PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

30 November 1999

(extract from Book 4)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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CONTENTS

TUESDAY, 30 NOVEMBER 1999

Tuesday, 30 November 1999

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

CONDOLENCES

Henry Arthur Hewson

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

> That this house expresses its sincere sorrow at the death, on 20 November 1999, of Henry Arthur Hewson, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Council for the Gippsland Province from 1964 to 1970.

Henry Arthur Hewson, known as Arthur, was born on 31 December 1914 and served in this house as a member for Gippsland Province between 1964 and 1970. Arthur was a dairy farmer before he entered Parliament, representing what was then the Country Party, now the National Party. He was a member of that party for more than 50 years. I am advised that in 1983 there was a celebration of Mr Hewson's 50 years as a member of the National Party. It is certainly a major achievement to have been a member of a political party for half a century and beyond.

Arthur Hewson was active in his local community. He was president of the Warragul Agricultural Society, president of the Poowong Football Club, a volunteer with the Country Fire Authority, and a member of the Rotary and Lions clubs. In addition, Mr Hewson served on a number of government boards and authorities, including the West Gippsland Base Hospital board, the Gippsland Water Utilisation Committee and the Gippsland Regional Tourist Authority.

After serving in the Victorian Parliament, Arthur was elected to the federal Parliament as the member for McMillan between 1972 and 1975 before returning to farming. On behalf of the government I extend condolences to the family of Arthur Hewson.

Hon. M. A. BIRRELL (East Yarra) — I join with the Leader of the Government in expressing the opposition's condolences on the passing of Arthur Hewson. Arthur Hewson was a member of the Legislative Council and then a member of the House of Representatives in the federal Parliament, a rather unusual career. Mr Hewson gave enormous service to his political party, the National Party, and was an individual who I believe was well recognised by that organisation for five decades of service. In this day and age it is perhaps unusual for individuals to be so steadfastly committed to a political party and so active in its organisation for half a century. Although Mr Hewson was not known to me personally, it is appropriate that I place on record on behalf of my colleagues our appreciation for his service to public life, not just his service to the Legislative Council.

Arthur Hewson was a member for Gippsland Province from 1964 to 1970 — one full term. He then had a break, a quiet interlude, and became a member of the House of Representatives later on, having been elected in the landslide 1972 election. He was re-elected in the 1974 election, was subsequently defeated by a very noble political party and ended his parliamentary career. Nevertheless, during his time in Parliament he made a clear contribution on behalf of the people of Gippsland and was a strong advocate for the regional development needs of Victoria in both the state and federal parliaments. On behalf of my colleagues I pay this tribute to Mr Hewson, who died on 20 November this year.

Hon. R. M. HALLAM (Western) — Arthur Hewson was an absolute pillar of the National Party. As the Leader of the Government has said, his service to the party went back over more than 50 years. In fact, he joined when the National Party was the Country Party. In 1983 the *National Outlook* included an article on the half century of service of Arthur Hewson. It was not just 50 years with the party; he served in almost every capacity. He joined the Poowong branch at the tender age of 18 years and served in almost every capacity, at both branch and state levels. Arthur was elected to this chamber having successfully contested a Gippsland Province seat in June 1964 and was defeated at the June 1970 election by Labor's Eric Kent.

I knew Arthur Hewson only fleetingly; we came across each other at odd times in the days of his retirement. But I can report to the chamber that I knew his replacement quite well. Eric Kent was a revered member of the house when I first joined it and he, too, had had an interruption to his political career, which he used to mention when he had an opportunity. Eric Kent was a gentleman, as indeed was Arthur Hewson.

Arthur won the federal seat of McMillan and, although he served just short of four years there, successfully recontested the seat in the election of 1974. He was eventually beaten for the seat by the Liberal Party's Barry Simon.

Arthur Hewson was a pillar not just of the National Party but of his local community. The report in the *Bibliographical Register of the Victorian Parliament*

1900–1984 of his association with the party goes several steps further than has been spoken of in this motion. It is appropriate that I record at least some of the involvements of the late Arthur Hewson.

He was a well-known dairy farmer and breeder of jersey cattle, and served the Victorian Dairy Corporation for four years during the Second World War. He was a member of the Returned and Services League and for 26 years was a member and twice president of the Warragul Agricultural Society. Arthur was president of the Poowong Football Club and vice-president of the Bass Valley Football League. In addition he was a member and chairman of the Lardner public hall, Pioneer Park and picnic committees, and a member of the West Gippsland Base Hospital board from 1960, as well as chairman and member of the Warragul and Drouin high school councils from 1965 to 1975.

Arthur Hewson was a member of the Gippsland water utilisation committee and chairman of the West Gippsland social worker group; director of the Gippsland Regional Tourist Authority and a member of the Victorian Dairy Authority, the Victorian Farmers Union and the Victorian Farmers Graziers Association, which organisations his farming life brought him into contact with. For more than 25 years he was a volunteer member of the Country Fire Authority and was very proud of his badge of service from that organisation. Arthur was a justice of the peace, a member of the Soil Conservation Advisory Committee and a long-time member of the Decentralisation and Development Association, as well as a member of Warragul Rotary and Lions clubs. Older members of the house will remember the former Victorian Dairyfarmers Association: Arthur was proud of his role in that organisation. In addition, he served a term as the president of the Warragul Bowling Club and was a councillor and served two terms as president of the Shire of Warragul, an involvement of which he was particularly proud.

Arthur Hewson was an extraordinary Victorian. I did not know him well, more's the pity, because everybody who knew Arthur spoke extremely highly not only of his sense of justice and personal integrity but also of his total commitment to his family and community. It is well known that Arthur Hewson was an extraordinarily pleasant man, and I can think of no better epitaph than that for him.

Arthur Hewson died on 20 November in his 85th year. On behalf of the National Party, I extend condolences to his wife, Ellen, and his four surviving children, Geoff, Neville, Russell and Julie. It is appropriate that we take time out to record the life and contribution of Arthur Hewson and to extend our condolences to his family, but it is more important that we celebrate the full and rewarding life of a remarkable Victorian, Henry Arthur Hewson.

Hon. P. R. HALL (Gippsland) — I have had what I consider to have been a real privilege in knowing Arthur Hewson well. As has already been said by other honourable members, Arthur Hewson was a staunch member of the National Party, having been a member for 64 years — a record not many people could achieve. Arthur was one of life's true gentlemen. I had the privilege of being able to classify myself as a friend of his. He was a wise person from whom I sought counsel on many occasions, and he readily volunteered that counsel. I would always listen to him because of his experience in community and political matters. His opinion was well considered.

Arthur lived in the Warragul region all his life and served his community with the utmost distinction. He served on many community organisations — at last count, about 38 — and I am sure there are other organisations that his family could not remember. When Arthur did something, he did it to the full. He was not just a token member of many of those organisations but made a long and positive contribution. For example, he was a member of the National Party for 64 years and achieved life membership. He served on the council of the Shire of Warragul for many years and served two terms as shire president. He served on the board of the West Gippsland Base Hospital for 30 years and achieved life membership of that organisation. He was a life member also of the West Gippsland Agricultural Society, having given many years service, and of the Warragul Agricultural Society, which was useful for the National Party because during election times he would ensure, as president of the society, that the National Party stall had a prominent location at the annual show.

In 1990 he was awarded a Medal of the Order of Australia (OAM) for his service to the community — a well-deserved award, although I learnt from his children that they considered, in a rather tongue-in-cheek way, that the OAM really stood for 'out at another meeting', which could be true given Arthur's involvement in community life.

As has been said, he served three levels of government, having held one of the seats of Gippsland Province from 1964 to 1970 and the federal seat of McMillan from 1972 to 1975, and being involved in local government for some 20 years. Throughout his public service he displayed the predominant characteristics

that classified him — humility, honesty and humour. He was that sort of person.

At Arthur's funeral service in Warragul last Friday one of his former federal colleagues, Tom McVeigh, said of him, 'He didn't seek greatness, but he attained it'. I do not think any of the 600 people who attended the funeral service would dispute that claim because, throughout his life, whatever Arthur Hewson did in his local community was always appreciated and respected. He achieved greatness at his local level.

Arthur is survived by his wife of about 60 years, Ellen, and his surviving children, Geoff, Neville, Russell and Julie Follett. His children spoke at the funeral service, and in their contributions their great love for their father came through strongly, as did his characteristics, including his great sense of humour. I commend Arthur's children for their courage in standing up and speaking so lovingly of their father.

The funeral was a great tribute to Arthur, who died at Gracevale Lodge in Warragul on 20 November. I had the opportunity to visit him at the lodge about three weeks before his death. Although at that time his health was failing and he was stressed, the cheeky grin that people associated with Arthur remained. He was nicknamed Tiger Hewson because of that characteristic; it enabled him to complete the tasks that confronted him throughout his life. I was grateful for the opportunity to meet with him again shortly before his death.

Arthur had a love for life and a passion for lawn bowls and community service. I, along with his wife, Ellen, and his children Geoff, Neville, Russell and Julie and their families, will greatly miss the wise counsel that Arthur Hewson was able to offer me whenever I asked for it. I join the house in contributing to the condolence motion for a great man in Arthur Hewson.

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

HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD (Minister for Industrial Relations).

LEGAL PRACTICE (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

ESSENTIAL SERVICES (YEAR 2000) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD (Minister for Industrial Relations).

QUESTIONS WITHOUT NOTICE

Minister assisting the Minister for Planning: responsibilities

Hon. G. R. CRAIGE (Central Highlands) — I ask the Minister assisting the Minister for Planning: are you the minister responsible for the Building Control Commission?

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I am the Minister assisting the Minister for Planning. Although I have had dialogue with the Building Control Commission, that authority still rests with the minister.

Industrial relations: workplace agreements

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Industrial Relations advise the house of Victoria's position on the federal government's proposed amendments to the federal Workplace Relations Act?

Hon. M. M. GOULD (Minister for Industrial Relations) — The Bracks government's policy is clear on industrial relations. Last week the government forwarded to the Senate workplace relations committee a submission on Victoria's position on industrial relations. The submission clearly identified — and it was forwarded to — —

Hon. M. A. Birrell — Did you send it to Cheryl Kernot?

Hon. M. M. GOULD — I sent a copy to you. The policy is clear; comprehensive terms and conditions will be established for all Victorians. In the submission the government identified that the second-wave

legislation before the Senate will only increase the existing injustices to Victorian workers. The submission identified a major concern of the Bracks government, that 700 000 Victorian workers have only five minimum conditions resulting from the previous government's referral to schedule 1A of the federal Workplace Relations Act. The submission also identified the policy of the Bracks government to support a unitary system that is fair for all. That system covers a comprehensive award system, allows for the independence of the Australian Industrial Relations Commission, puts an end to secret, individual contracts under Australian workplace agreements, and is based on a genuine no disadvantage test.

Yesterday the Victorian government's submission was vindicated by Democrat and Labor Senators when they handed down a report on the issues raised by the Victorian government, which clearly sets out that the second-wave legislation is an attack on Victorian workers. The Victorian government's submission highlighted its concerns and the position it is taking.

Drugs: youth pledge

Hon. P. R. HALL (Gippsland) — I refer the Minister for Youth Affairs to his government's youth pledge, which states:

> Labor will decriminalise the possession and use of small quantities of marijuana.

Will the minister define for the house exactly what he means by 'small quantities'?

Hon. J. M. MADDEN (Minister for Youth Affairs) — I thank the Honourable Peter Hall for his question about small quantities of marijuana. The government recognises that any illicit drugs are a health risk and a public nuisance. It has a major platform on the use of illicit drugs and a substantial policy on safe injecting houses, which it is currently pursuing and on which it is negotiating with relevant stakeholders. In relation to any drug use, the government is still embarking on a wide-ranging consultation process with local government bodies, community groups and key stakeholders.

Ports: shipping management centre

Hon. KAYE DARVENIZA (Melbourne West) — Will the Minister for Ports inform the house of the benefits of the establishment of the new shipping management centre in Melbourne?

Hon. C. C. BROAD (Minister for Ports) — Some honourable members opposite would be aware that in 1996 the Victorian Channels Authority was established by the previous government. Among other important matters for which the channels authority is responsible, it currently operates a 24-hour shipping control function for three ports — Melbourne, Geelong and Point Lonsdale. Given that each year there are approximately 3000 shipping visits to Melbourne and 500 to Geelong, the function the authority exercises is patently important. Unfortunately developments at Docklands and with the Bolte Bridge have effectively moved the centre of the port of Melbourne — —

Hon. M. A. Birrell — Unfortunately?

Hon. C. C. BROAD — Down towards the river entrance. The unfortunate consequence of — —

Hon. G. R. Craige interjected.

The PRESIDENT — Order! I ask Mr Birrell and Mr Craige to desist and to allow the minister to answer the question.

Hon. C. C. BROAD — The unfortunate consequence was that the Melbourne Harbour Control Centre at Victoria Dock was effectively cut off from the port, which I think honourable members would agree was not a desirable state of affairs.

Following extensive consultations, I am pleased to advise that a new shipping management centre has been built at South Wharf on Lorimer Street. At a recent meeting the Victorian Channels Authority was pleased to inform me that it had not only completed the centre but had also delivered it under budget and on time — something of which it was very proud. The authority deserves to be congratulated on such a great centre.

In conjunction with the completion of the centre there has been a significant upgrading of communications equipment. On the advice I have been provided with I am confident it will provide far better coverage and enable better ship management.

Small business: infrastructure planning council

Hon. W. I. SMITH (Silvan) — Will the Minister for Small Business guarantee that small business will have representation on the infrastructure planning council?

Hon. M. R. THOMSON (Minister for Small Business) — The Bracks Labor government has given a commitment to having a small business representative — —

An Honourable Member — One small businessperson?

Hon. M. R. THOMSON — One small businessperson representing the interests of small business on the council.

Rural Victoria: major sporting events

Hon. D. G. HADDEN (Ballarat) — Will the Minister for Sport and Recreation inform the house on how Sport and Recreation Victoria is promoting major sporting events in rural Victoria?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Last Friday I was fortunate to launch the Women's World Bowls 2000 tournament at the Parliament House bowling green. The tournament will be held at Echuca–Moama from 8 March until 25 March next year. The event will involve 170 of the world's best female bowlers from 34 competing countries, including the Australian women's bowls team. The economic benefits to the Echuca–Moama district will be significant. I am pleased that my office was able to promote the wonderful event and that the parliamentary grounds were able to be used for the promotion. The launch represented the government's ongoing commitment to the development of lawn bowls throughout Victoria.

Restaurants: smoking ban

Hon. BILL FORWOOD (Templestowe) — I direct my question to the Minister for Small Business. On Saturday the Minister for Health announced that the minority Labor government would introduce a no-smoking policy for Victorian restaurants. Did he consult with the Minister for Small Business before he announced the policy, which will have an impact on thousands of Victorian small businesses?

Hon. M. R. THOMSON (Minister for Small Business) — The minister did not consult me before making the announcement to the press on Saturday about the smoking ban in restaurants. However, I should have thought that the notion of having a healthy, clean environment in which their workers could work would be something that restaurateurs would support.

Water safety: education campaign

Hon. R. F. SMITH (Chelsea) — Will the Minister for Ports inform the house what action has been taken to provide safety information to boat users this summer?

Honourable members interjecting.

Hon. C. C. BROAD (Minister for Ports) — If honourable members had been listening they would have heard the question. The question relates to the important issue of safety on the waterways this summer.

Hon. M. A. Birrell interjected.

The PRESIDENT — Order! Mr Birrell seems to be having a difficult day. I ask him to keep his own counsel and to allow the minister to respond.

Hon. M. A. Birrell — Tell us what you think of the honourable member you offended. You were trying to keep us quiet. Tell us what you think of the guy sitting behind you.

The PRESIDENT — Order! The minister is responding to the question put by the Honourable Bob Smith.

Hon. C. C. BROAD — Honourable members will recall that recently in the house I referred to some tragic incidents that have already occurred on our waterways this season. I advise the house that, as part of a wide range of initiatives through the Marine Board of Victoria, the government will be taking a number of actions to prevent further occurrences of this type. They will include the provision of general information about safety for boaters, specific directions for jet ski operators, and advice on safe operating speeds and the importance of life jackets.

Some members may be aware of a tragic occurrence in Tasmania recently which resulted in the deaths of a number of people who were not wearing life jackets. An important focus of the education campaign is to ensure a similar occurrence does not occur in Victorian waters.

Waterways managers have been asked to distribute the safety information throughout the summer, but there will be particular emphasis on Sundays 5 and 19 December. That information supplements information already distributed in the *Victorian Boating Guide*, which has gone out with registration renewals to all powerboat owners.

The boating safety information trailers operated by the marine board will be stationed at major boat ramps and boating events during summer. The ramps will include those at Mornington, Carrum, Geelong, Werribee, Beaumaris and a range of regional locations including the Gippsland Lakes, Maryborough and Moe. This season the trailers have already been used at Horsham, Lake Boga and Lake Nagambie. The trailers provide a focal point and presentation area at which specific

boating issues can be discussed. Once again, the focus will be on the important — —

Honourable members interjecting.

The PRESIDENT — Order! I try to be fair to both sides of the house. One of the longstanding rules of the house is that while a member is speaking I will not allow other members to talk over that member. I ask the members of the opposition on my left to desist from interjecting while the minister is responding.

Hon. C. C. BROAD — In conclusion, I point out that the focus of the campaign is on the important matter of encouraging all boat users to wear life jackets throughout the summer.

Minister assisting the Minister for Workcover: responsibilities

Hon. R. M. HALLAM (Western) — My question is to the Honourable Monica Gould. By way of background I make the point that Ms Gould has been formally commissioned as Minister assisting the Minister for Workcover. In that capacity, will she explain to the house what precise responsibility attaches to that ministry, for which she accepts accountability?

Hon. M. M. GOULD (Minister assisting the Minister for Workcover) — As I have indicated to the house previously, my role as Minister assisting the Minister for Workcover is one of assisting him as directed from time to time.

Toys: safety

Hon. JENNY MIKAKOS (Jika Jika) — Will the minister for fair trading inform the house what the government intends to do about the sale of dangerous toys at Christmas this year?

The PRESIDENT — Order! I presume this question is to the Minister for Small Business or the Minister for Consumer Affairs, not the minister for fair trading, as that ministry does not exist.

Hon. JENNY MIKAKOS — The Minister for Consumer Affairs, Mr President.

Hon. M. R. THOMSON (Minister for Consumer Affairs) —

Hon. G. R. Craige — You can't even get them to get the questions right.

The PRESIDENT — Order! I suggest the house allow the minister to respond.

Hon. M. R. THOMSON — Every Christmas concerns are raised about a flood of toys unsafe for children. This year two such dangerous toys have already been found by inspectors from the Office of Fair Trading. One proprietor in North Fitzroy has been prosecuted for the sale of toys that expand when exposed to water. Such a toy would be a big risk to children under the age of three years, who tend to pop toys into their mouths. The toys expand and children could choke on them.

The government asks that consumers be on guard when purchasing toys: they should look at the labels and age recommendations. I ask that honourable members in their own electorates make their constituents aware of the problems of unsafe toys sold in the Christmas period. Toy manufacturers have raised the issue with the government and are assisting the government in its endeavours to identify dangerous toys.

RAIL CORPORATIONS AND TRANSPORT ACTS (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Hon. C. C. BROAD (Minister for Energy and Resources), by leave, introduced a bill to amend the Rail Corporations Act 1996 and the Transport Act 1983, to make consequential amendments to certain other acts and for other purposes.

Read first time.

GAS INDUSTRY (AMENDMENT) BILL

Introduction and first reading

Hon. C. C. BROAD (Minister for Energy and Resources), by leave, introduced a bill to amend the Gas Industry Act 1994 to make further provision relating to non-franchise customers and for other purposes.

Read first time.

CRIMES AT SEA BILL

Introduction and first reading

Hon. M. R. THOMSON (Minister for Small Business), by leave, introduced a bill to give effect to a cooperative scheme for dealing with crimes at sea, to repeal the Crimes (Offences at Sea) Act 1978, to amend the Interpretation of Legislation Act 1984 and for other purposes.

Read first time.

PAPERS

Laid on table by Clerk:

Barwon Region Water Authority — Report, 1998–99.

Central Gippsland Region Water Authority — Report, 1998–99.

Central Highlands Region Water Authority — Report, 1998–99.

Coliban Region Water Authority — Report, 1998–99.

East Gippsland Region Water Authority — Report, 1998–99.

Glenelg Region Water Authority — Report, 1998–99.

Goulburn Valley Region Water Authority — Report, 1998–99.

Grampians Region Water Authority — Report, 1998–99.

Legal Aid — Report, 1998–99.

Lower Murray Region Water Authority — Report, 1998–99.

National Parks Act 1975 — Report of the Secretary, 1998–99.

North East Region Water Authority — Report, 1998–99.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Federal–State Relations Committee's Report upon Register of Specific Purpose Payments received by Victoria.

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

Cranbourne Planning Scheme — Amendment L241.

Melbourne Planning Scheme — Amendment C17.

Melton Planning Scheme — Amendments C6 and C9.

Monash Planning Scheme — Amendment L53.

Port Phillip Planning Scheme — Amendment C13.

Stonnington Planning Scheme — Amendments L89 and L90.

Yarra Ranges Planning Scheme — Amendment L114.

Yarriambiack Planning Scheme.

Police — Chief Commissioner's Office — Report, 1998–99.

Portland Coast Region Water Authority — Report, 1998–99.

Premier and Cabinet Department — Report, 1998–99.

South Gippsland Region Water Authority — Report, 1998–99.

South West Water Authority — Report, 1998–99.

Statutory Rules under the following Acts of Parliament:

Forests Act 1958 — No. 122.

Magistrates' Court Act 1989 — No. 121.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 121/1999.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 122/1999.

Westernport Region Water Authority — Report, 1998–99.

Western Region Water Authority — Report, 1998–99.

A proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act:

Courts (General Amendment) Act 1995 — Section 4 — 1 December 1999 (*Gazette No. G47, 25 November 1999*).

HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL

Second reading

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

That this bill be now read a second time.

The principal aim of the bill is to authorise visiting health practitioners to provide health care services to visitors in Victoria, in connection with designated special events, while exempting such practitioners from the provisions of Victorian law relating to health practitioners.

The Victorian government has made a commitment to host rounds of both the men's and women's football — soccer — competitions of the Olympic Games in September 2000. In addition, there may be other visiting teams associated with the Olympic Games who use facilities in Victoria for training prior to the games.

Over any year Victoria also hosts special sporting, cultural and other events which bring teams or groups of participants from other countries into Victoria specifically to take part in the special event.

Many groups or teams associated with special events are accompanied by health practitioners who provide health services to the visiting group or team participants. Formal registration processes as provided for in the existing Victorian health practitioner

registration acts are not deemed necessary for visiting health practitioners to provide services to members of a visiting team or group.

Provision is made in this bill for the Minister for Health to declare a special event in the *Government Gazette*. Visiting health practitioners will then be exempted from the offence provisions contained in a health registration act and from those contained in the Drugs, Poisons and Controlled Substances Act and its regulations.

Furthermore, visitors who are members of a team or group who are visiting as part of a declared special event will be exempt from any offence provision contained in the Drugs, Poisons and Controlled Substances Act and regulations relating to the possession or use of a drug or poison, where the drug or poison has been prescribed or supplied to them by a visiting health practitioner.

The bill also makes provision for a person who is licensed to supply or sell a drug or poison to be exempted from offence provisions of the Drugs, Poisons and Controlled Substances Act and regulations when the sale or supply is to a visiting health practitioner.

Similarly, a pharmacist who dispenses a prescription written by a visiting health practitioner is also exempt from offences under the Drugs, Poisons and Controlled Substances Act and regulations.

The bill authorises visiting health practitioners to provide health services to any visitor during an exemption period of a special event; and authorises visiting health practitioners to use any title he or she normally uses in providing health services and to hold himself or herself out as being able to provide those services.

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

In addition to the above exemptions and authorisations, the ministerial special event order will specify the exemption period, and impose conditions, restrictions or limitations on visiting health practitioners relating to services to be provided or to the security or storage of drugs and poisons in their possession.

This bill will streamline the process necessary for a visiting health practitioner to provide health care services to a member of a group or team associated with a designated special event.

I commend the bill to the house.

Debate adjourned on motion of Hon. W. R. BAXTER (North Eastern).

Debate adjourned until later this day.

ESSENTIAL SERVICES (YEAR 2000) BILL

Second reading

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

That this bill be now read a second time.

I am sure that all members of the house are aware that the year 2000, or Y2K, problem may potentially pose a significant threat of upset to the everyday lives of all Victorians.

Of course, our hope is that the recent efforts made by both government and industry are successful to ensure that there will not be Y2K failures of computer systems and equipment. Despite these efforts, protection against Y2K failure is not guaranteed.

Following the tragic Longford gas plant incident of 1998 we have all experienced the difficulties of day-to-day living without essential services such as gas. While the people of this state showed great adaptability and community spirit in a time of adversity, the cost of the disruption to business was significant.

As a consequence of this incident and in light of previous major service failures in the Australasian region — such as the Auckland electricity supply failure and Sydney water supply failure — a review of Victoria's security of supply and emergency management arrangements was conducted.

A contingency planning process has been undertaken and a review of existing emergency powers and essential services legislation has concluded that this legislation may be potentially outdated and inadequate to effectively manage technological problems arising as a consequence of Y2K.

As part of the contingency planning process, the government aims to ensure that government departments, funded agencies and service providers are prepared well before 31 December 1999 to deal with all eventualities associated with possible Y2K failure.

The government has an additional responsibility to ensure that it can respond in such an emergency to effectively manage a disruption to essential services.

The bill is specific to the Y2K problem and will provide the necessary powers to manage Y2K problems. Where the Governor in Council is satisfied that any essential service is affected as a result of Y2K so as to be unable to meet the community's needs, the Governor may make an order that this bill is to apply. Additionally, the Governor in Council may make a declaration that any service is an essential service. Such a provision may be used to declare food an essential service if it were necessary to regulate food storage and distribution.

Where the Governor has declared that this bill is to apply, the responsible minister will have the power to give directions to any person for the purpose of maintaining or resuming essential services. Such directions may be for the purpose of regulating, restricting and rationing these essential services, having regard to the needs of the community.

In addition, there will be tough enforcement provisions to punish those persons or corporations who feel their own needs to be more important than those of their fellow Victorians and who choose to disregard such directions by continuing to use essential services.

There may be those that feel that the powers given to the minister are so broad as to be almost draconian. In response I ask members to note that the private and public sector have had the opportunity for quite some time to undertake contingency planning and Y2K compliance programs.

If these programs are successful the powers under this bill should theoretically be unnecessary. However, this bill ensures that the state government has met its responsibilities to provide for effective management of Y2K problems if contingency and emergency planning is inadequate.

Additionally the bill will make an amendment to the Emergency Management Act 1986 to clarify the definition of emergency to include significant disruptions to essential services or commodity supply systems. This is designed to increase certainty for agencies who have responsibilities under the act as to the circumstance under which they are required to act. As such these agencies will be in no doubt that they will have emergency management responsibilities for Y2K situations, in addition to fires, floods and explosions which are currently defined as emergencies under the act.

Several key dates have been identified in relation to the Y2K problem, including 1 January 2000, 29 February 2000 and 1 January 2001. Accordingly the act will sunset within six months of the end of the potential Y2K danger period.

Statement under section 85 of the Constitution Act 1975

Clause 32 of the bill provides immunity from legal action for persons who act in good faith in the execution of part 2 of the act or any proclamation or ministerial direction under part 2. Clause 33 states that it is the intention of clause 32 to alter or vary section 85 of the Constitution Act 1975.

The reason for altering or varying section 85 of the Constitution Act 1975 to limit the jurisdiction of the Supreme Court is to ensure that persons acting in good faith in the execution of part 2 of the act or any proclamation or ministerial direction under part 2 are immune from suit as these people are acting in the public interest and should be confident that their actions will not be exposed to legal action.

I commend the bill to the house.

Debate adjourned on motion of Hon. BILL FORWOOD (Templestowe).

Debate adjourned until later this day.

LEGAL PRACTICE (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

This bill makes a number of miscellaneous amendments to the Legal Practice Act 1996 to improve the efficient operation of the Legal Profession Tribunal.

Power to disqualify practitioners

The Legal Practice Act 1996 empowers the Legal Profession Tribunal to disqualify lawyers who have been found guilty of misconduct. As the right to practice law in Victoria flows from the possession of an annual practising certificate, disqualification from practising law is similarly linked to the cancellation of a practising certificate or the ineligibility to obtain a fresh one.

However, a lawyer can surrender a practising certificate at any time. By surrendering the certificate or by not renewing it when it lapses a lawyer may ensure that at the time he or she is convicted they no longer hold a practising certificate. If there is no certificate to cancel,

arguably there is no clear power in the tribunal to impose a disqualification period. The lawyer could therefore be eligible to apply for a new practising certificate immediately after being convicted. The tribunal is currently relying on its general powers to disqualify lawyers even though there has been no prior cancellation of a practising certificate.

To put this issue beyond doubt, the act will be amended to provide the tribunal with clear power to impose a period of disqualification on a lawyer even where it has not first cancelled the lawyer's practising certificate.

In conjunction with this the tribunal will acquire a discretion as to whether to refer such practitioners to the Supreme Court with or without a recommendation that the practitioner's name be struck off the roll of practitioners.

Civil disputes jurisdiction

The Legal Profession Tribunal has effectively a small claims jurisdiction for the handling of civil disputes, often over costs, between a client and lawyer. Whilst the maximum amount that the tribunal can award is $15 000 there is no limit as to the amount that can be in dispute in non-cost related disputes, for instance, those alleging negligence.

Recently there has been an increase in the number of claims brought before the tribunal for amounts well in excess of $15 000. Many complainants are using the tribunal as a trial run for their larger common-law claim, or using the tribunal process as a fishing expedition to gather evidence. The result of this has been a huge drain on the tribunal's resources. Hearings can last for weeks, requiring the tribunal to examine thousands of documents and hear lengthy and complex evidence.

The tribunal was never meant to handle complex civil litigation. It was established to assist claimants, particularly those with limited financial resources, to resolve minor disputes. Complex civil matters properly belong in the courts and it is not appropriate for the limited resources of the tribunal to effectively subsidise parties seeking to avoid the usual costs associated with civil litigation.

To ensure that the original intention of the act is maintained the proposed amendments will give the tribunal a discretion to refer such matters for hearing in the appropriate court.

Cost of obtaining transcripts

With longer and more complex evidence being presented, the costs of the tribunal of obtaining a transcript of evidence for use of the full tribunal on appeal is also increasing. To address this issue the act is amended to give the full tribunal a power to order that a party pay the full tribunal's cost of obtaining transcript of a hearing before the tribunal at first instance.

I commend this bill to the house.

Hon. C. A. FURLETTI (Templestowe) — I have pleasure in supporting the bill, and in doing so indicate that the Legal Practice Bill 1996 was one of the first pieces of legislation I had the pleasure of contributing to in this house. Having practised law for almost 30 years I found it awkward to debate a bill which impacted so dramatically on the profession. The bill was the culmination of various changes to the legal profession from when I was admitted in the late 1960s.

The Legal Practice Act was revolutionary in the way it reformed the control, structure, membership, supervision, conduct and practice of law in this state. It was the most dramatic overhaul of the Victorian legal profession in more than a century. The act is of major proportions: it contains more than 450 sections. As an example of its complexity I cite schedule 2, a savings and transitional schedule of almost 60 sections.

Because of the act's complexity, the former government introduced some three or four amending bills over the four years after its enactment. However, considering the impact of the act, the fact that so few minor amendments have been made is an indication of how successful it is. It is a fine reflection on the enormous amount of consultation that took place with all interested parties before the legislation was introduced. I remember commenting at the time of debate on the legislation that there was little doubt that some finetuning would be necessary. However, as I have indicated, the fact that that finetuning has been kept to a minimum shows the great benefit of a large degree of consultation and of putting in the effort at the beginning rather than later on.

Notwithstanding the views and perceptions of many, the legal profession is an honest profession. I have spent all my working life as a practising solicitor, and I am certainly proud to be part of the profession.

It was interesting to note that, notwithstanding many of the reasons given for the revolution that was to take place — one of those being the honesty or otherwise of members of the profession — the statistics showed that

of the 8000-odd practising solicitors in 1995–96, only 7 or 8 defalcations had occurred.

It is also interesting to note that on last year's figures, of the 4000-odd complaints that were lodged with recognised professional associations and the Legal Ombudsman, only a very small percentage actually reached the Legal Profession Tribunal. That indicates that most of the complaints were either of a minor nature or were resolved without recourse to the ultimate umpire dealing with the legal profession.

The dispute resolution part of the Legal Practice Act is one of the most effective pieces of consumer protection legislation introduced in Victoria. In that respect the Legal Practice Act deals with two specific areas: the disciplinary aspect, which relates to the conduct of legal practitioners vis-a-vis their clients; and that area of complaint or dispute which has no element of unsatisfactory conduct or misconduct as defined in the act.

The structure set up to resolve disputes — the minister described it as a small claims tribunal in the second-reading speech — involves a series of processes that inherently include mediation and conciliation through the recognised professional associations. Another level — the Legal Ombudsman — overrides the RPAs. It is an independent nexus, if you like, with the following level — the Legal Profession Tribunal — comprising either one member or three members on appeals as the full tribunal. The system appears to be working exceptionally well, as can be seen not only from reports but also by the number of people using that forum to resolve disputes.

Although it is appropriate to have differences between the imposition of discipline and restraints on miscreants within the legal profession, the tribunal also has power to adjudicate costs disputes between solicitors and their clients and has extended power to make compensation orders for up to $15 000 against practitioners and in favour of clients. That aspect of the tribunal's jurisdiction has attracted a number of claims that perhaps were not anticipated in 1996 when the legislation was introduced.

As I said earlier, it was intended that the legislation be a form of rapid resolution of disputes between solicitors and their clients. However, according to the tribunal, it has turned into a forum that is being abused in that it is attracting claims for in excess of $15 000, which are not in real issue. The tribunal is attracting claims for determination and is being used as an avenue for a dry run, if you like, or the first of two bites of the cherry. A number of claimants can go from the tribunal to the more appropriate forum, the courts. Using the documentation they have obtained through the discovery process, or using the information and defences that have been used in the tribunal, they can evaluate the strength of their own cases in determining whether to proceed.

Having practised as a solicitor for a number of years, it would appear to me that that is a terrific way of determining whether to progress a case that may not have the legal strength that one would like. If the issues are not resolved favourably in the tribunal, costs are generally not awarded and the party has been able to achieve an indication of the success of the claim without necessarily running the risk of formal litigation in the courts and the incumbent costs associated with that scenario.

Solicitors have been blamed for using that tactic — and it is a tactic — but the avenue exists. I would not blame a solicitor for using the process because, as we all know, solicitors are obliged to seek to do the best for their clients. If, in the course of their brief or engagement, they see fit to test the case and this avenue exists — it is a legal avenue and no-one is suggesting otherwise — they should be able to do so, and they do. However, the tribunal suggests the tactic has imposed some unexpected burdens on it. Apart from the cost of time and effort — some of these cases take weeks — there is also the question of resources and the complexity of the cases that are brought before the tribunal. For those reasons the tribunal has requested that the legislation be amended so that on the application of either party to the claim, the tribunal can suggest it is not an appropriate forum for a claim to be brought and refer the matter to a court with the appropriate notations. I stress that the tribunal has sought to have the legislation amended because of a perception that this is not part of the jurisdiction it was established to handle. I remind the house that the bill was prepared under the previous government, and that is the primary reason that it has the support of the opposition.

Another provision of the bill gives the tribunal the power to deal with practitioners who have been found to have engaged in unsatisfactory conduct or misconduct to an extent that their practising certificates are put at risk. The processes for procuring a practising certificate are fairly detailed, and a practitioner will not obtain one unless a number of preconditions are met, including contributions to the fidelity fund, proof of professional indemnity cover, and the like.

Sections 159 and 160 of the Legal Practice Act provide the tribunal with the power to deal with unsatisfactory

conduct and misconduct, and include suspension or cancellation of or the imposition of conditions on a practising certificate.

If a practitioner has surrendered his or her practising certificate or it has lapsed before the tribunal makes a determination with respect to the certificate, it is uncertain whether the tribunal has the power to make an order that could affect the practising certificate. Therefore, if the tribunal was minded to cancel a certificate, there would be no certificate to cancel. Some doubt exists as to whether in those circumstances the tribunal would have the power to disqualify the practitioner from applying for a practising certificate in the future.

Some doubt exists whether the tribunal can act, as could a magistrate in the case of a driving licence, to disqualify somebody from holding a licence for months or years. The bill aims to give the tribunal the power not only to cancel an existing certificate but also to disqualify a practitioner who has been found guilty of misconduct from applying for a practising certificate for a particular period.

The third major amendment in the bill relates to the costs of obtaining a transcript of a hearing before the tribunal in the first instance. As a result of the increased workload and jurisdiction of the tribunal, with the complexity of the issues being brought before it and the expected ongoing litigation arising from the use of the tribunal for the purpose of dry-run hearings, it has become increasingly necessary to ensure transcripts are available for any appeals against decisions of single members of the tribunal. The cost of the transcripts has been borne by the tribunal, but the tribunal now believes that, given the circumstances, it is appropriate that it should have power to award costs on appeal and clause 7 refers to the cost of obtaining a transcript of the hearing being included in the costs to be awarded.

The bill is another refinement to a good piece of legislation which has been operating in Victoria for almost four years. It finetunes matters that have arisen during the tribunal's operations. I am pleased to have had the opportunity to support the bill, and I wish it a speedy passage.

Hon. D. G. HADDEN (Ballarat) — I support the Legal Practice (Amendment) Bill, which contains a number of important miscellaneous amendments to the Legal Practice Act. The bill aims to improve the efficient operation of the Legal Profession Tribunal and strengthens its powers to deal with disputes, especially the power to disqualify legal practitioners who do not hold current practising certificates at the time orders are made against them.

Clause 6 amends section 160 of the principal act, which relates to penalties for misconduct. The Legal Practice Act allows the tribunal to disqualify a legal practitioner holding a current practising certificate, but only when the practitioner is found guilty of misconduct.

The right to practise law in Victoria is governed by the holding of a current practising certificate. A legal practitioner can surrender that certificate or simply not renew it at the expiration of its term. Therefore, a legal practitioner who is about to appear before the tribunal and is facing a conviction for misconduct could either surrender his or her current practising certificate or not renew it. That situation poses problems for the tribunal. The full tribunal's power to impose a penalty would be curtailed.

In simple terms, the practising certificate of a legal practitioner cannot be cancelled if the practitioner does not hold a current certificate. It is similar to a person not holding a driving licence when he or she appears on a driving offence. There is no specific power with the tribunal to disqualify a legal practitioner. The tribunal has been relying on its general powers, which is unsatisfactory.

The bill gives the full tribunal the power to disqualify for a specified period a legal practitioner from holding or applying for a practising certificate so as to practise law. Clause 6 of the bill amends section 160 of the Legal Practice Act to provide that the tribunal may refer a legal practitioner to the Supreme Court with or without having made a recommendation about that legal practitioner's name being struck off the roll of practitioners.

Through the insertion of proposed section 136A, clause 5 deals with recommending matters to a more appropriate forum. That will allow the tribunal to more effectively deal with small claims disputes in line with the original intention of the act. The Legal Profession Tribunal has power to deal with small claims that often involve disputes about costs between clients and practitioners. At the moment the maximum amount the tribunal can award in a civil dispute is $15 000; problems have arisen about amounts in excess of that figure. Hearings have become costly for the tribunal, with a consequent drain on its resources. That situation was not contemplated in the act.

The bill gives the tribunal the power to dismiss the dispute and to refer it to the relevant court or appropriate forum.

Proposed section 169A(1) will enable a full tribunal, in an appeal, to make an order regarding the cost of obtaining a transcript of a hearing before a tribunal at first instance. As I said, the cost and length of such proceedings have increased, as has the complexity of the evidence. The amendment will give the full tribunal power to order a party to pay the full tribunal's costs of obtaining a transcript of a hearing before the tribunal at first instance.

Proposed new section 160 amends the principal act to extend the discretion of the tribunal to refer a legal practitioner to the Supreme Court with or without a recommendation that the practitioner's name be struck off the roll of practitioners.

The bill's amendments will improve the efficiency and operation of the Legal Profession Tribunal. I commend the bill to the house.

Hon. JENNY MIKAKOS (Jika Jika) — As a current holder of a legal practising certificate in Victoria, I support the bill. I am sure the amendments will assist in the restoration of confidence in legal practitioners by their clients.

Proposed section 136A amends part 5 of division 2 of the Legal Practice Act 1996 to allow the tribunal, constituted by the registrar or deputy registrar, or the full tribunal to dismiss a dispute if it considers the dispute would be better dealt with by a court.

When the tribunal was established it was envisaged that it would mainly act as a disciplinary tribunal but also deal with civil disputes arising between legal practitioners and their clients. The tribunal was given jurisdiction to deal with civil disputes up to a maximum of $15 000 to avoid a situation whereby clients were required to commence legal proceedings in the court system to recover small amounts of legal costs which may have been excessively charged by their legal practitioner. Unfortunately, some disgruntled clients are seeking to recover amounts well in excess of the $15 000 jurisdictional limit and to introduce lengthy and complex evidence before the tribunal, which is causing the tribunal an excessive backlog in its dealing with such disputes. Some clients may well be using the tribunal process as a fishing expedition to determine whether to commence formal legal proceedings for an amount well in excess of $15 000. Effectively, proposed section 136A will allow the tribunal to refer such complex disputes to a court.

Proposed new section 160 amends certain sections of part 5 of division 5 of the Legal Practice Act 1996 which relate to the disciplinary jurisdiction of the tribunal. Proposed new section 160 will allow the full tribunal to refer a practitioner to the Supreme Court with or without a recommendation that the practitioner's name be struck off the roll of practitioners.

The act has two categories of misconduct. Unsatisfactory conduct is a lower category of offence. Section 160 refers to the penalties for misconduct, which is ostensibly defined in section 137 of the act. Misconduct is fairly grave in that it refers to excessive charging of legal costs by a practitioner and issues such as ignoring undertakings previously given by a practitioner.

The tribunal can order fines of up to $5000 or $50 000 where the full tribunal is hearing the matter. A legal practitioner's practising certificate can be suspended or cancelled for a specified period and under specific conditions. The tribunal can recommend to the Supreme Court that the name of a legal practitioner be struck off the roll of practitioners. The amendment seeks to give the tribunal a discretion on whether to make such a recommendation.

The proposed new section also gives the tribunal power to order, where appropriate, that a legal practitioner found guilty of misconduct not be allowed to reapply for a practising certificate for a specified period. The amendment is necessary because unfortunately some legal practitioners who have such proceedings commenced against them have sought to circumvent the disciplinary jurisdiction of the tribunal by either surrendering their legal practising certificates or not renewing them when they have lapsed. There is some doubt as to whether the tribunal has the ability or the power to suspend a legal practitioner from holding a current practising certificate, which he or she obviously does not hold at the time, or even to order that the legal practitioner involved not be able to reapply for a legal practising certificate.

At present I understand the tribunal makes such orders under its general plenary powers, but there is some doubt whether it has the ability to do so. The amendment will seek to clarify that position and ensure that the tribunal has the power to prevent a legal practitioner who has been found guilty of misconduct from reapplying for a practising certificate.

In supporting the bill, particularly the amendments to section 160, I believe all legal practitioners will support such changes to the disciplinary jurisdiction of the tribunal because unfortunately — and I say this as a current holder of a practising certificate — sometimes the few rotten apples in the barrel give all legal

practitioners a bad name. For that reason I am sure most legal practitioners will welcome a position where lawyers are not able to circumvent or find loopholes, as they do under the current Legal Practice Act. The tribunal and the Supreme Court will be able to fully apply some sanctions against those practitioners found guilty of misconduct.

Clause 7 of the bill seeks to amend section 169A of the Legal Practice Act. That section relates to part 5 division 6, which deals with appeals from decisions of the tribunal. Currently section 169A allows the full tribunal to make orders for the payment of costs. The amendment seeks to extend the effect of the section to include the costs of obtaining transcripts of proceedings held by the tribunal in the first instance. As I said at the outset, the reason for the amendment is that proceedings before the tribunal, particularly civil disputes, are becoming lengthier and more complicated as time goes on, and are draining the tribunal's resources excessively. The amendment will seek to rectify the situation by giving the tribunal such a discretion. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL

Second reading

Debate resumed from earlier this day; motion of Hon. M. M. GOULD (Minister for Industrial Relations).

Hon. W. R. BAXTER (North Eastern) — This is an interesting piece of legislation; it demonstrates in stark terms that currently Parliament is operating in a deficient mode because the government has not properly instituted the usual checks and balances one would expect in Parliament. The bill is a classic example of the sort of legislation that ought to go to a committee similar to the former Scrutiny of Acts and Regulations Committee. It is an absolute disgrace that in the fourth week of the sitting under the new government we are dealing with legislation without a vehicle being in place to properly scrutinise legislation. It flies in the face of the Bracks minority Labor government's undertakings for that to occur after it has cosied up to the Independents in relation to their charter and given all sorts of commitments about how Parliament would be better resourced, the government would be more accountable, and the like. I expect the government to move soon to put in place an appropriate parliamentary committee structure; otherwise its commitments will begin to appear very hollow.

The bill has become necessary because of the approach of the Sydney Olympics. I do not think anyone would oppose the principle behind the legislation. Many teams visiting Australia to participate in the Olympics will want to bring their own medical practitioners. The opposition understands that and wants the Olympics to be an outstanding success and a great boost for Australia on the world scene. It is in the interests of each honourable member to facilitate that success.

However, I have concerns with the implementation of the legislation. I see potential dangers in the exemptions the bill provides and potential hazards with the fairly wide allowance it makes for the prescribing of drugs, including narcotics. I bear in mind the problem that already exists in this country with drugs, and more particularly the stringent restrictions that are imposed on medical practitioners and pharmacists in Victoria — rightly so — for the prescription of drugs. Together with its provisions for the declaration of special events and so on the legislation seems to introduce a much more lax regulatory regime for the prescribing of such drugs. I am especially concerned to ensure that is kept under tight reign. In a moment I shall refer to some of the undertakings given by the minister in another place.

To some degree I am surprised by the readiness of the government to agree to allowing foreign-trained doctors to practise in Victoria, albeit only in respect of the teams to which they are accredited. I have had some experience in trying to have foreign-trained doctors accredited to service some rural parts of my electorate, and I am sure you, Mr Deputy President, have experienced the same thing in north-western Victoria. I can recall that not so long ago a Croatian-trained doctor at Tongala was eventually forced to leave the country because he could not get past the Medical Board of Victoria and the doctors trade union, the Australian Medical Association. Doctors must aspire to high benchmarks — clear high hurdles — if they are to treat Australian citizens.

A more recent example occurred in Echuca when a Dr Win — a psychologist who is very highly trained in his own country and who had practised in Australia with the correct registration for some time — was suddenly given an ultimatum that his registration would be withdrawn unless he qualified by passing certain exams in Australia. Another recent example involved a doctor in Barham, just across the river from my

electorate, who for some time provided extremely valuable services to a wide area of the Riverina that had been without a doctor. The South African-trained doctor in question had a great deal of difficulty having his credentials recognised.

I do not necessarily dispute the need for high benchmarks. However, I direct attention to the contrast between what those applicants had to go through and what is proposed in the bill. The bill proposes that provided the minister declares an event to be a special event within the meaning of the act, a person who might not be qualified by any stretch of the imagination in an Australian understanding of the term can administer to a visiting team provided he or she is employed, engaged or contracted by that team. That introduces a low hurdle for the quality of the medical service that may be rendered.

It is all very well for the more cynical among us to say, 'If a team is prepared to accept medication and care from someone with flimsy qualifications, that is its own funeral'. It is necessary to be a little tougher than that and to ensure that people being treated in this country — —

An honourable member interjected.

Hon. W. R. BAXTER — Yes, perhaps that was an inappropriate analogy; I will rephrase it. It is incumbent on Australians to ensure that visitors to this country are treated properly and adequately. The bill takes a fair bit on trust and does not ensure that at all. The teams will have to make those judgments for themselves.

I am also intrigued to discover there has been precious little consultation with the various medical boards listed in the bill. It has been taken for granted that they will agree to the bill's provisions. Bearing in mind that their traditional authority is usurped by those provisions, I should have thought some consultation between the boards and the current government might well be proposed.

I understand that the former government began consultation with them but that consultation was not continued by the current government. It is all very well for government members to come into this place and say, as I have no doubt they will, that the legislation had its genesis under the former government. That is true, but that is not to say that if the former government had remained in office the legislation would have come to this house in the form it takes today. The former government, to its everlasting credit, had a mature and efficient backbench consultation vetting organisation. If backbenchers were not happy, they said so or sent back whatever they were reviewing. As a former minister I well know the lash of the backbench committee.

If the government had not changed on 18 September, the bill would have been substantially tightened up and made much more specific than it is. It is simply not good enough for the government to allege the legislation emanates from the former government and therefore any deficiencies it might have are the fault of the former government . The system was interrupted or truncated and the legislation was not finalised.

One illustration of how the legislation could have been tightened up is in the definition of visitor. The definition of a visitor in the bill is peculiar, as it includes and encompasses a resident of Australia. It is difficult to understand how a resident of Australia could be deemed a visitor for the purposes of the act, but that is the definition. That matter may well have been looked at if the government had not changed.

Regarding that same definition, I am also concerned that presumably someone who is a resident of Australia but falls within the definition of visitor for the purposes of the bill can be treated by his or her usual doctor, to whom the person goes from time to time, and then seek treatment and the prescription of medication from a visiting medical practitioner. Surely there is room for conflict there. The visiting medical practitioner is able to go a lot further than the Australian registered practitioner in prescribing medication to the same patient. The bill is entirely silent on the circumstances in that case. I flag the potential for a conflict arising between an Australian registered practitioner who traditionally and habitually treats a patient who qualifies under the definition of visitor in the bill and some visiting medical practitioner, who may have exceptionally dodgy qualifications. I ask the government to look at that conundrum.

In the area where I live, on the border at Albury–Wodonga, a number of teams will be training, having come out early to acclimatise for the Olympic Games. In the midst of Albury–Wodonga medical practitioners there could be medical practitioners of doubtful qualifications treating people living in the community — for six months, eight months or more. Again I can foresee difficulties. I do not want to sound as if I am jumping at shadows; I hope I am not. But the bill seems not to take those potential difficulties into account.

Local pharmacists could be put under pressure to dispense drugs they would not normally be entitled to dispense, including narcotics, to visitors over a long period. All honourable members would know about the

monetary influence of drug-related transactions and the potential for matters to get out of hand. There is the potential for people to set up cosy little drug businesses: the bill does not address that possibility. Again, I do not want to be jumping at shadows. One need only look at what is going on in Victoria regarding drugs to see that the risk of drugs is not addressed in the bill.

I do not want to proceed at length on the bill. I congratulate the shadow Minister for Health in another place on the manner in which he drew the government's attention to a range of potential problems in the legislation and the need to tighten it. By the same token I am prepared to commend the Minister for Health in the other place on taking on board the points made by the honourable member for Malvern and giving an undertaking to be very specific in declarations he will make as Minister for Health in declaring events that will come within the ambit of the act. He will not give general orders or orders that last for an excessive amount of time. That gives me reason to believe the legislation is workable. It certainly gives me some reassurance.

I note that the shadow minister in another place accepted those assurances in good faith and did not pursue in committee a number of areas that he otherwise would have taken on board. The debate in another place can be described as an illustration of the Parliament working as it should. Legislation was introduced, examined by the opposition and found to be wanting in some respects. Deficiencies were pointed out and the minister took matters on board and gave the required undertakings and assurances. On that basis the opposition will not oppose the bill.

Hon. KAYE DARVENIZA (Melbourne West) — It is clear why the Health Practitioners (Special Events Exemption) Bill should be introduced and passed. Australia is very much a sporting nation — Australians love sport. They love to watch it and participate in it, and they do so at all levels: national, international and elite.

Australians expect that the teams and athletes involved in international sporting events will receive the best in health care and support from medical practitioners in training leading up to events they are participating in, as well as during and following the events. That is exactly what the bill ensures. It addresses the need for athletes from other countries, when coming here to participate in sporting or cultural events, to be confident that they have medical practitioners who will accompany them and be able to give them the support they require.

Another honourable member referred to the Joeys, Australia's under-17 soccer players, who competed in the world cup final in New Zealand. The Joeys are another example of the many Australians who participate in a range of international sporting events, whether they involve soccer, cricket, rugby, athletics, netball or hockey. The Joeys did a fantastic job in the under-17 world cup, coming within a fairy's breath of winning. I am sure I speak for all honourable members when I say how proud we are of them. It is a shame we cannot do something about that penalty shoot-out provision!

The purpose of the bill is clear. As I said, it affects people who come to Victoria to participate in international sporting events or cultural activities. The bill will allow visiting health practitioners to provide health care services for those competing in special events in Victoria without having to be registered under state law.

Victoria hosts an increasing number of sporting and cultural events and encourages overseas visitors to come here to participate in them. Those visitors want to know they have access to health support services provided by health support personnel in whom they have confidence — in other words, their own health practitioners. That is because they have an understanding of the medical histories of the participants, the sports or cultural events they are participating in and the training regimes they undertake, and the types of complications or injuries that might occur as a result.

The participants also want to feel confident that their health practitioners will be there to see them through those injuries or complications. The importance of the psychological aspects of sporting performance is increasing, and participants want to have with them practitioners who will look after them in that regard.

As Mr Baxter has already pointed out, on 24 November the bill was examined in committee in the other place, after which it was passed with bipartisan support. The bill was drafted under the instructions of the previous government and then considered by the previous cabinet. Those members of the house who were ministers at the time know the history of the bill and the consideration the previous government gave to it.

The bill is necessary because of a memorandum of understanding the Victorian government entered into with the Sydney Organising Committee for the Olympic Games (SOCOG). The memorandum, which contains the details of agreements relating to Olympic events, was signed off by the previous government in

June. It requires the government to assist SOCOG in meeting its obligations to the International Olympics Committee without impediment so that assurances can be given that there are no national laws or provisions preventing Olympic medical staff from giving medical care and treatment to athletes, officials and visitors of the respective Olympic teams while they are taking part in the Olympic Games. The government has given an undertaking that it will support SOCOG in its efforts to meet the commitments it has given to the International Olympics Committee.

As Mr Baxter said, the bill is required primarily because of the 2000 Olympic Games. Victoria will be involved in putting on events associated with the games. For example, the soccer matches will be held here, and the state will play host to the teams training to participate in them. It will also play host to other teams that will use Victorian facilities to train for events that will be held in other states. Melbourne will also be the host city for the Commonwealth Games in 2006 and for other significant events.

As I said earlier, the government encourages the holding of sporting and cultural events in Victoria such as the grand prix, the Boxing Day test cricket, the rugby and international athletics.

Hon. K. M. Smith — Women's bowls.

Hon. KAYE DARVENIZA — The honourable member is right: I am sure Victoria hosts both national and international bowling events. The Werribee equestrian centre, which is in my own electorate of Melbourne West Province, is a nominated training facility for the Olympic Games. It hopes to play host to some of the contestants in the Olympic Games.

Other states have already enacted legislation to honour the undertakings they have given to support SOCOG's meeting its obligations to the International Olympics Committee. In 1997 New South Wales enacted the Health Professionals (Special Events Exemption) Act, which ensured that the host state of the Sydney Olympic Games would be able to fulfil its requirements by guaranteeing that no law or provision would preclude overseas medical staff from providing medical services, medical care and treatment to the athletes and officials of the competing teams. In 1998 Queensland gave effect to similar legislation to meet its obligations to SOCOG, and Western Australia has already passed legislation to the same effect. The Victorian Parliament needs to pass the bill to ensure it complies with the commitments the Victorian government gave in June.

The bill enables the Minister for Health to make a special event order, which will be published in the *Government Gazette*. The declaring of a special event order will mean that visiting health practitioners will be exempted from the offence provisions in the health registration acts and in the Drugs, Poisons and Controlled Substances Act and its regulations. Under the exemption from the health registration acts health practitioners will not be required to register with the regulatory boards covered by those acts. Clause 3 lists the relevant health registration acts: the Chiropractors Registration Act of 1996, the Dental Technicians Act of 1972, the Dentists Act of 1972, the Medical Practice Act of 1994, the Nurses Act of 1993, the Optometrists Registration Act of 1996, the Osteopaths Registration Act of 1996, the Pharmacists Act of 1974 and the Physiotherapists Registration Act of 1998.

As a former registered nurse, I have had some experience with the health registration boards. I was a member of the then Victorian Nursing Council, which has been superseded by the Victorian Nurses Board. It was responsible for not only registering nurses trained in Victoria but also giving recognition to those who had trained interstate and overseas. So I have experience and an understanding of the sorts of processes that must be gone through in seeking and being granted registration. I understand that the processes applying to the other registration boards are similarly lengthy.

Given that Sydney will be hosting the Olympic Games, Australia needs to have in place a legislative framework that ensures that teams coming to Australia to participate in sporting events associated with the Olympics are able to bring their medical practitioners with them to provide the support they require. The same is true of the other sporting and cultural events to which I have alluded.

Their exemption from the Drugs, Poisons and Controlled Substances Act and its regulations will allow health practitioners to prescribe, sell and supply medication in the course of providing health care to the visiting team members for whom they are responsible. It is clear that the only offences visiting health practitioners would be exempted from under the legislation are those contained in the health registration acts and the Drugs, Poisons and Controlled Substances Act — that is, offences dealing with unlicensed practice and/or the prescription, selling or supplying of substances by persons not authorised to do so. There are also exemptions for visitors who are members of a team or group that might be involved in a cultural event.

Members of a team or group that is here to take part in a declared special event will also will be exempt from the offence provisions of the Drugs, Poisons and Controlled Substances Act and its regulations. The exemption relates to the possession or use of medication — that is, a drug or poison — where the drug or poison has been prescribed or supplied by a visiting health practitioner. The bill proposes exempting from the offence provisions people who are prescribed or administered medication by an authorised medical practitioner exempt under the bill.

The bill will also exempt from the offence provisions a person licensed to supply or sell drugs or poisons — that is, such a person will not commit an offence if he or she sells or supplies designated scheduled drugs to an exempt visiting health practitioner. Similar provisions will apply to pharmacists. A pharmacist will not commit an offence when he or she fills out or dispenses a prescription written by a visiting health practitioner.

I take up a couple of the points made by Mr Baxter. Pharmacists do not prescribe medication; medical practitioners do that. Pharmacists simply dispense medication — and only on prescription. The bill exempts a pharmacist from being prosecuted for an offence when he or she is presented with a prescription written by a visiting medical practitioner exempted under the provisions of the act. The only drugs that can be prescribed by a visiting medical practitioner are those set out in the schedules.

Hon. M. T. Luckins — Including narcotics and anabolic steroids?

Hon. KAYE DARVENIZA — Yes, because narcotics are schedule 8 drugs and a medical practitioner can prescribe drugs set out under the Drugs, Poisons and Controlled Substances Act. A medical practitioner will be able to make a diagnosis, determine that a certain course of treatment is required, write a prescription for it, have the medication dispensed and ensure that the person who requires the treatment and medication can have it. All parties will be protected from the offence provisions of the act, whether it be the prescribing, dispensing or taking of medication.

The bill authorises health practitioners to provide health services to any visitor during a special event. As Mr Baxter said, a special event will be specified for a defined time. It will not go on forever; it will have defined starting and ending points. When the Minister for Health makes a special event order, consideration will be given to the required starting and ending times on a case-by-case basis.

The bill also provides that a ministerial special event order will specify the exemption period and impose conditions, restrictions or limitations on visiting medical practitioners relating to the services they can provide or the security or storage of the drugs or poisons in their possession.

In conclusion, the government is seeking the passage of a bill that will have the same effect in each state. A similar bill has been passed in other states so that they can honour their commitments to SOCOG. We need to pass the bill to honour our undertaking. The bill was examined in the committee stage in the other place, where it was passed with bipartisan support.

We should recognise the need to expedite the holding of special events. We do not want any encumbrance on their being held in Victoria. We do not want the members of an international organising committee who are considering holding a special event in Australia to say, ‘We won’t go to Victoria because it has no provision allowing us to bring our own health practitioners or team. Let’s go to New South Wales or Western Australia or one of the other states that has the necessary legislation in place’.

It is important that we attract as many special sporting and cultural events as we can. Victoria is recognised as the cultural heartland of Australia and many organisations and organising committees would be looking to Victoria to hold such events.

The encouragement and attraction of special sporting or cultural events to Victoria is a high priority of the Bracks Labor government. The government wants to encourage their staging in Victoria for a number of reasons. It wants people to visit Victoria and see what the state has to offer. It wants those special events to be the catalysts that bring visitors here so they can be exposed to Victoria’s many other fine facilities and attributes. The government also wants to give people the opportunity to enjoy the special sporting and cultural events. They will expose people to different cultures and different ways of life, which is particularly important for younger people.

Special sporting and cultural events attract tourists from overseas and interstate. Tourists coming to Victoria will encourage employment opportunities. I am sure that once the visitors get here they will be interested in seeing a lot more of Victoria. Apart from bringing in the tourist dollar, holding special cultural and sporting events also encourages the creation of the infrastructure for various events — the building of stadiums, theatres and so on. As I said, special events are an important priority of the Bracks Labor government. It wants to

encourage visitors not only to Melbourne but also to rural and regional Victoria.

Victoria needs this bill. It is important that Parliament honours the former government's commitment to the Sydney Organising Committee for the Olympic Games. Parliament should also support SOCOG in the commitments it has given to the International Olympic Committee. I commend the bill to the house.

Hon. M. T. LUCKINS (Waverley) — I also place on record my disappointment that the Health Practitioners (Special Events Exemption) Bill has not been dealt with by a scrutiny of acts and regulations committee (SARC). I was proud to be a member of such a committee for the last term of the previous government. The bill, which in my opinion has been hastily drafted and is deficient in many areas, would have benefited from an examination by SARC under its terms of reference. I urge the government to consider commissioning the parliamentary committees under the Parliamentary Committees Act.

I refer the house to the Independents charter and the government's mantra of transparent, open and accountable government. The previous government may have given in-principle support to the bill; indeed, it is similar to legislation being enacted in other jurisdictions around Australia for the reasons outlined by the Honourable Kaye Darveniza. But legislation that is deficient in as many areas as this bill appears to be would not have passed inspection by a scrutiny of acts and regulations committee, the former Kennett government's policy and bills committees or the party room. Members of the former government would have been asking the questions that we are asking in opposition today, ensuring that the bill did what it was prescribed to do with no adverse consequences.

The government has failed to consult with the professional bodies covered by the acts outlined in clause 3 of the bill. The opposition wrote to the Chiropractors Association of Australia (Victoria) Ltd; the Chiropractors Registration Board of Victoria; the Australian Dental Association, Victorian Branch; the Dental Board of Victoria; the Australian Medical Association, Victoria; the Medical Practitioners Board; the Nurses Board of Victoria; the Australian Nursing Federation of Victoria; the Optometrists Association of Australia (Victorian Division); the Optometrists Registration Board of Victoria; the Osteopaths Registration Board of Victoria; the Pharmacy Guild of Australia, Victorian Division; the Pharmacy Board of Victoria; the Physiotherapists Registration Board of Victoria; the Podiatrists Registration Board; the Psychologists Registration Board of Victoria; the Victorian Psychologists Association; the Pharmaceutical Society of Australia, Victoria; and the Australian Physiotherapy Association. At least the opposition had the decency to seek their opinions, given that they will be primarily affected by the operation of the bill.

Many of the replies received to the opposition's invitation to comment on the bill have raised serious concerns about how the bill will work in practice. For example, the Pharmaceutical Society of Australia asks:

> How do pharmacists become aware of the ministerial order, who in fact is exempted or who is a visitor?

I shall focus on the sections of the bill that deal with those questions today. The society also asks:

> How accessible will the information be, for example, to an after-hours pharmacist working late at night when the departmental offices are closed?

That question has not been addressed in the bill nor in anything I have heard or read of the debate in the other place. Another important question, which I shall detail further during the debate, has been raised by the Pharmacy Guild of Australia. It asks:

> What protection is provided to the local health professional who, with the best intent and professional practice, breaks the law or causes injury or death?
>
> How does the Victorian pharmacist know the bona fides of the patient or medical practitioner they are trying to assist and are all pharmacies likely to be involved, or would the access be on a limited basis?

The Australian Dental Association also expresses concern. The Australian Medical Association raises a number of issues relating to almost every clause of the bill. The bill is broad, imprecise and ambiguous in parts.

The opposition has no trouble with the broad thrust of the bill, but standards exist in Victoria — standards of care for patients; standards to protect Victorian institutions such as hospitals and health care facilities; and standards to protect boards of professional medical associations. The opposition wants to ensure that appropriate care is given to all patients in Victoria, regardless of whether they are visiting our shores or are residents.

Victoria has strict registration requirements for professional medical practitioners, and the bill proposes to circumvent those standards. Although visiting health practitioners may be contracted by overseas teams and may provide treatment only for visitors to Victoria from overseas, their qualifications and their standards may be much lower than the standards we would expect in

Victoria and Australia. In addition, the treatment that can be offered by professional health practitioners in Australia is vastly different from that offered by equivalently named practitioners in other countries. In the United States of America chiropractors have the right to prescribe drugs, but Australian and Victorian chiropractors do not have that right or opportunity. Also in the United States optometrists can carry out surgery. Optometrists in Victoria are precluded from carrying out any invasive procedures at all.

In clause 5 of the bill, which outlines the meaning of 'visitor', paragraph (a) is relatively clear. It states a person is a visitor if:

> the person is a resident of another country who is in the State for the purpose of —
>
> (i) officially participating in a special event; or
>
> (ii) preparing, training, practising, rehearsing or acclimatising for a special event;

However, paragraph (b) is unclear. It states that a resident of Australia is defined as a visitor if he or she forms part of an overseas team competing in an event in Victoria. It provides that a person is a visitor if:

> the person is a resident of Australia who —
>
> (i) is in the State for a purpose referred to in paragraph (a); and
>
> (ii) is a member of a group, the majority of the members of which is comprised of persons referred to in paragraph (a) who are in the State for the same purpose.

My problem with that provision is that it is ludicrous to call an Australian resident a visitor. I accept the reasons for the inclusion of the provision, but the terminology could have been fleshed out more to ensure the provision was clear. When one considers the standards of health considered important by practitioners and Victorians in the provision of medical care to our residents, one realises that an Australian resident who is part of an overseas team will or may receive treatment from a visiting health practitioner who may have nowhere near the standard of qualifications or experience required of an equivalent practitioner in Victoria. Therefore, the standard of care he or she receives in Victoria may be lower than what is expected or deserved.

Clauses 6 to 8 deal with the special events orders which are to be published in the *Victoria Government Gazette*. One query that has not been answered is what happens if the event is to take place in only one state, yet rehearsals or acclimatisation activities occur in another state? If the event is not Australia-wide and, therefore, the participants and visiting health practitioners are not under the umbrella of equivalent legislation in another jurisdiction, does the act exempt the visiting health practitioners from providing medical services to a visitor? For example, if the event is to be held in New South Wales no special events order would have been published in the *Government Gazette*, yet the visitor may have come to Victoria as part of his or her training.

Clauses 10 to 14 relate to the prescription rights for schedules 4 and 8 poisons under the Drugs, Poisons and Controlled Substances Act. Schedules 4 and 8 drugs include narcotics, anabolic steroids and the drugs that mask anabolic steroids. Controversy surrounds the prescription of those drugs to sporting professionals, particularly in the lead-up to the 2000 Sydney Olympic Games and other events. The controversy concerns allegations — proven, in many cases — of professional sporting teams or individuals being prescribed drugs to enhance performance. To maintain Australia's overseas reputation and credibility as a sporting nation we must ensure there is no hint of controversy surrounding any sporting or cultural event to be held in Victoria.

I am concerned that a visiting health professional can prescribe and obtain drugs, including anabolic steroid-masking drugs, from Victorian pharmacies to enhance an athlete's performance or endurance in an event held in Victoria. As I asked earlier, who will notify pharmacies of the exemption for a visiting health practitioner who prescribes the drugs for visiting contestants? Given that the visiting health practitioner is exempt from the requirements of the Victorian and Australian acts, how will a pharmacist know whether that person is bona fide and is authorised to purchase prescribed drugs on behalf of a visitor?

Moreover, who will clarify who is defined as a visitor? We have such a multicultural community in Victoria that one visiting health practitioner could prescribe drugs, including narcotics, to a Victorian or Australian resident from an ethnic background. It would be difficult for a pharmacist to ascertain whether that person was a visitor and, therefore, exempt from the provisions of the Health Act or whether the person was an Australian resident and liable to prosecution because a drug was to be supplied to a non-visitor. More checks and balances should be included in the bill to protect Australians and overseas visitors.

The activities of visiting health professionals must be monitored to ensure they do not treat non-visitors. Also, we must bear in mind that under clause 5 an anomaly exists whereby Australian residents may be described as visitors.

The legislation is silent on the interaction between visiting health professionals and Victorian health professionals during their stay in our state. If a visitor were to be admitted to hospital, who would be ultimately responsible for his or her care? If something goes wrong, who is liable for any claim of negligence? For example, if a visitor is admitted to a Victorian hospital or medical institution as a result of negligence from a visiting health professional, who will become liable for any action a visitor or health professional may take against an institution in Victoria?

Professional sportspeople spend a good deal of time training to attain their optimum performance capacity. The sports in which they compete are generally their livelihood. If there were any opportunities for a person to take legal action against a Victorian institution or health professional without indemnity cover, that would put at risk the exemption of visiting international health professionals from meeting the same registration requirements that Victorian health professionals must meet.

This may have been solved by including a section 85 statement in the bill to indemnify not only Victorian medical and registration boards but also our institutions. All the acts listed in clause 3 include section 85 provisions that indemnify boards from action. For example, if information about a health professional who may be deregistered in Victoria is transferred to an equivalent board in New South Wales, the board is not liable for any action taken.

I wonder whether a section 85 statement has not been included here because the government is trying to avoid having the requirements for an absolute majority tested in both houses. I would hate to think that the government was avoiding section 85 provisions because of its minority position and its need to have the support of the Independents for legislation. I would hate to think that political problems may render the bill and subsequent legislation ineffective because boards are not protected from ultimate liability. The bill does not go far enough in articulating the protection afforded for Victorians practising in the medical area.

Clause 12 relates to the prescribing of certain poisons. It states:

> … a visiting health practitioner may only prescribe, write a prescription for or supply a Schedule 4 poison or a Schedule 8 poison if authorised to do so by a special event Order.

That clause was brought to the opposition's attention by the pharmacy guild and the pharmacy board but it still has not been clarified by the government.

Clause 13 headed 'Visiting health practitioner exempt from certain offences' also needs clarification relating to the liability of Victorian practitioners and Victorian institutions for a visiting overseas practitioner who may have contributed to the deterioration of the health of a visitor.

Clause 14 headed 'Visitor exempt from certain drug offences' states:

> A visitor does not commit an offence under the Drugs, Poisons and Controlled Substances Act 1981 or any regulations under that Act for possessing or using any Schedule 2 poison, Schedule 3 poison, Schedule 4 poison or Schedule 8 poison …

A visitor is exempt from our laws relating to anabolic steroids that may be prescribed by a visiting medical practitioner. It is up to the sporting body to ensure performance enhancing drugs are not taken by athletes competing in Victoria.

Clause 15 deals with wholesale suppliers being exempt from certain drug offences. I query the intent of the clause. What happens to drugs which are purchased in Australia and which are left over or still in the possession of a visiting health practitioner? Can those drugs be taken overseas? Why should visiting health practitioners be allowed to bypass customs when the black market for drugs in many countries is of real concern?

Clause 18 is a waste of a paragraph because it does not add anything to the bill. It reads:

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

That does not relate to any other aspect of the bill. It is clearly a contradiction of parts of the bill that have been debated today.

Clause 19 provides that the Governor in Council may make regulations relating to a special event or sporting activity. I hope by the time the legislation receives royal assent a subordinate legislation committee has been established by the government, as required by the Subordinate Legislation Act 1994, to ensure that the provisions of the regulations are checked against the terms of reference of the subordinate legislation committee to ensure they are in keeping with the priorities of the bill, but also to ensure some of the concerns the opposition has with provisions of the bill are picked up.

In conclusion, the bill has been hastily drafted and is vague and sloppy. However, the opposition does not oppose it. Opposition members hope there are no

adverse consequences resulting from the haste in which the bill was drafted, and look forward to the passage of the bill today.

Hon. E. C. CARBINES (Geelong) — I am pleased to speak on the Health Practitioners (Special Events Exemption) Bill. Henny Penny, the sky will fall in if the bill passes! I am surprised opposition members are raising such issues and then claiming support for the bill. It is interesting. The bill deserves their support because it seeks to simplify the process necessary for a visiting health practitioner to provide health care services to a member of a group or team associated with a designated special event in Victoria. The bill is practical, sensible and overdue.

The impetus for the bill is the Olympic Games which Australia will host in Sydney next year. Thousands of health practitioners will travel to Australia with athletes from all nations competing in the Olympic Games. Victoria will host rounds of the Olympic soccer competition and is ready and willing to offer its available training facilities to other visiting Olympic teams and athletes.

Earlier this year — as the opposition well knows because it was in government — the Victorian government signed a memorandum of understanding with the Sydney Organising Committee for the Olympic Games (SOCOG) which outlined the obligations to the International Olympic Committee (IOC). One obligation, of which the opposition must surely be aware, was to ensure that no national law or provision would prevent Olympic medical staff from providing medical treatment to athletes and officials of visiting Olympic teams. New South Wales, Queensland and Western Australia have already passed similar legislation. The Health Practitioners (Special Events Exemption) Bill will bring Victoria into line with other states and allow it to meet its obligations not only to the nation but also to the international community as the host of the Olympic Games.

Although the Olympic Games is the obvious impetus for the bill, every year Victoria hosts special sporting, cultural and other events. Victorians like to call Victoria the sporting and cultural capital of Australia. Under that title, visiting athletes, teams, individuals and groups have been brought to the state many times. The bill will allow visiting health practitioners who accompany those individuals to easily provide them with health care services. The bill will streamline the process so they do not have to become involved in bureaucratic red tape.

The Women's World Bowls Championships will be held in Moama, just across the border from Echuca and about which much discussion has taken place today. The championships will be held in New South Wales but for the duration of their stay many women will reside and practise on bowling greens in Victoria. What happens if they fall or sprain their ankles? Do they have to be rushed across the border to New South Wales before their medical practitioner can assist them? How ludicrous would that be! The bill will ensure that nonsense does not continue. It will allow the Minister for Health to declare a special event in the *Government Gazette* and to specify the exemption period. It is important to stress to opposition members that there will be an exemption period. It will not go on and on for months and months as some honourable members are trying to make out.

Visiting health practitioners will be exempted from the offence provisions in two acts: the Health Registration Act and the Drugs, Poisons and Controlled Substances Act. Visitors who are members of a team or a group visiting Victoria as part of a declared special event will be exempt from offence provisions relating to the possession or use of a drug that has been prescribed for them by a visiting health practitioner. The bill will also exempt pharmacists from offence provisions associated with the dispensing of such drugs under prescription.

The bill makes sense. It is practical and simplifies the provision of health care services by visiting medical staff for visitors to Victoria who are participating in an event designated special by the Minister for Health. I commend the bill to the house.

Hon. J. W. G. ROSS (Higinbotham) — I am pleased to participate in the debate on the Health Practitioners (Special Events Exemption) Bill. I wish to put on the record that the opposition does not oppose the bill. However, in response to what Ms Darveniza and Mrs Carbines said about the opposition supporting the bill, the fact that it has been debated and passed in the other house, where some of its shortcomings have been noted, does not mean it has bipartisan support. Although it is the duty of any responsible opposition to look at the detail of legislation and in the community's interest to advise and warn the government of any potential consequences of its actions, that does not imply bipartisan support. I put on the record that the opposition does not oppose the bill.

I found another aspect a little alarming in the contributions of both Ms Darveniza and Mrs Carbines on the purpose of the bill, which is to allow visiting health practitioners to provide health care services in the state for special events without becoming registered

under state law. I was concerned to hear that events such as world series cricket and women's bowling tournaments were being picked up in the net. My clear understanding is that in accordance with an undertaking to the Sydney Organising Committee for the Olympic Games the legislation is intended to cater for very special events, such as the Olympic and Commonwealth games. I ask the government to what extent it will extend the exemptions. I am alarmed at the prospect of medical and other practitioners being exempted from the provisions of state law for events such as cricket, soccer and bowling. That is not the intention of the legislation.

Another point made by government members was that the process is a routine one of enacting legislation drafted by the previous government. It is the height of arrogance on the part of the government to presume that the former government would have introduced legislation into either house of Parliament without going through an extensive process of consultation and submitting it to the former Scrutiny of Acts and Regulations Committee. It is completely unreasonable to claim the bill has bipartisan support because the government is enacting legislation of the previous government. The previous government would have done things completely differently.

The purpose of the bill is to provide an exemption to visiting health practitioners in two general areas: one relates to the exemption of the provisions of registration authorities; the other relates to access to certain drugs and the ability to possess and sell such drugs. In each case the devil is in the detail. The approach to the registration of health practitioners in this state protects the titles of practitioners. People cannot hold themselves out to be dentists, optometrists or medical practitioners without being authorised to do so by the registration authority. Assiduous attempts have been taken to avoid specifying what each activity implies, so the devil is in the detail.

I also make the point that a number of authorities will be required to cooperate in the application of this legislation, none of which has been approached in a genuine consultative fashion. I refer to practitioners registered under the acts referred to in the bill — namely, the Chiropractors Registration Act, the Dental Technicians Act, the Dentists Act, the Medical Practice Act, the Nurses Act, the Optometrists Registration Act, the Osteopaths Registration Act, the Pharmacists Act and the Physiotherapists Registration Act. None of these practitioners has blanket authority to behave in an unlimited way. They are only able to prescribe drugs in accordance with the lawful practice of their profession and in the exercise of their personal judgment and are always accountable to their peers and the registration authority.

For example, dentists are able to prescribe any drug, but only in the lawful practice of their profession. Therefore practical limits are set on the prescription of, for instance, drugs of addiction by dentists. Optometrists only have access to drugs that may be active on the eye and there is no suggestion that they have a blanket access to the drugs that I will mention later. However, without having consulted the registration authorities the government will expect them to advise the minister in striking his special orders for special events on what limits to place on the practice of their professions and the possession and prescribing of certain substances.

The Drugs, Poisons and Controlled Substances Act is structured around a number of schedules that lend an element of control to the potency and use of substances. The bill's definitions contain references to a schedule 2 poison and a schedule 3 poison. The substances — particularly schedule 3 poisons — are generally considered to be items that can be obtained over the counter at pharmacies, but pharmacists must exercise their professional discretion when dispensing them. Schedule 4 poisons are the ordinary restricted substances that generally require written medical prescriptions, and schedule 8 poisons are drugs of addiction.

An interesting dilemma has arisen. Under state law the pharmacist is the person who has absolute and final accountability for the supply of drugs and for the testing of doses against the British pharmacopoeia. If a visiting medical practitioner exempted under an order issued by the minister wrote a prescription that required a local pharmacist to dispense a substance that was clearly contraindicated for a particular condition, or which had a massive overdose implied in its directions for use, who would be liable?

The legislation has a number of loose ends. It has not been through the proper consultative processes and has not been subject to the discipline of a scrutiny of acts and regulations committee. The opposition advises and warns the government — not in a destructive sense but in the community interest — that given its implications the legislation could be regarded in some senses as rather loose.

My colleagues on this side of the house have gone into the fine detail of the legislation to such an extent that I need not go over the ground again. Suffice it to say that opposition members do not oppose the bill but have some concerns about its process. We will not be branded with having been a part of the process; it is the

government's legislation. Opposition members have done their best to draw to the government's attention the problems with the detail in and implementation of the bill on issues such as visiting medical practitioners who are exempted from the Drugs, Poisons and Controlled Substances Act. Problems may arise with orders made under the hand of the minister in a quasi-legal fashion in Victoria to purchase drugs in wholesale quantities and no consideration has been given to either the balance of unused substances or the obtaining of drugs for malicious intent and the ability to transport them to other states or countries.

To end that brief contribution, I state that the opposition does not oppose the bill.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I will comment on some matters the Honourable Bill Baxter raised in his contribution to the debate. One question concerned Australian residents being deemed foreigners. I have been advised that could take place only on the basis that the resident was a member of a team, the majority of which was made up of foreigners. It would not apply to someone residing in Australia and being a member of an Australian team.

Hon. W. R. Baxter — I understand that, but in the broad sense that opens the door.

Hon. M. M. GOULD — I wanted to ensure that was clear. Mr Baxter has indicated he understands the situation.

Mr Baxter also raised his concerns about the wide range of drugs that can be prescribed. I am informed that the drugs that can be used by those practitioners must be accredited by the International Olympic Committee (IOC) or the Commonwealth Games organising committee. It is not open slather.

Hon. W. R. Baxter — What checks and balances are on the committees in nominating those drugs?

Hon. M. M. GOULD — Mr Baxter would be aware the International Olympic Committee is very concerned about the misuse of drugs. I am advised that those drugs can be administered only if they have been preaccredited by the IOC or, in the case of the Commonwealth Games, the organising committee.

Regarding whether practitioners may sell or distribute drugs outside the parameters of the order, I point out that practitioners would be subject to the usual sanctions that apply to anyone breaching a Victorian law. Like everyone else, those practitioners could be convicted under criminal offences legislation including the Drugs, Poisons and Controlled Substances Act.

Concern has been raised regarding provisions affecting pharmacists. It is anticipated that specified pharmacists and wholesalers will be identified as being in control of the dispensing of drugs to foreign practitioners. Not any pharmacist but specific pharmacists will be involved.

Hon. W. R. Baxter — Will we have one in Wodonga, because the Croatian team is training there?

Hon. M. M. GOULD — That is more than likely. I am not in a position to say that will be the case. I anticipate there would be specific pharmacists if that is where the team is located.

Customs laws regarding visitors leaving the country with drugs are not affected. The provisions of commonwealth laws will apply regarding inappropriate drugs being smuggled out or leaving the country by other means.

I thank the Honourables Bill Baxter, Maree Luckins and John Ross for their contributions, and in particular I thank the Honourables Kaye Darveniza and Elaine Carbines.

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.

Small business and consumer affairs: departmental briefing

Hon. BILL FORWOOD (Templestowe) — I address my concern to the attention of the Minister for Small Business and Minister for Consumer Affairs. On 11 November I wrote to the minister in my capacity as

shadow minister for small business and consumer affairs, seeking a briefing from her department. Could I possibly have that briefing?

Trucks: transport regulations

Hon. B. W. BISHOP (North Western) — I direct a matter to the attention of the Minister for Energy and Resources, representing the Minister for Transport in another place. The minister may well be aware that transport regulations are about to come into place regarding the height of trucks carrying containers — generally 40-foot-long containers.

My understanding is that the regulations are to address bridge clearances, particularly around the metropolitan area and the ports. The new regulations will see the height reduced from 4.6 metres to 4.3 metres, which will require substantial investment from transport companies, sometimes to the tune of $200 000 to purchase step-deck, low-profile trailers to suit that type of enterprise. Although that presents some difficulties to transport companies, they are moving that way on loads designated to the metropolitan and port areas where there may be some lower bridges.

In many areas local transporters have been granted exemptions in part to use 4.6-metre trailers where there are no bridges, thereby saving a large capital expense for those working in local areas. I understand that required the gazettal of truck routes, the measuring of loads, and driver training — provisions that were adhered to and not seen as a problem. That provided a sensible and practical solution to transporting loads in areas that did not have any bridge restrictions. Will the minister request that the Minister for Transport ensure those sensible and practical exemptions continue?

Essential services ombudsman

Hon. ANDREA COOTE (Monash) — Last week the Minister for Energy and Resources stated that, in accordance with Labor Party policy documentation, an essential services ombudsman would be established, although she could not guarantee that would be done before Christmas. I add that the existing Energy Industry Ombudsman (Victoria) has just released a comprehensive and objective annual report.

The essential services ombudsman would be given the power to impose tough penalties on suppliers of energy in Victoria in the interests of supply to consumers. Not only is supply in the interests of Victorian consumers; so, too, are maintenance, research and new technology. Can the minister assure the house that the powers she gives the essential services ombudsman, when that position is established, will not be so onerous that distributors will be discouraged from continuing critical research, maintenance and technological development?

Police: Murrumbeena station

Hon. M. T. LUCKINS (Waverley) — I raise a matter with the Minister for Sport and Recreation as the representative of the Minister for Police and Emergency Services in another place. On 3 November, the first day of the sitting of the house, I raised in the adjournment debate speculation about the closure of Murrumbeena police station. I quoted the honourable member for Oakleigh, Ms Ann Barker, who, having promised the station would not close, was reported in local newspapers as stating she was not sure the Murrumbeena station would remain open under a Labor minority government.

There is speculation in the police force that the minority Labor government will not sign the contract for the new 24-hour Caulfield police station. I seek clarification from the Minister for Police and Emergency Services on the future of not only the Murrumbeena police station but also the proposed Caulfield station.

I also put on the record the fact that I am yet to receive a reply to the issue I raised for the attention of the Minister for Police and Emergency Services during the adjournment debate on 3 November.

Retail industry: trading hours

Hon. W. I. SMITH (Silvan) — I refer the Minister for Small Business to the fact that every month for the past two years Victoria has led the nation in retail sales. The Victorian branch of the Australian Retailers Association believes part of the reason for Victoria doing so well in retail sales is the deregulation of trading hours. On Wednesday last week the Honourable Theo Theophanous signalled that he had great concern about and did not support 24-hour trading for Victorian small businesses. Does the minister support the current deregulated trading hours?

Schools: Boronia and Upper Ferntree Gully

Hon. A. P. OLEXANDER (Silvan) — I ask the Minister for Sport and Recreation to refer to the Minister for Education in the other place an issue affecting the Boronia and Upper Ferntree Gully primary schools, which are in my electorate. A couple of months ago the former Minister for Education allocated $1.85 million from the education budget for significant and much needed capital works to provide better facilities for the staff and students at the schools.

Boronia Primary School was to receive $1.2 million for new classrooms, an art and craft room and a library. The Upper Ferntree Gully Primary School was to receive $650 000 to upgrade its classrooms, its art and craft room, and its staff and administration area.

I ask the minister to give the house an assurance that the funding will still be made available to those two schools. I also ask the minister when the funding will be provided.

Casey: leisure centre

Hon. N. B. LUCAS (Eumemmerring) — I refer the Minister for Sport and Recreation — who apparently is the minister not assisting the Minister for Planning! — to the situation facing the Casey aquatic and leisure centre. I have on three previous occasions referred the minister to the Premier's promise to grant $2.5 million to the City of Casey for the project, but I have yet to receive a reply. Under the heading 'Survival of the fittest' an article on page 1 of the Berwick *News* of 25 November refers to a Canberra-based fitness consultant who has launched a competitive neutrality appeal against Casey council, claiming the project:

> … could put surrounding gymnasiums out of business.

John Boland, of Kippax Pool and Fitness Centre, is quoted as saying that:

> … council's proposal does not comply with the principles of competitive neutrality and the Trade Practices Act.

The article states further that Mr Boland maintains that he has pursued cases in all the states and territories of Australia bar the Northern Territory and has not lost one. It further says that:

> … he had already had one win in Melbourne, with an appeal against the Melbourne Sports and Aquatic Centre.

The business manager of the Melbourne Sports and Aquatic Centre has advised me that, although he has not heard of Mr Boland, the matter has been raised with the competitive neutrality complaints unit of the Department of Treasury and Finance, which has taken up the transparency of the costing processes, as well as the issue of whether prices at the centre are fair. I understand that not all the information necessary to achieve a win, as Mr Boland refers to it, has been submitted to the Department of Treasury and Finance.

That points to the potential problem of local councils — it could happen to any of the 78 — being frustrated in their goal of developing major sporting facilities that in some cases will provide opposition for existing sporting and leisure centres.

I ask the minister what action the government intends to take to assist local councils across Victoria to develop such facilities. I also ask the minister what action he will take to facilitate the development of such centres by ensuring that councils do not get involved in unnecessary litigation as a result of noncompliance with government requirements.

Minister assisting the Minister for Workcover: responsibilities

Hon. R. M. HALLAM (Western) — Earlier today I noted the fact that according to the Victorian *Government Gazette* of 20 October the Honourable Monica Gould had been appointed the Minister assisting the Minister for Workcover. I asked the minister which of the specific responsibilities attached to that ministry she accepted, and she effectively said — —

Hon. T. C. Theophanous — You asked the question; you got your answer. It has to be a new matter!

Hon. R. M. HALLAM — Why don't you stop while you are behind? The minister said, in effect, that her responsibilities were restricted to those instances in which her assistance was sought from time to time, to use her words, by the minister in another place. That prompts me to ask whether her assistance has been sought by the Minister for Workcover on any occasion and what that assistance might have been?

In addition, will she explain to the chamber how her relationship with the Minister for Workcover, the Honourable Bob Cameron, is different from her relationship with the Premier, the Minister for Finance, the Minister for Arts and the Minister for Health, whom we are told she represents in this chamber?

Ivanhoe East Primary School

Hon. C. A. FURLETTI (Templestowe) — I ask the Minister for Sport and Recreation to refer the matter I raise to the Minister for Education in another place. In March I was approached by the president of the Ivanhoe East Primary School council, who sought assistance with funding to upgrade the school buildings, which had been left to deteriorate as a result of the $670-million school maintenance black hole that developed over the 10 years of the Cain–Kirner governments. My colleague the Honourable Bill Forwood and I inspected the school and were prompted as a result to make the appropriate representations to Minister Gude on behalf of Ivanhoe East Primary School.

In September I was pleased to announce to the school council president, principal and teachers at Ivanhoe East Primary School that the Kennett government had committed $500 000 towards the long-awaited major upgrade and as immediate funding to complete the school's master plan. Shortly after I made that announcement I was approached by one of the parents, who asked whether the commitment would stand if the Labor member for Ivanhoe were re-elected. I gave an assurance that, irrespective of who the honourable member for Ivanhoe might be, the commitment would stand.

I have been advised that last week a portable classroom was delivered to the school, making a total of 12 relocatable classrooms on the site. The latest relocatable has been placed on a play area — the only place it could be put — thereby reducing the available outdoor space to such an extent that the school cannot hold its outside assembly. The purpose of the $500 000 commitment was to enable the building of permanent school classrooms and additional facilities for the 512 students. The government's latest action seems inconsistent with the promise of an imminent upgrade. I therefore seek the minister's assurance that, notwithstanding the change of government, the government will honour the previous government's commitment to fund the urgently required upgrade within the promised time frame.

Women: rural bursaries

Hon. E. J. POWELL (North Eastern) — I ask the Minister for Small Business to refer the issue I raise to the Minister for Women's Affairs in the other place. In 1997 the former coalition government established a rural women's leadership bursary scheme in recognition of the lack of representation of rural women in leadership positions on boards and committees. The bursaries amount to $2000 each for 20 Victorian women. It has enabled them to undertake training courses, and they can use the money to pay not only for the courses but also for babysitting or travel expenses.

It is vital that rural women become members of boards and committees as well as local, state and federal governments. Many of the women I have spoken to at a number of seminars in country Victoria have told me that they want to be involved but they lack the confidence and skills to do so. It is a vital program for rural Victoria. I seek the minister's assurance that she will not abolish the program but will continue funding it and maybe expand it.

Liquor: icy poles

Hon. J. W. G. ROSS (Higinbotham) — I refer the Minister for Small Business to an answer she gave to a dorothy dixer from the Honourable Jenny Mikakos on 24 November in which she referred to alcoholic icy poles that contain 0.5 per cent alcohol and ask whether that is the same product mentioned in an article in the *Herald Sun* of the same day, which states:

> Controversial alcoholic icy poles will go on sale next week, sparking fresh concerns over their appeal to children …
>
> The world-first icy treats, spiked with rum, bourbon or vodka, contain 6.5 per cent alcohol and will sell for about $3 or $4 each.

If it is the same product, did she get the answer to her own dorothy dixer wrong, and will she correct *Hansard* accordingly?

Restaurants: smoking ban

Hon. B. C. BOARDMAN (Chelsea) — I raise for the attention of the Minister for Small Business another topical issue relating to her portfolio responsibility. I refer to the minister's admission during question time today that in announcing over the weekend the proposal to completely ban smoking in restaurants the Minister for Health had not consulted her, or vice versa.

Given that the Minister for Health has singled out restaurants, that the proposal has potentially serious economic ramifications for restaurants — the overwhelming majority of which are small businesses — and that smoking is a legal and regulated activity that 20 to 25 per cent of restaurant patrons enjoy during their meals, what representations has the minister made to ensure that restaurants will not be economically disadvantaged by the implementation of the proposed policy?

GST: small business

Hon. T. C. THEOPHANOUS (Jika Jika) — I direct to the attention of the Minister for Small Business an article in the *Herald Sun* of 29 November, which states that the federal government will allocate $230 million to assist small businesses with the cost of implementing the goods and services tax and that some small businesses will get more than the $200 that was originally mooted. The government has supported that funding provision, but the opposition recently voted against it. However, the house will welcome the increase in funds to small business.

Hon. M. A. Birrell interjected.

Hon. T. C. THEOPHANOUS — My concern is that the basis of the increase — —

Hon. E. C. Carbines — Mr President, on a point of order, I am most concerned that you are allowing Mr Birrell the opportunity to interject when he is clearly not in his seat.

The PRESIDENT — Order! The honourable member should be a bit careful. I heard no interjection from Mr Birrell. If an interjection addressed across the chamber is aimed at a particular member — as she seems to be implying — it is for that member to raise that matter by way of objection before the Chair. I heard no objection so there is no point of order.

Hon. T. C. THEOPHANOUS — The article in the *Herald Sun* states that:

> Many small business owners control several entities, each of which can apply for a $200 voucher.
>
> For example, one entity may operate the business, another may run a self-managed superannuation fund and a third may operate a trust to hand the business on to a child.

That means that in effect the same small business can double dip and be granted several $200 GST shopping vouchers.

The PRESIDENT — Order! Can Mr Theophanous relate this to state government business?

Hon. T. C. THEOPHANOUS — Although the house — and certainly the government — welcomes the increase in compensation for small business, is the minister aware of the new basis for calculating the compensation to be given to small businesses to cover the cost of implementing the GST, and will she make representation to the federal government to ensure that any compensation is provided equitably?

Rail: Geelong–Melbourne special fare

Hon. I. J. COVER (Geelong) — I raise a matter for the Minister for Small Business, who is also responsible for consumer affairs and — as we learnt earlier today — fair trading. The minister may care to take up the matter with the Minister for Transport, but perhaps she will give her own views on it as the Minister for Small Business.

I refer to a summer special that V/Line is offering Geelong people to entice them to travel to Melbourne. Groups of up to four people are being offered return off-peak travel to Melbourne for a total of $16 each way. Geelong small business people, including retailers and business organisations such as the Geelong Regional Retailers, are concerned that the offer will entice Geelong people to go to Melbourne to shop, resulting in money being taken out of the Geelong small business economy.

Honourable members interjecting.

Hon. I. J. COVER — I think they would like to give me a one-way ticket to the government benches, actually, together with my colleagues on this side of the house!

I might point out that among them is Peter Landers, the president of the Geelong Chamber of Commerce, who was reported in the *Geelong Advertiser* last week as having said:

> There should be some sort of balance, where Melbourne residents are offered the same deal to travel to Geelong.

I am concerned about regional Victoria being given the same opportunities as metropolitan Melbourne. The minister may be able to pass on this matter to the Minister for Transport and urge him as a matter of importance to ensure the deal is offered to Melbourne people to come to Geelong to support its retail sector.

Hon. C. A. Furletti interjected.

Hon. I. J. COVER — Indeed, Geelong regional retailers chairman, Hayden Spurling, also believes the deal is discriminatory. That may well fall into Minister Thomson's small business and consumer affairs role as well.

Honourable members interjecting.

Hon. I. J. COVER — I can go on.

The PRESIDENT — Order! The honourable member has made his point.

Hon. I. J. COVER — It might help teach the government how to give a fulsome contribution in this house! It might also help some honourable members to make late bids for interjection of the year!

Hon. T. C. Theophanous — Is Mark coaching you from back there?

Hon. I. J. COVER — He is not coaching me at all — he is actually working me with a foot pedal.

Hon. G. R. Craige — Can he pedal harder?

Hon. I. J. COVER — Write that one down!

I ask the minister what action she can take to give Geelong small businesses the same opportunities that

Melbourne businesses are being given with this offer. I also request that she ask the Minister for Transport what action he can take.

Responses

Hon. M. M. GOULD (Minister assisting the Minister for Workcover) — Mr Hallam asked about my position as Minister assisting the Minister for Workcover. As I have informed the house on a number of occasions, the onus is on the Minister for Workcover to delegate issues to me as he chooses from time to time. Mr Hallam would be well aware of the duties and roles of ministers in this house representing ministers in the other place on legislation and on the adjournment debate. The Minister for Workcover has called on me on one occasion to assist with discussions he had in establishing a working party.

Hon. C. C. BROAD (Minister for Energy and Resources) — Mr Bishop raised the issue of transport regulations pertaining to height limits, the way they impact on transport companies and, particularly, the movement of freight containers. That is clearly a very important matter for ports. Such matters have been raised by transport companies and a request has been made for an adjustment to height limits.

I am aware of the issue; it has already been raised with me. I have also been involved in discussions about it with the Minister for Transport. I understand from him that a timetable for these regulations and changes to height limits was clearly laid down by the previous government and that this is a matter of industry adjustment. As I have been requested to do so, I am willing to raise with the Minister for Transport the matter of exemptions. However, based on the advice I have received to date, it seems to me that the timetable for the introduction of the changes is clearly set down and I am not aware of any proposals to change it.

Mrs Coote referred to the essential services ombudsman, the establishment of which forms an important part of Labor's election commitment, and the recent report of the Energy Industry Ombudsman (Victoria), Ms Fiona McLeod. I received that report in my office yesterday. I am advised that the report is based on an assessment of the situation over the past 12 months and relates to a total of just over 300 gas cases that were received by the ombudsman over that period. Apparently the analysis of those cases indicates some concern about the trend in gas disconnections compared with electricity disconnections.

I am also advised that based on that small number of cases the information and analysis should be regarded as indicative at this stage. I look forward to a much more comprehensive report from the Office of the Regulator-General, which will be forthcoming shortly. Mrs Coote expressed concern that Labor's commitment to the establishment of the essential services ombudsman would place onerous obligations on the distributors and prevent them carrying out important research and other activities. I have previously advised the house that when the relevant legislation is introduced there will be ample opportunity for consultation and debate, and prior to the bill's introduction there will be a great deal of consultation with the industry. At this stage I do not expect that will be an issue.

Hon. M. R. THOMSON (Minister for Small Business) — Mr Forwood asked about his briefing from my department. He will be contacted shortly to arrange a time when he can conveniently meet with the department.

Hon. Bill Forwood interjected.

Hon. M. R. THOMSON — I will go back and raise it with the department.

Ms Smith asked about retail trading hours and deregulation. I see my role as representing the small retailers. It is not my own personal beliefs that matter here, it is the concerns of small retailers, and it is my job to represent them in this place.

Hon. W. I. Smith — What does that mean?

Hon. M. R. THOMSON — Do you mean my personal view?

Honourable members interjecting.

Hon. R. M. Hallam — You're meant to be a minister of the Crown.

Hon. M. R. THOMSON — And I have a constituency of small business retailers to represent, and that is what I will do.

Mrs Powell asked about the rural women's leadership bursary scheme. I shall raise that matter with the Minister for Women's Affairs.

Dr Ross asked whether the alcohol content of alcoholic icy poles was 0.5 per cent or 6.5 per cent. My department informed me it was 0.5 per cent. I shall go back and check with the department and relay the accurate measure back to the honourable member.

Mr Boardman asked me about the disadvantage to small businesses and restaurants as a result of smoking

bans. I would imagine that any ban on smoking would be uniform and therefore not disadvantage any restaurant.

Mr Theophanous raised the question of the $230 million of assistance relating to GST compliance and the current ability of businesses to double dip and get more out of it. I shall raise the matter with the federal minister with a view to ensuring that the assistance is shared equitably and that the fact is borne in mind that people have already expended moneys on making sure they are GST compliant.

Mr Cover raised the issue of one-way rail tickets between Melbourne and Geelong. I remind him that V/Line is now a private concern and it is not within the government's jurisdiction to determine what V/Line offers. However, it is only fair and reasonable that it should honour its commitments. I shall refer the matter to the Minister for Transport in the other place.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Maree Luckins referred to community speculation about the Murrumbeena and Caulfield police stations. I will direct her concern to the attention of the Minister for Police and Emergency Services in the other place.

I will refer the matter raised by the Honourable Andrew Olexander about the Boronia and Upper Ferntree Gully schools, and funding promised by previous governments, to the Minister for Education in the other place.

The Honourable Neil Lucas directed to my attention the issue of competitive neutrality in relation to the Casey aquatic centre. That area will be of concern to all local and state governments as governments invest money in various forms of infrastructure that are desperately required. I am sure people will raise the issue of competitive neutrality in certain situations. Without speculating on each of those cases, I believe each would need to be reviewed on its merits. That would become an issue for local and state governments. It would be necessary to carry out research through the feasibility studies, and when the studies have taken place the results would be factored into any equations.

The Honourable Carlo Furletti raised a matter about relocatable classrooms at the Ivanhoe East Primary School. I will direct that matter to the attention of the Minister for Education in the other place.

Motion agreed to.

House adjourned 5.42 p.m