

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

14 March 2000

(extract from Book 2)

Internet: www.parliament.vic.gov.au

By authority of the Victorian Government Printer

The Governor

His Excellency the Honourable Sir JAMES AUGUSTINE GOBBO, AC

The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

The Ministry

Premier, Treasurer and Minister for Multicultural Affairs	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Health and Minister for Planning	The Hon. J. W. Thwaites, MP
Minister for Industrial Relations and Minister assisting the Minister for Workcover	The Hon. M. M. Gould, MLC
Minister for Transport	The Hon. P. Batchelor, MP
Minister for Energy and Resources, Minister for Ports and Minister assisting the Minister for State and Regional Development. . .	The Hon. C. C. Broad, MLC
Minister for State and Regional Development, Minister for Finance and Assistant Treasurer	The Hon. J. M. Brumby, MP
Minister for Local Government, Minister for Workcover and Minister assisting the Minister for Transport regarding Roads	The Hon. R. G. Cameron, MP
Minister for Community Services	The Hon. C. M. Campbell, MP
Minister for Education and Minister for the Arts	The Hon. M. E. Delahunty, MP
Minister for Environment and Conservation and Minister for Women's Affairs	The Hon. S. M. Garbutt, MP
Minister for Police and Emergency Services and Minister for Corrections	The Hon. A. Haermeyer, MP
Minister for Agriculture and Minister for Aboriginal Affairs	The Hon. K. G. Hamilton, MP
Attorney-General, Minister for Manufacturing Industry and Minister for Racing	The Hon. R. J. Hulls, MP
Minister for Post Compulsory Education, Training and Employment.	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation, Minister for Youth Affairs and Minister assisting the Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Major Projects and Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Housing, Minister for Aged Care and Minister assisting the Minister for Health	The Hon. B. J. Pike, MP
Minister for Small Business and Minister for Consumer Affairs	The Hon. M. R. Thomson, MLC
Parliamentary Secretary of the Cabinet	The Hon. G. W. Jennings

Legislative Council Committees

Economic Development Committee — The Honourables R. A. Best, G. R. Craige, Kaye Darveniza, N. B. Lucas, J. M. McQuilten, W. I. Smith and T. C. Theophanous.

Privileges Committee — The Honourables W. R. Baxter, D. McL. Davis, C. A. Furletti, M. M. Gould and G. W. Jennings.

Standing Orders Committee — The Honourables the President, G. B. Ashman, B. W. Bishop, G. W. Jennings, Jenny Mikakos, G. D. Romanes and K. M. Smith.

Joint Committees

Drugs and Crime Prevention Committee — (*Council*): The Honourables B. C. Boardman and S. M. Nguyen. (*Assembly*): Mr Jasper, Mr Lupton, Mr Mildenhall, Mr Wells and Mr Wynne.

Environment and Natural Resources Committee — (*Council*): The Honourables R. F. Smith and E. G. Stoney. (*Assembly*): Mr Delahunty, Ms Duncan, Mr Ingram, Ms Lindell, Mr Mulder and Mr Seitz.

Family and Community Development Committee — (*Council*): The Honourables G. D. Romanes and E. J. Powell. (*Assembly*): Mr Hardman, Mr Lim, Mr Nardella, Mrs Peulich and Mr Wilson.

House Committee — (*Council*): The Honourables the President (*ex officio*), G. B. Ashman, R. A. Best, J. M. McQuilten, Jenny Mikakos and R. F. Smith. (*Assembly*): Mr Speaker (*ex officio*), Ms Beattie, Mr Kilgour, Mr Leigh, Mr Leighton, Ms McCall and Mr Savage.

Law Reform Committee — (*Council*): The Honourables D. McL. Davis, D. G. Hadden and P. A. Katsambanis. (*Assembly*): Mr Languiller, Mr McIntosh, Mr Stensholt and Mr Thompson.

Library Committee — (*Council*): The Honourables the President, E. C. Carbines, M. T. Luckins, E. J. Powell and C. A. Strong. (*Assembly*): Mr Speaker, Ms Duncan, Mr Languiller, Mrs Peulich and Mr Seitz.

Printing Committee — (*Council*): The Honourables the President, Andrea Coote, Kaye Darveniza and G. K. Rich-Phillips. (*Assembly*): Mr Speaker, Ms Gillett, Mr Nardella and Mr Richardson.

Public Accounts and Estimates Committee — (*Council*): The Honourables Bill Forwood, R. M. Hallam, G. K. Rich-Phillips and T. C. Theophanous. (*Assembly*): Ms Asher, Ms Barker, Ms Davies, Mr Holding, Mr Loney and Mrs Maddigan.

Road Safety Committee — (*Council*): The Honourables Andrew Brideson and E. C. Carbines. (*Assembly*): Mr Kilgour, Mr Langdon, Mr Plowman, Mr Spry and Mr Trezise.

Scrutiny of Acts and Regulations Committee — (*Council*): The Honourables M. A. Birrell, M. T. Luckins, Jenny Mikakos and C. A. Strong. (*Assembly*): Ms Beattie, Mr Carli, Mr Dixon, Ms Gillett and Mr Robinson.

Heads of Parliamentary Departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Parliamentary Services — Secretary: Ms C. M. Haydon

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT — FIRST SESSION

President: The Hon. B. A. CHAMBERLAIN

Deputy President and Chairman of Committees: The Hon. B. W. BISHOP

Temporary Chairmen of Committees: The Honourables G. B. Ashman, R. A. Best, Kaye Darveniza, D. G. Hadden, P. R. Hall, Jenny Mikakos, R. F. Smith, E. G. Stoney and C. A. Strong

Leader of the Government:

The Hon. M. M. GOULD

Deputy Leader of the Government:

The Hon. G. W. JENNINGS

Leader of the Opposition:

The Hon. M. A. BIRRELL

Deputy Leader of the Opposition:

The Hon. BILL FORWOOD

Leader of the National Party:

The Hon. R. M. HALLAM

Deputy Leader of the National Party:

The Hon. P. R. HALL

Member	Province	Party	Member	Province	Party
Ashman, Hon. Gerald Barry	Koonung	LP	Hall, Hon. Peter Ronald	Gippsland	NP
Atkinson, Hon. Bruce Norman	Koonung	LP	Hallam, Hon. Roger Murray	Western	NP
Baxter, Hon. William Robert	North Eastern	NP	Jennings, Hon. Gavin Wayne	Melbourne	ALP
Best, Hon. Ronald Alexander	North Western	NP	Katsambanis, Hon. Peter Argyris	Monash	LP
Birrell, Hon. Mark Alexander	East Yarra	LP	Lucas, Hon. Neil Bedford, PSM	Eumemmerring	LP
Bishop, Hon. Barry Wilfred	North Western	NP	Luckins, Hon. Maree Therese	Waverley	LP
Boardman, Hon. Blair Cameron	Chelsea	LP	McQuilten, Hon. John Martin	Ballarat	ALP
Bowden, Hon. Ronald Henry	South Eastern	LP	Madden, Hon. Justin Mark	Doutta Galla	ALP
Brideson, Hon. Andrew Ronald	Waverley	LP	Mikakos, Hon. Jenny	Jika Jika	ALP
Broad, Hon. Candy Celeste	Melbourne North	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Carbines, Hon. Elaine Cafferty	Geelong	ALP	Olexander, Hon. Andrew Phillip	Silvan	LP
Chamberlain, Hon. Bruce Anthony	Western	LP	Powell, Hon. Elizabeth Jeanette	North Eastern	NP
Coote, Hon. Andrea	Monash	LP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Cover, Hon. Ian James	Geelong	LP	Romanes, Hon. Glenyys Dorothy	Melbourne	ALP
Craige, Hon. Geoffrey Ronald	Central Highlands	LP	Ross, Hon. John William Gamaliel	Higinbotham	LP
Darveniza, Hon. Kaye	Melbourne West	ALP	Smith, Hon. Kenneth Maurice	South Eastern	LP
Davis, Hon. David McLean	East Yarra	LP	Smith, Hon. Robert Fredrick	Chelsea	ALP
Davis, Hon. Philip Rivers	Gippsland	LP	Smith, Hon. Wendy Irene	Silvan	LP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Furletti, Hon. Carlo Angelo	Templestowe	LP	Strong, Hon. Christopher Arthur	Higinbotham	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hadden, Hon. Dianne Gladys	Ballarat	ALP	Thomson, Hon. Marsha Rose	Melbourne North	ALP

CONTENTS

TUESDAY, 14 MARCH 2000

MELBOURNE CITY LINK (AMENDMENT) BILL		
<i>Introduction and first reading</i>	207	
DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL		
<i>Introduction and first reading</i>	207	
COURTS AND TRIBUNALS LEGISLATION (AMENDMENT) BILL		
<i>Introduction and first reading</i>	207	
QUESTIONS WITHOUT NOTICE		
<i>Minister for Industrial Relations: offices ...</i>	207, 208, 210	
<i>Industrial relations: 36-hour week</i>	207	
<i>GST: small business</i>	208	
<i>Electricity: Yallourn dispute</i>	208, 209	
<i>Gas: Port Campbell reserves</i>	209	
<i>Petrol: toluene substitution</i>	210	
<i>Sport: Officiating Victoria</i>	210	
QUESTIONS ON NOTICE		
<i>Answers</i>	211	
DRUGS AND CRIME PREVENTION COMMITTEE		
<i>Drug reform strategy</i>	211	
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE		
<i>Alert Digest No. 3</i>	211	
PAPERS.....	211	
RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL		
<i>Second reading</i>	211	
<i>Third reading</i>	226	
<i>Remaining stages</i>	226	
CORPORATIONS (VICTORIA) (AMENDMENT) BILL		
<i>Second reading</i>	226	
<i>Third reading</i>	230	
<i>Remaining stages</i>	230	
PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL		
<i>Second reading</i>	230	
<i>Third reading</i>	239	
<i>Remaining stages</i>	240	
ADJOURNMENT		
<i>LPG: prices</i>	240	
<i>Schools: council representation</i>	240	
<i>Fishing: recreational access</i>	241	
<i>Police: bilingual D24 operators</i>	241	
<i>Small business: Growing Victoria Together</i>	241	
<i>Ararat Primary School</i>	242	
<i>Yarra Valley Hockey Club</i>	242	
<i>Commonwealth Games: green policy</i>	242	
<i>GST: small business</i>	242	
<i>Warmies boat ramp</i>	243	
<i>Maryborough Regional College</i>	244	
<i>Better Pools</i>	244	
<i>Industrial relations: building industry</i>	244	
<i>Schools: Somerville Rise Primary School</i>	245	
<i>Tourism: heritage trams</i>	245	
<i>Rural Victoria: doctors</i>	245	
<i>Trucks: container regulations</i>	246	
<i>Police: Emerald station</i>	246	
<i>Schools: capital works</i>	247	
<i>Public transport: eastern corridor</i>	247	
<i>Police: Mount Buller station</i>	247	
<i>Planning: Bayside scheme</i>	247	
<i>Responses</i>	247	

Tuesday, 14 March 2000

The **PRESIDENT** (Hon. B. A. Chamberlain) took the chair at 2.03 p.m. and read the prayer.

**MELBOURNE CITY LINK (AMENDMENT)
BILL**

Introduction and first reading

Received from Assembly.

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

**DOMESTIC BUILDING CONTRACTS
(AMENDMENT) BILL**

Introduction and first reading

Received from Assembly.

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

**COURTS AND TRIBUNALS LEGISLATION
(AMENDMENT) BILL**

Introduction and first reading

Received from Assembly.

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

QUESTIONS WITHOUT NOTICE

Minister for Industrial Relations: offices

Hon. D. McL. DAVIS (East Yarra) — Is it a fact that the Minister for Industrial Relations has had two ministerial offices fitted out at public expense since being sworn in?

Hon. M. M. GOULD (Minister for Industrial Relations) — I had a temporary office at 35 Spring Street. Because the lease will expire on 30 June this year I have moved to the 5th floor at 1 Macarthur Street.

Industrial relations: 36-hour week

Hon. R. F. SMITH (Chelsea) — Will the Minister for Industrial Relations inform the house of the impact the reported comments in the *Age* of 10 March by the

Leader of the Opposition, Mr Birrell, in support of a 36-hour week in the building industry have had on the industrial relations dispute in the Victorian construction industry?

Hon. M. M. GOULD (Minister for Industrial Relations) — The advertising banner for last Friday's *Age* states:

Libs to accept 36-hour week.

At last the Leader of the Opposition has accepted reality with respect to industrial relations policy. In the *Age* of 10 March the Trades Hall Council's building industry convenor, Mr Brian Boyd is reported as having said:

... Mr Birrell's remarks showed the opposition had agreed to shorter hours in the building industry.

The opposition set the template when the building industry negotiated a 36-hour week for Federation Square. The opposition raised the expectations of the building industry unions by agreeing to a 36-hour week at Federation Square. The Leader of the Opposition wants it across the industry.

The Leader of the Opposition says — and the government agrees — that the way to resolve what has been occurring in the building industry is through negotiation. That is nice to hear because that is what the government has been saying all along.

Hon. K. M. Smith — On a point of order, Mr President, firstly, the minister is trying to quote Mr Birrell as saying something that she attributed in her opening statement to the Trades Hall Council representative and, secondly, I thought question time was about the administration of government. The minister's remarks do not deal with the administration of government.

Hon. T. C. Theophanous — On the point of order, Mr President, it has been a longstanding tradition that if a member believes that something being said about him or her in the house is untrue or does not apply, the member can take a point of order. In this case Mr Ken Smith has apparently taken a point of order on behalf of Mr Birrell, who does not appear to have taken exception to what the minister said. There is no point of order. As to whether the answer relates to government business, clearly the answer is within the ambit of the minister's responsibility.

The PRESIDENT — Order! In relation to the matters raised by Mr Theophanous, the question of a member raising an objection in the house relates only to offensive remarks directed against a member, and if the

member is not in the house, another member can raise an objection. I see no problem with the fact that Mr Smith raised the matter. However, I see a problem with his point of order.

In saying that, I remind members of a ruling I made on 6 September 1994 about misleading statements. In that context I am not characterising what the Leader of the Government said in her answer. My ruling of that date states:

The Westminster system sets great store on the need to be able to rely on the veracity of statements made in the Parliament by members. It is therefore incumbent on members that they take great care to ensure that they do not wittingly or unwittingly mislead the house. As *May* 21st edition, page 119 indicates, the making of a deliberately misleading statement may be treated as a contempt. Such an abuse is compounded if it involves the deliberate misrepresentation of the language of another member.

Members should not, therefore, include in their statements or questions in debate a form of words which implies a factual situation when in some cases it becomes evident there is no basis for that statement. I do not uphold the point of order.

Hon. M. M. GOULD — Reference was made to two articles. The *Age* reports that Mr Birrell said the deal was a classic example of an enterprise agreement, and I am more than happy to have his involvement on any enterprise basis.

Honourable members interjecting.

The PRESIDENT — Order! I ask both sides of the house to settle down. Backbenchers seated behind the minister are not assisting her at the moment.

Hon. M. M. GOULD — The opposition has conceded, as I said, that the way to resolve the dispute is through negotiations, which is what the government has been arguing and urging the parties to do all along. I join with the opposition and again urge the parties to resolve the dispute. I call on the parties to negotiate a mutually acceptable outcome. I encourage employers and unions to work together to resolve the dispute to achieve an outcome that is beneficial to all.

Minister for Industrial Relations: offices

Hon. M. A. BIRRELL (East Yarra) — In light of the fact that the Minister for Industrial Relations has had two ministerial offices fitted out at public expense in the past five months, is it a fact that the government is considering her moving into a third ministerial office at public expense?

Hon. M. M. GOULD (Minister for Industrial Relations) — The response to the question of the Leader of the Opposition is that we are considering it.

GST: small business

Hon. JENNY MIKAKOS (Jika Jika) — I refer the Minister for Small Business to reported comments in the *Australian Financial Review* of 8 March 2000 by the federal Treasurer in which he denied that the federal government would extend the deadline for registration under the new tax regime. Further, I refer the minister to the federal government's consistent refusal to increase the level of compensation payable to small businesses so they may comply with the goods and services tax (GST). Will the minister inform the house what effect those decisions will have on Victorian small businesses?

Hon. M. R. THOMSON (Minister for Small Business) — There are huge delays in GST processing and registration procedures. I have spoken to more than 200 small businesses in Victoria, and as recently as last week their major concern was whether they can absorb the administrative costs of the implementation of the GST. They are also concerned about the administrative burden of the GST quarterly returns.

I support requests made by opposition members federally and the National Tax and Accountants Association Ltd to delay the date by which small businesses have to register. More than 2 million businesses have yet to apply for and be registered with Australian business numbers (ABNs).

Yesterday the federal Minister for Employment, Workplace Relations and Small Business, Peter Reith, suggested that the highest number of ABNs the tax office could register a day was 28 000. The Australian Taxation Office would need to register 38 000 a day to meet the deadline of 31 May. Businesses that have not registered by that date will be hit with a punitive 48.5 per cent tax. Small businesses should not have to bear that burden.

I call on the federal government to be lenient on small businesses that have not registered by the deadline of 31 May, and I call on opposition members to join with the government in making submissions to their federal counterparts.

Electricity: Yallourn dispute

Hon. PHILIP DAVIS (Gippsland) — Will the Minister for Energy and Resources confirm that Yallourn Energy sent a letter to her on 11 November and another on 29 December 1999 warning of an

impending electricity crisis? I ask whether it is a fact that the second letter states:

There is a possibility, depending on the impact of the bans, that power supplied from Yallourn Energy will be restricted during the high demand period of January.

Hon. C. C. BROAD (Minister for Energy and Resources) — As I have told the house on a number of occasions, since the situation at Yallourn and the possible impact that would have on the state's electricity supply predated the election of the Bracks Labor government by a considerable time, the government has been kept well informed of the situation.

I will have to check whether the dates referred to in the correspondence are accurate, since I do not have the correspondence in front of me. I will check on that. I am more than happy for the opposition to keep raising the matter here because I remind Victorians that — —

Honourable members interjecting.

Hon. K. M. Smith — On a point of order, Mr President, in her answer the minister said she will check whether she received the letters and advise their dates. She has not said how she will report back to the house. Can her report be made to the house?

The PRESIDENT — Order! The minister certainly gave the house reason to believe there would be a response once she had checked the files — otherwise, why would she check the files? Whether the minister responds to the question in due course is a matter for her, or for another question. There is no point of order.

Hon. C. C. BROAD — Perhaps Mr Smith might like to confer with the person asking the question to get the question right.

Honourable members interjecting.

The PRESIDENT — Order! I remind the house that question time started at 2.08 p.m. Unless the cacophony ceases and questions and answers are allowed to flow, they will stop at 28 minutes past 2.

Hon. C. C. BROAD — As I was saying, the government's view is that the situation with which the government was confronted in February — namely, sale contracts that did not include any requirement to supply electricity to the citizens of this state — was a direct result of the policies of the previous government and the manner in which they were implemented. The policy of the previous Treasurer was to drive down capacity in the supply system.

The matters outlined in the correspondence are not news to the government. As to checking on dates, it is a simple matter to do so.

Gas: Port Campbell reserves

Hon. E. C. CARBINES (Geelong) — Will the Minister for Energy and Resources inform the house of recent onshore gas finds in Victoria's western region?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the honourable member for her question about this important development for the west of the state. I am very pleased to advise the house that Victoria's onshore gas inventory has been substantially increased due to two discoveries in the Port Campbell region by Boral and Santos. Those discoveries will improve the security of Victoria's gas supply by providing alternative sources to the Gippsland basin. The new finds are among a number of other gas-producing fields in the Port Campbell region in the west of Victoria. The proximity of those supplies to existing pipelines and processing facilities means that even small-scale gasfields will be commercially viable.

The gas discoveries will not only enhance the security of gas supplies in the state but also help secure jobs and regional development, particularly in western Victoria. The attractiveness of western Victoria for exploration and development investment has been greatly enhanced by its connection to the national gas network. Regional development across Victoria is also being supported through the establishment of gas storage and an expanded transmission pipeline network. The government regards these opportunities for further commercial development as significant not only for their employment potential but also for their potential contribution to growth and investment in Victoria.

This forms part of one of the key commitments the Bracks Labor government made at the time of its election, and it is a further demonstration of one of its four policy pillars — that is, growing Victoria, especially investment and jobs, and particularly in regional Victoria.

Electricity: Yallourn dispute

Hon. R. M. HALLAM (Western) — My question to the Minister for Energy and Resources again goes to the electricity crisis. When the minister is checking the records, as she has undertaken to do in response to a question from my colleague the Honourable Philip Davis, will she also check and report to the chamber on the specific reports the Victorian government requested from Nemmo during January on the effect of the

withdrawal of Yallourn Energy's generational capacity?

Hon. C. C. BROAD (Minister for Energy and Resources) — As I have previously indicated to the house, the government was in continuous receipt of reports from Nemmo on the electricity supply situation at that time. I have also indicated that as soon as the government was advised that there was an impending shortage it advised the people of Victoria.

Honourable members interjecting.

Petrol: toluene substitution

Hon. D. G. HADDEN (Ballarat) — What action has the Minister for Consumer Affairs taken to ensure Victorian motorists are not sold petrol that has been tampered with?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Unlike our federal counterparts — —

Honourable members interjecting.

Hon. M. R. THOMSON — Within 48 hours of being notified of cases in New South Wales of toluene being substituted for petrol, we sent inspectors out to look at petrol stations to see whether the problem existed in Victoria. I would like to report to the house that at this stage there is no incidence of toluene being at unreasonable levels in our petrol. That could be accounted for, firstly, because there has been a lot of publicity about the issue in recent times — and therefore a scarcity of people using it; and secondly, as we understand it, because Victoria might have been right at the end of the toluene substitution cycle.

I also want to emphasise that this is clearly the responsibility of the federal government. In his second-reading speech on the Fuel (Penalty Surcharges) Administration Bill, Mr Prosser, the then Minister for Small Business and Consumer Affairs, said it was part of:

... the legislation package designed to give effect to the government's announcement in the 1997-98 budget that it would be cracking down on fuel substitution.

...

This bill also sets out the audit powers of customs officers and officer of other agencies authorised by the chief executive officer of customs to ensure compliance with the requirements with this act and to obtain evidential material concerning any breaches of the provisions of this act, including the authority to obtain monitoring and search warrants. The powers will cover a range of activities, including fuel sampling, auditing of documents and access to various premises — including road tankers, fuel transport

vehicles, transport vehicles with a fuel capacity above the threshold — —

The PRESIDENT — Order! I have spoken before about the sort of answer a minister might give. It is not the appropriate time to give great slabs of quotations from speeches made in another Parliament. That is entirely inappropriate. The minister should be able to paraphrase what has been said and to inform the house accordingly.

Hon. M. R. THOMSON — The list includes depots and service stations. There has been a lot of duckshoving on this issue by the federal government. It has been aware for months — —

Honourable members interjecting.

The PRESIDENT — Order! It is in no-one's interest for the minister to be shouted down. She is entitled to be heard.

Hon. M. R. THOMSON — It has been aware of and warned about the issue for months. The Victorian government acted quickly, within 48 hours of being aware that this had happened, and I wrote to the Honourable Rod Kemp, the minister responsible, on the matter.

I am pleased to hear that the federal government will now impose an excise on toluene, but I also call on other state jurisdictions and the federal government to ensure that there is no longer a problem for Australian motorists, particularly Victorian motorists. National standards must be set on the complexity of fuel.

Minister for Industrial Relations: offices

Hon. D. McL. DAVIS (East Yarra) — I ask the Minister for Industrial Relations to confirm that the combined cost to the taxpayer of the three ministerial offices she now occupies, or will have occupied in approximately six months of government, will approach \$250 000.

Hon. M. M. GOULD (Minister for Industrial Relations) — I do not know where the honourable member got the figures from. The office furniture is leased, so there has been no great cost to the taxpayer. The office I occupy is on the fifth floor of 1 Macarthur Street.

Sport: Officiating Victoria

Hon. KAYE DARVENIZA (Melbourne West) — Will the Minister for Sport and Recreation advise the house what steps his department is taking to improve the quality of umpiring in Victoria?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Last month I had the pleasure of launching the Officiating Victoria strategy. As I have previously mentioned in the house, it is difficult to recruit, train and retain officials in non-professional sport, in particular umpires and referees. Recommendations of the national officiating workshop were implemented by the establishment of a state officiating reference group, the aims of which are to help in the establishment of development programs for officials in Victoria and to build a culture that respects and values officials.

The 2000 Olympics, the 2002 Masters Games and the 2006 Commonwealth Games will require a large pool of skilled officials. The three key outcomes of the strategy relate to respecting and valuing officials, boosting the available pool of officials and providing information to sporting clubs about development programs for officials.

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*.

I shall read out the numbers of the questions that have been answered: 17–19, 46, 64–66, 100–102, 140, 150, 168–170, 186, 192, 193, 197, 205, 208 and 209.

Motion agreed to.

DRUGS AND CRIME PREVENTION COMMITTEE

Drug reform strategy

Hon. B. C. BOARDMAN (Chelsea) presented report on lapsed inquiry, together with appendices.

Laid on table.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 3

Hon. M. T. LUCKINS (Waverley) presented *Alert Digest No. 3 of 2000* together with appendix.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Mt Stirling Alpine Resort Management Board — Report, 30 April 1998 to 31 October 1998.

National Environment Protection Council — Report, 1998–99.

Parliamentary Contributory Superannuation Fund — Report, 1998–99.

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

Baw Baw Planning Scheme — Amendment C9.

Casey Planning Scheme — Amendment C5.

Geelong — Greater Geelong Planning Scheme — Amendments R224, R244 and R251.

La Trobe Planning Scheme.

Mornington Peninsula Planning Scheme — Amendment C14.

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 — No. 11.

Wildlife Act 1975 — No. 10.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 11.

RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL

Second reading

Debate resumed from 1 March; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. PHILIP DAVIS (Gippsland) — It is with great pleasure that I contribute to debate on the bill. I will refer to its key aspects and make some general observations on its merits.

The bill amends the name of Renewable Energy Authority Victoria by replacing the word 'renewable' with 'sustainable'. It is interesting to observe that the more things change, the more they stay the same. The initial legislation, the predecessor to the principal act, constituted a body entitled the Victorian Solar Energy Council. That legislation, the Victorian Solar Energy Act 1980, was repealed in 1990, and the Renewable Energy Authority Victoria Act was implemented. Renewable Energy Authority Victoria subsequently took the business name Energy Efficiency Victoria to present itself publicly as a trading entity. I guess that business name is the authority name with which most Victorians would be familiar.

That highlights an important aspect of public policy debate. Many issues pertinent to parliamentary discussion today have been on the public, political and parliamentary agenda for many years. In this case there is evidence of initiatives originating in the days of the Hamer government when the Victorian Solar Energy Council Act was introduced.

It is important to understand the subtle change in direction of the proposed new authority as reflected in its changed functions, focusing on greenhouse gas emissions. That is important in the context of the international agreements the commonwealth government has been a signatory to, including the Kyoto agreement.

Clearly on a national level greenhouse gas emission targets need to be achieved. While the base year is 1990 and the target for greenhouse gas emissions is a level not exceeding 108 per cent of 1990 levels by 2012, on a national basis Australia is already exceeding that level. Governments of all jurisdictions will have to make a significant investment of resources to ensure such targets can be achieved, if it is possible to achieve them.

I note that, notwithstanding the existence of the Kyoto agreement, the United States has not yet ratified the agreement. My understanding is that the commonwealth government has indicated it will not formally ratify the agreement until such time as the United States does. We should all be concerned about that, given that the United States is the most significant and influential industrial country in the world. It has a heavy reliance on energy and is particularly reliant on its own energy resources.

The United States economy is far less exposed to the impacts of global policy than is that of Australia, given our dependence on export markets and particularly given that Australia's domestic manufacturing industry advantage is built on a low-cost energy structure

compared with those of most other countries. Australia has an energy advantage, with abundant oil, gas and coal reserves in Victoria in particular.

Our economy has been developed on the basis of industries being competitive internationally, taking advantage of low-cost energy. Any world energy policy impacts will eventually flow back to Australia and will have a deleterious effect on the sustainability of industry. It is all very well to have a sustainable energy authority, but we should be mindful that sustainable industry is just as critical in light of the economic impact of such initiatives.

Moving on to the functions of the bill, I note that amendments will effectively remove the research and development brief that was previously part of the objects and functions of the bill. Clearly Energy Efficiency Victoria has moved away from that area of activity in any event, and there is no great ambition for that to be a continuing function. Others are capable of doing that.

One interesting proposal the government has sponsored in the bill is to enable Sustainable Energy Authority Victoria, as it will become known, to lend or grant up to \$25 000 per annum without ministerial consent — in other words, to facilitate a grant or loans program allowing the authority to sponsor sustainable energy initiatives.

That gives the authority the opportunity to complement some of the greenhouse gas emission work the commonwealth government has already initiated. It is funding programs aimed at the adoption of solar electricity generation. Such initiatives could be facilitated by the state, and I understand the government has made a commitment to funding such grant and loans programs.

The opposition is interested in pursuing one issue not revealed in the bill. It would be useful if during the course of debate the government could elucidate more specifically how the efficacy of programs proposed to be introduced through Sustainable Energy Authority Victoria will be monitored. There is a risk involved in investing in the renewable energy sector because to a large extent it concerns developing technologies. The technology of the industry may not be in common usage. People might have a bright idea but the premise for sponsoring initiatives might not be properly researched. A proposal could initially seem to be attractive but subsequently be found wanting.

It should be highlighted in debate if the government proposes to have a review or audit process to ensure

grants and loans are made only in the case of proven technology where the risk to the taxpayer is minimal, rather than risk taking being encouraged, with technologies that have no long-term, serious basis of adoption being invested in.

It is clearly the intention of the government to spill the board — that is, to replace all those serving on the board of Renewable Energy Authority Victoria with a new board as of 1 July. Presumably the minister wants to make those appointments on the basis of ensuring that the new board reflects the objectives of the new authority. While she may be doing that, she should have regard to the success of Energy Efficiency Victoria and the board that has been in place for some time. It has made a significant contribution to the state. If that is reflected in the government's indication that it will keep in existence through the authority the programs already implemented, I am pleased the minister has acknowledged that those programs have been a positive addition to renewable energy programs in the state.

The only remaining comment of significance I can make is that the additional \$17.5 million the government has committed to provide over four financial years is a relatively low amount given that the government has implied it will be the lead initiative in dealing with the greenhouse problem. I was surprised to hear that implied in the minister's second-reading speech, because many other areas of activity the previous government had been pursuing need to be pursued vigorously.

It is disappointing that as a result of the way the bill has been introduced, Parliament, and therefore the public, may conclude that the commitment is the sole initiative of the government to deal with the greenhouse problem. I would be pleased if the government would provide further illumination on what it intends to do on the greenhouse issue, because if that were the only initiative it would be inadequate.

Initiatives undertaken within Energy Efficiency Victoria will continue. However, other initiatives dealing specifically with greenhouse issues that were strongly supported by the Kennett government were also being carried on outside the renewable energy authority structure. They related to, for example, developing carbon sinks, taking the opportunity to accelerate forestry plantations for the purpose of tying up free carbon from the atmosphere.

During the course of the debate my colleagues will speak specifically about other opportunities that exist in the renewable energy sector. I conclude my contribution by advising that although the opposition

expresses a slight reservation about the bill and seeks clarification from the government on its broader proposals for dealing with greenhouse gas emissions, it does not oppose the bill.

Hon. E. C. CARBINES (Geelong) — I am pleased to join the debate on the Renewable Energy Authority Victoria (Amendment) Bill. The Honourable Philip Davis and other honourable members recognise there is increasing international scientific recognition of the impact of greenhouse gas emissions on climate change, which is leading to the assumption that they impact on global warming.

Five years of the past decade were the warmest on record in Australia, and this summer has been extremely hot in Victoria — especially on some days prior to Christmas and last week in this house. Geelong, in the electorate that I represent of Geelong Province, has had three years of drought conditions and water restrictions. Its water supply is currently at only 35 per cent capacity. There is increased interest across the world about the reduction of greenhouse gas emissions, and international, national and state governments need to take a leadership role in reducing greenhouse gas emissions.

The introduction of the Renewable Energy Authority Victoria (Amendment) Bill is the Bracks government's first step in ensuring Victoria plays its part in reducing greenhouse gas emissions. It makes good sense environmentally and economically. The government gave an election commitment to reform Energy Efficiency Victoria and establish a sustainable energy authority. The bill seeks to do that. Sustainable Energy Authority Victoria will build on the success of Energy Efficiency Victoria. A number of examples of that success have occurred in my electorate since I was elected last year. Last December the Minister for Energy and Resources opened its Geelong office. It was widely and warmly received by the Geelong community, particularly businesses, who were pleased to hear that if they took energy efficiency into account they could reduce their business costs by up to 25 per cent.

Last week the minister was again in my electorate, this time at Queenscliff, inspecting the site for the relocation of the Marine and Freshwater Resources Institute. The director of MAFRI announced that the new buildings will be constructed to maximise energy efficiency, which is extremely important. Even the local Young Men's Christian Association camp, Camp Wyuna, which is opposite the new MAFRI site, intends to incorporate educational activities on energy efficiency into its camping programs for young people. Energy

efficiency and sustainable energy is very topical in Geelong Province and is something on which the government is pleased to take a leadership role.

The bill is an important component of the election commitments made by the Bracks government to set greenhouse emission targets and pursue a comprehensive strategy to achieve them. As the Honourable Philip Davis accurately pointed out, unlike Renewable Energy Authority Victoria, Sustainable Energy Authority Victoria will focus on the facilitation of energy efficiency rather than research. It will allow Victoria to go further than before by not only facilitating energy efficiency but also focusing on greenhouse gas emission reduction, which will have a tremendous beneficial effect on the Victorian economy. The authority will bring Victoria into line with New South Wales, which has its well-established and high-profile — it is known nationally — Sustainable Energy Development Authority.

I turn to the bill. Its purpose is to amend the Renewable Energy Authority Victoria Act by changing the name of the act and the name and functions of the authority. It will come into operation at the commencement of the new financial year on 1 July 2000. Clauses 3 and 4 provide for the substitution of the name 'Sustainable Energy Authority Victoria' for 'Renewable Energy Authority Victoria', and tidy up relevant sections to reflect the new name.

Clause 5 provides for objectives of the new authority which differ from those of the previous authority. It states:

The objectives of the Authority are to facilitate energy efficiency and the development and use of renewable energy to achieve environmental and economic benefits for the Victorian community and to contribute to the reduction of greenhouse gas emissions.

Clause 5 also covers and expands on the provisions in the act by substituting new subsection 6(c), which will:

... facilitate the implementation of energy efficiency measures in all sectors of the Victorian economy including government, business and households ...

Sustainable Energy Authority Victoria will work actively with government, business, and households to secure and facilitate energy efficiency measures.

Proposed new section 6(f) seeks to expand the advice available to the Minister for Energy and Resources by inserting the words 'greenhouse gas issues'.

I note the concerns of Mr Davis about clause 6, which will allow the authority to lend or grant more than \$25 000 to a person or body in 12 months without the

consent of the minister. This important provision will allow the implementation of the goals of the authority and assist Victorians to make the necessary changes. Clause 6 increases the amount of capital required for agreements from \$100 000 to \$250 000. The amendment will allow business and industry to implement sustainable energy strategies.

Clause 7 replaces the existing transitional provisions and creates a new board which will reflect the impetus of the new authority. I am pleased the opposition supports the bill because it is deserving of support. It is a win-win situation for Victorians — a win environmentally and a win economically — and it will serve Victorians well as we move further into the new century. I commend the bill to the house.

Hon. C. A. STRONG (Higinbotham) — The Renewable Energy Authority Victoria (Amendment) Bill is what I call a pea-and-thimble bill. Although greenhouse gases and energy efficiency are important issues, in essence the bill merely changes the name of the authority from Renewable Energy Authority Victoria to Sustainable Energy Authority Victoria — a major breakthrough in every way when advancing Victoria into the golden era of renewable and sustainable energy!

In explaining the change of name the Minister for Energy and Resources in her second-reading speech states that pursuant to a comprehensive strategy for greenhouse gas reductions and renewable energy systems the government will change the name of the renewable energy authority to Sustainable Energy Authority Victoria. That is amazing stuff! Although the bill finetunes the objectives of the new authority, they are little different from those of the previous authority. I paraphrase some of the other key issues raised in the minister's second-reading speech. She says that one of the major reasons for amending the principal act is to enable the government to clearly specify the greenhouse reduction objectives of Sustainable Energy Authority Victoria. The minister says that one reason for changing the name of the authority is to clarify the objectives of the authority and that the bill will be a signal to the community and industry that the government's intention is to lead Victoria to a sustainable energy future. We have missed out on the bright lights! The government also proposes to provide funding for the new authority of \$17.5 million over four years.

I do not say that this issue is not important, because renewable energy, greenhouse gas emissions and sustainable energy are extremely important. The challenges and threats associated with greenhouse gas

emissions are major issues facing Victoria and Australia. The greenhouse effect could have a multibillion dollar impact on the state. Victoria, the major manufacturing state in Australia, uses brown coal for the majority of its electricity generation, which has an adverse greenhouse effect. I repeat: this is a multibillion dollar problem for Victoria in particular because of the issues I have outlined and particularly because of our reliance on brown coal generation. Faced with this multibillion dollar impact on Victoria's economy, the government proposes a change of name of the authority and will add \$17.5 million over four years to deal with an issue that may have a significant impact on Victoria's economy. It is tokenism at best and is not anywhere near an appropriate response to a major problem.

I hope this is one measure among many others that the government will implement to ensure Victoria is not adversely affected by greenhouse gas emissions. Unless something significant is done our economy will be adversely affected by greenhouse emissions. But it also presents some opportunities.

Although I do not oppose the bill, which concerns a major issue facing the state, it is just tokenism and pea-and-thimble legislation. I implore the government to deal comprehensively with this major threat to our economy.

Hon. G. D. ROMANES (Melbourne) — I am pleased the opposition supports the bill, which does more than merely change the name of Renewable Energy Authority Victoria to Sustainable Energy Authority Victoria. The bill implements some of the major policy objectives of the Bracks Labor government to make some impact on the increasing greenhouse gas emissions that are important not only to the Victorian community but also to Australia and other countries. Evidence is emerging that the long-term temperature trends in Australia are consistent with global trends. In Australia the five-year period from 1995 to 1999 has been the warmest on record. There is a need to take action internationally.

In his contribution Mr Strong suggested that the doubling of funding for the new authority was tokenism. That is an interesting comment, given that the former Kennett government reduced the authority's funding every year from 1993 to 1998. I understand that at one point funding support for the authority fell to \$1.9 million. During that period the figure fell under the \$3 million mark.

The lack of commitment continued until 1998, when international interest in global warming was renewed in

response to the Kyoto protocol and other conventions, resulting in the need for a national greenhouse gas strategy. Only then did the former government lift its game. However, as the Honourable Chris Strong has said, the response has been inadequate because the problem is enormous, and its solution is critical to the future of the planet.

The current government's objective is to put more resources into Sustainable Energy Authority Victoria (SEAV) to enable it to facilitate a range of initiatives designed to achieve greater energy efficiency across every sector of the state. Those initiatives will not only reduce greenhouse gas emissions and the energy used by businesses, authorities and householders — or wherever people are using energy — but also facilitate the development of sources of renewable energy as alternatives to the fossil fuel on which Victoria heavily depends.

The focus of the authority will be on facilitation, not research. As I have said previously, there is a sense of urgency about the government's commitment to represent the interests of the people of Victoria by taking a strong leadership role on the issue. As with many other things in their lives these days, Victorians must change their thinking and behaviour when it comes to using energy. It is not a matter of the government throwing more money at the problem; we must look at the systemic causes of the problem to determine what can be done about it.

Mr Strong said that although the opposition supports the bill, it has some reservations about it, including its claim that the problem is too big to be solved just by, as he put it, renaming the authority and taking the other actions proposed by the bill. I agree that the issue is huge and that there is a need for urgent action. However, the government is taking a leadership role by spearheading the proposed moves.

In answer to Mr Strong's accusation that the bill is tokenism, I will outline some of the other greenhouse gas initiatives that the Bracks Labor government will deal with over the coming months and years with the assistance and through the facilitation of Sustainable Energy Authority Victoria.

The government is intent on developing greater consumer awareness of the benefits of using sound environmental products. Renewable Energy Authority Victoria (REAV) has done a lot of work on energy-efficient appliances; however, there is much more to be done. When reading the annual report of the REAV last night I noted that it has provided approximately 300 000 people with information about

energy-efficient appliances. However, I also noted that the authority estimates that \$850 000 in energy costs has been saved through the sale of energy-efficient appliances. Obviously there is a lot of room for improvement in getting the message out about how worthwhile energy-efficient appliances are, both environmentally and financially, from the consumer's point of view.

Another plank in the government's policy is to establish environmental guidelines for electricity retailers, including the annual reporting of greenhouse gas emissions and setting greenhouse gas emission benchmarks according to market share. It is important to know where greenhouse gas emissions are being created and to apportion some responsibility for addressing those issues.

From my reading of the February edition of *Electricity Supply*, the monthly magazine of the Electricity Supply Association of Australia, I am also aware of the recurring theme that the electricity industry itself has to begin to integrate national economic and environmental objectives and policies. In an article on page 11, Allan Gillespie, the chairman of the board, says among other things that:

... we must continue to improve technology to ensure that we produce the electric power needed with the fewest possible emissions.

That theme is repeated throughout the magazine.

The government will also support the development of carbon trading, which can generate significant additional funds for the planting of new forests — in other words, they will be paid for by industries that emit greenhouse gases. That initiative could contribute to balancing costs and benefits.

The government will require all energy companies to disclose as part of their billing information the amount of greenhouse gas they use in supplying energy. Before the former Kennett government sold it off in 1995, the Brunswick Electricity Supply Department was already doing just that. That was a local initiative taken by a local electricity authority that understood the importance of reducing greenhouse gas emissions. That local authority, which was owned by the former Brunswick City Council, had a strong commitment to energy conservation and reducing energy consumption. As part of making people aware of their role in reducing greenhouse gas emissions, the authority printed that information on their consumers' bills each two months.

The Bracks government will also advise consumers of the source of the energy they use, whether it is coal, gas, hydro or green power, as well as the amount of greenhouse gas pollution associated with their energy use. In the early 1990s some of the customers of the former Brunswick electricity supply department paid into a fund established by the authority to promote solar energy as part of the commitment to reducing greenhouse gases.

People wish to know the source of power and its effects on the environment. The government has a policy of establishing a greenhouse rating scheme for commercial buildings, something with which Renewable Energy Authority Victoria (REAV) has been involved and can be further developed.

Government policy is also to assist government departments to identify and harness cost-effective opportunities for improving energy efficiency, with a target of reducing energy use in Victoria in government buildings by 15 per cent by 2005. If anybody thinks that is an impossible target, I am reminded of something that happened in my province a short time ago when I attended the opening of the civic centre in Bell Street, Coburg, which is the centre for the municipality of Moreland. The centre was refurbished, redeveloped and expanded according to sustainable environment principles. Although 90 extra staff were relocated from the former Brunswick offices to Bell Street the design and construction methods used such as passive and active solar energy and other measures, mean the centre is now using less ongoing energy than was the case previously.

There was a commitment to saving energy and conserving much of the materials on the site. The design incorporated the use of recycled materials — that is, concrete, piping, timber and roofing. The policy is all about promoting those ideas and garnering a commitment from the various commercial, municipal and other organisations and agencies as well as individuals to become involved in trying to meet targets by reducing energy usage and therefore greenhouse gas emissions.

Another commitment of the Bracks Labor government is to upgrade the Energy Small Business program to help companies reach world-class standards in energy use which will reduce costs, improve productivity and reduce greenhouse emissions. The economics are obvious.

It is planned to introduce an Energy Smart Homes program in conjunction with local councils to implement improved energy efficiency standards for

new homes and renovations. That is important in tackling the problem individuals have. We all know how dearly people feel about their homes and how much activity is going on in the building sector. Much has to be done in that area, and I fear some ground may have been lost over the past few years through deregulation in the building industry. Important initiatives, such as including energy-efficient insulation in new and renovated houses, may have been dispensed with by the building industry. Yesterday I was talking with a young gentleman from the building industry who said most developers are no longer putting such insulation into houses. He said he understands the resulting enormous difficulties in paying for heating and cooling because attention has not been given to the proper siting of buildings to take advantage of passive solar energy. Where such insulation has been dispensed with it will cost more to heat and cool those homes. He was alarmed at the performance standards that slip through the net that will not deliver the appropriate outcomes.

The government is also committed to expanding the Green Power program to facilitate the generation of electricity from renewable resources and to stimulate economic growth and jobs in those industries. We all know about wind power generation and other programs. Targets for the consumption of green power are not only being driven federally but also by the Victorian government. The Victorian government has made a commitment to its greenhouse gas reduction responsibilities by its intention to examine the facilities being developed for the 2006 Commonwealth Games to see how energy can be conserved.

Mr Strong referred to monitoring grants and suggested that money may be given away for little outcome. There is an understanding by any government that grants, subsidies and assistance of various kinds should be targeted, and one should know programs will deliver what they set out to achieve.

Sustainable Energy Authority Victoria will be responsible for developing and administering the Solar Hot Water System Grants program, which will provide up to \$15 million over three years for people seeking to switch to solar residential hot water systems. It is proven technology and is cost effective over the long term if people receive assistance up-front to invest in it. The Bracks Labor government will contribute substantially in that area. I assure honourable members that where the technology is proven and demonstrated the outcomes will be cost effective.

This is a substantial step forward and an important commitment that the Bracks Labor government is

making to the reduction of greenhouse gas emissions in the state. It is a commitment that can be measured over time.

Even more resources than the additional \$17 million allocated by the government will need to be provided. The community cannot afford to ignore the commitment or to be mealy-mouthed, and must press on to find out as much as possible about how the behaviour of people can be influenced to bring about change and to contribute to a better environment not only in Victoria but throughout the world.

Hon. P. R. HALL (Gippsland) — I shall make only a few comments on the Renewable Energy Authority Victoria (Amendment) Bill. I note that the present Renewable Energy Authority Victoria will be renamed the Sustainable Energy Authority Victoria. Notwithstanding the comments of the Honourable Glenyys Romanes about the extension of existing programs the present authority had been undertaking for some time and the extra funding committed by the government to the new authority's work, which is fine, no-one has explained why the authority title needed to be changed. Is it, perhaps, a token change of name?

I was prompted to contribute to the debate because much of the second-reading speech and the new objectives of the authority refer to greenhouse emissions. The second-reading speech talks largely about Australia meeting its greenhouse targets and addressing some of the carbon dioxide emission targets in Australia. The area where I live and which I represent, the Latrobe Valley, has 85 per cent of Victoria's power production that is generated in large part by brown coal-fired power stations and one small gas power station. The power stations are often blamed for being among the worst contributors to greenhouse emissions. I shall also comment about what is happening in the Latrobe Valley and Gippsland in general about developing new renewable energy industries.

The operators of Victoria's brown coal-fired power generating stations in the Latrobe Valley take their environmental obligations seriously. In recent years they have adopted many positive measures to address greenhouse emissions. I can best summarise their progress by referring members to a report in the *Latrobe Valley Express* of 9 September 1999, which states:

Latrobe Valley's generators are ahead of schedule in their efforts to reduce greenhouse emissions and are expected to rate in the top 1 per cent in their class in a world efficiency rating system.

That claim was made by Professor Barry Dunstan, the group managing director of Energy Education Australia, when he addressed an emissions trading conference in Sydney. Professor Dunstan spoke about the greenhouse challenge program document, to which all the power generators in the Latrobe Valley were signatories. He said they were far ahead of the schedules proposed in that challenge.

According to the press article, at the conference Professor Dunstan argued about:

... the merits of voluntary programs for greenhouse emission reductions over the current move towards legislated measures including emission trading.

Therein lies an important issue about greenhouse emissions for the consideration of the Victorian government. Will it take the legislative approach to require enforcement of emissions or will it expect a voluntary reduction of greenhouse emissions? If it takes the legislative track, extreme difficulties will be imposed on some of the brown coal power generators in Victoria and throughout Australia in meeting their targets. That issue was well canvassed at the Kyoto international conference. The government should tread carefully, particularly with Victoria's power generators, when it considers the means of reducing greenhouse emissions. It should consider whether a legislative or voluntary approach would be the better path to take.

I agree with Professor Dunstan's submission to the Sydney conference to which I referred earlier that more will be achieved by taking the voluntary approach and by the government assisting all forms of industry to reduce greenhouse emissions rather than requiring them legislatively to do so. A process of monitoring their achievements would need to be put in place, but the government should pursue the voluntary approach.

The power generating companies in the Latrobe Valley are committed to achieving improved environmental objectives and the reduction of greenhouse emissions: that commitment has been at the forefront in their thinking and planning in recent years.

I refer also to the developments in the renewable energy market across Gippsland, but specifically in the Latrobe Valley. Victoria will always rely heavily on brown coal power stations for its electricity. The need for additional markets from renewable energy market sources in the years ahead will become evident. In that regard a number of enterprising people in the Latrobe Valley have put their heads together and thought about the impact they could make on the renewable energy market. I refer to another article in the *Latrobe Valley Express* of 12 August 1999, which states:

A Latrobe Valley consortium looks set to soon land a \$15 million contract, paving the way for large-scale wind turbine manufacturing and a potentially massive jobs injection in the region.

... Renewable Energy Australasia Pacific (REAP), Dutch firm Lagerwey and local company Siemens have signed a heads of agreement which ... will see the local manufacturing of wind turbine generators ...

for local use and, potentially, for export. At the signing of the heads of agreement in August 1999 it was estimated that if the industry gets off the ground it could create 600 to 700 jobs in the next three to five years. It would become a significant new Latrobe Valley industry.

Progress has been made and success achieved on that project. I refer to the 15 November 1999 edition of the *Latrobe Valley Express*, which reported the merger of a Brisbane-based company, Primergy, with the Morwell-based REAP to oversee the manufacture of wind-generated turbines in the Latrobe Valley. Last November the company announced it had secured its first major contract through a \$50 million order from Japan. The deal had been brokered by a consortium member, Lagerwey. The initial order is for the construction of 50 turbines. It is ironic that the new industry will eventually compete with the brown coal-based power generators. The company is doing well.

Recently the shire granted a permit for the company to erect a wind-monitoring tower on The Ridge, a well-known site in Morwell that overlooks the Morwell open cut and on which the headquarters of the former State Electricity Commission of Victoria was sited. There has been significant movement in the Latrobe Valley in the use of wind turbines to produce power.

Before concluding I will mention another development in wind power in South Gippsland. For many years it has been mooted that the hills above Toora in South Gippsland are an ideal place for wind-powered turbines. An article in the *Star* of 7 March states:

Stanwell Corporation is expected to lodge a planning application with the South Gippsland shire this week in its bid to get the windfarm turbines turning.

Council has shown its support for the project, which would see the construction of 12 massive towers in the Toora hills which would generate enough electricity to power much of South Gippsland.

The cost of the project is tipped to be in the order of \$25 million ...

I hope that Primergy, the company in the Latrobe Valley to which I referred, can manufacture some of the turbines for the significant windfarm development that

the Stanwell Corporation proposes to undertake in South Gippsland.

It is an exciting era. As I said, although Victoria will continue to rely very much on its brown coal-based power stations, it will increasingly move to other forms of renewable energy. I am pleased to say that Gippsland is well placed to capitalise on the potential of wind-powered energy.

With those few words, I wish the bill a successful passage.

Hon. G. W. JENNINGS (Melbourne) — I support the Renewable Energy Authority Victoria (Amendment) Bill. In his contribution the Honourable Peter Hall challenged the government to identify more clearly how its intentions will be implemented by the bill, which will change the name of Renewable Energy Authority Victoria to Sustainable Energy Authority Victoria.

I direct the attention of the house to the importance of the word 'sustainable' and its relation to both resource use and viable economic activity. The second meaning has not been a feature of the debate — that is, identifying the viable long-term economic interests of Victoria in the energy sector.

The Honourable Peter Hall referred to the situation the people of Victoria are confronted with in dealing with their ongoing reliance on electricity generated through brown coal. He rightly stated that in many ways and for many decades Victoria has been beholden to brown coal for its electricity generation. Anybody who understands the Victorian economy, including the cost of generating electricity and its impact on the Victorian economy as a whole and on industry and technological development in particular, will acknowledge that for decades the state has been very much at the mercy of its reserves of brown coal. That natural resource, which has been a blessing for the state, has been used effectively and efficiently. We have become world leaders in using emerging technologies from around the globe to produce electricity efficiently. But sometimes that same blessing can be a burden when it comes to addressing the fundamental question of restructuring in the energy sector on a global scale. Unless we effectively manage the transition from non-renewable to renewable resources, one of Victoria's natural strengths has the potential to be one of its weaknesses. That is fundamental to the debate.

I enter the debate in defence and support of the government's intention to change the emphasis of the program from being merely renewable to including the

concept of 'sustainable' in both its meanings — that is, an efficient and viable use of resources and ensuring the long-term viability of industry and energy generation in Victoria.

I record both the context and the dimensions of an issue that for some time has been identified as being of global significance for all responsible governments and world bodies associated with environmental standards and development. Based on the history of the past two decades, it is one of the weightiest issues that any government or community will be dealing with in the future.

According to the Bureau of Meteorology, the 1990s has been Australia's warmest decade in the 90 years since reliable records have been kept. Indeed, five years during the 1990s were in turn the warmest on record — that is, 1990, 1995, 1997, 1998 and 1999. That long-term trend is consistent with global trends recorded throughout the world. On a global scale 1999 was the fifth warmest year on record. On average the temperatures at the end of the 1900s were nearly 1 per cent higher than those at the beginning of the century.

That is a clear indication of the dimension of the issue, which in today's debate has not been as contested as it has been in the past. I am pleased to note that both sides of the house recognise that the issue is significant for Victoria, Australia and the globe and that the opposition is supporting the spirit and intent of the government's initiatives.

The history of the international conventions to which Australia is a signatory was identified starkly at the Rio summit in 1992. The Victorian government is an enthusiastic proponent of Australia meeting its obligations in the area. At that time the United Nations established a convention on climate change, which has been the basic vehicle by which the issue has been pursued internationally ever since. The framework created in 1992 has been added to by a series of conventions and conferences. The most significant was the Kyoto conference, held in December 1997. Targets were set for individual countries, depending on their state of economic development. An attempt was made to facilitate a shift towards all countries meeting their global warming obligations.

In some ways Kyoto did not drive the nail home on many of the undertakings and commitments. A conference held in Buenos Aries in November 1998 tried to pursue the issues and arrive at a logical approach by breaking the issues down to various parameters and trying to consolidate specific initiatives under a number of portfolio areas, such as land use,

forestry and flexibility mechanisms such as emission trading and clean development. It looked at the capacity for exchange between highly developed societies that operate under highly developed economic models and societies in the developing world to see how the developed world could assist the developing world. That led to the development of a series of action plans that became known as the Buenos Aires plan of action. A two-year deadline was set for finalising outstanding issues that had been identified at Kyoto, including emission trading and joint implementation activities, and there was further refinement of the proposals. The focus was on how the issues could be implemented on a global scale.

The United States of America, obviously a key player in the world economy, for the first time responded enthusiastically, and that enthusiasm in the global exercise led to a substantial breakthrough by assisting all parties to come to terms with the issues.

The support of the United States may feature more prominently this year in the body politic of the United States of America where one of the presidential candidates, Al Gore, has been an enthusiastic supporter of the issues for some time. An issue of substantial concern in all communities may thus be elevated in the public domain. I optimistically look forward to the issue being a prominent feature of the presidential campaign during the course of 2000.

A conference held in Bonn at the end of last year identified more initiatives and took the issue further. The government anticipates it will culminate in a further meeting of parties at a conference in November at approximately the time of the presidential election in the United States.

The government believes the issues pursued through the introduction of the bill and the emphasis of the program that will flow from its introduction will demonstrate to Victorians and Victorian industries that the government is concerned with not only immediate impacts but practical and cost-effective long-term solutions rather than quick fixes or amelioration that occurs at the margin.

Some time ago I read a book by Amory Lovins and others known as 'Factor Four', which discussed the efficient design of facilities and products and the use of energy. The fundamental thesis of this worthy book was that efficiency goes back to the basic principles of design being the solution rather than tinkering in the margins of what is current practice. There are many examples in refrigeration, which is an inherently inefficient system that we have adopted, or with motor

vehicles, which are also extremely inefficient, that illustrate the fact that the best way to address energy use is to go back to fundamental redesign.

That was the case with the sorry history of the Sarich engine, which had a degree of notoriety in the 1980s. It improved on the internal combustion engine that had been a feature of all car manufacturing throughout the 20th century. However, unfortunately for the Sarich engine, it is unlikely to achieve full-scale commercial application because its degree of efficiency is incremental and marginal compared with the fundamental efficiency that is anticipated in the emerging technologies in the car industry, such as the hypercar, which reduces energy consumption by a number of times rather than by a percentage. Even worthy initiatives such as the Sarich engine may fall by the wayside, and as a global community we can be pleased that future generations of car manufacturers will base production on the systems that improve energy efficiency in a substantial way rather than in a marginal way.

The Bracks Labor government hopes to create that culture of enthusiasm and motivation in Victoria by looking at the issue in the context of sustainable research and ongoing viable economic activities for the state. That is the cultural change the Bracks government seeks to obtain and promote.

That is not to say that the outgoing mechanism that has served Victoria well since 1990, the Renewable Energy Authority Victoria, did not have its virtues. It played a significant role as a proponent of efficient energy use and in promoting the development of renewable energy technology in this state. Left to its own devices one would anticipate that the initiatives undertaken by Energy Efficiency Victoria, the former Renewable Energy Authority Victoria, would lead to a reduction of 2.6 million tonnes of carbon dioxide emissions over the next 10 years, and that contribution should not be ignored in the context of this debate. It should be acknowledged and applauded.

It is also worthy of note that the incoming Labor government recognises the initiatives of the outgoing government. In August 1998 the former government responded to the global warming issue by releasing Victoria's greenhouse response action plan, which acknowledged that the Kyoto target was a fair but challenging one.

The response identified a number of initiatives that were supported financially by the former government in a significant way. Some \$15 million was spent each

year on initiatives to reduce greenhouse emissions, to enhance greenhouse sinks and to plan for the future.

Three initiatives were funded under that scheme. The first was Replanting Victoria 2020, which aimed to better understand and extend Victoria's greenhouse sink capacity and consisted of four components: a revegetation program, establishing plantations, reforestation and carbon tracking. The Energy Smart Business Cascade program spread the message of energy efficiency throughout the business supply chain. The Greenpower Accreditation and Facilitation program monitored the purchase and delivery of green power by energy providers. That accreditation scheme aimed to build consumer confidence in available green power products.

The Bracks Labor government wants to go on record congratulating the outgoing government on its foresight and initiative in making those commitments and undertakings. The best estimation is that those measures plus other measures implemented under those programs have the capacity to save the globe 2.6 million tonnes of carbon dioxide emissions over the next 10 years.

The government is reinvigorating and reviving enthusiasm for the issue. The priority of government activity is to ensure that the government is not just a passive observer of research and technology but an active proponent in driving such issues further. The outcome of the legislation will be a far greater focus on the facilitation of energy efficiency and the development and use of renewable energy rather than merely research into such issues. The government sees the importance of a renewed focus on the contribution of the authority to the reduction of greenhouse emissions as a major policy objective.

The government will revise the objectives and functions of the authority to encompass the directions outlined in the government's policy commitment and streamline some administrative processes — for example, those that apply to the administration of grants under the scheme and that can be administered by the body itself.

The amendments introduced today will enable that important work to be progressed. I take this opportunity to respond to what was in some ways a challenge laid down by the Honourable Philip Davis regarding what activities the government will bring to this field of endeavour to build on the work being done by Renewable Energy Authority Victoria, soon to be replaced by the Sustainable Energy Authority Victoria. The government's commitments can be summarised in part by the commitments Labor put to the people of

Victoria at last year's election. A key number of initiatives were identified to add to the good work that has been undertaken up until now. Those initiatives fall into the following categories, as set out in the government's election policy commitment document:

Develop greater consumer awareness of the benefits of sound environmental products.

Establish environmental guidelines for electricity retailers including annual reporting of greenhouse gas emission and setting greenhouse gas emission benchmarks apportioned according to market share.

Require electricity retailers to produce greenhouse gas reduction strategies to achieve a reduction in per capita greenhouse gas emissions.

Support the development of carbon trading, which can generate significant additional funds for the planting of new forests, paid for by industries that emit greenhouse gases.

Require all energy companies to disclose, as part of their billing information, the amount of greenhouse gas produced in supplying energy.

Consumers will be advised of the source of their energy (coal, gas, hydro, or green power) and the amount of greenhouse gas pollution associated with their own energy use.

Establish a greenhouse rating system for commercial buildings.

Assist government departments to identify and harness cost-effective opportunities for improving energy efficiency, with a target of reducing energy use — —

Hon. K. M. Smith — You're not reading this, are you?

Hon. G. W. JENNINGS — In this instance, on this page, I am.

The ACTING PRESIDENT
(**Hon. C. A. Strong**) — Order! Ignore the interjection.

Hon. G. W. JENNINGS — It is important for me to be comprehensive in responding to the challenge laid down by the Honourable Philip Davis regarding what the government intends to do. The government will:

Assist government departments to identify and harness cost-effective opportunities for improving energy efficiency, with a target of reducing energy use in Victorian government buildings by 15 per cent by 2005.

Upgrade the Energy Smart Business program to help companies reach world-class standards in energy use which will reduce costs, improve productivity and cut greenhouse gas emissions.

Hon. Philip Davis — This is a direct take from your policy statement.

Hon. G. W. JENNINGS — That is how I introduced the subject — by reminding the house that the undertakings the government has made — —

Hon. K. M. Smith interjected.

The ACTING PRESIDENT

(Hon. C. A. Strong) — Order! Debate will be through the Chair.

Hon. G. W. JENNINGS — Mr Acting President, I appreciate your assistance but, through you, I would like to indicate to the house that it is the intention of the government to satisfy all its undertakings — —

Hon. K. M. Smith — All!

Hon. Philip Davis — I am glad that is on the record.

Hon. K. M. Smith — You are on the record a lot, Gavin. We love it!

Hon. G. W. JENNINGS — I enjoy the opportunity to go on the record and to engage with the opposition in working through the important initiatives the government is bringing into play in the state of Victoria and making sure the opposition shares the government's enthusiasm for the introduction of those new programs. The specific initiative I would like to highlight is the program that the government will be administering to support the introduction of solar hot water services within Victoria.

Hon. Philip Davis — That is what the bill is about.

Hon. G. W. JENNINGS — It is an important undertaking that the government is adding to — —

Hon. M. M. Gould interjected.

Hon. G. W. JENNINGS — That is the challenge. The Honourable Philip Davis challenged me to say what the government is going to do, but when I responded — —

Hon. Philip Davis — On a point of order, Mr Acting President, honourable members have listened to Mr Jennings reciting from copious notes. I understand he was reading directly from a transcript of ALP policy statements. Given that the bill relates specifically to the facilitation of energy grants, my point of order is that the question asked what the government was going to do, apart from the modest initiative introduced by the bill.

The ACTING PRESIDENT

(Hon. C. A. Strong) — Order! It is clearly accepted practice in the house that members do not read from

notes. They can refer to notes and can canvass any issues they desire. There is no point of order, although I advise the member to paraphrase — to use his own words and not read from notes.

Hon. Philip Davis — Good ruling!

Hon. G. W. JENNINGS — Mr Acting President, I appreciate the point. I have no problem with that. I am happy to turn the page over and to respond to the Honourable Philip Davis by saying the government is happy inside the house and outside the house — in any context — to clearly spell out the undertakings it will pursue and the initiatives it will take to ensure a culture, not only in government programs but across the state, that reflects an understanding and appreciation of the breadth of the issue and its importance to the Victorian economy. The issue will not be swept under the carpet.

I may have erred on the side of being too elaborate in my response to the question. I thought there was a requirement in the house — —

Hon. K. M. Smith interjected.

Hon. G. W. JENNINGS — I am keen to answer questions in this chamber, as honourable members would probably appreciate. The importance of the second-reading speech should not be ignored. The example given earlier by the Honourable Peter Hall about the initiatives being undertaken in the Latrobe Valley that will see the manufacture of wind turbines with a capacity for them to be exported internationally is the type of economic activity and industrial undertaking the government is enthusiastic about supporting in Victoria, to facilitate export opportunities for the state's economy.

In a former incarnation I was associated with members of the trade union movement in the Earth Worker organisation, which did whatever it could to facilitate the development of wind turbine manufacture in the Latrobe Valley. It has the potential to be a significant employer and to generate economic wealth for both the region and Victoria. Through that organisation, and together with some of my colleagues in the Moreland City Council, I played a role in exploring whether there were opportunities for synergies to be developed within the City of Moreland and whether a component manufacturer would support such development in the city and in the Latrobe Valley. Moreland council has a reputation for and history of supporting renewable and sustainable energy use and economic activity in Victoria. That was another occasion on which the trade union movement and local government demonstrated their commitment to and enthusiasm for sustainable

energy use based on sustainable economic development in Victoria.

Material gathered indicates that since 1996 significant job growth has occurred in the renewable energy and sustainable energy sector in New South Wales. The growth is estimated to have been 20 per cent per annum, which is way in excess — five times — of the natural economic growth rate in that state. Since 1996 more than a thousand jobs have been created. It is anticipated that with a similar culture and enthusiasm prevailing and with specific programs being supported by the proposed Sustainable Energy Authority Victoria, the same economic activity and job growth could occur in Victoria. It is also anticipated that approximately three-quarters of such jobs could emerge in regional Victoria.

Today the house was given an example of what is happening in the Latrobe Valley. The government believes it can replicate initiatives already outlined in respect of Geelong and other regions to make a significant contribution not only to the Victorian economy but also to Australia's export potential, which will have a significant impact on rural and regional Victoria.

All honourable members would appreciate that that is a major priority and emphasis of the Bracks Labor government. It is one of the reasons the government made the extensive commitments I have referred to, initiatives that will bear fruit in the field and that underpin the spirit, intent and application of the bill. That is why I am an enthusiastic supporter of the legislation. I commend the bill to the house.

Hon. E. G. STONEY (Central Highlands) — I wish to add a few words in the debate on the bill, having some knowledge of renewable, sustainable and alternative energy, which in my book are close to being one and the same thing.

Hon. R. A. Best — And which occur on your property.

Hon. E. G. STONEY — And which occur on my property. Thank you, Mr Best. I found the second-reading speech extraordinary because unless one reads it carefully it appears as though the new Labor government has discovered for itself alternative power and renewable energy. Listening to the Honourable Glenys Romanes it almost sounded as if the new Labor government has invented alternative energy. As Mr Philip Davis clearly pointed out, the official movement started back during the time of the Hamer government in the 1980s. I acknowledge the

statement by Mr Jennings that the Kennett government continued it and improved on it.

The second-reading speech also claims credit for future employment opportunities in country Victoria. The speech reads as though that will all happen after the bill is proclaimed. That was reinforced by Mr Jennings. The second-reading speech states:

The development of renewable energy is also expected to provide employment opportunities in regional Victoria. It is estimated that up to 75 per cent of jobs created in developing Victoria's regional renewable energy resources would be local jobs.

However, I assure the house that the industry has been around for at least 20 years. Many companies in both Melbourne and rural Victoria have created an important alternate renewable and sustainable energy industry. I have a print-out of a few of those, some of which are reliable companies that operated in the 1990s. I cannot say whether they are still in operation. That proves that the industry is already significant. There are companies in Wodonga, Colac, Shepparton, Surrey Hills and Bairnsdale. Going Solar in North Melbourne is a well-known company, as is Solar Rays in Shepparton. There are also companies in Moe and Leongatha in Mr Hall's electorate and Wandong in the electorate represented by Mr Craig and me. Solar Charge, of Martin Street, Gardenvale, is also a very well-known company. I make the point again that the industry has been firing for 20 years and is going from strength to strength.

I will explain to the house the practical edge of alternate, renewable and sustainable energy as it applies to the end user. I am talking about exploiting things such as solar power, micro-hydro power and wind generation. Mr Hall spoke about the larger end of that market, but I can assure the house that at the smaller end of the market an individual household can have a windmill, and if it is in a windy position can successfully charge batteries. Some of the combinations are supplemented by diesel or petrol generators. There are also applications such as the production of methane at rubbish tips, which is usually more a corporate matter and is often run by local shire councils. However, it is possible to run a small household on alternatives to mains power. At this point I declare a personal interest in the issue. I have built and own a house that is not on mains power because it is 20 kilometres from the mains system.

We have fridges, a deep freeze, a dishwasher, two computers and many lights and we run them successfully with a mixture of micro-hydro and solar power. We supplement those power sources with a

small generator when it is cloudy, as occurs in the mountains from time to time, and the creek is low.

Over many years we have dealt with some reputable suppliers. At Platypus Power, based in my electorate at Bright, Peter and Sharon Barrett have invented a micro-hydro system that uses small quantities of water very efficiently. We purchased that system, and it is magic so long as there is sufficient water in the creek. It charges batteries in combination with the solar panel. It uses diodes and sophisticated computer systems to balance the two, keep the batteries filled and warn us if they are getting down. Platypus is a proactive company. A newsletter from Platypus refers to the Australian Greenhouse Office, which has introduced a photovoltaic rebate program — a federal government scheme that will allocate \$31 million over four years. The newsletter states that the program is administered in Victoria by Energy Efficiency Victoria.

Some earlier speakers have alluded to the Victorian and federal government programs that encourage the use of solar hot water systems. An Adelaide company, Beesley, uses solar power supplemented by alternative sources. Selectronic Components Pty Ltd have produced 'the most sophisticated and innovative Sine Wave inverter to be manufactured in Australia'. I own one and it is first class. It produces clean power suitable for modern computers, dishwashers and other electronic equipment. Power waves from generators vary and can damage electronic and sensitive equipment. The company, based at Bayswater, has an after-hours and holiday service. If your power systems fail and you have a freezer you cannot be waiting around. They fix things on the spot. When I had the misfortune of having a breakdown over a New Year period I was satisfied with the service. Such new companies in Victoria are not only keeping up with the times but are at the cutting edge.

I turn briefly to the former Energy Victoria, now Energy Efficiency Victoria. I dealt with the agency when it was situated in Victoria Street; it is now in Spring Street. The staff are most helpful and provide energy information not just to people in remote areas but to every household in Victoria. I visited their office just before lunch and collected some of the brochures. Many honourable members are familiar with the star energy rating system for fridges and freezers. Energy Efficiency Victoria actually names the companies and gives them stars so that energy users have something tangible to go on. The organisation produces brochures on clothes washers and driers, dishwashers, gas water heaters, fridges and freezers and energy-efficient house designs, and gives advice on how best to insulate a house.

The agency gives advice on the most efficient way for a house to face. In my case it is 4 degrees west of north, but it depends on the latitude. I have double glazing, which is an important component, as is insulation. I am concerned that some builders may stint on insulation in houses. Energy Efficiency Victoria provides advice on keeping out drafts, heating and cooling and solar hot water systems, which is a great idea because the system can be supplemented from other power sources. Advice is also given on how to save on energy bills, and on renewable energy power systems.

I have made the point that this bill is not a new initiative, and that Energy Efficiency Victoria provides an important service for energy saving and greenhouse emissions. Therefore, I do not oppose the bill.

Hon. B. W. BISHOP (North Western) — I will add further issues to those raised in the broad debate that has occurred so far. My colleague Mr Stoney hit the nail on the head when he said that the bill is about renewable and alternative energy. I do not want to canvass the issue of who was first and the politics of who did what. Instead, in a practical sense, I will look at different issues.

The debate so far underpins the importance of a reduction in greenhouse gas emissions, which every speaker so far has supported. The best way to do that would be to eliminate emissions of any sort. Although that is not possible, we can make substantial improvements. One way is to adopt carbon credits to combat greenhouse gas emissions. In the top half of the electorate that Mr Best and I represent is a government organisation called Lower Murray Water. It services the domestic and industrial requirements of waste water, sewage, taps and toilets of the communities from Mildura to Swan Hill and from Kerang to Koondrook. It has a water treatment plant at a site at Koorlong, some kilometres out of Mildura, on which it has planted 185 000 trees. It is a fantastic project that has been in place for a number of years. Its computer-controlled systems use water-filtration and water-delivery systems to pump waste water from the City of Mildura to the treatment plant. It uses world best practice in managing waste water. Although many of the trees were planted only a few years ago some are 8 to 10 metres tall. Lower Murray Water is adopting best practice to handle waste water and will get some return from forestry products. It is a good example of the carbon-credit market.

Given that the Kyoto conference drew public attention to the greenhouse issue there is a need for a practical and sustainable market. Work is being done on this issue, but more publicity is required so people realise

the benefits to be gained from joining the market, which is in line with the international approach to carbon credits.

Another example involves governments and environmentalists encouraging farmers to plant farm forestry. There is nothing wrong with that; it is an excellent way to go. Farmers might benefit in a number of ways from farm forestry through lowering the water table, utilising farm forestry products for furniture making — if they plant the right sorts of trees — and participating in the carbon credit market. I am sure that, given the right financial incentives and economic assistance, farmers in some areas would agree to lock up a proportion of their farms for tree planting. It all adds up to achieving a sustainable bottom line. That is why Victoria needs practical planning processes to ensure that it can move into the future with surety. It is also important to have a practical, sustainable carbon credit market.

While listening to previous speakers, I thought about the research that has been already done on alternative forms of energy — and the one that always springs to mind is solar energy. Mr Stoney lives in another part of Victoria, but when you live in the Mallee as I do you are conscious of the solar energy that is there to be used.

When the hot water service at my farmhouse gave up the ghost some years ago, I checked out the cost of solar systems as opposed to standard electric systems. While the solar energy system was much more expensive, the real attraction was the money that could be saved over time, together with the part it plays in looking after the environment.

I believe even more efficiencies could be achieved through the use of solar energy. I recall the old solar energy hot water plants we had when I was a kid, which had heating plates on the ground. Every time you went anywhere near them, it caused a problem: it seemed as though every time you kicked the footie, you broke a plate! Although they often burst in the frost, causing substantial difficulties, the earlier ones were a good try for their time. However, sophisticated systems are now available, and I bet they could be made even better. The plates are now placed on the roof, out of harm's way, and I understand there is less chance of them bursting. Society should be encouraging research into alternative forms of energy — and, coming from the Mallee as I do, I believe it should be looking at solar energy in particular.

I listened with interest to Mr Stoney's run-down on his home's use of solar energy. Home design is

tremendously important. When you consider not only how houses were designed and built many years ago but also how much more knowledge we bring to house design today, it is apparent that a great deal could be achieved if more research were done on designing homes that were purpose built to improve cooling and heating.

I can remember visiting Alice Springs where my daughter was working, and examining how the Flynn Hospital was designed to ensure it remained cool. The design was innovative, particularly for those times. We now have the opportunity to build on the research that was done in the early days by using the designs and materials we now have available. Fifty years ago few homes were insulated. Now we have many options, including putting batts in the ceiling, blowing insulation material into wall cavities or putting insulation sheets in the roof or in the walls. You can do different things with the colour and design of roofs to make your house cooler. You can also use an overhang design so that your house is cool whichever way it faces.

Technological advances have given us real opportunities to focus on alternative energy forms. I recall seeing a house with half-gallon demijohns of water embedded in the walls. The afternoon sun warmed the demijohns, the heat from which was transferred into the house during the night. Mr Stoney spoke about other sources that could be used, including methane and wind. Along with many honourable members I remember seeing wind-light systems in action in rural Victoria. They were reasonably efficient means of generating electricity in the days when the old battery systems were in use on many farms. Water is another well-known source of alternative energy. However, I will concentrate on solar energy because I live in a part of Victoria that has plenty of sunshine.

The opportunities are endless. A previous speaker mentioned the efficiency of the Sarich rotary engine. It is a great pity that the Sarich engine is not widely used in cars and trucks. While I was listening I was wondering how many cars would now have an internal combustion engine if the same level of resources had been put into developing internal combustion as were put into harnessing the uses of steam. When technology is well settled in an industry it is hard to break the mould. It is most important that we act now because we have the equipment and the people to put the results of all the research into effect.

I commend honourable members for the interest they have shown in the debate, which is shared out there in the community. I look forward to some practical leadership in the area because the development of

alternative and renewable forms of energy has become an important feature of our society.

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 honourable members from both sides of the house who contributed to the debate — the Honourables Elaine Carbines, Glenyys Romanes and Gavin Jennings on the government side and the Honourables Philip Davis, Chris Strong, Peter Hall, Graeme Stoney and Barry Bishop on the opposition side.

It is appropriate that the bill has been supported by both sides of the house. The Renewable Energy Authority Victoria Bill introduced by the previous Labor government in 1990 was also supported by the previous Liberal and National opposition parties, including the Honourable Bruce Chamberlain who became President of the Council.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

CORPORATIONS (VICTORIA) (AMENDMENT) BILL

Second reading

Debate resumed from 1 March; motion of Hon. M. R. THOMSON (Minister for Consumer Affairs).

Hon. C. A. FURLETTI (Templestowe) — The opposition supports the Corporations (Victoria) (Amendment) Bill, the need for which arises from the recent enactment by the federal Parliament of the Corporate Law Economic Reform Program (CLERP) Act, which took effect from yesterday.

The house will recall that in the spring sittings of Parliament cross-vesting legislation was debated. During that period considerable analysis and detailed investigation of the complex interface between federal and state laws was undertaken. The bill is another

example of the complexity that can arise in such legislation.

The expression ‘cooperative federalism’ that was raised during the last sittings is indicative of the rapport and relationship that is essential. At that time it was recognised that a number of areas of law that affected all Australians were appropriately federal law and administered by federal courts or, alternatively, by state courts, in particular at that time family law and corporations law were recognised as appropriate areas for the purposes of administration of justice.

Section 7 of the Corporations (Victoria) Act specifically adopts the federal corporations law outlined in section 82 as Victorian law. The hiatus has been discussed in this place on a number of occasions where the federal law is administered effectively as state law.

The CLERP act introduced a new level of responsibility and supervision in the complex areas relating to the regulation of corporations and with respect to securities. In particular, it affects fundraising by corporations, takeovers by and of corporations, accounting standards and directors’ responsibilities.

It is important to analyse the CLERP act to appreciate how this brief and relatively simple bill comes before the house and to appreciate its significance. The CLERP legislation has received wide approval from the business community and from business commentators. It was introduced after consultation between federal and state authorities by rationalising various areas of the law, such as the responsibility of directors in areas of fundraising. It had come to pass that the Trade Practices Act and at a state level fair trading legislation were being used for purposes other than those for which they were originally introduced.

Trade practice and fair trading legislation are broadly referred to as consumer protection legislation directed towards protecting users from unconscionable conduct and the like. To the detriment of a number of directors, this type of legislation was being used to take action against them for misleading or inaccurate statements in prospectuses irrespective of whether they were aware of or had any indication that the material was incorrect and inaccurate. Through those statutory provisions of the trade practices and fair trading legislation a form of strict liability of directors has developed due to the correct interpretation by the courts of that legislation.

The CLERP legislation provides a form of shield for those directors because it provides a so-called business judgment rule so that as from today directors will have the protection of the law if they make honest, informed

and rational business judgments that nevertheless turn out to be incorrect and investors lose their money. It transfers part of the risk back to the investors. It is up to them to make their own inquiries and caveat emptor applies regarding fundraising and the like.

Another initiative is the prohibition of the use of the legal system to delay and disrupt, and in some cases to abort, takeover bids. Until today it was possible to institute proceedings in the Supreme Court to challenge a takeover bid or to resolve disputes that arose in takeover bids before the end of the bid period. If those proceedings were taken the takeover bid could be delayed, extended and frustrated to a large extent.

I am confident that a large number of disputes were legitimate, and the only avenue to resolve those disputes was through the Supreme Court of the respective state. I am equally confident that a large number of disputes were possibly instituted to frustrate, delay or prejudice the bid by the takeover targets or other persons who may have been interested in the takeover.

The CLERP act reconstitutes the Corporations and Securities Panel, which is now the only forum for the resolution of takeover disputes during the bid period. It is relevant to make clear that the act relates to the bid period. By doing so, the jurisdiction of the Supreme Court of Victoria in that area is removed.

The effect of section 7 of the Corporations (Victoria) Act is that sections 659B and 659C of the CLERP act become part of the Victorian law and vary the jurisdiction of the Supreme Court. Although there is no requirement for legislation to give specific enactment to those two sections of the commonwealth provisions — because of section 7 of the Corporations (Victoria) Act — nevertheless they could be held to be inoperative because of section 85 of the Constitution Act. Hence there is a need to specifically refer that effect to section 85(5)(a) of the Constitution Act to satisfy and ensure constitutional validity of the commonwealth provisions in this state.

The opposition recognises the need to have consistency and uniformity in this type of legislation across Australia and other states have enacted similar legislation to section 7 of the Victorian corporations law — that is, it is taken to be a state law. However, Victoria is unique in that it is the only state that has a section 85 of the Constitution Act that requires specific reference to legislation that affects the jurisdiction of the Supreme Court.

The bill is brief and simple. In clause 3 proposed section 56A(1) provides that:

Except as otherwise provided by section 659B of the Corporations Law of Victoria, a person may not commence court proceedings in relation to a takeover bid, or a proposed takeover bid, before the end of the bid period.

It is envisaged in those circumstances that only the Australian Securities and Investments Commission (ASIC) and other public authorities will be able to take proceedings in a court and that all other disputes will be heard by the new Corporations and Securities Panel.

I hesitate to allow my contribution to pass without briefly commenting on the degree of hypocrisy shown by the government in its use of section 85 statements. Both government members now in the house are newly elected members and would not have heard what their colleagues had to say every time section 85 statements were made by the former government in second-reading speeches in this place. I urge particularly the Minister for Small Business, representing the Attorney-General, to read how the former government was besmirched and criticised when it introduced legislation that contained section 85 statements.

The bill is a classic example of the importance of including a section 85 statement in new legislation. On occasions section 85 statements are needed; this is one such occasion. I criticise the government for its hypocrisy in including section 85 statements in almost one-third of the legislation introduced since it took office.

Having said that, I state that the opposition supports the bill and wishes it a speedy passage so the CLERP act of the commonwealth can take full effect as proposed.

Hon. R. H. BOWDEN (South Eastern) — With Victoria's modern economy and the large and free flow of capital in its economic operations, it is important to have effective and understandable legislation and, to the best of our legislative construction, a degree of certainty so that important private sector investment decisions and resultant dividends that drive the economy can be made in an informed manner for the betterment of the community. In a modern economy such as ours the bill can facilitate that aim and enhance the performance of key investment sectors in society.

Certainty and uniformity in Australia are important, particularly because this country is a major trading nation. During the past few years other countries have made sizeable investments in various Victorian economic industries. Therefore it is important that

Victoria's legislation facilitate the continuing development of the state's economy and, consequently, our standard of living.

The purpose of the bill is to give effect in Victoria to sections 659B and 659C of the commonwealth Corporate Law Economic Reform Program (CLERP) Act so that a takeover bid for a corporation cannot be frustrated by proceedings in Victoria. In the past many takeover actions have been frustrated by objections launched through proceedings in the Supreme Court. The bill will substantially facilitate the aims behind investors making large capital investments.

Under its constitution the commonwealth is able to pass appropriate legislation to assist free enterprise in Australia. To achieve its desired goal of uniformity across the nation the commonwealth needs the states to pass complementary legislation.

The bill is small but important. Proposed section 56A will give effect to the intentions of the commonwealth and Victoria to standardise the Corporations Law provisions. Proposed section 56B addresses certain provisions of section 85 of the Constitution Act that will no longer be available to prevent the operations of legislation. It is necessary to ensure a holistic approach is adopted to legislation in support of the commonwealth's intentions. That is a good philosophical approach to be taken to the bill. The Corporations Law should be common across all Australian jurisdictions. It should be clear, plain and easily implemented so financial bids and takeovers cannot be frustrated by action in a jurisdiction such as the Victorian Supreme Court. The state is an important economic unit.

With those few words I support the bill. It is important that the investment community has predictability and assurances, that the legislative process is working and mechanisms are being put in place to achieve fair, transparent and well documented procedures that will enhance our national economy.

Hon. JENNY MIKAKOS (Jika Jika) — The Corporations (Victoria) (Amendment) Bill, which demonstrates the government's commitment to regulatory reform in the business and investment sector, relates specifically to the national regulatory framework for takeovers in Australia.

Firstly, I will make some general comments on the increase in the number of takeovers in Australia. After the frenzy of the 1980s and early 1990s, takeovers had petered out over the past few years, but recently there has been an increase in the use of takeovers as a

strategy in the corporate sector. Takeovers provide for increased efficiencies and economies of scale and enable Australian corporations to better compete with large multinational corporations in the world market. However, many Australians, including me, are concerned about the decrease in competition and the ramifications for Australian workers of takeovers again becoming the flavour of the month.

By way of example I note the recent announcement by the Commonwealth Bank that it will take over the Colonial State Bank. At the same time I received a letter from the Commonwealth Bank advising me that it is about to shut down two branches in my electorate. Given the timing, my constituents would have good reason to question the benefits they will derive from the takeover.

The bill arises from the government's commitment to national uniformity in corporations and securities regulation. More specifically, the bill is required to give effect to the establishment of a new Corporations and Securities Panel under the Corporate Law Economic Reform Program Act — known as the CLERP act — which was passed by the commonwealth Parliament on 20 October 1999. Before addressing the specifics of the bill, by way of background I will comment generally on the CLERP act. Among many other matters on which the Honourable Carlo Furletti went into some detail, the CLERP act makes a number of changes to the way takeovers are regulated in Australia. The CLERP act changes the jurisdiction of the courts during the takeover bid period, which can take from 1 month to 12 months. The CLERP act reconstitutes the Corporations and Securities Panel as the sole forum for the resolution of disputes during the bid period, because litigation has been used frequently as a delaying tactic by different parties to thwart a takeover from proceeding.

The provisions of the Corporations Law relating to the Corporations and Securities Panel that were inserted by the CLERP act were subject to some debate and amendment in the Senate. The provisions allow any party affected by a takeover dispute to lodge an application before the Corporations and Securities Panel, which has the power to declare circumstances to be unacceptable whether or not they constitute a contravention of the Corporations Law. The panel is also able to make orders and declarations.

It is worth noting some of the concerns expressed about the CLERP provisions to which the bill will give effect. In the Senate debate on the CLERP act on 12 October 1999, Senators Conroy and Cooney noted that the Corporations and Securities Panel is based on the

United Kingdom model. They expressed doubt about Australia's ability to emulate the success of that model, given the less adversarial and less litigious approach of British corporations compared with Australian corporations.

I am inclined to agree with the concerns expressed by Senators Conroy and Cooney and will watch with interest how the Corporations and Securities Panel gets on. It is intended that the panel will operate informally without adopting formal rules of evidence. If it is to be successful, the panel will need to have the support of Australian corporations based on the spirit and not just the terms and provisions of the CLERP provisions.

On 8 March the commonwealth announced the appointment of 17 new panel members, bringing the total to 28. The three new appointees from Victoria are Professor Ian Ramsay, from the Melbourne University law school; Mr Michael Tilley, the managing director of investment banking at Merrill Lynch; and Ms Karen Wood, the company secretary of Bonlac Ltd. I congratulate the Victorian appointees and wish them well in their new roles.

Turning to the bill, clause 3 will insert two new sections into the Corporations (Victoria) Act, which gives effect to the Corporations Law as a law of Victoria. Proposed section 56A will give practical effect to sections 659B and 659C of the Corporations Law, which commenced operation as a law of Victoria yesterday. That is because section 7 of the Corporations (Victoria) Act results in any amendment by the commonwealth Parliament to the Corporations Law, such as the CLERP act, operating as an amendment to the Corporations Law without any action on the part of the Victorian Parliament being required.

The effect of sections 659A to 659C of the Corporations Law is to restrict litigation being used during a takeover bid period while limiting the court's jurisdiction at the conclusion of a bid to the awarding of damages. Proposed section 56A will be inserted into the Corporations (Victoria) Act to give effect to the provisions of the CLERP act. Proposed subsection 56A(1) provides that proceedings in relation to takeover bids or proposed takeover bids, except as provided by section 659B of the Corporations Law, may not be commenced before the end of the bid period. In that respect, I note that section 659B allows the Australian Securities and Investment Commission or a commonwealth or state public authority to bring court proceedings during the course of a takeover bid. Obviously that will be done in limited circumstances to resolve questions of law that might arise during the course of a takeover bid.

Proposed subsection 56A(2) limits the power of the court to the awarding of damages as provided in section 659C. Proposed section 56B of the Corporations (Victoria) Act provides that it is the intention of proposed section 56A to alter or vary the jurisdiction of the Supreme Court of Victoria as provided in section 85 of the Constitution Act. That alteration or variation is appropriate and desirable in the current circumstances.

In conclusion, I record my support for the bill and note that I will be watching with interest to see how the new Corporations and Securities Panel will operate in practice and whether it will in effect experience the problems which the federal Labor senators noted in the Senate debate on the CLERP provisions. I hope that the take-up of takeovers in the corporate sector will not adversely impact on Victorian consumers and workers.

Hon. D. G. HADDEN (Ballarat) — I support the Corporations (Victoria) (Amendment) Bill, which amends the Corporations (Victoria) Act and the commonwealth Corporate Law Economic Reform Program Act. That act, which commenced yesterday, 13 March, and is colloquially known as the CLERP act, introduces significant reforms to the fundraising, takeover, directors' duty and accounting standards provisions of the Corporations Law. Those reforms in the commonwealth act will become part of the Corporations Law in Victoria by virtue of section 7 of the Corporations (Victoria) Act.

Clause 3 inserts proposed sections 56A and 56B into the Corporations (Victoria) Act. They prevent proceedings relating to proposed takeover bids commencing in a court before the end of the bid period, except as otherwise provided for in section 659B of the Corporations Law of Victoria. Proposed section 56A(2) limits the court's powers under the Corporations Law of Victoria in relation to conduct that contravenes that law as provided by section 659C of that law.

Sections 659B and 659C of the commonwealth act remove the court's jurisdiction during a takeover bid and give jurisdiction to the Corporations and Securities Panel as the sole forum for the resolution of takeover disputes.

Proposed section 56B limits the Supreme Court's jurisdiction and contains that all-important and necessary section 85 statement. It says:

It is the intention of section 56A to alter or vary section 85 of the Constitution Act 1975.

The intention of the bill is to minimise the delays and disruptions that follow takeover bids, to ensure

uniformity of corporations, agreement with other states and effective regulation of corporations and securities in Victoria. The bill is yet another example of the Bracks Labor government fulfilling its promise to be consultative and open to the state of Victoria. I commend the bill to the house.

Motion agreed to by absolute majority.

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

Third reading

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

That this bill be now read a third time.

I thank the honourable members who have contributed to the debate.

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

**PREVENTION OF CRUELTY TO ANIMALS
(AMENDMENT) BILL**

Second reading

**Debate resumed from 1 March; motion of
Hon. C. C. BROAD** (Minister for Energy and Resources).

Hon. B. W. BISHOP (North Western) — It is with some interest that I contribute to debate on the Prevention of Cruelty to Animals (Amendment) Bill, which in some circles I move in is known as the Dogs in Utes Bill.

The bill simplifies the code of practice process by taking out one of the steps between the minister and the Governor. At present the minister seeks approval from the Governor to prepare a code of practice; after the Governor's approval has been obtained the minister may go ahead and draw up the code; the minister then seeks further approval for the code from the Governor; the code is then tabled in Parliament for 14 days, thus ensuring that the 14-day parliamentary accountability and transparency requirement is met; after that the code is gazetted; and, finally, the code takes effect. The bill will allow the minister to see the Governor and recommend a code of practice, which would then come directly to Parliament for its 14-day tabling.

I do not have a problem with that. However, I ask the minister to inform the house of the protocols that will apply. Under the old system the Governor had two opportunities to look at the code. I suspect it may be helpful for the Governor, if there are any doubts, to have the time to check out and research the code that has been presented. I assume that has been built into the new process, but I ask the minister to respond to that concern, perhaps during the third-reading stage.

The new process would see the code go straight through. It is a good mechanism for speeding up the process.

I now turn to the provision that deals with the carriage of dogs on the back of utes or trucks. Legislation introduced some time ago provoked a fair amount of debate, much of which was banter, and gave rise to some amusement. Many honourable members thought it was overdone, and I remember my very good friend the Honourable Dick de Fegely asking, when he was Government Whip, 'What are you going to do with the bill?'. I said, 'Probably almost speak against it and vote for it', so it was rather an amusing time in the house.

The care of animals, particularly when they are riding in the back of utes or on open trays behind the cabin, is a serious issue. I comment tonight in the hope that some practicality may prevail. My very good friend and colleague the honourable member for Rodney in another place, Mr Noel Maughan, has been a strong advocate for the bill in the belief that more focus on the care of dogs is needed to ensure that when they are carried on open-tray trucks such as Holden one-tonners or in the backs of utes or other trucks they are well looked after. He is a passionate supporter of the bill.

I have often passed a utility tray truck and observed that a dog is not tethered adequately. I always jokingly say I will give Noel a ring! Once I rang him up and suggested he make a citizen's arrest on the spot. I was prepared to give him the registration number of the offending vehicle.

The banter that has come with the debate on the bill has been good for the house, but again I make the point that taking care of dogs travelling in the backs of utes or trucks is a serious matter. It can be unsafe — there is no doubt about that. All honourable members would have seen the Holden 1-tonne utility trucks with flat trays used by builders. Many a time I have seen a Holden one-tonner with a flat tray carrying a cement mixer, a wheelbarrow, a ladder — just about everything you could think of! — in the back with a pet labrador balancing on it. Obviously that is unsafe. The

amendments the bill introduces no doubt will go a long way towards correcting that situation.

Years ago utes did not have flat trays. Mostly utilities, in the old measurement, had 18-inch sides. The bill is important because nowadays many more farm utility trucks have a flat tray rather than the tray with the extended sides that was common many years ago. Obviously dogs, whether farm dogs, pet dogs or whatever, are much more at risk in a utility truck with a flat tray than an older style one.

I am sure everyone would have noticed that dogs riding in the backs of utility trucks with raised sides enjoy it very much. Everyone would have seen the dog leaning out over the ute with the eyes half shut, having a wonderful time riding along the road and taking everything into consideration, probably giving passing traffic a little advice from time to time. In an old-style ute it is easy for dogs to brace their bodies against the higher sides of the tray, but many farm utes now have a flat-type tray.

Tonight I want to inject some practicality into debate on the bill regarding working dogs on farms. My farmer friends and colleagues and I value our dogs extremely highly. I am talking about working dogs. I am not precluding pet dogs; I am sure they are valued in a separate, slightly different way, but certainly farmers value their dogs immensely. They are valuable not only for their part in the structure of a working farm but as workers themselves.

Obviously every good dog is worth an enormous amount of money and certainly is a great resource in getting the job done, regardless of whether the farm runs cattle or sheep. Farmers working closely with dogs become particularly attached to them. I have never seen a dog on a farm that the farmer is not attached to, simply because they work closely together every day. Farmers' dogs get on the back of the ute. A really good dog might ride in the front of the ute, the first-class position — up the front of the aeroplane, you might say!

I am sure any of my colleagues who have an agricultural bent or have had something to do with dogs on farms would have a strong view that dogs own the farm ute. I am sure that if dogs could talk there would be no argument about dogs owning the farm ute. For years I have observed dogs on hot days lying under utes. They are always very smart about moving at the right time. No-one could get into a ute and turn the key quickly enough to cause them any damage.

Ownership is a great thing. Ownership of utes and of dogs goes hand in hand, or perhaps I might say paw in paw! Not only do dogs lie under the ute; they also lie in it. If the ute door is left slightly ajar on a cold day, the dog will be there keeping the seat warm for you — that would be the dog's argument, anyway! The best place for a dog that is not too big is behind the head of the driver, with a view out the front window. I do not know whether the bill details whether a dog should be tied if sitting in the front of the ute. I am sure any farmer would argue that the farm dog is a strong contender for ownership of the farm ute. I guess every farmer would have had good dogs. My dogs were probably not as good as my father's because of my lack of patience in training them.

When the bill was first introduced I took some objection to it because I interpreted it as suggesting that farmers might not have been prepared to take care of their dogs, an argument I rejected for the reasons I have stated and also for the further reasons I am about to state.

Most farms have a Lass. I do not know of a farm that has not had a Lass as a dog. Most dogs called Lass have been pretty good. We had a few dogs called Lass, but one particularly was expert in bringing in the cows when we used to milk cows. She could bring them in in rain, fog, dark — whatever.

Farm dogs being what they are to a farmer, a farmer cares for those dogs as a matter of course, with or without legislation. Whether or not you are a farmer, it is good to see a good dog working. My good friend and colleague Mr Barry Steggall and I saw the dogs working at the sheepdog trials at Wedderburn. It was marvellous to see the command the owner had over the dog as the dog cast out and took the sheep through the drafting gates. The love of the dog for the task is well seen in doing the work during those trials. A farmer has an enormous amount of care, time and respect for the dog, with or without legislation — it does not make that much difference.

On our property there are more sheep than cattle, so the argument has always been which is the best sort of dog — the dog who could work in the paddock or the one who could work in the yard. If you were not lucky enough to have a good all-rounder dog who could do both, which was a bit unusual — —

Hon. E. G. Stoney — Or have two dogs.

Hon. B. W. BISHOP — You could be lucky; you could have two dogs. However, given a choice between the two most farmers would always select the dog who

could work in the yard. Farmers show respect to the dogs that work in the yard, because they are brilliant and courageous. If they cannot get over the sheep — which most times they can do readily — they will go under them, bring them from the back of the pens and put them where they should be, even if that is into trucks. To watch a good dog working and see how it can manage situations is magical; a dog can do far more than a human would be able to do. I again make the point that a farmer's respect for a dog is related to the ability of the two to work together.

Most farms have also had a dog called Bob. We have had a few Bobs — —

Hon. N. B. Lucas — I have a dog called Watto.

Hon. B. W. BISHOP — I will test out your dog to see how good it is, Mr Lucas; bring it up one weekend to see how it goes. Bob had to get in and out of the ute. He was not tied up because it would have meant he could not have done his job in the paddocks. When I drove up to a mob of sheep in a paddock Bob had the capacity to hop out of the ute and catch from the mob one sheep that was affected by flies — a common occurrence in sheep farming. A dog weaving its way through a mob, picking out one with blowfly strike and catching hold of it until the owner gets there, is a magical act. If Bob had been tied in the ute all the time he would not have been able to hop out and get the sheep that were so much in need of attention. I reiterate the point that that was in the paddock.

I remember once working with Merino wethers, which are probably the most difficult sheep to work with. I raise the point to convey to the house the worth of a good dog and the capacity of its owner — a farmer in this case — to not only look after but also treasure a dog. Anyone who has tried without a decent dog to get three-or-four-year-old Merino wethers into a shearing shed they do not want to go into because they have been shorn there a couple of times previously will know the worth of a good dog. I reiterate the nature of the relationship between farmers and their dogs.

I remember the last time the issue was debated in the house the point about working dogs being able to hop in and out of vehicles at will to shift sheep or cattle was exempted.

I again turn to the sheer practicality of the bill. All honourable members will have seen sheep or cattle being moved along country roads, whether busy or not. In such situations dogs work the stock backwards and forwards. A farmer with two dogs — which Mr Stoney

intimated would be a great advantage — may have one dog go ahead — —

Hon. E. G. Stoney — Bob and Lass.

Hon. B. W. BISHOP — Yes; in fact I think there once was a Bob and a Lass. Bob would go ahead and hold the cattle or sheep in line and Lass would round them up at the back. Such dogs need the opportunity to hop in and out of utes as they work cattle and sheep and move them along the roads. I am absolutely certain that the understanding of their need to be exempted will be reflected in the legislation. I am really talking about a practical understanding of working dogs and their place on farms, and how they work with their owners in such situations or when travelling from place to place.

There has been talk about farms that have expanded over time because neighbours have bought them, and not only in broadacre areas. For example, three neighbours may have bought a block each. Such farms can become a little scattered. I hope a practical requirement is put in place for farmers who must travel in utes from one block or one farm to another — it might be only half a mile — and who want to work sheep with a Bob or Lass in the back. Most farm vehicles that are classed as utes, whether or not they have flat trays, do not travel at high speed during such activities, for a couple of reasons. One is that they cannot, because as we all know Victoria's local roads are not all that flash. The other is that sometimes the farm ute is not all that flash either and will not go fast. Such vehicles are slow moving when travelling from one part of a farm to another, particularly if they are using rural roads on normal working days.

I am not sure how another point raised earlier should be addressed. When moving ewes and lambs it is standard practice to have a crate on the back of a ute. It is done everywhere. That means that ewes and lambs that slow down for whatever reason can be loaded onto the back of a utility, where they will sit until the destination has been reached. I have a real problem with a dog being tied up in the back of a ute that has a crate in it. Firstly, it is difficult to get to the dog to tie it up. Secondly, the dog cannot get out if it is tied up. A practical solution is needed where working dogs move stock along rural roads. I am sure the same practice is followed in your electorate, Mr Smith, but probably more with cattle than sheep.

Hon. K. M. Smith interjected.

Hon. B. W. BISHOP — Often when there is a crate on the back of a ute the door is shut so the dog cannot get out, and when the working day starts the doors are

pinned back so the dog can hop in and out. A dog in a ute that had a crate in it would not go off to the side.

Although I remember the last time the bill was debated, I cannot recall the exact year. The minister of the day said there was no real intention that inspectors from the Royal Society for the Prevention of Cruelty to Animals, local government inspectors, police officers, or whoever it might be, should search out people who in a working capacity and on a normal working day were using dogs in utes or on trucks with flat trays. I am sure that will happen again and that practicality and commonsense will be maintained as the amendment process is gone through.

I am sure that all honourable members who take part in this debate or who have taken the care to think about the bill and this issue would support the need to take good care of dogs, regardless of whether they are working dogs or pet dogs. I make the point that I am talking mainly about working dogs travelling in the backs of working vehicles. I make a clear distinction between pet and family dogs and working dogs. I have both. I have a Jack Russell terrier called Nick, who is absolutely useless for working cattle and sheep, but is a good dog and he gets well looked after. I am sure that Nick would not ride in the back of a utility. His status in life is substantially higher than that; he would ride in the front of the utility, thank you very much. I make the distinction between the two types of dogs. I am sure that people with pet dogs love their dogs very much and maintain them with the same care as farmers maintain their dogs.

I again direct to the attention of the house the builder or farmer with the flat-top utility or the cement mixer with a wheelbarrow attached or the Holden 1-tonne utility with the Labrador balancing on top. I am sure all farmers understand the need for some care when carrying dogs on the back of vehicles. It is also important not to have objects rolling around in the tray, because I believe that is far more important than having the dog tethered. Loose objects rolling around can injure the dog.

I hope honourable members will think about the distinction that I am making in my contribution today. I hope also that RSPCA officers, local government inspectors and police officers understand this distinction. A working dog on the farm is highly respected and is an integral part of the farm. It is well looked after and has a close relationship with the owner. I know from time to time an inspector will see someone like my son or me shifting cattle or sheep along the road. The dog will not be tethered in the back of the ute because it will be hopping in and out doing its

job. I hope that is treated as it was in the principal act. The key part of my comments is that everyone cares for their dogs, often in a different way. I am sure that members of the farming community care for their dogs because of their real respect for them and because they are part of the structure, a working element of the farm and treasured by the farmer.

I again emphasise that farm utilities, whether they have high or low sides, with crates or without crates, will be as inseparable from farm dogs as they have been in the past. The farm dog and the utility are a valuable working unit of the farmer. I am sure farmers will ensure that farm dogs have safe and secure travel arrangements with the practicality that is so sorely needed in today's farming enterprise.

Hon. D. G. HADDEN (Ballarat) — The Prevention of Cruelty to Animals Act provides some protection for the welfare of animals kept or used in a variety of circumstances. The purpose of the amending bill is to further provide for the safe carriage of dogs on vehicles such as motor vehicles with trays and trailers as well as to amend the method of making codes of practice. Clause 4 amends the principal act to simplify procedures for making codes of practice under section 7(1). The amendment allows the Governor in Council, on the minister's recommendation, to make a code of practice which then proceeds directly to Parliament for the statutory 14-day exposure period. Therefore, the current complicated procedure will be simplified while maintaining the checks and balances.

The next amendment in clause 5 is to section 15A of the principal act to provide for the safety and welfare of dogs in moving vehicles. The amendment inserts a new definition of tray in section 15A(1). It states:

“tray” means a part of a motor vehicle behind the cabin that is an open compartment and is principally constructed to carry a load.

The difficulty currently is one of interpretation in the meaning of truck and open tray. An open tray can have many meanings, as we have heard from Mr Bishop. The principal act does not have a definition of truck and the definition in the Road Safety Act is restricted to 15-tonne vehicles and excludes utilities. The definition in clause 5 is clear and unambiguous.

The amendments to section 15A(2) will clarify the vehicles to which the subsection applies and make consequential amendments to the meaning of a motor vehicle with a tray. Of course, the word ‘motor vehicle’ has the same meaning as in the Road Safety Act. One example I saw recently of the safe carriage of goods was at Beaufort where a tray utility had a customised

cage on the back of the vehicle. The cage had two working dogs in it and had a roof on the top to protect them from the weather. That caught my attention and I hope in time we may work towards an amendment such as that for dogs on moving vehicles on the open highway as opposed to what Mr Bishop said of moving from paddock to paddock.

The purpose of the amendments to the principal act is to ensure that the carriage of dogs on moving motor vehicles with trays and trailers is done safely as well as to ensure that enforcement is not open to legal challenge or technical definition. Although farmers do respect and love their working dogs there is a question of education and good sense so that the senior farmer on the property can educate his progeny about the safe carriage of farm dogs. I commend the bill to the house.

Hon. E. J. POWELL (North Eastern) — In making my small contribution I have to say that it was enlightening and interesting to hear from Mr Bishop who has a working knowledge of farm dogs and utilities. I do not profess to have the same level of experience with dogs, particularly working dogs, as does Mr Bishop, but in my job as a rural member of Parliament I have seen first-hand the wonderful bond between the farmer and the working dog. It was interesting that Mr Bishop made the distinction between working dogs and the family pet. The farmer sees the working dog as more important than the home dog.

The purpose of the bill is to amend the Prevention of Cruelty to Animals Act. The act already provides comprehensive protection for animals that are kept or used in a wide variety of circumstances. Although the legislation is wide, the amendment is small.

The bill clarifies the type of vehicle in which it is an offence to carry an unrestrained dog and amends the method of making codes of practice. Clause 5 relates to dogs on moving vehicles and clarifies the meaning of 'truck' and 'open tray'. The definition used in the Prevention of Cruelty to Animals Act, which was also used in the Road Safety Act, was restrictive and left open to interpretation the meaning of 'truck' and 'motor vehicle'. The amendment will clarify those terms.

The act covers only vehicles that exceed 4.5 tonnes in gross vehicle mass. That excludes utilities as we know them and farm utilities in particular, which were intended to be included in the original legislation. By inserting new definitions in section 15A of the act, clause 5 seeks to clarify the anomaly, and I believe it does. The bill protects dogs that are conveyed on utility vehicles, and it removes the reference to trucks with

open trays and replaces it with a reference to motor vehicles with open trays.

As the Honourable Barry Bishop said, the government must ensure there is a commonsense approach to the legislation. It should not restrict farmers and their animals unnecessarily. Mr Bishop talked about working dogs moving cattle on roads and farms. It would be ridiculous to suggest that farmers could be fined on their own farms for allowing their dogs to jump off and onto the trays of their utilities while they are moving sheep or cows from one place to another or putting them into cattle yards and so forth. Farmers could not be expected to tie their dogs to the trays in those instances. The legislation is intended not to make it harder for farmers to work on their own farms but to ensure their animals are protected and restrained while travelling along local roads and highways.

Mr Bishop painted an eloquent scenario depicting the way in which dogs are used to move livestock. They are used even more than motorbikes, which is a much more time-consuming method. The dogs are bred for that type of work, and they are well trained and intelligent. The bill is not intended to stop farmers from allowing their dogs to jump on and off the tray or in and out of the front seat of their utilities in those circumstances.

Mr Bishop spoke of the special relationship between the farmer and the working dog. It is important to understand the value that farmers place on their dogs and the price that some dogs can bring. For example, a pup bred from good working stock can cost up to \$800. Farmers understand the value of good working dogs — and, more importantly, what they have to pay for them. They do not want to see their dogs falling off trucks, so they will use their own commonsense to ensure their animals are well looked after and well tethered.

Today I spoke to a veterinary surgeon, Cathy Grant, who works at the Shepparton Veterinary Clinic. I asked her for some facts and figures on whether there has been any diminution in the number of injuries to animals since the principal legislation was introduced in 1995. Cathy Grant said that there are far fewer injuries now than there were before 1995. That could be due to the legislation or to the fact that farmers and the broader community are becoming more aware of how dangerous it is for animals, and dogs in particular, to travel untethered in farm utes and other vehicles. People have been educated about the dangers. There should be more emphasis on education and information and less on legislation and enforcement.

Cathy told me that she now treats about six dogs a year that have been injured as a result of falling from moving vehicles. By comparison, when she worked in Swan Hill and the Mallee about six years ago, which was before the introduction of the legislation requiring dogs travelling in utes and other moving vehicles to be restrained, she treated about one dog every fortnight — approximately 26 dogs a year. That might not seem a lot, but it should be remembered that she treats only the dogs that survive and not the ones that have been killed as a result of jumping or falling from cars and being run over by vehicles travelling along behind — and we are told we must not swerve to avoid dogs on roads. The figures she has given me are a conservative estimate of the number of accidents, because they represent just the dogs she is treating.

When I asked her about the types of injuries those dogs sustain, she explained that they are injuries that generally put the dogs out of action for a long time — such as broken legs, broken thighs and even head injuries. Dogs do not run very well with broken legs or thighs, so those sorts of injuries have an impact on farmers who need their dogs to be working on a day-to-day basis. A farmer cannot just get any dog to do the job, because the farmer and his dog usually work in partnership.

Dogs travelling in the backs of utes can sustain other sorts of injuries because of the things that farmers and tradesmen carry in their vehicles. For example, a farmer might put barbed wire or a shovel in the back of his ute and a tradesman might carry heavy tools in his. If those items are not restrained and the vehicle stops suddenly or turns sharply around a corner, a dog travelling in the back could sustain injuries from being hit by those implements. People need to be educated about the risks of having their dogs untethered — or even tethered — in the backs of their utes.

As I said earlier, farmers are not the only ones who can put their animals at risk. For example, builders and bricklayers sometimes take their dogs to their work sites untethered in the back of their utes or in the front seats. However, as the Honourable Barry Bishop said, more often than not the dogs that travel in the front seat are pretty special and their owners have paid a high price for them. But if they travel in the back, it usually means they are working dogs that are used to being there! Because there has been a building boom in Shepparton, one often sees dogs at building sites with their owners. Some sites do not allow workers to bring their dogs, but many still do. It is good to see that many of those people restrain their dogs in the back of their utilities — and it is important that that continues.

Rather than the government taking a big-stick approach and saying that animals have to be protected by legislation, it is taking a more commonsense approach, encouraging people to understand what can happen to their animals if they are untethered. The government might even consider undertaking as part of a review what happens to dogs when they fall off the backs of utes or trucks, including the types of injuries they sustain and the stress that causes to either the owners of the animals or the persons who injure the dogs by running over them.

Clause 6 includes a transitional provision that preserves existing codes of practice. It also allows the Governor in Council to vary or revoke them as if they had already been made by the Governor in Council. That commonsense inclusion clarifies the issue.

In 1994 the honourable member for Rodney in another place carried out a review of legislation and amendments to the 1995 act. He spoke with the Royal Society for the Prevention of Cruelty to Animals (RSPCA), many lobby groups and animal welfare groups and people interested in animal protection. The aim of the bill is not to change that legislation but to amend some of the anomalies. I know the RSPCA would like to go even further than restraining dogs in the back of utilities. It would also like dogs in the seats of utilities or cars to be put in harnesses. A vet I spoke with said the harnesses would cost about \$24. The need for harnesses can be examined for future legislation. The RSPCA is pleased with the legislation but would like to see it go further, as would some veterinary surgeons.

The review was far ranging and included fish, crustaceans and other animals with which the house is not dealing today. The legislation provides for education about the handling of animals rather than enforcement. In the main, farmers and others look after the welfare of their animals. We have come a long way with what is allowed in the back of utes — for example, builders now have their special tools in boxes and many of the new vehicles have compartments for builders' materials and tools. Today rifles are not allowed to be carried in the back of utilities. We are much more responsible. I commend the bill to the house.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to contribute to the Prevention of Cruelty to Animals (Amendment) Bill. It is important to acknowledge that the amendments were motivated by the desire to prevent cruelty and accidents to animals. Mr Bishop spoke about his dogs. I also have dogs, none named Bob, but one named Culley and one named Maeve. They would like to ride in the back of a ute or

hang their heads out of the window. I grew up in rural Victoria and know how much working dogs enjoy their work. The bill is not about restricting the ability of farmers and their working dogs to carry out the important and necessary work they do on farms or even along roadways to move or graze stock.

It is important that dogs are kept safe and out of danger. The bill clarifies the definition of a vehicle in section 15A of the Prevention of Cruelty to Animals Act. There had been some difficulty in the administration of that section because of the interpretation of a truck with an open tray. The amendment to section 15A of the 1995 act was intended to cover utilities that had raised sides. However, that was not the case and this legislation clarifies the type of vehicle covered.

It is important to examine some of the injuries and accidents that have occurred which motivated the 1986 legislation and the subsequent amendments. The Honourable Jeanette Powell talked about her local veterinary clinic in Shepparton and the number of animals that encounter injuries while travelling on the back of vehicles.

In 1990 the Australian Veterinarian Association carried out a survey of both city and rural veterinary practitioners to ascertain the prevalence of injuries to dogs falling from the back of utilities, trailers and trucks. Some 156 practitioners responded, including 65 from regional Victoria. The survey indicated that about 800 dogs had been treated in practices following falls from trucks or trailers over the 12 months prior to the survey. Of those, an estimated 566 falls occurred in areas covered by rural practitioners.

The statistics alluded to by the Honourable Jeanette Powell reveal that following amendments to the act accidents are not happening at the same rate and people have become more educated about the injuries that can occur.

The survey did not deal with the number of dogs that may have died from injuries. When the Prevention of Cruelty to Animals Act was passed by Parliament in 1995 it was thought that section 15A clearly defined vehicles and included covered utility trucks with raised sides. However, in 1996 the Victorian Government Solicitor advised the police that pending clarification by statutory amendment, the only types of vehicles to which section 15A clearly applied were trailers as defined in the Road Safety Act, and trucks and utilities with open flat trays and without raised sides.

Opinion was also sought by the Royal Society for the Prevention of Cruelty to Animals (RSPCA) from an independent lawyer. That advice of February 1996 concluded that it appeared that a utility is not a motor vehicle within the meaning of the Road Safety Act and therefore, section 15A(2)(b) did not apply to dogs travelling in vehicles. It was further considered that if that section was challenged it was likely that the court would find the provision did not include utilities.

The bill clarifies the definition of vehicle in the legislation. Clause 5 amends the principal act to cover dogs on moving vehicles and makes the offence apply to all motor vehicles with trays. The bill inserts a new definition of tray into section 15A. Tray is defined to mean a part of a motor vehicle behind the cabin that is an open compartment and is principally constructed to carry a load. The principal thrust of the bill is to clarify the definition in the legislation so everybody knows what vehicles are prescribed for the safe carrying and restraining of dogs.

The second thrust of the bill streamlines the making of a code of practice. That is an important provision because the process to establish codes of practice has been complicated and cumbersome. Without removing any of the necessary checks and balances the bill inserts a simplified and uncomplicated procedure.

Under the act, a number of steps must be taken to make a code of practice. Firstly, the minister must seek approval from the Governor in Council to prepare a code of practice. In other words, even before the minister commences to prepare a code of practice he or she must seek the approval of the Governor in Council. Following that approval the minister makes a code. The third step is for the minister to seek the further approval of the code by the Governor in Council. That further approval, once granted, is tabled in Parliament for 14 sitting days. Finally, the code is gazetted, at which stage it takes effect.

The bill deletes a number of cumbersome steps and streamlines the process without removing any checks and balances. The proposed amendment will allow the Governor in Council, on the recommendation of the minister, to make a code of practice which need not be returned to the Governor in Council for further approval. The code would need to be presented to Parliament for the 14-day exposure period.

In conclusion, I point out that the bill is important because the government wants to prevent injury and danger to animals, whether they be working animals on farms or family pets. It wants to provide for their safe carriage in vehicles, particularly work vehicles. The bill

ensures that dogs carried on motor vehicles must be restrained in such a way that they will be safe. It also provides that the Governor in Council can establish a code of practice on the recommendation of a minister. I commend the bill to the house.

Hon. R. H. BOWDEN (South Eastern) — The prevention of cruelty to animals is truly important in a sophisticated society. Throughout my life I have owned and enjoyed animals. The treatment of animals is a mark of the respect that society has for itself; we must do all we can to prevent cruelty to them.

The Prevention of Cruelty to Animals (Amendment) Bill streamlines the mechanisms through which a code of practice can be made. Other honourable members have referred to the details of that provision. It is good that the streamlining will remove unnecessary steps so that the Governor in Council can easily act on the recommendation of the minister. The code developed will be presented to Parliament for the required statutory 14 sitting days so that the community, through its elected representatives, has the opportunity to ensure that amendments to a code are prudent, practical and of a high order.

I draw the attention of the house to comments made by the Honourable Barry Bishop. He went to considerable lengths to point out the importance of and the practical contribution made by working dogs in the farming community. The difference between working dogs and pets is enormous. The practical on-farm use and respect that farmers have for their working dogs is well known. Most honourable members would have visited farms and seen the mutual affection and interaction between farmers and their dogs, and the consequent farm productivity that results from the close relationship between farmers and their dogs.

I suggest to members of the government that one aspect of the bill could benefit from some further thought. In recent years the design of farm vehicles has changed significantly. As my colleague Mr Bishop said, many years ago most utilities had a significant side panel around the cargo-carrying area, but several vehicles currently on the market have flat trays. Therefore it is prudent to provide for the protection of animals, particularly dogs.

Over the years I have spent considerable time with relatives who have properties on which they work sheep and cattle. Therefore I am familiar with the practical operations of farmers and drovers. A working dog often jumps on and off a moving vehicle to do the work that is required by instinct and command. The vehicle may be moving at 5 or 10 kilometres an hour,

so it is simply not practical to tie a dog securely every time it gets back on a vehicle. I suggest that consideration should be given to how working dogs are generally used and to the technical difficulties that could arise if one were to literally interpret the fine sentiment in the bill and translate it to a working situation on a farm.

As I have moved around the country from time to time I have observed what happens during those sad times of drought when it is necessary to move cattle and sheep along stock routes. For many hours a day drovers depend heavily on their dogs. Given the long distances that they must travel during severe droughts, it is not unusual for drovers to use utilities or motorbikes with a tray. I am sure all honourable members have had the experience of having to drive carefully through a flock of sheep or herd of cattle that has been moving slowly along a stock route. While the sentiment is laudable, given the practicalities of the working environment of the drover or farmer it is a real imposition to require a working dog to be tethered on the back of a motorised vehicle.

I respectfully ask the government to consider the practicalities because an insensitive policeman, stock inspector or other person in a position of authority could unfairly penalise a drover or farmer for doing the right thing on a farm or on a stock route when the sheep or cattle are being moved, often because of tragic circumstances. I suggest that the bill be amended to give practical help to the farming community.

All honourable members know of circumstances in which unthinking people have animals unsecured on the backs of vehicles that are travelling at high speeds. Those circumstances are properly covered by the bill.

I will not address members at great length about the wonderful dogs I have owned or seen working on farms, nor will I talk about Sam and Fred, the two great dogs I have now. However, I again point out the real distinction between working dogs and pets and what must be legislated for concerning the speed at which they can be transported, given the circumstances in which they are involved. I echo the sentiments of my colleague Mr Bishop and endorse the comments of other members: we must do whatever we can to prevent cruelty to animals, and we must recognise that we have a collective responsibility to minimise their pain and suffering. The bill goes a long way towards helping to achieve that goal.

I conclude by repeating that the practicalities associated with the need for farmers and drovers to be able to use working dogs on vehicles travelling at low speed —

without causing any cruelty to them — are worthy of immediate attention.

Sitting suspended 6.27 p.m. until 8.03 p.m.

Hon. S. M. NGUYEN (Melbourne West) — The bill clarifies the provisions of section 15A of the principal act to ensure the proper carriage of dogs on open-tray trucks, utilities and low-sided tray vehicles. The Prevention of Cruelty to Animals Act provides a comprehensive and contemporary level of protection for the welfare of animals kept or used in a wide variety of circumstances.

I have listened to the speeches of honourable members on both sides, many of whom have mentioned working dogs, farm dogs and pets. It is important for builders to keep working dogs with them to assist them on building sites, and farmers need dogs with them to assist with the farm work because they may have no other form of assistance. Farmers rely on dogs to help with cattle and sheep and to keep an eye on strangers.

The bill amends the Prevention of Cruelty to Animals Act and provides for the Governor in Council to make a code of conduct on the recommendation of the minister.

The government proposes to ensure that ‘motor vehicle’ has the same meaning as it does in the Road Safety Act. The principal act relates to dogs on moving vehicles and makes the offence apply to all motor vehicles with trays. The bill inserts into section 15A a new definition of tray as part of a motor vehicle behind the cabin that is an open compartment and is principally constructed to carry a load.

Section 15A of the principal act is designed to protect dogs while being transported on the back of utility vehicles on public roads. However, the section specifically provides that it does not apply to dogs that are used to help in the movement of livestock. With respect to other farm dogs, if the safety of a dog is in danger police personnel can use their discretion as to whether to book the offender for contravention of section 15A.

The Victoria Police have had difficulty in enforcing the provisions of section 15A of the principal act, the Prevention of Cruelty to Animals Act 1986, with respect to the unsafe carriage of dogs on the backs of utility vehicles as they have had difficulty in interpreting the expression ‘truck with an open tray’.

In 1997 the Victoria Police advised the department that, as there was no definition of ‘truck’ in the principal act, it was relying on the definition of ‘truck’ in the Road Safety Act 1986, which covered only vehicles that

exceeded 4.5 tonnes gross vehicle mass. The definition therefore excluded utility vehicles. Victoria Police requested that the act be amended to clarify that the word ‘truck’ included utility vehicles.

In 1998 the definition of truck was amended in the Road Safety Act 1986 to mean a rigid motor vehicle that is principally constructed as a load-carrying vehicle. However, the amendment did not resolve enforcement issues for Victoria Police as the expression ‘open tray’ also posed interpretation problems. The words ‘open tray’ could have more than one meaning, including a tray with or without sides and with or without a top. The proposed amendments clarify that matter.

The proposed amendments that include the reference to a motor vehicle with an open tray encompass a wide variety of vehicles and will enable the police to prosecute people who carry dogs in an unsafe manner on the backs of utility vehicles.

Many people, especially people from outside the Parliament, have expressed their concern about the welfare of dogs travelling on the backs of moving utility vehicles. It is important that it be safe for dogs and for the drivers of other vehicles on the road. Many times I have seen builders and farmers with dogs on the backs of their vehicles. Dogs love to travel on the back of a truck, but if a vehicle is travelling fast a dog is not safe and can fall on the road. Also pet dogs, or home dogs, tend to muck around when a driver is driving.

Dogs love to see what is happening around them, but it is not safe to put animals on the back of a truck. Animals have to be looked after properly. Working dogs need to be protected by farmers, builders and others who work with dogs. It needs to be ensured that they are looked after properly and are safe. In conclusion, I commend the bill to the house.

Hon. E. C. CARBINES (Geelong) — It is with pleasure that I rise to speak on the Prevention of Cruelty to Animals (Amendment) Bill. It is good that, in the absence of some members opposite, debate so far has been characterised by the good sentiment expressed by all speakers regarding the desire to protect and enhance the welfare of dogs in our society. I particularly enjoyed the contributions of members to this debate. It is a pity that some members opposite were not here to hear their own members speak with strong affection for the dogs they have worked with. I have to confess I am not a dog owner.

Hon. I. J. Cover — Have you got a ute?

Hon. E. C. CARBINES — No, I do not. I certainly enjoy the company of dogs. One day I hope to convince my family that we should have a dog once again. I have never owned a working dog, but I enjoyed the contribution of the Honourable Barry Bishop, espousing the virtues of the Australian working dog and the desire by many on the land to look after their dogs. His contribution was entertaining and heartfelt.

However, every year I have taken my children to the Geelong show. As Mr Cover might know, the Geelong show has working dog trials. My family very much enjoys watching the farmers and their dogs herding cattle and rounding up sheep in the trials. Several fine prizes are awarded to the dogs at the Geelong show. I thoroughly understand the contribution that working dogs make to a farmer's life.

The purpose of the bill is to tighten the Prevention of Cruelty to Animals Act 1986 regarding the offence of transporting unrestrained dogs on trailers, trays and utes. The bill has a secondary purpose as well — that is, to simplify the complicated procedure for making a code of practice under the Prevention of Cruelty to Animals Act.

Last week I was in High Street, Belmont, for a family tea. My family went to Tony's, an Italian restaurant, to celebrate my nine-year-old son's birthday. We came out of the restaurant at about 7.30 p.m. when a utility roared past with two brown dogs on the back, completely unrestrained. They were barking their heads off and having a great time, amusing everyone around them. Under the bill, when passed, it will be an offence to transport dogs in that way. The current act is unclear on whether utilities come within the ambit of the act. The passage of the bill will ensure they do.

I listened with respect to the Honourable Jeanette Powell talking about the contribution of working dogs, as did the Honourable Barry Bishop. Mrs Powell went into specific detail on the dangers of transporting dogs unrestrained. She had gone to the trouble of consulting her local vet and finding some interesting statistics on injuries to dogs carried unrestrained on trays or utilities in her electorate.

On 3LO on Saturday morning Hugh Wirth, in his RSPCA half-hour, often talks about the dangers of transporting dogs unrestrained. He is a strong advocate of tightening the 1986 act. As Mrs Powell acknowledged, the RSPCA wants to go further, suggesting that dogs be restrained within cars, which probably will have to be left for another day.

I am also interested in the danger the transportation of unrestrained dogs poses to other drivers. As a member of the joint parliamentary Road Safety Committee I am pleased to speak on the bill. The transportation of unrestrained dogs in trays or utilities clearly presents a danger to other drivers in the vicinity and their passengers. The bill will help ensure the health and safety of not only the dogs carried but also other drivers and their passengers.

Clause 4 is designed to streamline the present long and complicated process of preparing codes of practice, which involves a recommendation going backwards and forwards between the minister and the Governor in Council before a code of practice is tabled in and considered by Parliament. I was pleased to hear that the opposition members who spoke on the bill are in favour of streamlining the process. I particularly note the support of the Honourable Barry Bishop. The bill will expedite the consideration of codes of practice by Parliament.

I will not go into the specifics of the bill because previous speakers have already done so, and I do not want to delay its passage. I am pleased to speak in support of the bill and commend it to the house.

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 honourable members who contributed to the debate and shall respond to a number of points made. Mr Bishop raised a number of issues. I will briefly address each of them.

On the amendment to simplify the process of making a code of practice, an assurance was sought that the role of the Governor in Council will not be diminished in any way. I give that assurance. Another point raised related to dogs jumping on and off vehicles on farms. Nothing in the bill affects that practice. Section 15A applies only to highways; therefore activities in paddocks or elsewhere on farms are not affected in any way. Mr Bishop and a couple of other honourable members raised the matter of dogs jumping on and off moving vehicles during the movement of livestock. I point out that section 15A(3) specifically provides an exemption for dogs assisting in the movement of livestock, so that is also not a matter honourable

members need to be concerned about. Mr Bishop was also concerned to assure the house, lest any other interpretation be placed on the bill, that farmers care for their dogs. As someone who was brought up in the country with a lot of working dogs, I can attest to the value country people place on working dogs.

I thank government and opposition members who contributed to the debate in support of the bill. The opposition's support is most welcome and appropriate in the light of the 1995 amendment to the act, which clearly intended that the law apply to dogs in utilities. That was clearly referred to in remarks made by Mr Baxter in the Council at the time.

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.

The PRESIDENT — Order! Before proceeding to the adjournment debate it is appropriate to remind honourable members of the relatively limited scope of the debate and to reinforce the rules under which the house has operated since 1975.

An honourable member speaking to the motion 'That the house do now adjourn' at the conclusion of a sitting may make a complaint, make a request or pose a query. In doing so, a member must raise only matters that are within the administrative competence of the Victorian government, confine his or her remarks to a single subject and be brief — a desirable maximum is 5 minutes, which I personally believe can be wound back to 3 minutes.

A member may not develop his or her remarks into a set speech, reflect upon a statute, request the introduction of legislation or raise a matter previously discussed in the same session.

A matter raised by an honourable member must relate to a recent occurrence — that is, be of an urgent nature. Any reply by the appropriate minister should be as brief as possible.

Matters raised on the motion for the adjournment of the house cannot be the subject of debate. An honourable member raises a matter and a minister's reply disposes of the same.

I have asked for copies of those guidelines to be sent to honourable members and I ask that they be observed.

LPG: prices

Hon. P. R. HALL (Gippsland) — In less than 3 minutes I wish to make a request of an urgent nature to the Minister for Consumer Affairs as a result of a recent incident concerning the price of bottled liquefied petroleum gas. Many places in country Victoria still do not have reticulated natural gas and therefore rely on bottled LPG. About 12 months ago the gas bottles retailed for about \$40 each. The most recent price quoted for a bottle of LPG was \$58 — nearly a 50 per cent increase in price in less than 12 months. I am aware of a general price increase in LPG for motor vehicles. However, I am also told that the cost of the gas that goes into an LPG bottle is only a small component of the total price.

Given that the increase has resulted in an almost 50 per cent increase for users of bottled LPG in country Victoria, I ask the minister to have her department look into the matter to see whether what I believe to be an excessive price rise is justified.

Schools: council representation

Hon. E. C. CARBINES (Geelong) — I raise for the attention of the Minister for Sport and Recreation in his capacity as the representative of the Minister for Education in the other place the issue of eligibility to stand for school council elections.

In 1994, when my daughter entered prep at the Bellaire Primary School in Highton, I was greatly concerned to learn that I was not eligible to stand for election as a parent representative on the school council. The Kennett government had changed the composition of school councils so that Department of Education representatives and employees, such as I were not allowed to stand as parent representatives on the councils of the schools their children attended. If they wanted to stand for election at their children's schools they had to vie for positions against staff members from the schools. This undemocratic act by the former Kennett government will have the effect — —

The PRESIDENT — Order! The honourable member has in her hands guidelines that I have just issued. One of the items outlined in the guidelines is

that the issue has to be of an urgent nature. The honourable member seems to be relating the matter she raises to something that occurred some years ago.

Hon. E. C. CARBINES — During the recent state election campaign the then shadow Minister for Education, the now Minister for Education in the other place, visited Geelong Province and said that a Bracks government would change education policy to allow Department of Education employees to stand for election to councils of schools attended by their children. I ask the minister to inform the house what action will be taken to ensure a return to democracy for school councils.

Hon. M. A. Birrell — On a point of order, Mr President, in the guidelines you have just issued to honourable members, which are longstanding, it is made clear that the matter raised must be of an urgent nature — that is, the matter must be contemporary. In this case more than a month ago the government made a significant policy announcement. Mrs Carbinés may not be aware of what her own government announced, but there was a public announcement of a change of policy that directly addresses the issue she raises.

There is no urgency in the issue, and it may be an innocent attempt to misuse the adjournment debate. The issue has been long resolved by the government, it is hoped to the honourable member's satisfaction.

Hon. E. C. CARBINES — On the point of order, Mr President, the matter I raise is urgent because school council elections are taking place at this moment. Nominations are being called for and the government's intentions should be made clear to everyone.

The PRESIDENT — Order! Mr Birrell reinforces the guidelines I issued earlier. Because adjournment debates have been wide ranging and are almost regarded as another question time, I have reissued the guidelines, while not changing them. Mrs Carbinés is stretching things somewhat, so I leave it to the minister to decide whether he will answer her inquiry.

Fishing: recreational access

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Energy and Resources regarding an urgent matter concerning the Environment Conservation Council's recommendation for marine parks and aquaculture sites. I have received many submissions by telephone and in writing expressing serious concern about the proposals, especially for recreational fishermen. The main concern, as outlined in an article in the *Herald Sun* of 28 February, is that

thousands of recreational fishermen may be restricted in their access to fishing areas.

The South Gippsland Angling Clubs Association, a sizeable organisation representing a significant number of recreational fishermen, has written to me outlining its concerns about the council's recommendations. I have received a copy of the association's submission to the council, which lists 23 objections. In summarising its submission it states:

It is the considered opinion of the South Gippsland Angling Clubs Association that the recommendations of the Environment Conservation Council cannot be accepted in their present form.

I ask the minister to make certain there is no diminution of access by recreational fishermen to appropriate fishing zones in Victoria.

Police: bilingual D24 operators

Hon. S. M. NGUYEN (Melbourne West) — I direct to the attention of the Minister for Sport and Recreation, as the representative of the Minister for Police and Emergency Services in the other place, an issue raised by local residents. It has been pointed out to me by individuals and community groups that in times of emergency they have difficulty in communicating with D24 operators due to language barriers. I have visited D24, and it appears the use of bilingual operators may go some way towards solving those concerns.

I ask the minister to explore options for improving access to communities from non-English-speaking backgrounds through the use of bilingual operators.

Small business: Growing Victoria Together

Hon. W. I. SMITH (Silvan) — I direct to the attention of the Minister for Small Business the government's business summit, Growing Victoria Together, which is to be conducted later this month. The Victorian Automobile Chamber of Commerce in the editorial of its magazine *Auto* calls on the state government to include small business. It states:

To be successful, the business summit must be a summit for all businesses.

Many of the summits held in the 1980s fell well short of looking at the whole picture and became more about pandering to the whims of big business to the detriment of the needs of small business operators.

More than 50 per cent of people employed in my electorate are employed by small businesses. It is important that small businesses have a say in the

running of the affairs of Victoria. What is the minister's personal input in ensuring that small business is represented and has a voice at the summit?

Ararat Primary School

Hon. D. G. HADDEN (Ballarat) — I seek the assistance of the Minister for Sport and Recreation as the representative of the Minister for Education in another place. The first government school in Ararat was Ararat Primary School No. 800. Situated in Moore Street, it was built in 1865 of brick and bluestone and is of historical significance. The school has 235 students, with prep class sizes of 21 or 22 students and other classes ranging between 25 and 32 students, but mainly in the range of 27 to 28. The class sizes present difficulties in the old-style teaching spaces of a heritage building.

The stage 1 refurbishment and renovation is urgent and crucial, especially as the master plan commenced in 1974. In September 1999 the former member for Ripon and parliamentary secretary to the then education minister, Mr Stephen Elder, announced a grant of \$301 000 for the refurbishment. I ask the minister to advise me of the state of the funding so that the urgent refurbishment can be commenced as soon as possible.

Yarra Valley Hockey Club

Hon. C. A. FURLETTI (Templestowe) — I raise with the Minister for Sport and Recreation an issue which was raised with him on 4 November and 7 December last year by my colleague in Templestowe Province, the Honourable Bill Forwood, and which was also raised in a question on notice last year regarding the plight of the Yarra Valley Hockey Club, which at least ostensibly still calls Chelsworth Park in Ivanhoe its home.

The minister will recall that the club uses the hockey ground at the John Cain Reserve and that its future is precarious due to the redevelopment that is to take place at that facility.

On 5 December last year the minister assured my colleague that the hockey club would play out its current season at John Cain Reserve, citing a number of issues in the chain of events as the cause for the delay.

While that short-term solution was welcomed, it transpires that considerable pressure has been brought to bear on the other sporting groups at Chelsworth Park because of the uncertainty surrounding the relocation of the hockey club and the need to retain some under-utilised gravel hockey pitches. It has recently been brought to my attention that it is almost

impossible for the committee of management to plan for and implement any improvements to the sporting facilities at Chelsworth Park. Sporting groups and other users have been adversely affected as a result of the delay, the uncertainty and the lack of a firm commitment from the government to relocate the Yarra Valley Hockey Club, which the minister assured would take place. That relocation involves the choice of an acceptable and appropriate alternative venue in consultation with the club.

Can the minister give the many users and the volunteer management committee of Chelsworth Park any idea of the timing of the proposed redevelopment of the multipurpose facility at John Cain Reserve so that the committee can proceed with its plans and proposals to achieve the maximum utilisation of the sporting facilities at Chelsworth Park?

Commonwealth Games: green policy

Hon. G. D. ROMANES (Melbourne) — I refer the Minister for Sport and Recreation to the comments of a number of honourable members who spoke earlier today about the proposed Sustainable Energy Authority Victoria and the international urgency of reducing greenhouse gas emissions.

Most honourable members will be aware of the significant advances the New South Wales government has made as part of its commitment to a green Olympics. I refer to the preparation and implementation of energy conservation and waste minimisation measures for the Sydney Olympic Games, which will be held in September. It is logical that other states should take advantage of the innovative work that has been done in Sydney. Victoria could well stage a green Commonwealth Games in 2006; however, I am aware of the previous government's lack of preparation, commitment and care in that regard.

I ask the minister what the government can do to meet its waste minimisation and greenhouse gas reduction responsibilities through the development of sporting facilities for the 2006 Commonwealth Games that conserve energy usage and minimise waste.

GST: small business

Hon. P. A. KATSAMBANIS (Monash) — I remind the Minister for Small Business that on 1 March she told the house that she had had a meeting with — —

Hon. M. M. Gould — Are you paraphrasing?

Hon. P. A. KATSAMBANIS — Indeed. I am aware of the rules regarding quoting from *Hansard*, Ms Gould.

The minister told the house that she had had a meeting with the Institute of Chartered Accountants about the introduction of the goods and services tax. She said she had discussed with the institute the effects the implementation of the GST would have on small business. She further suggested that the institute had subsequently emailed its members asking them to provide her with information she could use to help solve the problems of small business in Victoria. The minister went on to say she had not had any response from the institute about its progress and would follow the matter up.

It has come to my attention that between the time the minister met with the Institute of Chartered Accountants and 1 March, when she gave that answer, the state chairman of the Institute of Chartered Accountants, Michael Beer, FCA, had circulated a further memo to the members of that institute. In that memo Mr Beer said:

You would have recently received an institute letter advising that following a meeting with the Victorian Labor Minister for Small Business, the Honourable Marsha Thomson, she would be pleased to receive 'real live' examples of problems associated with the introduction of the GST.

Mr Beer went on to say further that:

... a number of members have drawn attention that such a request could be seen as an attempt by the Labor Party to obtain information to politically undermine the introduction of the GST rather than assist in its implementation as we had intended. Such an impression could diminish the institute's high reputation for impartiality.

I and the institute's state council would like to unreservedly apologise if such a view was formed. The request was a genuine but perhaps naive response to a state minister's request.

I would like to reassure members that any examples of difficulties experienced by them or their clients with the introduction of the GST which are provided to the institute will be firstly internally processed and, if they raise matters not already being addressed by the teams involved with the implementation of the GST, will be referred directly to the Australian Tax Office, the Treasurer's office or Treasury as appropriate for their consideration.

The institute will continue to work hard with all those genuinely committed to tax reform to see a smooth introduction to the GST on 1 July.

As I said, that memo was sent to members of the institute on 22 February, a full eight days before the minister's answer. The minister may well have been aware that that memo had gone out. If so, the minister

clearly misled the house when she said she was still awaiting a response from the institute.

The PRESIDENT — Order! The honourable member should be asking a question or making a complaint.

Hon. P. A. KATSAMBANIS — I am getting there. Even if the house accepts that the minister was not aware of the memo, it is clear from the contents that the Institute of Chartered Accountants considers its interface with the minister to have been one at which the minister attempted to manipulate an august body, a body above politics, for partisan political purposes to the detriment of small business in Victoria. It is clear from the memo that the minister is irrelevant to the GST debate.

Will the minister confirm that she has nothing more positive to contribute on the introduction of the goods and services tax and that her attempts so far to support small business have been nothing but cheap stunts to use her office for political gain?

Hon. M. R. Thomson — On a point of order, Mr President, I believe there is no genuine question in the honourable member's comments and that they do not meet the guidelines given to the house.

The PRESIDENT — Order! What guidelines are you referring to?

Hon. M. R. Thomson — The guidelines about a member making a complaint, request or query. There was none of those, but there certainly was debate, Mr President.

The PRESIDENT — Order! The first point is that a member may make a complaint. As I understand it, the honourable member was complaining about the use the minister is making of her conversation with the accountants. It was a complaint, which is one of the items referred to in the guidelines. Regarding the lengthy quote — and I have previously referred to a quote by a member on the government side — it would help the house if in future members made brief quotations rather than longer ones. I do not uphold the point of order.

Warmies boat ramp

Hon. KAYE DARVENIZA (Melbourne West) — I refer to the Minister for Ports the problems experienced by some recreational boat owners using the new Warmies boat ramp at Williamstown. Will the minister advise what action has been taken to improve boating

safety in the inlet channel for recreational boat owners using the ramp?

Maryborough Regional College

Hon. D. McL. DAVIS (East Yarra) — I seek the assistance of the Minister for Sport and Recreation, who represents the Minister for Education in the other place. I draw his attention to some reports and comments I have received from people in Ballarat about the Maryborough Regional College.

Before the last election it was promised an upgrade of \$730 000. I know the former honourable member for Ripon, Mr Elder, did a great deal of work to upgrade that school. The \$730 000 was in the budget line items and was a clear commitment by the coalition. I understand the money was to be used to upgrade the home economics facilities at the Palmerston Street campus and the science block at the Nolan Street campus.

It was disappointing that the public sector asset investment program tabled recently makes no allowance for the Maryborough Regional Secondary College. A number of people have drawn the matter to my attention. I request the assistance of the Minister for Education in this matter. I am informed that the budget allocation has been reduced from \$730 000 to a mere \$90 000. Bearing in mind the Bracks Labor government's alleged commitment to regional Victoria the matter is of concern. It is unfortunate that other representatives in this house who more closely represent Maryborough have not sought fit to raise such matters or are not concerned enough about their constituency to protect the regional secondary college in Maryborough. It is an excellent school that received much assistance from the former honourable member for Ripon who did a great deal of good work.

Better Pools

Hon. B. C. BOARDMAN (Chelsea) — I direct a matter about the Better Pools program to the attention of the Minister for Sport and Recreation. I refer him to his response of 8 December last year when a matter was raised with him about the Frankston aquatic centre. In his response he said:

I will advise them of the funding criteria on which the Department of Sport and Recreation establishes such centres.

During question time on 1 March the Honourable Dianne Hadden asked the minister a question about the Better Pools program. The minister referred to the Department of Sport and Recreation and the funding available under the Better Pools program. He referred

to an additional \$6 million over three years to bring the entire sum to \$26.7 million over four years.

The minister may be concerned about an article that appeared in the Frankston *Standard* yesterday. Following an invitation from the honourable member for Frankston East, the Minister for Major Projects and Tourism in the other place visited one of the proposed locations of the Frankston aquatic centre, the Samuel Sherlock Reserve, which is part of the Chisholm TAFE complex. The minister made a number of comments about the proposed aquatic centre. I direct the attention of the Minister for Sport and Recreation to his previous answers regarding the grants. Will he outline who is the minister responsible for administering the Better Pools program and who has the responsibility for deciding where the funding is allocated?

Industrial relations: building industry

Hon. M. A. BIRRELL (East Yarra) — I direct a matter to the attention of the Minister for Industrial Relations. Today the Australian Industrial Relations Commission met to consider, as part of an ongoing case, the current industrial dispute in the construction industry, which has been in chaos over recent months. The hearing before the commission is designed to have the matter aired.

Section 170 of the Workplace Relations Act states that the state of Victoria has the opportunity to be heard before the commission and to seek leave to appear. In the past the Victorian government has sought leave to appear, and so far as I am aware has never had that leave rejected.

I am concerned that although the government, from the Premier to the Minister for Industrial Relations, is on record as saying it supports conciliation and arbitration, apparently it has not taken the opportunity to appear before the commission.

Hon. Kaye Darveniza — It is his bill and his legislation.

Hon. M. A. BIRRELL — That was a disorderly interjection which, in effect, asks why Peter Reith has not appeared. I am pleased to take up the interjection because it appears to indicate that the government believes there should be some form of intervention by the federal government. It is consistent with the state government's argument that it can do nothing when in fact it has the option to appear before the commission, and through that action gain an end to the bargaining period as ordered by the commission and therefore lead to conciliation and arbitration.

Victorians will be alarmed to learn that a ready option available to the minister has not been taken up. I raise the matter because I am concerned to know why the government consciously decided not to seek leave to appear before the commission today or at any time over the past fortnight or so. Why does the government not make an effort on behalf of all Victorian citizens to appear before the commission to seek under the existing federal law that the bargaining period end and therefore move towards achieving conciliation and arbitration?

Hon. Kaye Darveniza interjected.

Hon. M. A. BIRRELL — I do not welcome the interjection, but it points out a perhaps designed ignorance of honourable members opposite in trying to wish away the existing powers that are available under the Workplace Relations Act.

Why is the state government not using the existing powers under the Workplace Relations Act to seek leave to appear before the commission and have the bargaining period end and therefore make use of a power that would help resolve the dispute through conciliation and arbitration? That is what the government alleges it is interested in achieving.

Somerville Rise Primary School

Hon. K. M. SMITH (South Eastern) — I ask the Minister for Industrial Relations to direct to the attention of the Minister for Finance in the other place a matter concerning land purchased by the education department in Blacks Camp Road, Somerville, for the building of a primary school and a secondary college.

Somerville is probably one of the fastest growing towns in my electorate. Somerville Rise Primary School was built on one corner of the site and a secondary college was to be built behind it. However, either the Minister for Education or the Minister for Finance in the other place has said the land must be sold. The nearest secondary colleges to Somerville are Mount Erin at Hastings, the Mornington Secondary College and Frankston Secondary College — all about 8 or 12 kilometres away. The nearest non-state secondary college is the overcrowded Christian denomination Flinders Secondary College, which could not accept enrolments from about 100 kids last year. Somerville has two primary schools.

What is the massive and desperate need of the government to sell land? It came into office with a huge surplus left by the good work of the former government. Why is it selling the land when it does not need to do so? In the future it will cost more to

purchase land for that purpose. I ask the minister to have the Minister for Education provide an answer more quickly than the answer I received on another matter from the Minister for Finance — it took months!

Tourism: heritage trams

Hon. ANDREA COOTE (Monash) — The matter I direct to the attention of the Minister for Sport and Recreation for the Minister for Major Projects and Tourism in the other place concerns a joint proposal made some time ago to the minister by the City of Yarra, the City of Stonnington and the City of Port Phillip about running a heritage tourist tram. The idea was that the tram route would commence at Victoria Street, Richmond, and continue to Chapel Street, where passengers could alight and catch a ferry along the Yarra River, reboard the tram and travel to Acland and Fitzroy streets, St Kilda.

The local traders association believed the tourism and economic gain would be significant. According to the former Minister for Tourism, the honourable member for Brighton in the other place, when the trams were privatised provision was made for Yarra and Swanston trams to allow a heritage tourist tram to use their tram tracks.

Does the government plan to pursue the excellent concept of a heritage tram linking some of Melbourne's major tourist destinations? If so, what steps has the government taken to implement the scheme?

Rural Victoria: doctors

Hon. R. A. BEST (North Western) — The matter of concern I raise is directed to the Minister for Industrial Relations, representing the Minister for Health in the other house, and refers to the overseas trained doctors recruitment program. Last year the Clinical Practice Advisory Committee (CPAC) was established to coordinate the recruitment of more than 100 overseas-trained doctors. The committee had three terms of reference. The first was to establish objective criteria for evaluating overseas-trained doctors seeking specific registration to work in designated areas-of-need positions. The second was to provide advice to the Medical Practitioners Board regarding applicants' suitability. The third was to provide advice to the Medical Practitioners Board as well as the rural work force agency in Victoria and to work with the overseas-trained doctors to identify what supervision, additional training or orientation programs would be required by applicants to meet the eligibility criteria.

It is recognised that people in the metropolitan area have greater access to general practitioners (GPs) than Victorians living in rural and regional areas — the more rural the GP division, the worse the access becomes. Residents of areas of the Mallee represented by Mr Bishop and me have the worst access to general practitioners.

The program commenced about six months ago, yet to date the minister has not referred his departmental recommendation that identifies the definition of areas of need to the federal government. That recommendation would have CPAC start the program for the placement of doctors in rural Victoria. It is vital that CPAC commence the program. I understand about 50 to 52 doctors have already been identified as qualifying for placement in rural areas.

Another meeting of CPAC will be held next Friday. Unless approval comes from the federal government for the minister's request for a definition of areas of need doctors will have to wait another month before they can be allocated under the program. That raises a concern that doctors who are qualified within Victoria are being poached by other jurisdictions, including New South Wales. I urge the minister to ask the Minister for Health to send the letter to the federal minister so the program can commence and the needs of rural Victorians may be met.

Already 10 to 12 doctors have withdrawn from the program because of delays in the minister's office. Why has the minister been so slow to address the health needs of rural Victorians? He has taken more than six months to seek verification from the federal government and to have CPAC seek placements of trained doctors throughout rural Victoria.

Trucks: container regulations

Hon. B. W. BISHOP (North Western) — The issue I raise is for the attention of the Minister for Energy and Resources, representing the Minister for Transport in the other place. Last November I raised with the Minister for Transport the new transport regulations that were to come into place concerning container trucks. They referred to containers 40 feet in length or 40 tonnes in carrying capacity. The regulations address bridge clearances, particularly around the metropolitan area and ports. The proposal was to reduce the height of container trucks from 4.6 metres to 4.3 metres. That required a substantial investment by transport operators; up to \$200 000 would be spent on step-deck and low-profile trailers. Although that presented a few difficulties to transport operators they moved in that

direction, particularly on loads designated to metropolitan and port areas.

Many local transport operators were granted exemptions in part to use the 4.6 metre trailers where there were no bridges, thereby saving a large capital expense for work only in local areas. Any exemption to the local areas required gazettal for truck routes, a measuring of loads and driver training. Operators adhered well to the reasonable provisions. They were sensible and practical solutions to transporting loads where there are no restrictions on bridges.

Last November I requested that the minister continue the exemptions. I received a response from the minister that the 4.3 metre regulations will be extended to the end of next June. I welcome the minister's advice because it will assist some transport operators who are gearing their operations towards new regulations. Will the minister continue the exemptions for local areas with no bridge restrictions?

Police: Emerald station

Hon. N. B. LUCAS (Eumemmerring) — I direct a matter to the attention of the Minister for Sport and Recreation, as the representative in this place of the Minister for Police and Emergency Services in the other house. The matter I raise is urgent: I have a small quote, a brief background and a succinct question.

An article at page 5 of the Pakenham *Gazette* of 16 February 2000 states:

The manning of the Emerald police station has hit crisis point ...

The station, normally manned by one sergeant and six constables, has been reduced to one constable.

Last week the station was closed from Friday evening to Wednesday morning.

I do not wish to be critical of the district inspector, Jock Menzel, who I am advised has been doing an excellent job with the human and physical resources available to him. The towns of Emerald, Gembrook and Cockatoo have about 11 500 residents. In recent times the community has expressed increased concern about the availability of police to service the area. On 2 March the Emerald police station action group was formed at a meeting which included representatives of the Returned and Services League, local traders, the fire brigade, the local Shire of Cardinia, the village committee and members of the local community. That group is supported by St Mark's Anglican Church and the Emerald Neighbourhood Watch. A petition being

circulated in the area has received enormous support, and I will be presenting it to Parliament in due course.

I emphasise the local community's considerable concern about the situation. I ask the minister whether the Emerald police station has a future and whether he will consider the community's keen desire that sufficient resources be provided to ensure that the police station is fully staffed and can provide a 24-hour service.

Schools: capital works

Hon. A. P. OLEXANDER (Silvan) — I raise a matter for the attention of the Minister for Sport and Recreation, who represents the Minister for Education in the other place.

The minister should recall an article published in the *Knox News* of 22 February headed 'Schools miss out on funds', in which I was reported as pointing out that the Bracks government had withdrawn more than \$3.5 million of capital works funding for primary schools in the outer eastern region of Melbourne.

The minister has repeatedly refused to make any comment on or explain to the local papers the basis for the withdrawal of those funds. I also refer the minister to the article in the *Herald Sun* of 6 March headed 'School rip-off claim', in which it was revealed that instances of funding reallocations between Labor and Liberal electorates had recently been identified. The article revealed that the Premier's electorate of Williamstown, the Deputy Premier's electorate of Albert Park and Minister Delahunty's electorate of Northcote had benefited from more funding than was originally budgeted for. I ask the minister exactly how the new funding arrangements were determined, specifically those that have resulted in Labor electorates receiving more money and Liberal electorates receiving less. Given that the opposition has referred the matter to the Auditor-General, will the minister cooperate fully with Mr Wayne Cameron should he decide to undertake an investigation into the matter?

Public transport: eastern corridor

Hon. B. N. ATKINSON (Koonung) — I raise a matter for the attention of the Minister for Energy and Resources, who represents the Minister for Transport in the other place. During the last state election campaign the Labor Party said that it would not proceed with the Scoresby freeway and instead suggested that it would undertake several public transport initiatives in the eastern corridor. The two of particular interest to me and about which I seek information are the extension of

the tramline from East Burwood to Knox City, a \$19 million project that is currently the subject of a feasibility study, and the possible extension further south of the train line that runs from Huntingdale to Rowville.

I ask the minister for clarification on the progress of the feasibility studies on both those initiatives. What time line has the government set for making decisions on the tramline and railway extensions?

Police: Mount Buller station

Hon. E. G. STONEY (Central Highlands) — The matter I raise with the Minister for Sport and Recreation for the attention of the Minister for Police and Emergency Services in another place concerns the old police station at Mount Buller. During winter we need three full-time police officers at Mount Buller, 24 hours a day. There is accommodation for only two police officers, so it is particularly awkward if there is a female officer. The committee of management's planning of a new administrative block, which will include a new police station with up-to-date accommodation, is well under way, and work will start next spring. However, police command has been tardy about making a decision. If a decision is not made, the opportunity will be lost for the police to be relocated in the new building this year.

I ask that the Minister for Police and Emergency Services ensure that police command makes a decision quickly so that the work can go forward and the opportunity will not be lost.

Planning: Bayside scheme

Hon. C. A. STRONG (Higinbotham) — I raise an issue with the Minister for Sport and Recreation in his capacity as the Minister assisting the Minister for Planning. Previously during an adjournment debate I referred to the Bayside planning scheme, particularly the heritage gazettal of a number of properties in contravention of the local council's requirements. To paraphrase his answer, when referring the issue to the Minister for Planning the Minister for Sport and Recreation said those concerns were being addressed. I ask the minister how the concerns are being addressed and, given his knowledge of their being addressed, to explain his involvement in that process.

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — Before I respond to the three matters raised with me, I point out that on 1 March the Honourable Gordon Rich-Phillips raised a matter with

me for the attention of the Premier. I apologise for not referring to the matter in my responses at the time. However, I advise the honourable member that I had already raised the matter with the Premier, and he will respond in the usual manner. No honourable member has raised that oversight with me; however, having noticed it I want to put that on the record.

The Leader of the Opposition raised a matter which I think would be more appropriately directed to his federal Liberal colleague Peter Reith, given that he has failed to use his powers under the Workplace Relations Act to intervene in the building dispute over the past month. The government will intervene in the commission proceedings at an appropriate time. When we do, we will tell the commission about the economic damage being wrought on this state as a result of the Workplace Relations Act and about the state opposition's support for the 36-hour week in the building industry.

The Honourable Ken Smith raised for the attention of the Minister for Finance the sale of some land at Somerville. I will ask the minister to respond in the usual manner.

The Honourable Ron Best raised a matter for the attention of the Minister for Health concerning the placement of doctors trained overseas. I will raise that matter with him and ask him to respond in the usual manner.

Hon. C. C. BROAD (Minister for Energy and Resources) — The first issue raised for my attention was by the Honourable Ron Bowden, who referred to the Environment Conservation Council (ECC) recommendations on marine parks and reserves. I understand that more than 1000 submissions have been received in response to the draft report. The final report is due at the end of June. I imagine that the particular submission about which he expressed concern — that is, access for anglers as a result of those recommendations — will be one of many that will be assessed in the intervening period. He asked for an assurance that there will be no diminution of access for angling groups. That is a matter that is obviously appropriate for the government to consider once it receives the final report from the ECC after the report has been forwarded to the Minister for Environment and Conservation.

The second matter, which was raised by the Honourable Kaye Darveniza, referred to the Williamstown boating community's concern about the use of the new Warmies boat ramp. That is understandable, considering that some recreational boat

owners have been running around in channels leading to that boat ramp. I am advised that unfortunately those building the boat ramp, which was constructed by the Hobsons Bay council, with approximately half the cost being met by a grant from the previous government through the public recreation boating facilities program, did not undertake a survey of the channel because it was not considered necessary.

I am pleased to advise the house that in addition to the government taking urgent action to appropriately signpost the channel, in future grants of this nature will include as a requirement that such surveys of channels are undertaken to ensure that recreational boat users can safely use the ramps.

The Honourable Barry Bishop raised for the Minister for Transport an issue concerning the height of container trucks. The matter has been raised previously with the Minister for Transport, and Mr Bishop referred to the minister's response. Mr Bishop sought a further assurance from the minister in addition to his response providing exemption for local areas where there are no bridges. I will raise that matter with the Minister for Transport.

The Honourable Bruce Atkinson also raised a matter he has raised previously with the Minister for Transport. Mr Atkinson referred to two issues: the extension of the tramline from Burwood to Knox City and the extension of the train line from Huntingdale to Rowville.

Hon. B. N. Atkinson — Or Glen Waverley.

Hon. C. C. BROAD — Or Glen Waverley. There are two options. Mr Atkinson sought information from the Minister for Transport on the progress of feasibility studies and time lines for the projects. I will raise those issues with the Minister for Transport.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Peter Hall asked about the cost of bottled LPG gas. Less than 12 months ago the cost was approximately \$40 a bottle; it is currently approximately \$58 a bottle, which is a nearly 50 per cent increase in less than 12 months. Mr Hall suggested that the cost of the gas was a very small component of the increase. I, too, am concerned about the escalation of the cost of bottled gas. I have raised the issue with my office and staff have referred to cartage and handling costs and issues of that sort. I agree with Mr Hall that the cost seems astronomically high. I will look into the issue, and I will be more than happy to pass the information on to the honourable member when the results are available.

The Honourable Wendy Smith asked about the business summit and what I have done to ensure that small business will have an input into the summit. Limited places are available for peak bodies representing small business; the attendee list is not large. Importantly, the government is setting up the Small Business Advisory Council to allow small businesses to have direct input to the government, and that will be ongoing. The government will be able to assess a whole-of-government attitude and will have input to ensure any adverse impact on small business is minimised and that present policies that assist small businesses are continued.

The Honourable Peter Katsambanis raised an issue in relation to my statements in the house on 1 March about a lunch I had with members of the Institute of Chartered Accountants. Mr President, I was not aware of any memo going out from Michael Beer about statements made by Peter Costello about my motives.

I do not retract anything I said about the burden placed on small businesses by the introduction of the goods and services tax, and I make no apology for my advocacy and the role I take on the issue. I would be happy, if members of the Institute of Chartered Accountants have incidents they wish to raise with the federal Treasurer directly, for them to do so. I have no objection, and I hope members opposite will privately raise issues about the burden on small businesses of the GST. People who have concerns about the burden small businesses will bear because of the GST should express their concerns. I am more than happy to raise those issues because I believe it is the right thing to do for small businesses. Certainly there are federal opposition members who agree with me and who have raised matters directly with the federal Treasurer.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Elaine Carbines raised a matter concerning school council election guidelines, and I will raise that issue with the Minister for Education in the other place.

The Honourable Sang Nguyen asked about emergency D24 operators and the potential for bilingual operators improving access to the service. I will refer that matter to the Minister for Police and Emergency Services in the other place.

The Honourable Dianne Hadden asked a question about the stage 1 plans and grant for the refurbishment of Ararat Primary School, No. 800. I will refer that matter to the Minister for Education in the other place.

The Honourable Carlo Furletti referred to the Yarra Valley Hockey Club. Currently the construction of the proposed velodrome, which is part of the second stage of the Melbourne and Olympic Parks Trust development, is being reviewed on the basis of the potential cost, and the outcome of that review and the pre-construction phase will determine when the construction will take place. As Minister for Sport and Recreation I do not want to see a detrimental effect on any of the sporting groups associated with that development or surrounding parklands. The intention is to commence early in 2001, but that will be determined by the pre-construction phase. When more information comes to hand, particularly from the trust, I will be able to inform Mr Furletti in more detail about how various sporting organisations may be affected. The government will work closely with the various local councils to ensure that nobody is significantly impacted upon.

The Honourable Glenyys Romanes asked about the Commonwealth Games and the potential for a green games. Although many of the key infrastructure works have been developed, one of the great opportunities for an event like the Commonwealth Games or the Olympic Games or any such significant major events is that when they are promoted and facilitated by government they allow not only for a lasting significant legacy in the form of infrastructure but also for a lasting legacy in innovation and leadership in the community. Such events are an opportunity to provide a lasting legacy in areas such as waste minimisation and energy efficiency that sometimes need the leadership of government. The government will facilitate opportunities where they exist to provide new infrastructure for the Commonwealth Games.

The Honourable David Davis asked about the Maryborough Regional College and its various campuses, and I will refer that question to the Minister for Education in the other place.

The Honourable Cameron Boardman raised the issue of the Better Pools funding allocation. As the minister responsible for that issue I point out that the Minister for Gaming was touring the Frankston East area because of the significant amount of gaming taking place there. The minister was probably concerned about the relationship between local infrastructure and the need for regional aquatic centres. There is a great demand not only in metropolitan Melbourne but also in regional Victoria for updated aquatic centres. The building stock in ageing aquatic centres needs substantial maintenance.

Councils are taking up that opportunity to consider their various aquatic centres in a strategic light. Strategic consideration presents councils with an opportunity to rethink whether they will have a number of smaller pool facilities or one major aquatic centre.

The Honourable Andrea Coote raised a matter concerning the Stonnington, Yarra and Port Phillip heritage tourist trams, which I will refer to the Minister for Major Projects and Tourism in the other place.

The Honourable Neil Lucas raised a matter concerning the manning of the Emerald police station and its level of service and resourcing, which I will relay to the Minister for Police and Emergency Services in the other place.

The Honourable Andrew Olexander raised a matter concerning capital works funding in schools, which I will refer to the Minister for Education in the other place.

The Honourable Graeme Stoney raised a matter concerning the new police facility at Mount Buller and concerns regarding the living arrangements for police on duty. I will refer that matter to the Minister for Police and Emergency Services in the other place.

The Honourable Chris Strong raised a matter concerning the Bayside planning scheme and heritage gazetting of a number of properties. That matter has been raised before. The Honourable Chris Strong has asked for more detail. I will relay his concerns to the Minister for Planning in the other place. No doubt he is aware of those concerns and will relay them to the City of Bayside in due course.

Motion agreed to.

House adjourned 9.32 p.m.