Park in Warragul, which hosts both greyhound and harness racing. A $420 000 refurbishment and redevelopment of a number of amenities and spectator facilities including the kitchens, the bar area and the TAB area is taking place. Funding for that development has been shared equally between the statewide Harness Racing Board and the Greyhound Racing Board, with a contribution of $15 000 from each of the local clubs. The clubs are also developing other facilities at the ground for owners and trainers, and I had a chance to inspect the very good new facilities for the greyhound handling complex.

Some unexpected costs have arisen in the refurbishment and redevelopment work, particularly with the relocation of fire services, and now a replacement roof is needed for the new facility. It has been estimated that those extra unexpected costs will be about $50 000. There may be an opportunity for a local contribution — I cannot speak for the Baw Baw Shire Council but it may be sympathetic to making a contribution. However, I am seeking some information from the Minister for Sport and Recreation about whether any state government funding program could assist the Warragul greyhound and harness racing clubs to complete those facilities. There may be an opportunity for assistance from programs such as Partnerships for Growth, the Community Support Fund or perhaps the minister's minor facilities grants. The other program that came to mind was the Regional Infrastructure Development Fund.

Given that the state government has not yet made a contribution to those excellent community-use facilities at Logan Park in Warragul, I ask the Minister for Sport and Recreation to raise with his colleague the Minister for Racing in the other place the possibility of government funding to ensure that the works can be completed.

Petrol: prices

Hon. E. G. STONEY (Central Highlands) — I raise a matter for the attention of the Minister for Consumer Affairs. In November last year the minister told the house that if petrol prices became an issue the government would consider conducting a blitz on petrol profiteers. On Wednesday, 3 May, I pointed out that petrol pricing had become an issue, but the minister told the house that at no stage had she said she would conduct a blitz. There has been a bit of fancy verbal footwork by the minister. Why is the minister conducting a blitz on the price of liquefied petroleum gas but not on petrol?

Liquor: refrigerated backpacks

Hon. B. C. BOARDMAN (Chelsea) — I also have a matter for the Minister for Consumer Affairs. The matter of public urgency relates to a question asked of the minister by the Honourable Jenny Mikakos on 9 November last year about the potential introduction of refrigerated backpacks for selling light beer at the troubled Colonial Stadium — I have been to the stadium twice this year. In answer to that question the minister used words to the effect that the liquor would be available in both the corporate and general public areas.

I have attended the corporate and general public areas of Colonial Stadium but have seen no evidence of the refrigerated backpacks. As the issue is of such significance to the minister, I approached one of the attendants at the stadium and asked him where I could find the refrigerated backpacks with light beer. The response I received was a blank expression. In fact, the attendant said, 'You mean those backpacks referred to in Parliament?'. He went on to say that that is the only evidence that they have ever existed.

The minister said in the house that it was a key policy initiative. I have seen no evidence of that policy initiative, and the officials who work at Colonial Stadium have no knowledge of the backpacks. I ask the minister to indicate whether the backpacks exist and to comment on their success or introduction.

Traineeships: places

Hon. W. I. SMITH (Silvan) — I raise for the attention of the Minister for Small Business a business involved in providing training packages that has had its business severely affected by the impact of a recent government freeze on training courses. The freeze on user-choice funding has meant that new packages can be offered only by achieving a cutback in student

numbers in other approved courses — that is, places can only be provided within the cap on places the Australian College of Hair Design and Beauty delivered in 1999. Given the demand for other packages and the cap, the college has been forced to withdraw beauty traineeships.

The effect has been as follows: students in Mildura or Shepparton who want to undertake beauty and hairdressing traineeships are now forced to travel to Bendigo or Melbourne because no public provider has been approved to provide the traineeships in Mildura or Shepparton; employers who want to undertake beauty and hairdressing traineeships have found the course they believed would be available locally is not available; a successful, proven small business providing quality training is not able to expand its business to meet market demand and provide training for young people.

Similar examples exist in areas such as photography and forestry, where private providers have sought and obtained approval for new traineeships only to find arrangements entered into in good faith with employers cannot be fulfilled. Employers lose confidence in the system and the private provider. Employers are forced to rethink their attitude to apprenticeships and traineeships because of the uncertainty of funding and the removal of the ability to choose their preferred provider.

The freeze is having an impact on business. I ask the minister what she is doing to overcome the problem businesses are experiencing.

Minister for Industrial Relations: responsibilities

Hon. M. A. BIRRELL (East Yarra) — I refer the Minister for Industrial Relations to her response to a question I asked during question time this morning in which she indicated it was untrue, as was reported in an article in the *Age* and discussed elsewhere, that the Premier had transferred responsibility for dealing with the trade union Campaign 2000 from the Minister for Industrial Relations to the Minister for Manufacturing Industry. I note that the minister said it was untrue — —

Hon. T. C. Theophanous — She said the article.

Hon. M. A. BIRRELL — Yes, but she did not elaborate in response to my question about what she is doing regarding this major and looming issue. Even the most dismissive member of the government would agree that the manufacturing union campaign known as Campaign 2000 is the most significant industrial relations issue confronting Victoria this year. Whether one agrees or disagrees with the campaign, it is enormously important to the future of the industry, and it is the first time ever that a pattern bargaining campaign has been put in place. It is therefore of major importance to ordinary Victorians as well as employees, employers and a vibrant manufacturing industry.

Is the minister alleging, contrary to what is contained in the *Age* article, that she is responsible on behalf of the Bracks government for dealing with Campaign 2000 led by the manufacturing unions? And will the minister indicate what her roles are — that is, whether she has the leading role and what her role is in managing the issue as compared with the role undertaken by the Minister for Manufacturing Industry in another place?

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Leader of the Opposition asked a follow-up question to the question he asked earlier during question time regarding Campaign 2000. At question time I indicated that the *Age* article of Saturday is incorrect. Together with my ministerial colleagues the Minister for Manufacturing Industry and the Minister for State and Regional Development, I have had meetings with people involved in Campaign 2000. I have also coordinated meetings between the responsible ministers and unions regarding that campaign. In fact, there have been a number of meetings in my office — one last week — regarding issues surrounding the campaign. The meeting was attended by the branch officials and advisers.

Hon. M. A. Birrell — So who handles it, you or Hulls?

Hon. M. M. GOULD — I am the lead minister. I am the minister who is organising meetings with ministers, employers and unions. I will be coordinating future meetings so that the government is kept up to date with the claims of the unions. I will continue to monitor the campaign on behalf of the government.

Hon. C. C. BROAD (Minister for Energy and Resources) — Mr Lucas asked me in my capacity as the representative of the Minister for Transport in the other place when the Victorian government will match commonwealth government funds for the Pakenham bypass. I will refer the matter to the Minister for Transport.

Mr Baxter raised a matter of budget allocations, and especially funding for the sealing of the unsealed

section of the Mansfield–Whitfield Road — a scenic road I have travelled on many times. Mr Baxter requested that his concerns regarding the adequacy of the allocation be passed on to the Minister for Transport, which I will do.

Mr Cover raised another matter for the Minister for Transport requesting that he examine whether protocols are in place to avoid clashes between football games and roadworks, with particular reference to the Melbourne–Geelong road. I will refer the issue to the minister.

Mr Philip Davis raised an important matter regarding Gippsland ground water and the possible subsidence of the Gippsland coast. He referred to recent community meetings to discuss the matter. He asked what the government is doing to record possible subsidence and to address community concerns. It is a matter of great disappointment to the government that the technical working group established some years ago by the former Kennett government was unable to reach conclusions on the matter.

However, it is recognised that it is an extremely complex issue, possibly as complex as any issue that has ever confronted the state. The government is taking immediate action as a matter of urgency. It is preparing a proposal to reinstate elevation surveys, which I am advised were commenced in 1990 and, for reasons that are not entirely clear, discontinued in 1996.

The opposition will no doubt be aware that the former Minister for Agriculture and Resources, Mr McNamara, wrote to the commonwealth government on 20 August last year seeking its involvement and informing it of irrigators' concerns about the subsidence. I add by way of explanation that the commonwealth extracts more than $1 billion in royalties from Bass Strait and that it would seem only reasonable that it should contribute to investigating the problem.

Senator Minchin, the federal Minister for Industry, Science and Resources, said in his reply — which was received after the election in October — that the commonwealth would carefully consider the recommendations arising from the studies to date. The government is following that matter up with the commonwealth government and is hopeful that it will agree to making a contribution.

I refer to a proposal by the Leader of the National Party, which was one of four options contained in the draft report on which the working group failed to reach a resolution. I am advised that if the state were to fund it in its entirety, the proposed solution would involve the expenditure of $7 million. Before committing to that sort of expenditure the government wants to ensure that it will not find itself in the position in which the previous technical working group found itself, of not being able to come up with any definitive answer. Therefore, as a matter of urgency it is scoping a number of options with the Department of Natural Resources and Environment to define further work before it commits to the expenditure.

Mr Forwood referred the Minister for Local Government in the other place to a matter concerning parking matters and the Ballarat City Council, which he asked him to explore. That request will be passed on to the minister.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Ron Bowden referred to a boy named Alex, the 12-year-old son of Mrs Edney from Stumpy Gully Road, who attended a youth camp in early December. While playing soccer, if one could call it that — I understand it is known as 'flame soccer' because it is played with a ball surrounded by fire — Alex got his shoe caught and his clothing was set on fire. He was hospitalised and his body is now scarred.

Mrs Edney asked the minister to investigate the safety standards applying to youth camps. As a parent the thought that kids who are sent away to camp participate in such dangerous games horrifies me. I will certainly pass the matter on to the Minister for Community Services in the other place.

The Honourable Barry Bishop referred the Attorney-General in the other place to the possible location of the Mildura courthouse and talked about possible support for the co-location of a number of services on the one site. Mr Bishop suggested that the old hospital site might be suitable and asked whether the government would consider co-location as an option. I will pass that on to the Attorney-General.

The Honourable Graeme Stoney raised the same issue he raised last week.

Hon. M. A. Birrell — It was different.

Hon. M. R. THOMSON — No, it was not. It related to the price of liquefied petroleum gas (LPG) and whether petrol prices will be monitored. As I said in the chamber last week, the Australian Competition and Consumer Commission (ACCC) is undertaking an extensive inquiry into petrol pricing. I also said last week — perhaps it was too noisy or members opposite were not listening — that monitors from the Department of Natural Resources and Environment

were looking at petrol prices as well as LPG prices. If honourable members suggest to their constituents that they phone in about the prices they are paying for petrol, their calls will be noted, and we will pass the information on to the ACCC.

Hon. E. G. Stoney — On a point of order, Mr President, the question I asked was specific. I asked why the government is having a blitz on LPG prices and not on petrol prices. It was a simple question, to which there should be a simple answer.

The PRESIDENT — Order! As I recall, when the minister answered the question asked of her last week she did not indicate whether the government was monitoring the price of petrol. Your next question was why the government is not having a blitz. The minister can explain the difference between a blitz and monitoring.

Hon. M. R. THOMSON — I feel I have answered the question adequately.

The Honourable Cameron Boardman referred to a question asked of me in the Parliament on 9 November about the availability of refrigerated backpacks in the corporate and general public areas at Colonial Stadium. I have not yet been fortunate enough to go to a football match at Colonial Stadium; however, I will have that pleasure on 20 May when Essendon beats Geelong. I cannot say from first-hand knowledge that I have seen those backpacks, but the Honourable Bob Smith, a member for Chelsea Province, assures me that he has seen them on two occasions. I do not think the government has made it compulsory for members of Parliament to see the backpacks at Colonial Stadium; however, it has given permission for them to be used at the stadium.

The Honourable Wendy Smith referred to the cutbacks the College of Hair Design and Beauty has had to make because of the cap that currently applies on trainee and apprenticeship numbers due to the review being conducted by the Department of State and Regional Development. She referred to the difficulty that cap is causing those who cannot take the course in Shepparton or Mildura and who have to travel long distances.

The review is necessary to ensure that the state is making the most of its training dollars and that the courses are effective. It is unfortunate that the review is inconveniencing those who provide the services, and I am interested in hearing more about the particular instance that has been raised. However, as I have said before, I support the review because it is important to ensure that our training dollars are expended in a way that maximises their use. If a freeze is required to ensure that the recommendations are properly implemented once the review has been completed, I support it.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the Honourable Andrea Coote for raising the issue of metal detectors and beach cleaning. I will refer it to the Minister for Health in the other place.

I will refer to the Minister for Gaming in the other place the matter raised by the Honourable Andrew Brideson regarding the release of a gaming report that I believe relates specifically to bingo.

I will raise with the Minister for Education in the other place the question asked by the Honourable Gordon Rich-Phillips about the proposed Narre Warren South primary school and consultation about the opening date.

I will raise with the Minister for Racing in another place the Honourable Peter Hall's question about the Warragul Harness Racing Club, the Warragul Greyhound Racing Club and the building cost overruns at the Logan Park facilities.

The PRESIDENT — Order! The Honourable David Davis asked about questions nos 401, 402 and 403 on the notice paper, each of which is directed to the Leader of the Government. The questions mention three separate offices in three separate buildings. In the first two questions paragraph (a) states:

> On what date she estimates that she and her staff will occupy this office.

Paragraph (a) of the third question states:

> On what date did she and her staff occupy this office.

Paragraph (b) of the first question states:

> On what date she and her staff intend to vacate her current office.

Paragraph (b) of the second questions states:

> On what date she and her staff intend to vacate this office.

Paragraph (b) of the third questions states:

> On what date did she and her staff vacate this office.

The remaining paragraphs of the questions relate to lease and fit-out costs and other matters. The response given by the Minister for Industrial Relations to the last two questions is:

> I am informed that:

> This is not a portfolio responsibility of the Minister for Industrial Relations; the question should be asked of the Treasurer.

The point made by the Honourable David Davis is that, forgetting about portfolio responsibilities, the minister should be able to answer a question about when she arrived at an office and when she left, or when she intended to arrive or intended to leave. I have examined the precedents and accept what the minister says about leasing arrangements and so on being matters handled by the Department of Treasury and Finance.

The subject of partly answered questions has been raised in the house on a number of occasions. On 4 September 1990 my colleague the Honourable Alan Hunt as President was asked about the issue. An answer to a question was sought to be avoided by the minister's replying that the matters were subject to freedom of information requests and that that therefore in some way precluded their being raised in the house. The then President is reported at page 141 of *Hansard* of 4 September 1990 as having said:

> The question has not been answered; it remains on the notice paper and time runs against the minister …

There was a slight variation on that on 11 May 1993 when I was in the Chair. The Honourable David White is reported at page 613 of *Hansard* of 11 May 1993 as having said:

> On a point of order, Mr President, the Leader of the Government answered question no. 13 only in part, and I ask leave of the house for the remaining part of the question to stay on the notice paper.

The Honourable Mark Birrell refused leave and said:

> … You can ask it again.

Mr White referred to previous rulings by President Hunt. If one reads the *Hansard* report on pages 613 and 614, one finds that a discrete part of the question was clearly within the minister's responsibilities and the rest was not. In that case I invited Mr White to make written submissions to me on the issue. My recollection is that he did not do so. In this case I order that paragraphs (a) and (b) of questions 402 and 403 be restored to the notice paper as they have not been answered.

Motion agreed to.

House adjourned 11.14 p.m.