PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

25 October 2000

(extract from Book 4)

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By authority of the Victorian Government Printer

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WEDNESDAY, 25 OCTOBER 2000

Wednesday, 25 October 2000

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.04 a.m. and read the prayer.

WATER INDUSTRY (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

PAPERS

Laid on table by Clerk:

City West Water Limited — Report, 1999–2000.

Rural Finance Corporation — Report, 1999–2000.

State Electricity Commission — Report, 1999–2000.

Statutory Rules under the following Acts of Parliament:

Pharmacists Act 1974 — No. 104.

Subdivision Act 1988 — No. 105.

Subordinate Legislation Act 1994 — No. 103.

Transport Accident Act 1986 — No. 106.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 103 and 104.

Yarra Valley Water Limited — Report, 1999–2000.

CRIMES (FURTHER AMENDMENT) BILL

Introduction and first reading

Hon. M. A. BIRRELL (East Yarra) introduced a bill to amend the Crimes Act 1958.

Read first time.

Second reading

Hon. M. A. BIRRELL (East Yarra) — By leave, I move:

That this bill be now read a second time.

This bill seeks to correct an anomaly that prevents the police fully investigating crimes committed against our community. It does so without lessening the civil rights of those serving a prison sentence. It allows those prisoners to be questioned with respect to crimes committed in Victoria, sometimes of a gross nature. It is long overdue.

Section 41(3) of the Corrections Act provides that any request from a member of the Victoria police force to the governor of a prison to visit a prisoner, irrespective of the purpose for such a visit, be refused if the prisoner advises the governor that he or she does not desire to be visited. This means that the police cannot directly request the prisoner to answer questions or even set foot in a prison for that purpose.

Under section 464B of the Crimes Act the police may apply to a magistrate for an order that a prisoner be delivered into their custody for the purpose of questioning, but such an order may not be made without the prisoner's consent.

This bill amends the Crimes Act by inserting section 464BA, which enables a magistrate to make an order that a member of the police force be permitted to enter a prison for the purpose of asking a prisoner questions under specified circumstances.

The amendment includes in section 464BA all the safeguards found in section 464B and adds further safeguards to ensure the prisoner's civil rights are protected.

As in section 464B the application under section 464BA must be served on a prisoner, who has a right to appear at the hearing. The applicant must demonstrate to the magistrate that he or she believes on reasonable grounds that the prisoner has information relevant to the investigation of an offence or suspects on reasonable grounds that the prisoner has committed an offence other than the offence for which the prisoner has been sentenced.

If an application is granted the magistrate must ensure that the same rights, including the right to contact a lawyer, are afforded to the prisoner as are afforded to a person charged with an offence.

The order must specify the maximum period for the interview as well as conditions which ensure that the person is fully informed of his or her right to silence and that both the room where the questioning takes place and the way the questioning is conducted is fair and reasonable.

All the provisions concerning the procedures for questioning currently set out in the Crimes Act apply, including video recording and tape recording.

The section applies only to adult prisoners.

I am confident that evidence obtained in circumstances where the compulsion is no greater than when a person is arrested on a charge and when the protections are greater would be admissible in a court of law because that evidence was not obtained under duress. To remove any doubt as to the applicability of the normal rules of evidence and as to the admissibility of an admission or confession only because it was obtained pursuant to this section, a declaration section is included.

The police have made it clear that experience dictates that notwithstanding any initial indication to the contrary, upon advising the interviewee of facts known by the police, the interviewee often provides by way of response invaluable information relevant to crimes committed by the interviewee or by others.

The police should have, within the bounds of the rules of natural justice, the ability to interview a prisoner in the same way that they have been able to interview an ordinary citizen who has been charged with an offence. This is particularly pertinent given that Parliament has already enacted legislation to enable police to obtain a DNA sample from a prisoner without his or her consent.

There is clearly an anomaly in our criminal justice system which this bill now corrects. Criminals are currently able to thumb their noses at the police and the criminal justice system, but this reform will ensure that victims of crime get justice.

I commend the bill to the house.

Debate adjourned on motion of Hon. G. W. JENNINGS (Melbourne).

Debate adjourned until Wednesday, 8 November.

GEELONG: REGIONAL DEVELOPMENT

Hon. I. J. COVER (Geelong) — It gives me pleasure to move:

> That this house condemns the government for its failure to support the growth and development of Geelong and its failure to meet its commitments on regional development in Victoria.

The opportunity for me to move the motion and to be supported by opposition colleagues follows immediately upon the second-reading speech of the Honourable Mark Birrell on the opposition's Crimes (Further Amendment) Bill and gives a clear indication of the reason the opposition parties voted last night to defeat the constitution bills — that is, because the upper house provides the opportunity for its members to do such things as introduce private members bills like the one just introduced by the Honourable Mark Birrell; speak about issues relating directly to their electorates; and examine broader Victorian issues.

I have moved the motion not necessarily to be negative about Geelong. I am happy to be negative about the ALP and the Labor government, but I will never be negative about Geelong. I am a great believer in and supporter of Geelong. I will continue to promote Geelong inside and outside this house. Honourable members will debate the motion because they will be doing what they said they would do when they debated the constitutional bills during the past weeks. They are afforded the opportunity here to scrutinise the action or inaction of the government. Today through this motion I will scrutinise the government's performance in Geelong.

Hon. M. A. Birrell — As the honourable member for Geelong Province, which would have been abolished.

Hon. I. J. COVER — Yes, Geelong Province would have been abolished under the government's proposed boundary changes.

I was proud to be a member of the Kennett government, which did a great deal for Geelong. It provided the drive, focus and vision for the entire Geelong Province to enable it to arrive at where it is today.

This house affords the opportunity for honourable members to talk about their electorates under the system that we know, which will be retained following last night's vote in this house. An article on page 3 of today's *Geelong Advertiser* carries the headline 'Focus on Geelong in Parliament'. That can only be for the good of Geelong. I thank the other honourable member for Geelong Province, the Honourable Elaine Carbines, for yesterday alerting the newspaper to the fact that I would be moving this motion today, whereupon the *Geelong Advertiser* rang me yesterday afternoon to say it had been contacted by the other member for Geelong Province saying I would be moving the motion and that the motion was a political stunt. Since when has advocating for your province in this place been regarded as a political stunt?

Hon. G. R. Craige — Never.

Hon. I. J. COVER — That is right, Mr Craige, never! Honourable members use this forum to raise concerns about their electorates and to put matters squarely before the government for its action — but,

no, the other honourable member for Geelong Province has described the motion as a political stunt.

The Honourable Elaine Carbines is quoted in the newspaper as saying she will be standing up showcasing Geelong while I am running it down. I will not run Geelong down. I have made that point at the outset today, throughout my four and a half years in this place, during my time as a member of the Geelong community and through associated activities in Geelong. I am happy to run down the government and the ALP, but not Geelong.

The government asks for time because it takes time to get things done. It is appropriate that one week to the day after the first anniversary of the election of the Bracks Labor government the house is debating issues about Geelong and regional Victoria because regional Victoria played such a big part in the ALP pitch during the election campaign last year. It is entirely appropriate that a year and a week later I should detail what the government has or has not done for Geelong and regional Victoria. It will become evident during my contribution to the debate that, like everything else to do with the government, it is all spin and no substance.

'Victoria adrift' is the title given to a document released recently by the Liberal Party. It refers to the 12 months of the Bracks government in Victoria as a record of lost opportunities, broken promises and lack of vision. That document could easily be titled 'Geelong adrift' because of the government's inaction.

Hon. T. C. Theophanous interjected.

Hon. I. J. COVER — If you are not happy with my quoting from a Liberal Party document, Mr Theophanous, I will quote from a document released before last year's election by the Labor Party. That document, entitled 'Labor in Geelong — a new partnership' would be a good place to start to scrutinise the performance of the government in Geelong and regional Victoria.

Hon. T. C. Theophanous — Don't you wish you had come up with something like that?

Hon. I. J. COVER — I will tell you what your government has come up with. I will refer to 10 items listed in the Labor Party policy document. The first is that Labor will:

> Commit $120 million to improve and widen the Geelong Freeway in partnership with the federal government ensuring the project is completed in the first term of a Bracks Labor government.

Pardon me if I am wrong, but the former Kennett government had already committed $120 million for the Geelong Freeway upgrade under the auspices of that fine Minister for Roads and Ports, the Honourable Geoff Craige. The Labor Party was already claiming in its spin doctoring, more than 12 months ago, that it would commit $120 million to improve the Geelong Freeway, but that amount had already been committed and was in the budget allocations of the former Kennett government. The government continues to claim this as one of its great achievements and initiatives, yet it was introduced by the former government.

Hon. T. C. Theophanous — You were all talk and no action.

Hon. I. J. COVER — The government is all action on spin doctoring to sell itself. The second claim is that Labor will:

> Support a feasibility study into the construction of a Geelong ring-road.

In fleshing out that policy initiative, at page 4 the document states:

> The most obvious benefits of a Geelong ring-road will be that traffic congestion in the Geelong central business district will be greatly reduced. The decision to construct a Geelong ring-road by its very nature requires a thorough technical analysis as well as extensive community consultation and discussion.

We are 12 months down the track and I am still waiting to see this thorough technical analysis and community consultation, let alone extensive community consultation and discussion. The initiative is excellent and is supported by the opposition. If you want growth and development in any region, commitment to infrastructure projects such as the Geelong ring-road is vital. The opposition supports the initiative and urges the government to get on with it. Tell us how it is going and start the community consultation. It may well have been done, but perhaps it was done in secret. If the government wants extensive community consultation it cannot do that in secret. So far the first initiative was a Kennett government initiative and we are still waiting on the second.

The third initiative is:

> Significantly upgrade the capacity and role of Business Victoria's Geelong office and work with all tiers of government, local businesses and community leaders to develop a Geelong regional business plan to encourage investment and create jobs.

Like many people in Geelong, I am still waiting to see what is in the Geelong regional plan. If we are to encourage investment and create jobs the government

should have developed the regional plan because we are now 12 months down the track. The only thing that has happened with Business Victoria is some rebadging. The fourth policy initiative is:

> Work with the City of Geelong and private enterprise to reduce rail travel time from Geelong to Melbourne to 45 minutes.

What a great idea! That is welcomed by the opposition. Improving the infrastructure between the capital city and major regional centres is welcomed. We will hear more about that from the Honourable Wendy Smith, who will talk about the development or lack of development in Ballarat, one of the regional centres involved in the rail infrastructure project, and from the Honourable Ron Bowden, who will outline developments or the lack of them in regional centres such as Bendigo, which is also part of the rail transport link program.

Initially the government said it would commit $80 million to the project, but it is now listed as an $800 million project, which accords with the way Labor government's do things — put a figure out but increase it further. It is an $800 million project on which the government is committed to spend $550 million. Yesterday the Treasurer said in the other place that the government's contribution had been established at $550 million. We know the project is predicated on achieving private sector contributions. Will the project still go ahead if the private sector is not forthcoming with its contribution? I would not like to think that Geelong, Bendigo, Ballarat and Traralgon will suffer because the private sector contributions are not forthcoming. The government said it will contribute $550 million, so perhaps it will do what previous Labor governments have done — just put it all in. We want to see what happens, but get on with it.

The next policy initiative is one I am prepared to admit the government has achieved. It says that Labor will:

> Provide $12 million from Labor's Regional Infrastructure Development Fund to revitalise the Geelong central activities area.

A few weeks ago the Premier was in Geelong to make the announcement. I was present, but not all members of the Labor Party in Geelong were there to hear their leader.

Hon. E. C. Carbines — I was there.

Hon. I. J. COVER — Yes. The Premier announced the government allocation of $12 million as a catalyst to help develop the city centre. The opposition welcomes the announcement and supports the project. It is in line with the $15 million that the former Kennett government allocated to the steam packets project on the Geelong waterfront, which revitalised the waterfront and led to more than $200 million of private sector investment in growing Geelong and the Geelong waterfront. I know the City of Greater Geelong is putting $8 million into the project to get it to $20 million. An extra $7 million is required, and perhaps private sector investment will be forthcoming. The opposition welcomes the project and looks forward to the work starting. I give the government a tick for that.

The sixth policy initiative is:

> Target Geelong and Bellarine as priority centres for the establishment of new call centres with the aim of 500 new jobs through Labor's regional call centre attraction program.

Is there a web site about this?

Hon. M. A. Birrell — It would be on a CD-ROM.

Hon. I. J. COVER — It may well be. In fleshing that policy announcement out the policy document states:

> A Bracks Labor government will aggressively target calls centres throughout Australia to relocate to regional Victoria and in particular Geelong and Bellarine with the objective of 500 new call centre jobs in the area by 2003.

Hon. J. M. McQuilten — There are 450 jobs in Bendigo right now.

Hon. I. J. COVER — I look forward to Mr McQuilten's contribution in promoting regional Victoria and the area he represents. It would be great to get an update from the government on how many jobs have been created so far. Are we on target after 12 months? Have we got the first 120 jobs yet? I have not heard anything from the government about that. The most recent public statement came from the City of Greater Geelong in which it said it was pursuing Telstra to beef up a call centre in Geelong, but I have heard nothing from the state government.

Hon. J. M. McQuilten — Watch this space!

Hon. I. J. COVER — We have been watching for a year. This is an opportunity to provide a response. It is a legitimate approach in this place.

The seventh policy initiative is:

> Encourage increased levels of tourism to Geelong and the surrounding region through a $2 million statewide boost over four years to regional tourism promotion through Labor's living regions fund.

I almost said 'living legends', but I do not think there are many living legends in the Labor Party. The opposition is interested to know how much has been spent directly in Geelong promoting increased levels of tourism or outside Geelong to bring tourists to Geelong.

The eighth policy initiative is:

> Increase funding to upgrade key link and arterial roads in the Geelong region.

A number of road projects were articulated in the coalition policy at the time, including the duplication of the Geelong–Colac road and highways that link Geelong, Ballarat and Bendigo — major regional centres about which we will hear more later.

Since the election of the Bracks government one year and one week ago nothing has been heard about whether it will take up such projects as the Geelong–Colac road duplication or even local projects such as the duplication of the Great Ocean Road from Torquay through Jan Juc up to Anglesea Road, which is a top priority. When the Honourable Geoff Craige was Minister for Roads and Ports he was very supportive of that high priority project. It would be nice to see some action on it.

In a report released yesterday on the funding of road projects throughout Victoria over the next 10 years the Royal Automobile Club of Victoria gave those two projects in particular — the Geelong–Colac road duplication and the Great Ocean Road duplication through Jan Juc up to the Anglesea road — high priority and urged the government to act on them.

Governments can set parameters that will provide opportunities for growth and development in surrounding regions. For example, when the Geelong Road project is completed there will be a need for the Geelong ring road and the duplication of the road from Geelong to Colac, which would be a great boost to western Victoria. It would allow produce from that part of the state to be transported into Geelong and through the Geelong port and Avalon Airport. The Geelong ring road would be the catalyst, as the Western Ring Road has been in Melbourne, for the establishment of distribution and warehousing centres linked to air and road transport.

The Geelong–Colac road duplication would play a vital role in encouraging those urgently needed infrastructure projects which would in turn create growth and development in Geelong.

No. 9 of the top 10 policy objectives for Geelong was to boost education by building a new secondary school at Lara. The government said it would do that in its first term. The opposition is putting the government on notice at the end of its first year that the people of Lara were disappointed to discover no mention of a new secondary school in the budget or in the forward estimates. The opposition looks forward to continuing to put the government on notice and to keep it accountable for delivering on its commitment for a new secondary school at Lara.

Lara is a developing area in the Geelong region, as is Torquay. They are probably two of the fastest growing residential areas in the region. Torquay residents have also been calling out for a secondary school. Given that Torquay is in the electorate of my colleague, Mr Paterson, the honourable member for South Barwon in the other place, he has taken up that issue with the Minister for Education and has received a flat 'No' from Minister Delahunty.

It should be made clear that at the time of the last election the previous government did not go to the electorate making promises about delivering things that were not achievable. However, the Australian Labor Party candidate for South Barwon at the time, who now finds himself mayor of Geelong, openly campaigned about providing a secondary school for Torquay. One would imagine that as he was standing as an ALP candidate that that would have been ALP policy, but as I have said, Minister Delahunty wrote recently to Mr Paterson saying that nothing will be happening with the school in the foreseeable future.

So far, of the nine Labor policy objectives I have mentioned the only one that has been implemented is $12 million for the Geelong central activities area. I should have mentioned that I have a personal interest in that because I served on the task force that helped develop the planning and strategy of the program the current government is now supporting. However, so far that program is the only tangible evidence that Labor has implemented a policy objective in its first year in government.

Given that he now has shadow responsibility for ports, I am sure my colleague the Honourable Philip Davis will be interested in no. 10 of Labor's top 10 policy objectives for Geelong. The Labor Party said it would:

> Provide up to $4.5 million from Labor's Regional Infrastructure Development Fund to meet 50 per cent of the cost of linking key wharves at the port of Geelong to the national standard gauge rail network thereby opening up significant new trade opportunities in timber, mineral sands and food products.

I have raised that matter during the course of the year with the Minister for Ports, pointing out that although

the promise of $4.5 million was to meet 50 per cent of the cost I understand the cost could now be in the order of $12 million. Perhaps if the government intends to stick to the 50 per cent contribution, the $4.5 million will have to be increased to $6 million. The minister said honourable members should stand by for an announcement, and we will do that. However, after one year we are still standing by.

Of the first 10 Labor Party policy objectives for Geelong made at the time of the last election, it has managed 1 out of 10. The performance of the Labor government in delivering its commitments to Geelong has been disappointing.

I raise the issues today because, as I said, it is my job and my responsibility. In an editorial on 19 July the *Geelong Advertiser* pointed out that:

> Geelong is still waiting for the benefits of delivering it government.
>
> …
>
> It has no minister within the region and there are mutterings about hospital and communications facilities going to other regions which, coincidentally, are serviced by a minister within the Bracks government.

It also pointed out that I had a responsibility —

> to turn up the heat on the government and the local members.
>
> The more pressure put on the government, the better for Geelong.

That is what I am doing today. I have gone through the government's list of policy commitments and given it my score card. The *Geelong Advertiser* also did a score card last week. I do not know whether it was assisted by Geelong members of Parliament to put together its list, but it had similar comments to make. Of the $4.5 million funding for the Geelong port rail link, which I have just mentioned, the newspaper said it was:

> … still on the drawing board.

That is confirmation of the point I have just made. The article also states:

> Commissioning of a feasibility study into a Geelong ring road: announcement to be made soon.

We look forward to that. Of the Geelong regional business plan, which I said was going to be worked up with local bodies, the article states:

> … still working to build relationships with local businesses.

I am not surprised that the government is still doing some work to build relationships with local businesses, given that during the course of the year it has done a lot to harm relationships with business — and to harm business, full stop. That is no doubt a message that will be repeated throughout regional Victoria.

The key element of that harm has been the outrageous increases in Workcover premiums. My colleagues Mr Paterson and Mr Spry in the other place and I contacted more than 500 businesses in Geelong to see how the Workcover premiums were impacting on their businesses. We received quite a few responses, and I will share some of them with the house. We asked questions such as, 'How much has your premium increased by?', 'What do you believe was the reason for the increases?' and 'What effect are they having on your business?'. Some of the percentage increases in Workcover premiums that those businesses forwarded to us were 36 per cent, 41 per cent, 42 per cent, 50 per cent, 135 per cent and 90 per cent.

The business that had a 90 per cent increase in 1999–2000 indicated it had had no claims in seven years and that during the course of the year staff numbers increased by only one. When asked what effect the increase would have on the business, the employer said it would not be employing any more staff — simple as that. If the issue is building relationships with businesses this does not appear to be the way to go about it.

A business that had a 48 per cent increase had no claims and no increase in staff during the year. Another business had a 90.2 per cent increase, yet its staff numbers had gone down during the year. The employer said it is likely to employ fewer staff as a result of increased costs on the business.

I could go on citing figures such as 95 per cent and 100 per cent and more examples of employers and businesses stating that the increases will affect their ability to employ further staff. The situation is not assisting growth and development in Geelong or regional Victoria. One business had a 232 per cent increase!

Hon. W. I. Smith — What sort of business?

Hon. I. J. COVER — They are lawyers. Perhaps they will get some benefit from the common-law actions they can take up! When asked about the increases one business said:

> I believe the following circumstances may have been responsible for the increase in my premium: election of the Labor Party.

It is as simple as that.

One business had an increase of 52.6 per cent. Another business — I have not got the percentage figure in front of me — gave a two-word answer to the question on what may have been the cause of the increase in the premiums — weak government. Victoria needs strong government and strong leadership. It needs a government of substance with vision and the ability to make decisions, not just put a spin on things.

Two days after the first anniversary of the Bracks government, while looking at the Workcover responses and the report I was quoting from the *Geelong Advertiser* about the achievements or otherwise for Geelong, I noted a report on the employment situation in Victoria. It revealed that although employment was going well, with a national drop in the unemployment rate, the job record in regional Victoria was marred by a slump in the Barwon–Western District region. Unemployment in the region rose by just over 2 per cent to 9.1 per cent, the highest rate in the state.

The fact that following the Workcover premium increases Geelong is experiencing a rise in unemployment of just over 2 per cent should ring an alarm bell for the government, in particular with regard to business growth and development in Geelong. It may not necessarily be because of the effects of Workcover but a range of government inactivity that is leading to a downturn in the job situation in Geelong.

The industrial relations situation may be responsible for some of the lack of confidence in regional Victoria, and particularly in Geelong. I know that during the course of the year the Honourable Mark Birrell and his committee, including the Honourable Neil Lucas and the Honourable Wendy Smith, visited Geelong. I was pleased to accompany them when they talked to a number of Geelong businesses about their current situation with regard to work force issues, investment and industrial relations. As is any local member when people visit his or her area from outside the region, I was proud and pleased to take them around and introduce them to some of the people who are showing leadership and vision in the business community — the success stories — and who therefore employ people and add to the greater good of the area.

As I went around with Mr Birrell and Mr Lucas I started to get a bit uncomfortable because we started to hear more and more stories from businesses about the pressure they were being put under by union activity. It was not being related to us just for our benefit, it was a real concern. I am pleased that the Minister for Industrial Relations is in the house, given her involvement with the union movement. She rings union officials to wish them well with their activities; she might also care to ring them to ask them to improve matters on the industrial relations front in Geelong.

Hon. N. B. Lucas — I went upstairs to see Mrs Carbines but she wasn't there. She must have been on a day off, I think.

Hon. I. J. COVER — She may well have been out at a picket line, relaying the minister's best wishes.

I turn to an article by Denis Craven from *GT Magazine* which was published in the *Geelong Advertiser* of 7 October. Under the heading 'Industrial pressure' the article states:

> Some local manufacturers are feeling the pressure of unions targeting Geelong to launch campaigns for higher wages and less working hours.
>
> The use of Geelong as a sounding board for union claims has put the businesses under pressure, especially those who are locked into long-term fixed price contracts.
>
> The textile, clothing and footwear union seems to be following a similar path to the building industry's recent industrial campaign, which achieved a total wage increase of between 25 and 30 per cent over three years.

The textile, clothing and footwear industries are key players in the Geelong economy and deserve tremendous support and encouragement to continue their good work. They should not be subjected to industrial pressure.

I move to the issue of health, which is another area of immediate concern for the people of Geelong. Health, education, law and order and open and transparent government were the four pillars of the Bracks government.

An honourable member interjected.

Hon. I. J. COVER — Financial responsibility is also linked in to it. I have heard Mr Bracks say it so many times I thought I had it almost down pat, but health was certainly at the top of the list.

The government used the issue of the addressing of health problems as part of its election platform. We in Geelong are proud that under the auspices of Barwon Health we have an excellent health service with a range of providers covering issues relating to birth through to aged care. Geelong, and in particular the Geelong Hospital, benefited from major capital works upgrades funded by the Kennett government, and under that government had the ability to increase existing services and introduce new ones. The Barwon Health annual report of 1998–99 lists such improvements and introductions in the following areas, to name just a few:

cardiac services, Hospital in the Home, maternity facilities, mental health, district nursing, community health, renal dialysis and intensive care.

Any region relies on first-class health and education services for its growth and development, and I believe Barwon Health provides an excellent health service. Some of the pressures that have been placed on the metropolitan health networks have not necessarily been relayed to Geelong; because of the excellent work of the hospital, and in particular the doctors and nurses, Geelong was immune to some of the pressures and was able to perform very well. However, during the course of this year, particularly recently, the situation has worsened rather than continued to go well or improve. In July it became known that the Geelong Hospital was dangerously close to crisis point, and as the local members the honourable members for South Barwon and Bellarine in the other place and I have paid particular attention to those health issues.

Indeed on 19 September, via an internal hospital memo the opposition released to the press it was revealed that funding cuts were taking place at the Geelong Hospital. The opposition called on the government to ensure that Geelong was not caught up in the health pressures that are sometimes found in Melbourne networks.

Rather than prompting a response from the government to do something positive, the issue attracted a letter that was published in the *Geelong Advertiser* of 27 September. The letter was signed by the three Labor members for Geelong and accused the opposition of scaremongering. The *Geelong Advertiser* of 11 October reported that the minister's spokeswoman ruled out the possibility of threats of cuts in elective surgery or bed closures at Geelong. The articles states:

> 'There are no plans by the government to reduce elective surgery in Geelong,' she said.

The minister's spokeswoman accused the opposition's shadow minister of being melodramatic. However, on 21 October the *Geelong Advertiser* reported on another document from the Geelong Hospital stating that 18 beds will be closed at the end of the month alongside drastic cuts in elective surgery. That happened when a few weeks earlier a spokeswoman for the health minister told us it would not occur. The article states:

> Operations will be severely slashed with the current elective surgery waiting list of about 1850 patients expected to more than double in the next 12 months.
>
> It was revealed that elective surgery was stopped for two weeks during the Olympic Games and is expected to be cancelled for six weeks during Christmas and for two weeks at Easter.

Despite that, the minister's spokeswoman said that that does not happen at Geelong. If the Labor Party wants to accuse the opposition of scaremongering, well and good. However, the article states that the document is a report by Barwon Health Medical Staff Group chairman, Dr David Bainbridge. The article states that he:

> … yesterday confirmed the contents of his report and admitted the hospital was in trouble.
>
> 'We currently have substantial problems and they are rapidly growing worse', he said.
>
> 'The beds are closing because the hospitals funding is not adequate to keep them open.'
>
> …
>
> He said the hospital's predicament had been caused by a drop in government funding.

Quoting directly from Dr Bainbridge's report, the article continues:

> Despite the reported cash increases of the last state budget, the Geelong Hospital has less money this year than last when the increases in Workcover premiums, superannuation and salary increases are included ….

Honourable members opposite can accuse the opposition of scaremongering but comments made by such a respected figure as the Barwon Health Medical Staff Group's chairman have to be taken very seriously indeed.

I also point out that the spokeswoman for the health minister bobbed up again on Saturday saying that a temporary cancellation of elective surgery during holiday periods was standard procedure. Yet a few weeks earlier, there was no such thing as elective surgery cuts.

Hon. G. K. Rich-Phillips interjected.

Hon. I. J. COVER — We have as well. The opposition discovered on Monday that the honourable member for Geelong in the other place is seeking a meeting with the health minister to discuss claims that beds will be closed and services cut at the Geelong Hospital. The honourable member stated that his wife was a nurse. He was aware that some staff at the Geelong Hospital have concerns about service delivery. I hope the honourable member for Geelong, accompanied by his colleagues from Geelong, will not only have a meeting with the minister but will strongly advocate for the services at Geelong Hospital to be maintained and for the beds to be kept open.

Hon. P. R. Hall — If they get to see him, first.

Hon. I. J. COVER — They may have a better chance of seeing him, Mr Hall, than you or I. However, as you pointed out by way of interjection, it would be nice for the people of Geelong and particularly the Geelong Hospital if the minister responded.

I look forward to a response from the member for Geelong Province in this place or indeed from the Minister for Health about the health issues I have just raised. Those issues have been raised for some time in Geelong.

In a bid to get a response from either the other member for Geelong Province or the Minister for Health, I put on record the fact that the opposition will no doubt hear that the government has made a cash injection to the hospital over recent times of $6.5 million. However, as pointed out by Dr Bainbridge, there was concern that that money would be spent on Workcover premiums, superannuation and salary increases. The spokeswoman for the Minister for Health indicated that the current injection would be spent entirely on patient services and that the Department of Human Services would foot the bill for the Workcover, superannuation and salary increases. Will that be the case, not only in Human Services but across all government departments faced with Workcover premium increases? Will extra funds be provided or will the increases have to be paid from the existing allocations to departments?

I could enumerate other areas of concern in Geelong, but being mindful that honourable members on both sides of the house want to contribute to the debate I will not take up too much more time. Good government that provides leadership and vision does so in partnership with all aspects of the community from local government through to business.

Hon. B. C. Boardman — You are not suggesting we have good government, are you?

Hon. I. J. COVER — No, that is how good government is achieved — in a partnership.

The state government should provide leadership as it did in the past. Local government in Geelong is about to undergo a restructure and return to a ward-based system of 12 wards after previously having regional councillors. Indeed, with five regional councillors Geelong certainly had a regional approach. It mirrored what was happening at a state government level as well. There are concerns that the new council structure will lose the regional focus. Page 14 of the Labor policy for Geelong states:

> A Bracks Labor government will enter into a new deal with the City of Greater Geelong.

If only the people of Geelong had known exactly what was meant by a new deal. The new deal appears to be that the Minister for Local Government promptly ticked off the Geelong council's proposed restructure with 12 wards. That is interesting given that the council went through a community consultation phase, held a public meeting, called for submissions and received more than 400. As was pointed out, and as members of the shadow cabinet would have heard in Geelong on one of its many visits to regional Victoria, more than 60 per cent of the submissions to the proposed council restructure favoured the retention of regional representation for the council. However, the council rejected that, even though 60 per cent of the submissions — which is more than a majority — said regional representation should be retained.

It will be interesting to see how that pans out. It appears that is what we are stuck with and there will be new elections for Geelong next March.

As I pointed out, other opposition members will contribute to the debate on issues related to other parts of Victoria such as Ballarat and Bendigo. I expect Mr Hall will also speak about the part of Victoria he represents.

It is interesting to note that although we are talking about regional Victoria, the minister responsible for regional development is not with us. She may have other things to attend to, but it would be educational not only for me, as a representative of Geelong, but for all members on this side of the house to hear the minister respond to some of those issues that pertain to regional Victoria. I do not think I would be out of line if I were to demand — I was about to say invite, but the issue is more serious — that the minister, indeed any minister, respond to this motion today.

Hon. M. A. Birrell — Particularly the minister responsible for regional development.

Hon. I. J. COVER — Exactly. I fully anticipate the other honourable member for Geelong Province will respond, as was foreshadowed in the paper this morning. However, we would love to hear from the minister. I am sure the other honourable member for Geelong Province shares some of my concerns about Geelong's growth and development. We may have political differences but we both come from Geelong and support Geelong. I expect her to respond and I look forward to it. I also look forward to a minister showing leadership and telling us what is happening in regional Victoria, addressing not only the issues I have raised but issues that will be raised by my colleagues.

An issue that particularly relates to the portfolio covered by the Minister for Energy and Resources is that of the proposed gas pipeline extension to North Bellarine. Honourable members have heard a lot about that proposal here. Mrs Carbines has raised it.

Hon. E. C. Carbines interjected.

Hon. Bill Forwood — You got it wrong too, didn't you?

Hon. I. J. COVER — The honourable member got it wrong, too, and had to correct herself in the house. Let us not be petty and nitpick about an inadvertent slip of the tongue over the name of a town. There are bigger issues of concern about regional development than nitpicking over an honourable member inadvertently getting a name wrong late at night in the house. We have all done it. If you want to play that game, we will play it.

As I pointed out when we first sat on the opposition benches last year, an article in the *Geelong Advertiser* of 16 September 1999 — two days before the election — reported the Bellarine Labor candidate, Kerri Erler, as saying that the decision, which was a pledge to spend $1.5 million to guarantee a natural gas connection for Portarlington, Indented Head and St Leonards:

> … means the gas can be turned on within the first year of a Labor government.

The opposition pursued this when Parliament resumed last November. Mrs Carbines has also pursued it. That pledge has been tricked up a bit now to be within the first term of a Bracks government and not the first year.

Hon. M. A. Birrell — Is that the first backflip? No, it is not; I take that back.

Hon. I. J. COVER — It may be, but that was just what the candidate was reported as saying, and she did not win. However, it was Labor policy. Kerri Erler was subsequently appointed an adviser to the Premier. She is in the Premier's office and could take up the concern and say, 'Mr Premier, I said during the campaign that the gas would be turned on within the first year of a Labor government. The first year expired last week and the gas has not been turned on'. That is something to which the minister, if she comes into the house, can respond directly. She might also be able to tell us about the gas issue unfolding at Barwon Heads that seems to be clouded in confusion between the Office of the Regulator-General and TXU. An opportunity exists for the government to show some leadership as well.

A number of other matters have been mentioned during the course of the year, some of which were mentioned also during the election campaign — for example, the need for a 24-hour police station on the Bellarine Peninsula. I know the people of Leopold are pushing strongly for that. Indeed, they have written to Mrs Carbines and have sent me a copy of the letter. In a letter to Mrs Carbines dated 14 September, Peter Fisher wrote:

> During the election campaign a commitment was given to provide a 24-hour station on the Bellarine Peninsula in your first term of office —

Just as well he did not say in the first year —

> a promise that you reminded me of at our meeting. I believe that the time has now arrived for the implementation of a facility that would enable your government's promise to be delivered and the community to benefit from the creation of a safer and more secure environment.

We look forward to action on that, too. Planning is under way for a 24-hour police station on the Bellarine Peninsula, be it at Leopold or elsewhere. Apparently the site is yet to be determined. We urge the government to choose the site and get on with the project.

I refer back to my earlier comments about the rail links with Geelong. A study has been undertaken and a report produced, although it has not been acted on, for the establishment of a railway station at Grovedale, which would be a tremendous boost for people not only in that immediate area but further down at Torquay, for example, who could travel in and take the train from Grovedale to Geelong and then to Melbourne. A report has been produced and there is an opportunity for the government to act on that in conjunction with its plans to develop the fast rail links from Melbourne to Geelong.

Finally, I refer to one of the biggest disappointments of this government in terms of the growth and development potential for Geelong — that is, its decision to scrap the proposal for a Geelong international water sports complex on the Belmont Common.

Honourable members interjecting.

Hon. I. J. COVER — I am sure there are some people who did not want the Olympic Games in Sydney either, and what a fantastic event that was. Some people did not want the beach volleyball at Bondi. What a fantastic venue it was, and what a success the event was!

The DEPUTY PRESIDENT — Order! Through the Chair, Mr Cover.

Hon. I. J. COVER — Thank you, Mr Deputy President; I did not realise you had taken the chair.

The water sports complex has been on the agenda for almost 20 years in Geelong. The previous government committed $9.4 million to the project. It was driven by the council, which was the proponent, and it sought funding from the government, which provided it. It was committed to the project.

During the election campaign there was confusion as to exactly where various Labor candidates stood on the issue. Some said they were opposed to it. The ALP candidate for South Barwon was on the council driving the project; he was a supporter. Other ALP candidates were opposed to it. Steve Bracks, who at the time was Leader of the Opposition, said he had an open mind. So there was some confusion. The mind was quickly closed, though, after some information was relayed to the Premier, obviously by the people who ultimately became members of the government for the Geelong area.

Mr Forwood will recall that during the Public Accounts and Estimates Committee hearing attended by the Minister for Sport and Recreation this was described as a tremendous project to attract events to Geelong and a good investment by the government. The minister was asked whether the $9.4 million would be lost to Geelong. You may have to prompt me, Mr Forwood, but I recall the minister's response was that the money was being held by his department.

Hon. Bill Forwood — I think the minister admitted that it had gone back to consolidated revenue.

Hon. I. J. COVER — That is right, to give the impression that the government was hanging on to it and the department would find some other use for it in Geelong. It was lost to Geelong! Not only has the money been lost to Geelong but an icon event, the Associated Public Schools Boys Head of the River regatta, which had been rowed in Geelong for 50 years, was taken away from the city. Norm Lyons, president of the Geelong Chamber of Commerce, which has been a great supporter of a water sports complex or park for decades, recognises the importance of the project. A letter from Mr Lyons published in the August edition of *Geelong Business News* states:

> The chamber is bitterly disappointed that, as it predicted in 1981, Geelong has lost the APS Boys Head of the River regatta …

It goes on to point out:

> This will cost the Geelong business community dearly — at least $1 million each year for this event alone.

The Kennett government was committed to funding the course but the Bracks government refused to honour that commitment. The letter goes on to state:

> We said at the time that the project was rejected by the Bracks government based on incorrect and misleading information provided locally.
>
> Premier Bracks said, initially, that the had an 'open mind' on the project, but this was quickly closed by his local informants.
>
> Last November, the chamber was told by a local member of Parliament in government that his government believed that the Head of the River events will never leave the Barwon River at Geelong.
>
> …
>
> We now hear the same MP saying that Geelong could have lost the Head of the River regatta, in any case, 'because the water sports park would not be built by 2001'. What a change of mind! Geelong will lose millions of dollars every year as a result of the Bracks government's decision not to proceed …
>
> The chamber will keep pressing for the true story to be told about the need and benefits of the new water sports park for Geelong.

Watching the Olympic Games, whatever the venue but particularly the rowing at Penrith, I thought it would be fantastic to have a venue in Geelong that could provide for that standard of rowing and for canoeing and kayaking events to take place in Geelong. It was with sadness that I realised we had missed out in Geelong.

I shall conclude by quoting once more from the editorial of the *Geelong Advertiser* of 7 October, which is a call to arms to the government to show leadership and to stimulate Geelong's growth and development. The government can claim that it is doing things and that Geelong is a happening place, but it is not a view shared in the editorial. It states:

> Geelong is slowing to a walk. The coffin that buried Sleepy Hollow is rising from the turf on the waterfront. Each day it seems closer, ready to strangle innovation and enterprise in this town … Jeff Kennett, a great advocate for Geelong as Premier, kicked and cajoled and pushed and bullied to make things happen. It angered him to hear of delays and excuses …
>
> Today, the urgency has gone …
>
> Geelong has lost impetus and is now subject to rumblings of discontent from within the business community …
>
> Geelong has lost its footing. For a while, it appeared to be driving forward, restless, urgent and innovative. Now, it appears wayward and slow, preferring to wait for things to happen rather than making them happen. The immediate

> future is bleak, primarily because the city is about to enter the politically charged climate of elections and a new 12-ward structure. Like a spoilt child, it needs to be told to hurry up, get a move on, we haven't got all day. Because if you walk any slower, the snails in the garden will beat you.

I call on the government to show its commitment to Geelong's growth and development as well as to regional Victoria.

Hon. E. C. CARBINES (Geelong) — I am pleased as an honourable member for Geelong Province to refute the stance being promoted by the opposition today — that is, talking down regional Victoria and the wonderful city and region of Geelong, which I represent.

As an honourable member for Geelong Province I take every opportunity to promote Geelong and its region. I am more than happy on the first anniversary of the election of the Bracks Labor government to take up the opportunity to showcase the area and highlight the support the government has forwarded already to Geelong and its people. Almost a year ago I was proud to deliver my inaugural speech, in which I spoke of being proud and honoured that the Geelong people had invested in me the task of representing them in this place. I signalled that I would work hard to represent their interests and concerns in the electorate in this Parliament and in the Bracks government.

One year later I stand by my demonstrated commitment to the people of Geelong. I am proud of the high level of support that the Bracks Labor government continues to afford Geelong and its people. A key message the ALP took to the people prior to the election last year was that if elected it would govern for and grow the whole of the state, not only metropolitan Melbourne, as the previous Kennett government did. It said Labor's programs would deliver to all Victorians, but particularly to those in rural and regional Victoria, who for so long had their interests ignored and neglected by the Kennett government. Labor developed its election policies and commitments knowing they reflected the needs and interests of the community that it was seeking to represent in Parliament.

In Geelong Labor released its policy document entitled 'Labor in Geelong: a new partnership', for scrutiny by the Geelong people. In Bellarine it released the 'Action plan for Bellarine'. The sad and sorry story for the opposition is that the Geelong people embraced Labor's policies with enthusiasm. As a result Labor won two crucial seats in Geelong and managed to remove the former Minister for Housing, Ann Henderson. It won Geelong Province and increased its margin in the lower house seat of Geelong North, making it an extremely safe Labor seat. Labor almost won the seat of Bellarine. The honourable member for Bellarine in the other place, Garry Spry, got the fright of his life and is only now beginning to look well again.

Bellarine is now the most marginal non-government seat in the state. The Labor Party also had a significant swing in the seat of South Barwon. I am sorry the honourable member who represents that area, who was in the public gallery earlier, is no longer there to hear that.

Hon. N. B. Lucas — On a point of order, Mr Deputy President, the motion before the house refers to Geelong in the context of the government's failure to support growth and development. I argue that the use of the word 'government' in the motion needs to be taken into account. What happened prior to the Labor Party being the government is not within the motion. The honourable member for Geelong Province has been talking about what occurred in the election of 1999 — which was certainly before the Labor Party took office. The motion is about what the government has or has not done since that time.

Hon. E. C. CARBINES — On the point of order, Mr Deputy President, I am about to expose and give the lie to the opposition's claims. I am explaining the policies Labor took to the Geelong people prior to the last election and the fact that the people embraced those policies, which saw the delivery of several seats to the government. Clearly I am speaking within the parameters of the motion.

The DEPUTY PRESIDENT — Order! As is the custom in this house, particularly with lead speakers in any debate, a wide scope is allowed to enable the speakers to build their cases. The Honourable Elaine Carbines is building her case. I am sure she will continue building her case in her further contribution. There is no point of order.

Hon. E. C. CARBINES — Thank you, Mr Deputy President. Bad luck, Mr Lucas.

I was talking about South Barwon which, when I first moved there a number of years ago, was a very safe Liberal seat. However, because there has been a swing to Labor in the order of 6 per cent in the seat, South Barwon is now marginal and Alister Paterson is clinging onto it with his fingernails.

One year on I am pleased and proud to confirm that the Bracks Labor government has in its first year of office already delivered on the vast proportion of the promises it made to the Geelong people — and it still has three years to go.

It has not only delivered on a substantial proportion of its promises in the first year of a four-year term, but it has committed millions of extra dollars of funding to projects across Geelong — over and above what was promised. As a member for Geelong Province I have been pleased and proud to work with my fellow colleagues the honourable member for Geelong, Mr Ian Trezise, and the honourable member for Geelong North, Mr Peter Loney, who advocate the interests and needs of the Geelong community. We work very effectively as a team and we are a strong and effective voice for the people of Geelong in our electorates, in the Victorian Parliament, and within the government.

In its first year of office the Bracks government has delivered major capital works and infrastructure funding to Geelong, plus funding for other much-needed projects. It has committed $120 million to the upgrade of the Princes Highway, on which work has already begun. It has announced that it will allocate funding of $90 million for the delivery of a fast-rail project to reduce the time of commuting between Geelong and Melbourne to 45 minutes. That major infrastructure initiative has been enthusiastically received by the City of Greater Geelong, which sees it as complementing its Smart Move program, which is aimed at increasing investment in Geelong and attracting residents to our great city.

Work has also begun on the upgrade of the central activities area in Geelong for which the Bracks government has contributed $12 million. I was present at the recent announcement of the funding by the Premier and the Minister for State and Regional Development, the Honourable John Brumby.

Hon. I. J. Cover — I was there.

Hon. E. C. CARBINES — Yes, Mr Cover; for once you were there. It was nice to see you. I hope you can join us on more occasions in Geelong. We would be delighted to have you.

The DEPUTY PRESIDENT — Order! Through the Chair!

Hon. E. C. CARBINES — We went on a street walk around the City of Greater Geelong and were very well received by Geelong people, who stopped us in our tracks to say, 'Well done. We are pleased to see you in Geelong working so hard'.

This government promised to build a new secondary school at Lara. For years the North Geelong community has been crying out for a secondary school in Lara. However, their cries were totally unheeded by the Kennett government. Lara was totally ignored by it.

The Bracks government is committed to building a secondary college in Lara to service the growing Lara community, and has already put in place a committee of local representatives, including education representatives, representatives from the City of Greater Geelong and community representatives, who are looking at options for a site within Lara and a model for the secondary school. I commend those representatives of the Lara community on their hard work in developing the planning stages of the Lara secondary college. The government is looking forward to receiving their suggestions soon.

Another community that was totally ignored by the Kennett government is the Leopold community. For many years it has been crying out for a community facility to service the Leopold Primary School and other community groups, such as the senior citizens club, the Lions Club, and sporting clubs. The primary school is also desperate to have an out-of-school-hours-care building, because the current program is being conducted in a shelter shed. Prior to the election the Labor Party announced that should it form government it would commit $700 000 to the Leopold community to help it establish its community facility, the Leopold Indoor Neighbourhood Centre at the Leopold Primary School. I was pleased to note that that commitment was delivered in this year's budget. I note that Mr Cover omitted that from his speech.

Earlier this year I was proud to go to the Leopold Primary School to turn the first sod before the commencement of construction on the out-of-school-hours-care facility. The Leopold LINC is on its way — courtesy of the Bracks government.

Hon. R. F. Smith interjected.

Hon. E. C. CARBINES — It is amazing what we do. One of the first promises to be delivered by the Bracks government in Geelong was the wiping out of the community debt — some $100 000 — for the Ingamells Park in Ocean Grove. The money was to be repaid to the Kennett government. The Kennett government expected the Ocean Grove community to continually fundraise to save the park from development. Prior to the election Labor announced in its action plan for Bellarine that should it form government it would wipe out that community debt. It does not believe communities should have to buy their parks; it believes governments should support communities. In December last year I was delighted to announce at a twilight jazz meeting held in Ingamells Park that very early in its term of office the Bracks government had delivered on its promise and had

wiped out that debt. I can tell you that that went down extremely well in Bellarine.

I heard Mr Cover wonder what the Bracks Labor government was doing about tourism in Geelong. I am pleased to report that tourism is being well supported by the government's great Minister for Major Projects and Tourism in the other place, John Pandazopoulos, who takes many opportunities to visit the Geelong region and to announce funding to support tourism in Geelong.

One funding commitment announced earlier this year was $20 000 for the Queenscliff music festival, which is to be held at the end of November. It is usually an excellent weekend in Queenscliff for people who wish to avail themselves of that wonderful music festival. The minister also opened the William Buckley Trail in Ocean Grove, with the support of the Geelong–Otway tourism organisation; I was there but Mr Cover did not attend.

At the time the minister was given a challenge by Roger Grant, the head of that tourism organisation; he was asked to support Geelong–Otway tourism and the Geelong region by writing to ask the Premier of Tasmania to assist in locating the bones of William Buckley that are buried somewhere in Tasmania. Mr Grant said to the minister, 'We would be delighted if you could support us on that, Mr Pandazopoulos'. The minister agreed there and then to take up the challenge with the Tasmanian Premier. Roger Grant said, 'I am astounded, Mr Pandazopoulos; I thought you would have said I had Buckley's chance'. The minister was happy to support the request.

That visit to the Bellarine Peninsula by the minister culminated in a visit to Spray Farm. Later the minister received a letter from the Bellarine tourism representatives thanking him and saying it was delighted to have hosted his visit, which had been the first time in many years that a state tourism minister had visited the Bellarine Peninsula.

Hon. I. J. Cover — That is wrong.

Hon. E. C. CARBINES — That is what the association's letter to the minister said. The minister has announced funding for the Festival of Sails in Geelong and opened the waterfront development in Geelong. A couple of weeks ago I was at the opening of the carousel in Geelong.

It should be noted that the redevelopment of the Geelong waterfront Eastern Beach project was commenced by the Cain and Kirner Labor governments. Much has happened with tourism in Geelong.

The government is also subsidising the regional conference group to promote regional conference venues, including some in Geelong; it is eligible to apply for $500 000 of funding for regional events.

Before the election the Labor Party promised to upgrade the Ocean Grove Primary School, which had been crying out for funds. That promise, too, has been kept, and I will open the new facility in a couple of weeks. I look forward to representing the Minister for Education on that occasion.

The north Bellarine towns of Portarlington, Indented Head and St Leonards were totally let down by the former Kennett government when they sought access to natural gas supplies. The local committee worked long and hard to have the Kennett government support the provision of natural gas to those townships but was continually fobbed off and eventually actively discouraged from pursuing the project, because the Kennett government was not interested in assisting the townships. It was not prepared to put up the money for the project.

Prior to the election the ALP promised that should it be elected the government would subsidise the project from the Regional Infrastructure Development Fund to the tune of $1.5 million. That subsidy to the gas supplier would facilitate the construction of the gas supply pipeline to north Bellarine towns. In conjunction with the City of Greater Geelong and the gas supply company, TXU, the committee submitted an application for funding to the Regional Infrastructure Development Fund. That application is being considered at present and the funds will be delivered, as promised, during Labor's first term in government.

I congratulate the communities of the north Bellarine townships on their hard work and persistence; I particularly congratulate Alec Finney and Sue Wilson, who have worked hard for many years to see the project get up. The Bracks government is pleased to support them.

Residents of Geelong know all too well the traffic problems associated with Latrobe Terrace, which becomes a bottleneck as it is the main route through Geelong for all traffic. Labor promised, if elected, to support a feasibility study on the construction of a Geelong ring-road. The announcement will soon be made that work has begun on that study.

Labor promised to work with business and all tiers of government to foster investment and create jobs. The

government has announced the creation of a Geelong business welcome pack, which includes incentives and support services to attract businesses to establish in Geelong and to assist businesses to expand.

Geelong is probably the only regional centre in Victoria that does not have its own television station. In the ALP policy document before the election the promise was made that the government would lobby the federal government on behalf of Geelong to grant a Geelong community television licence. The government has written to the federal government, which has replied that it is currently not allocating any new licences. The Bracks government will not rest but will continue to lobby the federal government and be a strong voice for Geelong.

The government has expanded programs at the Geelong office of Business Victoria to Warrnambool and Colac. Those initiatives have been warmly welcomed by the business communities in Geelong, Colac and Warrnambool. The government has targeted Geelong as a priority centre for the establishment of new call centres; it has begun working on that proposal jointly with the City of Greater Geelong. That is yet another promise that will be kept.

The government announced funding for the Gordon TAFE College in this year's budget, as promised prior to the election. Another promise made by Labor was to stop the privatisation of beds at the Grace MacKellar Centre in Geelong. The government has delivered on that promise; 140 beds have been saved from privatisation. That means the interests of the elderly in Geelong have been protected by the Bracks government.

Prior to the election the Labor Party promised $160 000 for home and community care programs in Geelong. It has not only delivered on that promise but has allocated $531 000 to HACC programs — another promise that the government has kept. Many Geelong residents, like many people in regional and rural Victoria, hated the levies imposed by the Kennett government for catchment management authorities. Before the election Labor promised that should it be elected it would abolish those levies which, in Geelong, comprised a $32 levy to the Corangamite Catchment Management Authority. The Labor Party promised to wipe out the levy, and it did so immediately. The Geelong people are thankful for that.

The Labor Party promised to review the relocation of the Marine and Freshwater Resources Institute at Queenscliff and from the harbour to the Narrows. It was not sure whether it stacked up environmentally or economically, and the Minister for Ports and her department worked hard on that promise to review the relocation of MAFRI. Earlier this year the minister was proud to announce at a meeting that I attended that the relocation would proceed because it stacked up environmentally and economically.

Hon. T. C. Theophanous — Was Cover there?

Hon. E. C. CARBINES — No. The relocation has the support of the Borough of Queenscliffe and all those associated with the project at Queenscliff. Funding was allocated in the recent budget and construction is expected to commence early next year.

The Victoria Police are now planning for the establishment of a 24-hour police station on the Bellarine Peninsula as promised and as is being delivered in the first term of the Bracks Labor government. The police and local residents were greatly concerned about the Kennett government proposal, I think in 1995, to close down the police residence at Portarlington. The residents of north Bellarine were greatly concerned about that prospect. A high proportion of the residents are elderly and they were concerned that the local police sergeant would not be able to live locally at the police station. I led a campaign with other members of the community to get the Kennett government to back down. It was one of the few issues on which the Kennett government backed down in its first term of office. I was proud of the small part I played in that issue. I am proud to be associated with the Bracks Labor government promise to build a 24-hour police station.

Prior to the election the Labor Party promised to restore locally elected community boards for community health centres. Consultation has taken place throughout the state during the past year, and I was pleased to be part of the consultation process held in Geelong. I know the staff, management and board of the Bellarine Peninsula community health centre are pleased at the initiative taken by the Labor government. We are now awaiting the announcement by the Minister for Health as to the way forward.

Before the election the Labor Party promised to ban 24-hour poker machine operation. As a resident of the City of Greater Geelong I know the effect that 24-hour gaming has had on our city. The vast majority of the gaming centres are located in the most socially disadvantaged areas. The Labor Party promised to ban 24-hour poker machine trading. The government is delivering on that promise. As current 24-hour licences expire they are not renewed. No new 24-hour licences will be allowed or issued in the City of Greater

Geelong. The government is pleased to further support the Geelong community in this way because it has been a serious community issue.

The Labor Party announced in its policy documents that it would fund the upgrade of roads in Geelong that were so badly neglected by the former Kennett government. The government has made many announcements during the past year about road funding for Geelong. I was pleased to announce recently the safety upgrading of the section of the Princes Highway between Geelong and Winchelsea. The government recently announced funding for the upgrade of Queens Park Road and I, together with the honourable member for Geelong, announced the installation of traffic lights at the dangerous intersection at Belle Vue Avenue and Barrabool Road in Highton near where I live. For many years the community has asked for the upgrading of that intersection. I am pleased that the Bracks government is supporting Geelong on the need to upgrade its roads.

It has been a great first year so far as election promises are concerned. Don't let anyone tell you otherwise! As a member for Geelong Province I am pleased to catalogue the many initiatives taken by the Bracks government. I remind honourable members opposite that the government has been elected for four years, not one. This is just the beginning. The government will ensure its commitments are met over the next three years. We will fulfil the commitments that we have given over the next three years.

The government is subsidising the cost of linking key wharves from the port of Geelong to the national standard gauge rail network. That will be of enormous benefit economically to Geelong. I am pleased to be associated with that project; I never heard the former Kennett government talk about it. The government is funding the building of a new permanent facility at the Ocean Grove Secondary College. Many people would not realise that the Ocean Grove campus is a collection of portable classrooms. They have made the best of it and made it look as nice as possible, but we cannot get away from the fact that all the buildings are portables — the classrooms, the toilets and the administration block. The Bracks government promised in its first term to build a permanent facility, and that is welcomed by the Ocean Grove community. It is part of the Bracks government's commitment to growing the whole of Victoria and governing for all Victorians.

Soon after the election the government announced that it would hold cabinet meetings in regional Victoria. It has done that. As a member for Geelong Province I was proud that the Premier chose Geelong as the location of the first community cabinet meeting. The Premier and ministers had a fantastic day.

Hon. J. M. McQuilten — I wanted it for Ballarat.

Hon. E. C. CARBINES — We won in Geelong. The Premier spent the day meeting community groups, representatives of local municipalities, businesses and representatives of many Geelong organisations. That first community cabinet meeting and visit by the Premier and ministers set the tone for the first year of office.

The Bracks government is listening to and is representing the concerns of the Geelong community, thereby supporting the community of Geelong.

The Premier and ministers have continued to visit Geelong regularly. They have made themselves available to meet the people of Geelong and organisations that represent Geelong.

Hon. J. M. McQuilten — We listen.

Hon. E. C. CARBINES — That is right. The government invited representatives of Geelong to meet with it when it held its Victorian summit. All regional mayors were invited to a conference some months ago. Every mayor from the Geelong region attended the conference. They spoke highly of the access they gained to ministers and the fact that they were listened to seriously and their concerns were taken seriously. They were able to put their views direct to the ministers and the Premier. It was fantastic.

Being a female member of Parliament, I was proud when the Premier announced the inaugural summit of Victorian women earlier this year. It took place in Ballarat in May and was a great day. I was disappointed it was not held in Geelong, and I have already asked the Premier if he will hold next year's summit in Geelong. Geelong women were invited to attend. They were very pleased with their involvement in the summit and the commitment of the government to Victorian women. I was delighted to be there.

Ministerial and departmental forums have been held in Geelong, several of which I attended. I will pick some to showcase for the house. A couple of months ago Minister Broad held a forum at the National Wool Museum involving women in the fishing industry. About 50 women were invited for the day, and one after another they stood up and said, 'Thank you for inviting us and thank you for listening to what we have to say'. I was pleased to be there as a member for Geelong Province and was delighted the minister chose to hold the forum in Geelong, because the fishing

industry is important to the city. The role of women in the fishing industry is also important. Previously no-one had ever bothered to talk about women in the fishing industry, certainly not the former government.

Minister Garbutt held a forum in Geelong earlier this year, again at the wool museum, where she launched the Valuing Victoria's Women strategy. I was pleased that the Honourable Dianne Hadden travelled to Geelong that day to be at the launch. I thank her for making the time available to come and was pleased to showcase Geelong to her. The women who attended the launch were delighted by the Bracks government's initiatives to involve Victorian women in government.

It would be remiss of me not to mention the Honourable Theo Theophanous, who recently brought the inquiry into school bus services to Geelong. A productive afternoon at the regional office involved about 50 representatives of local schools and businesses associated with the bus industry. Interested individuals and parents also came along to participate and, through the Honourable Theo Theophanous, I would like to thank the Minister for Education for listening to the Geelong community speak about the problems some school communities have in accessing school bus services. Those are only some examples of forums that have been held at Geelong recently.

Hon. T. C. Theophanous — Where was Mr Cover?

Hon. E. C. CARBINES — He did not make it that day.

As a result of the community cabinet's meeting in Geelong, ministerial visits and the hard work of the Geelong government members funding has been delivered to many worthy Geelong projects over and above what Labor committed to prior to the election. I will showcase some of the things that the government has done. Barwon Health is a large health organisation that encompasses much of Geelong's hospital, elderly and community health care. The Bracks Labor government has been proud to put extra funding to the tune of $7.9 million into Barwon Health, which has led to the opening of an extra 11 beds at the Geelong Hospital.

The government has also funded the construction of the Newcomb Community Health Centre, which is under way and nearing completion. Every time I drive past it, it looks bigger and better. I was very pleased to attend the turning of sod for the centre by Mr Thwaites earlier this year. In addition the government is funding the acquisition of the offices at the South Barwon Civic Centre for the establishment of a similar community health centre in Belmont, which is very near where I live. The local communities of Belmont, Grovedale, Highton, and beyond in Torquay and Jan Juc, will be very well served by the establishment of that facility.

One of the most insidious things the Kennett government meted out to Geelong was the disgraceful defunding of the detox centre in Sydney Parade. That meant that Geelong addicts could not get appropriate treatment in Geelong and had to travel to places such as Warrnambool or Melbourne to access detoxification facilities.

Last year, following my election, the mother of a boy I used to teach came to see me. It was revealed to me that day that sadly the boy had become a heroin addict and had been unable under the former government to access any detox facilities in Geelong. He had therefore been placed at a facility in Warrnambool, which had removed him from his family and his support networks in Geelong. It did not work out. As soon as the boy left the facility he was back using heroin and again on the slippery slide. His mother was devastated.

I was pleased to be able to inform the mother that the government recognises there are drug addiction problems across Victoria and has announced two funding commitments to address the problem in Geelong — $450 000 for a six-bed drug withdrawal unit and $688 000 for a four-bed youth detox facility. The Bracks government recognises that there is a problem with drugs across the community and that addicts both young and old must have access to services in their local communities if they are to have any chance of getting off that terrible scourge, heroin. The government is pleased to listen to the Geelong community and to deliver those funding commitments.

The government has also provided $10 000 to the Grace McKellar Centre to provide Internet access for its elderly residents. The Bracks government is all about opening beds, not closing them, as the former Kennett government did. The Kennett government closed some 1000 beds across Victoria. The Bracks government is about recruiting and employing nurses, not sacking them. The Kennett government sacked up to 2000 nurses. The Bracks government is now actively recruiting nurses across the state. The government is also increasing hospital budgets, not slashing them.

There is evidence in Geelong of all the things that happened in health under the Kennett government. It was interesting to see the lead article on the front page of the *Geelong Advertiser* of 27 September under the headline 'Capp slams cuts — Warning: public hospitals still recovering from Kennett years'. For those

honourable members who do not know Stan Capp, he was the chief executive officer at Barwon Health for many years under the Kennett government. He has recently left the organisation to take up a position in hospital administration somewhere else in the state.

I will quote from the article because it refutes spurious allegations that Mr Cover raised before. It states:

> It would take a long time for Victoria's public hospital system to recover from the former state government, regional health chief Stan Capp has revealed.
>
> In a wide-ranging interview the chief executive of Barwon Health and soon-to-be head of one of Australia's largest health care providers, Southern Health, said the former government placed great financial pressure on the state's public health system and it would take time to fix the problems those pressures had created.
>
> 'There is no doubt that there have been considerable pressures, financially, put on the health system over the years of the previous government and that has placed enormous stress on the system,' Mr Capp said.
>
> 'At the same time, we've had this demand to do more and more, and people have been trying to do more, with less resources.
>
> 'The (current) government is now trying to redress this trend but that, in itself, is an awesome task … and it's not going to be fixed overnight'.

The Bracks government is about rebuilding the Victorian health system, which was decimated by the Kennett government across the state, including in regional Victoria and Geelong. Who would know more about the situation than the man who was at the helm of Barwon Health, Mr Stan Capp?

Geelong schools have been major beneficiaries of capital works funding under the Bracks Labor government, and I will provide the house with some examples. The Bracks government has allocated $4.59 million to build a new primary school at Torquay. The Torquay Primary School community had been working very hard to try to secure this funding under the former Kennett government. People had been trying to get assistance from the local member, the honourable member for South Barwon in the other place, as they had from the former Minister for Education, Mr Gude. They did not get it. They were given no promise for the building of the new primary school and no assistance.

I have been pleased to work closely with the principal and school council of the Torquay Primary School to secure funding for the building of the new primary school at Torquay, and construction has already commenced. I am looking forward to the opening of the primary school next year. It has been an enormous fillip to the people of the Torquay community who have worked very hard to secure the funding.

The Bracks government has provided $2.5 million to upgrade the James Harrison College in Geelong, and that in itself is fantastic. However, honourable members should know what the college was like under the former government. When first elected I went to James Harrison College and was shocked at the disgraceful, run-down state of the classrooms and facilities. I do not know how the students and staff managed to work under such awful conditions. It is a testimony to them and their commitment to education that they have been able to work in such a disadvantaged facility. The Bracks government is proud to commit $2.5 million to upgrade that school.

The government has committed $2.9 million to establish new facilities at Belmont High School, which is a popular, overcrowded school in Belmont; it has provided $1 million to Grovedale Secondary College for the upgrade of facilities, and $1 million for Leopold Primary School. I have been pleased to work closely with the president of the school council, Peter Fisher, to secure that funding.

The government has announced $500 000 for the upgrade of facilities at Barwon Heads Primary School. I was delighted to ring the principal and advise him of that commitment. He was ecstatic when he received the phone call, and thanked me profusely for the commitment by the Bracks government.

The Ceres Primary School was given $500 000 for new facilities. The government committed $250 000 for the upgrade of facilities at Wallington Primary School on the Bellarine Peninsula, and $750 000 for Geelong North Secondary College.

They are just some examples of the commitment the Bracks Labor government has to education funding in Geelong.

The government has also announced funding for the airconditioning of portable classrooms at 37 schools in Geelong. Honourable members will remember that the former Minister for Education under the Kennett government announced that he would undertake this project and find the funding for the airconditioning of portable classrooms. However, the former minister did nothing about the issue. He allowed the students of Leopold Primary School and of primary schools across the state to swelter through another long, hot summer.

The current Minister for Education has acted quickly on the commitment and has delivered the funding. Our children across regional and rural Victoria will not

swelter in the relocatable classrooms this year because they will be airconditioned, thanks to the Bracks Labor government.

Not only is the government meeting educational needs in Geelong that take a great deal of planning, it is also responsive to extraordinary situations in education that sometimes occur. In July the hall at the Corio Community College was burnt to the ground in a fire that raged for several hours. It destroyed the gymnasium, the canteen, the drama and music rooms and a facility that not many people would know about unless they had been to the college. I taught at the college so I understand the value of the facility to the college community. The fire destroyed an area known as the dungeon underneath the hall that the students called their own and used for practising music. There were several very capable musicians at the college and they had decorated the dungeon for their use and often left their instruments there overnight for safekeeping. The students spent a great deal of time in this area.

The dungeon was burnt out and many students lost their musical instruments. It was devastating for the Corio Community College, and the Bracks government allocated immediate funding for the temporary provision of curriculum, which allowed the redesign of some classrooms. A gymnasium was created from a couple of classrooms; a canteen was created out of a home economics room; and another room was converted to a practice room for the musicians. A theatrette, which was very run down, was refurbished to allow the drama class to proceed.

The Bracks government stepped in straightaway with funding to allow the curriculum to be continued. I know the college was very thankful for that assistance. However, not only did the Bracks government respond in that immediate way, but less than two months after the fire I was proud to go out to the college to meet the principal and staff and announce a $1.2 million grant from the government to the college to rebuild the hall facility to include a gymnasium, a canteen and music and drama areas. That is one example of funding that was not planned for, but the government made the commitment to respond to the community, and it did so.

Further evidence of the Bracks government supporting Geelong and its people can be seen in public transport. The government has announced a $1 million upgrade of the Geelong railway station, which is much needed. The railway station needs to be redeveloped and to be more efficient for commuters and travellers on the buses that end up at Geelong station. The announcement has been very well received by the City of Greater Geelong and Geelong commuters.

The government has also put on two new train services between Geelong and Melbourne each working day, which have been very well supported by the Geelong public. The Bracks government is investing in public transport, which the Kennett government never did. It was interested only in privatising public transport to the detriment of its users.

We are also very proud of what we are delivering in public housing. The Bracks government has announced a $5.6 million redevelopment of the Thomson housing estate. It is long overdue and was ignored by the previous government, despite its being in the former minister's electorate. The Bracks government is pleased to support the Thomson community in Geelong as — yet further evidence of how it is supporting Geelong.

The government has recently allocated $600 000 from the Community Support Fund to Bethany, which is a highly regarded organisation servicing families in crisis in Geelong, for it to put towards the cost of new buildings. I look forward to attending the opening of that new facility next week by the Governor-General, Sir William Deane. It will be a great day for Geelong, and the Bracks Labor government has played its part in the delivery of that facility.

The Bracks government is very proud to announce funding for neighbourhood houses across the Geelong region. Neighbourhood houses are focus points for Victorian communities and there some excellent examples in the Geelong region, which unfortunately were starved of funds under the former government. I visited the Ocean Grove Neighbourhood House, which for the first time is to receive funding that will allow it to pay its coordinator properly.

In the planning area the Bracks government has allocated $170 000 to the Surf Coast Shire Council under the Pride of Place program for work undertaken in Torquay, and $100 000 to the City of Greater Geelong to upgrade the Terrace in Ocean Grove. Those are fine examples of Geelong projects.

Geelong has also secured funding from the Bracks government for sport and recreation, including more than $200 000 for the upgrading of current facilities and the building of a new facility at the Point Lonsdale Surf Life Saving Club, more than $200 000 for the Jan Juc Surf Life Saving Club, $40 000 for the Geelong Cement Cricket Club and $25 000 to establish a skate park at Lara. The government has also announced feasibility funding for the relocation of the Barwon

Heads Football and Netball Club, and planning for that is well under way. A community playground will soon be built at Riverside Park in Geelong.

In recognition of the vital role crossing supervisors play in the safety of school children, the Bracks Labor government has allocated an extra $341 000 for new crossing supervisors in Geelong, including one at Barwon Heads Primary School. I was pleased to support the school's application. The government has been applauded by the Queenscliff community for an announcement of $99 000 to upgrade the boatshed on the pier. The government has also allocated $100 000 for local history projects in Geelong and $39 000 for Geelong groups to participate in centenary celebrations next year.

The government allocated $5000 to the Play Safe program, which is an initiative of the police in Geelong, under the auspices of Senior Constable Sandy Atkinson. The program facilitated the involvement of many Geelong primary schools in a basketball competition that was held in conjunction with the Geelong Supercats.

As someone who uses the regional library service, I was delighted to announced $20 000 for the Geelong Regional Library Corporation to increase its audio book catalogue.

Many dedicated Geelong people volunteer their services to protect the beautiful environment of the Geelong region. The Bracks government has been pleased to allocate funding for many Geelong conservation groups. I was pleased recently to present some of those groups with their cheques at our function at Breamlea. Earlier this year I was delighted to be invited to St Aloysius Primary School in Queenscliff. The school had received a junior Landcare grant and showed me what it was going to do with the money. Similarly I went out to Oberon Primary School, where the children were working on a project to beautify the school grounds under a junior Landcare grant. I am pleased as a member for Geelong Province that the government is financially assisting those projects.

I think the Minister for Manufacturing and Industry in the other place attended for the government the opening of the fantastic new Austrim Textiles facility, which has created 60 jobs for Geelong. I was pleased earlier this year to officially open a new cinema at Waurn Ponds, which created 55 local jobs.

Those are just some of the examples of the jobs and funding commitments that the Bracks government has made in its first year in office. There could be no better evidence of the level of support offered to Geelong by the Bracks government.

As a member for Geelong Province and a member of the Bracks government I have been pleased to work closely with the local Labor members in the other place, the honourable member for Geelong, Mr Ian Trezise, and the honourable member for Geelong North, Mr Peter Loney. Our constituents have raised many local issues with us and we have worked hard to assist them. Prior to the election last year the Kennett government planned to develop a water sports complex on the Barwon River, which would have destroyed the environmentally sensitive Belmont Common and forced the closure of local sporting facilities, including the Barwon Valley Golf Course. It would have necessitated the removal of 6000 trees and would have been a financial burden on the ratepayers of the City of Greater Geelong. The Corangamite Catchment Authority came out against the proposal because it feared it would increase the toxic algal bloom on the Barwon River, and many feared it would have reduced the Barwon River to a series of puddles.

As Labor candidates, prior to the election last year we knew that the Geelong community did not support the establishment of a water sports complex and we spent much of our time doorknocking residents across Geelong. The no. 1 issue raised with us was the complex. People wanted to know where we stood because Geelong people do not support that proposal. We campaigned heavily on the issue and promised people that if we were elected we would not support the water sports complex proposal. We knew the vast majority of people in Geelong did not support it and we were happy to represent that view both in Geelong and to the government. On our election we were pleased to announce that the Kennett government's water sports complex proposal was not going ahead. As members of the Bracks government we were representing the views of and thereby supporting the Geelong community.

Many other issues have arisen since the election, such as the unreliability of Geelong's power supply, which was privatised by the former Kennett government. Over last summer countless disruptions affected domestic consumers and businesses. Members of the business community told us as local members us that they were concerned it was undermining the economic viability of Geelong. We liaised with Powercor and held a public meeting, which gave rise to a report we sent to the Regulator-General. In that report we demanded that Powercor lift its game. Recently the company sent out letters to all consumers in Geelong to say the company has now heard what the community is saying and will make an effort to improve the reliability of the

Geelong's electricity supply. Time will tell whether that happens or not. If it does not happen the local members of the Bracks government will again voice the concerns of the Geelong community.

The Labor members of Parliament in Geelong work closely together on many other local issues that go beyond funding and beyond election commitments. People and organisations bring issues to us. They want our support, advice and assistance. We have been more than ready to help with all of those issues, and I will talk about some of them. We liaised with Adelaide Brighton, the parent company of Geelong Cement, to stop the burning of toxic waste water in their cement kilns at night, which was alarming the Geelong community considerably. We were pleased that Adelaide Brighton listened to what we had to say and decided not to continue that practice.

The government has been working closely with the Barwon Heads Association and the developers of the Tomara Resort to facilitate the construction of a gas pipeline to the Barwon Heads township.

While in opposition and now in government, residents of Geelong have voiced to the Labor Party their concerns about the sale of Harding Park by the former Kennett government for an absolute pittance. Harding Park is on the Geelong waterfront. The government has worked closely with those people and I congratulate them on their persistence. Through their work the Ombudsman is now inquiring into the matter.

The government has worked closely with the parents of the Lara community kindergarten who are looking for a new facility to ensure their kindergarten is viable when the church in which they currently hold their sessions closes its doors to them in a couple of years.

I have been pleased to work closely with the Borough of Queenscliffe following the announcement of the closure of the Queenscliff fort. Just yesterday I led a delegation from the Borough of Queenscliffe to Minister Brumby to discuss the issue. The government has been working on other issues in Queenscliff. The planning minister has supported the council by issuing height controls on the sensitive and historical area of Fisherman's Flat. The government has been working closely to reconfigure the scrambled egg that the Kennett government meted out to the Queenscliff community in the form of the harbour development. The government is unscrambling that egg and working hard on a harbour redevelopment proposal to put before the Queenscliff community.

I have worked closely with members of the Save Ocean Grove environment group and supported its work by asking the planning minister and the City of Greater Geelong for interim height controls in Ocean Grove. I have been working with the group about its concerns over the future of Goandra Estate, which is home to the rare and endangered species of the yellow gum.

Hon. R. H. Bowden — On a point of order, Mr Acting President, I have sat here for well over an hour and I have heard Ocean Grove mentioned many times. It is becoming tedious and repetitious. Honourable members are being given a tour of Geelong, which we do not need. We want to hear about the government's regional development across the state, and specifically in Geelong. We do not want to know about every hamlet, every school and every minor situation. It is tedious, repetitious and it is not fair to the chamber.

Hon. M. M. Gould — On the point of order, Mr Acting President, the honourable member is clearly debating the motion before the house about the government's support of growth and development of the Geelong region. She has been doing that.

Hon. M. A. Birrell — The honourable member was right; it is unfair on the house to have to listen to her.

Hon. M. M. Gould — It might be unfair to the Honourable Ian Cover who is being crucified by the debate. However, the honourable member has been relevant to the debate and there is no point of order.

The ACTING PRESIDENT (Hon. R. F. Smith) — Order! Clearly this is a wide-ranging debate. I am satisfied that the honourable member is speaking within the confines of the motion. I rule against the point of order.

Hon. E. C. CARBINES — The Labor government continues to support the Geelong community. That is what the motion is about. Opposition members are saying that the Bracks government does not support the Geelong community. I am sorry that the evidence overwhelms them. I am sorry that they are stunned by the evidence, but that is the way it is. They called on this debate. I am happy to showcase the Bracks government in Geelong.

Last night during the adjournment debate I referred to the Point Lonsdale child-care centre issue. The Bracks Labor government, through Minister Campbell, has been supporting the residents of Geelong, Queenscliff and Point Lonsdale on that issue. I have been happy as a member for Geelong Province and the Bracks government to work on many other issues.

I have supported Portarlington residents in their stand against a proposal put to them by the City of Greater Geelong to construct a road in Sproat Street against their wishes. A special rate and charge was to be levied and they did not wish it to proceed. I was happy to take their concerns to the City of Greater Geelong.

Limeburners Bay is an environmentally sensitive area on the coast of Geelong. Geelong residents have been concerned that a huge tract of coastal land has been given by the City of Greater Geelong to Geelong Grammar School in return for 10 years of tipping rights. I have worked carefully and closely with residents to try to establish a way in which the heritage and environmental values can been protected.

Beyond the Geelong region, I am proud to represent the concerns of other Victorians who do not get any support from their Liberal or National Party members of Parliament. I refer to Urquharts Bluff. I have voiced the concerns of the local community to the minister and asked her to buy the land that is up for sale at Urquharts Bluff. Those negotiations are currently under way between the Minister for Environment and Conservation and the owner of the land.

A couple of weeks ago I was pleased to journey to Terang. As a member for Geelong Province I was invited to launch a women's health web site. More than 100 women were in attendance who did not live in Geelong; they live in centres such as Colac, Warrnambool and Terang. They were crying out for someone to come along and listen to what they had to say because they do not get support from their local Liberal and National Party members. They gave me a list of issues to pursue and I have happily taken those up with the relevant ministers.

Not only does the government promote Geelong within Victoria, the Premier and the mayor of the City of Greater Geelong visited New York to promote Geelong and investigate the possibility of establishing a Guggenheim museum in Geelong. The Premier visited Thomas Krens of the Guggenheim Museum in New York and put a strong case for a museum for Geelong. Mr Krens will visit Geelong next month which is great.

The Bracks government takes every opportunity to promote Geelong, to deliver policies to Geelong and to deliver commitments over and above what it promised. The Geelong region and its people are really important to the Bracks government. It is absolute nonsense to suggest otherwise. The Bracks government supports Geelong and the region. What is more, it demonstrates its support by delivering its promises and by committing funds over and above what it promised last year.

I am sorry the opposition does not like what I have had to say because the evidence is overwhelming. Opposition members do not like the evidence being paraded before them because it shames them. Today I mentioned only some projects; there are many more. This is just the beginning. One year on I am proud of what the Bracks government has been able to achieve in Geelong. It continues to respond to and meet the needs of the Geelong people. I have been happy to showcase what the Bracks government is doing in Geelong. I will take every opportunity to do so as will other government members for Geelong and as does the Bracks Labor government. I totally refute the opposition's motion.

Hon. P. R. HALL (Gippsland) — One has been waiting patiently for this opportunity. I thank the Honourable Ian Cover for moving the motion today because it was designed to give members of this house an opportunity to talk about regional development in Victoria and to make some reference to Geelong. It is a shame we have been limited in the time we can speak because of the length of the contribution by the previous speaker and that other members will not have the opportunity to talk broadly about regional development. It is a subject we should be devoting time towards in this place.

Currently the Labor government is enjoying the legacy of a positive and visionary former Liberal and National party government. It is racing around this state opening new facilities and projects that are the legacy of the previous government. At the weekend the Premier opened Victoria's new museum, a legacy of the Liberal and National party government. Ministers have been travelling around country Victoria opening new school projects, and Minister Garbutt the week before last opened a new water treatment processing plant in South Gippsland in my electorate. Ministers and local members are opening new health facilities, roads and bridges in country Victoria that again are the legacy of the previous government. The promises of this government are yet to materialise, and we are sceptical about whether they ever will.

I shall diverge for one moment and comment on the banter that has been flowing backwards and forwards about who is attending what functions. The government is reluctant to invite local members to any functions where it is opening something. When Minister Garbutt came to South Gippsland the week before last I was not invited to the two functions she attended. The projects being launched were started under the previous

government, and I should have been invited. When schools have been opened after extensions or refurbishment there has been no invitation extended by the government to opposition parties to attend. It should not say that local members are not turning up to such functions because the government is not showing the courtesy it should. If it expects bipartisan support in this state it should pick up its game to ensure all local members, irrespective of which party they belong to, are invited to such functions.

What we have seen from the government so far is the legacy of the previous government. Where is the government's vision for country Victoria and for regional development? No vision has been presented during debate this morning. We have seen a grab bag of projects that have been happening without any coordinated plan for how they fit into the regional development context. No vision for regional development has been presented this morning. No planning or coordinated vision for regional development was presented at the last election. We had the 10 promises for Geelong that Mr Cover went through this morning, but where did they fit into the regional development context? There was no overall plan, and there still is none. In whatever the government does it takes a haphazard and random project-orientated approach rather than one that is coordinated for regional development. This is why we are experiencing hardships in many places in country Victoria.

The government has no ideas. I shall offer some constructive ideas about regional development and how to achieve it. Regional development covers four main headings: supporting existing business; growing new businesses; provision of infrastructure; and service provision.

The first plank of regional development is supporting existing businesses. What has the government done to support existing businesses since this government was elected 12 months ago? It has not cut payroll tax, which is one of the biggest impediments of growth for small businesses, still the biggest employer in the state, despite having inherited a $1 billion budget surplus. The former government cut payroll tax in each of the three successive budgets prior to the change in government. That is our record in supporting small business. This government did not tackle the issue of payroll tax at all.

The other area of importance in supporting small business and helping small, medium and big businesses in country Victoria has been the component of Workcover. What was the record of the previous government in that area? It cut Workcover premiums from an average of 3.3 per cent to 1.9 per cent of payroll, which provided a significant advantage towards the growth of existing businesses throughout the state.

The record of this government on Workcover in its first year of office was to promise to increase premiums by only 15 per cent. The outcome is that some businesses have experienced increases of up to 200 per cent in Workcover premiums. That is a direct disincentive for existing businesses in regional and rural Victoria to take on new employees.

Workcover and payroll tax are the two big imposts on business in Victoria, and the government has failed miserably with both. Now there are further imposts on business with the threat of a new state-based industrial relations system. If we want to stuff up business properly we should go back to the old days of having dual industrial relations systems in this country. The former government ceded authority to the federal government, and the system became a simpler, industrial-based one. The number of strikes during the Kennett years was almost zero towards the end of its term in government because it achieved harmony with the industrial-based system. As soon as this crowd was elected we were back to the old days where people were marching on the streets. If we move back to a state-based industrial relations system we will have a repeat of the chaos we had years ago.

Hon. M. M. Gould — That is rubbish; it is to protect workers.

Hon. P. R. HALL — The minister says it is rubbish: she should talk to the Victorian Farmers Federation about its views on reintroducing a state-based industrial relations system. It is concerned, and we would see that as a grave impediment to business growth in country Victoria.

I move to the issue of growing business, because the government is not interested in growing business. The best opportunity for growth is to make best use of the natural resources in the local area. We must build on natural resources. For example, many communities in rural Victoria rely on the production of timber as the basis for their local economies. Heyfield is one such town in my electorate that has the title of Timber Town because of its reliance on the timber industry. Another small town in my electorate that relied on the timber industry is Swifts Creek in East Gippsland. This is a story that the government would not want me to elaborate on because its record is one of complete failure and broken promises. The government promised the people of Swifts Creek that it would provide

funding to reopen the sawmill in Swifts Creek. To do so $5 million was required, but the request for the $5 million to reopen the sawmill in Swifts Creek was knocked back.

Many people like me read the series of articles in the *Age* last week about the Swifts Creek community. My personal view is that the author did not take a complete and holistic view of the whole of the Tambo Valley community in writing the stories because other aspects could have been more fully explored to give a fairer picture, but underneath the issue of the broken promise and the reliance and hope that rested on the reopening of the sawmill, the community was devastated when the government refused to step in to help.

There is a community that is really doing it tough. When it needed a hand, the government simply was not there to help out. That community is among those that I do not think will vote for this government again — because it has broken its promise.

I will move to a broader subject: the renewal of timber licences. The timber industry operates well in this state because of good planning in the past. Regional forest agreements are now in place and provide resource security to the timber industry, as well as — and I give credit; I think it was the Kirner government that introduced it — 15-year timber licences. That gives the operators the security and confidence to invest in the future, because they know they will be in business for the next 15 years.

What has this government done after coming to office? It has been very tardy about rolling over and renewing the 15-year licences. Most of them are due for renewal in 2002. The process has been that licences have been rolled over after about 10 years — 1997 should have been the year in which the licences were rolled over. The previous government was moving towards that, but this government has put a halt to it. The timber industry in rural Victoria is getting more and more concerned about the delay in the renewal of licences.

What has that meant? The Victorian Association of Forest Industries tells me that because of the government's reluctance to roll over the timber licences at least $200 million of investment in the industry is being put on hold.

These are the little things this government can do. It is useless talking about funding for a school project here or a skate ramp there. When talking about regional development one must look at the big items that are the backbone of rural communities. Timber licences have become the backbones of towns such as Heyfield, Orbost and others. They need certainty to invest and continue — and the viability of their local communities requires support from the government of the day.

In turning to growing businesses I refer to two current inquiries being undertaken by the Environment Conservation Council (ECC). The final report of one inquiry, the inquiry into marine parks, was tabled in this house yesterday, and the report of the other, the box-ironbark inquiry, which covers much of central Victoria, is currently going through its draft stages. Both reports have put a real dampener on economic development in the towns that are affected by them.

Communities along the coast of Victoria, particularly the commercial fishing and recreational fishing communities, and the tourism operators associated with them that rely on recreational and commercial fishing within the towns, are greatly concerned about the outcome the marine inquiry will have on their viability. If the government is to declare vast areas of marine parks — I think the report tabled yesterday proposed that there be 13 marine parks in Victoria — in prime fishing locations around Victoria, the economic viability of many commercial fishing businesses will be put in jeopardy.

It is easy for the ECC to suggest, 'They can take their catch from elsewhere outside the marine park areas'. That is not so easily achievable. You cannot pick up abalone and put them on a different reef, or pick up rock lobsters and move them outside marine parks. They just do not exist there. They are prime areas where commercial fishermen have been fishing for many years — that is why they are there. Take that away from them and their whole businesses will be placed in economic jeopardy.

It seems that the government has given no thought to the implications of the inquiries by the Environmental Conservation Council. A similar situation applies to the box-ironbark proposals. The draft report suggests that further areas of Victoria be locked up and given national park status. That would prohibit any further commercial use of the land for activities such as mining and even prospecting and would further restrict its commercial use for grazing. While some might say those are small things, the cumulative effect of each is significant and will have a significant impact on local towns.

Honourable members should talk to the people of Wedderburn about what the box-ironbark report might mean to their community. If the amount of fossicking and prospecting that takes place in the communities is restricted, their viability as communities will be greatly

affected. Fewer people will come into the towns to buy their petrol or supplies, which the towns greatly rely on. Honourable members should talk to some of the timber operators who look like being evicted from the places from where they have taken timber resources in the past. They will go out of business. The ECC might say that it will affect only one or two operators, but cumulatively the effects will be significant.

I refer to the use of public lands in this state. Victoria has enormous areas of public land. Already about 15 per cent of Victoria's land mass is either a national park or a conservation reserve. Add to that the other forms of Crown land and you will see that at least 20 per cent, perhaps even closer to 25 per cent, of Victoria is public land in one form or another.

What is this government doing with public land? It seems to have a policy of excluding the use of public land. I have previously mentioned in this house the government's policy to phase out mountain cattle grazing. Do not tell me that that is not a policy of the government, because it has been written down and documented in previous policies. Evidence of it is being seen now with attempts to transfer licences from one owner to another; the licence transfers have not been granted.

Furthermore, grazing licence-holders have not been allowed to return to areas that have been affected by fire in the past. I have personally looked at those areas and do not believe the concerns are justified. For a whole number of reasons the government has restricted the amount of cattle grazing on public lands in Victoria. As I have said, the creation of parks, whether they be marine or land based, will restrict their public use, even for recreational activities such as four-wheel driving or prospecting. All that will be restricted with the declaration that more public lands will fall into the category of national park or conservation reserve.

They are some of the small things that can be done in country Victoria by making direct use of the existing natural assets, whether they be areas of public land or timber, fishing or agricultural resources. They are the strengths of communities in rural and regional Victoria and they are what any regional development policy must build upon.

I shall talk about the provision of infrastructure because it is an important component of regional development. For any development to be successful it needs to be supported by infrastructure in a community. In that sense some of the schools and projects the Honourable Elaine Carbines spoke about are important — but they are only one aspect in the whole regional development context.

Under the infrastructure heading I will firstly talk about water. The former Liberal–National party government provided $1.3 billion from the state coffers to assist in improving drinking water and waste water facilities right across country Victoria. That was the biggest injection by any government towards water infrastructure in this state — apart from the construction of major dams.

What has this government done in that respect? It has done nothing but create confusion. Small towns in Victoria are confused about what the current government's policy is on the provision of sewerage systems. There has been no definitive statement about that; there has been only confusion.

Farm dams are an important concern to people in country Victoria. When people say to me, 'You blokes are just supporting the farmers' I erase that from their minds straightaway. Farming communities and agricultural producers are the backbone of many small towns. The schools, the services, the people and the other small businesses in those towns would not be there had it not been for the primary producers that surround the small communities.

We do not just stick up for the farmers — we support them, but in the knowledge that they are still the backbone of rural communities. The government's farm dams inquiry has done nothing but create uncertainty in the minds of primary producers. They are now worried about whether their dams will have to become licensed, and about whether they will have to pay for rainwater that falls on their properties. These are all valid concerns. The response from this government has been to prolong the uncertainty.

I am not sure whether the attempt to create uncertainty has been deliberate, but the inquiry about farm dams has done nothing but raise uncertainty in the minds of primary producers in rural Victoria. The sooner the inquiry is finalised, the better.

On the subject of water I shall briefly mention the Snowy River, which is in my electorate. I have always been a strong advocate for the return of a 28 per cent environmental flow to the river and I am on the public record for that after having argued in submissions to inquiries about the river flow. I welcome any return of the water flow to the Snowy River and the agreement between the Victorian and New South Wales governments that will result, we are told, in a return to a

21 per cent flow in the Snowy River; but, for a number of reasons, that is not good enough.

The promise has always been for a 28 per cent Snowy River flow. It seems the government is shirking its responsibilities if it thinks it has satisfied the wishes of the people of East Gippsland by achieving a 21 per cent flow over 10 years. The question being asked by people in northern, central and western Victoria is how real is the promise to deliver. We are talking about potential savings of water on the one hand, but on the other hand, as the minister told the house yesterday, the government is examining the water rights on the water market. That will have significant implications for regional development in northern Victoria.

As I said earlier, I welcome any extra water down the Snowy River, but I ask the government to be open and honest about the issue; it should let everyone see the agreement the opposition asked about during yesterday's question time. The government should make more effort to satisfy the curiosity and concern of Victorians about whether its promise is deliverable.

I shall now refer to Victorian infrastructure and bring Geelong into the debate. I am not parochial, unlike some honourable members, because I will talk broadly about matters that are important to all areas of Victoria. As the motion refers to Geelong I mention at least one aspect of Geelong that the government could well consider — that is, the standardisation of the rail gauge into and within the city of Geelong.

Rail connections are important for people living in country Victoria. As many honourable members know, the Victorian rail system is a mixture of broad gauge and, to a lesser extent, standard gauge track. Broad gauge trains cannot run in places that have standard gauge track, and vice versa. It seems anomalous that in parts of western Victoria standard gauge does not link with broad gauge lines into Melbourne and Geelong. A new line is needed; that can be laid either on the inside of the broad gauge or the outside of the standard gauge line to create dual gauge lines.

The port of Geelong, in particular, requires a dual gauge system so that products such as grain from much of western and northern Victoria, sand from western Victoria — minerals sands is now a big business there — and timber from Gippsland, which is carted all the way to Geelong, can be more easily handled. The present impediment is that some freight arrives at the port of Geelong on standard gauge lines while other arrives on broad gauge, which means the port has no uniform system. A dual gauge system within the city of Geelong should link the rail yards at the port of Geelong with Geelong customers Pivot Ltd, Shell Australia Ltd and Geelong Cement Ltd.

The cost of that connection is estimated to be about $15 million to $17 million, but the benefits to Victorian industry would make that money well spent. A benefits study undertaken shows the state would get value for its money.

The National Party is extremely interested in improving the efficiency of the port of Geelong because it is a base where many grain and timber products are sent. The opening of a major mineral sands development in northern and western Victoria demands the provision of such an infrastructure.

When anyone talks about regional development, the big-ticket items should be mentioned — not 100 minor projects. Any discussion on the subject should be in the context of what is important for Victoria. I remind government members that the expenditure of $15 million to $17 million on a dual gauge rail line will help Geelong.

Hon. E. C. Carbines interjected.

Hon. P. R. HALL — Let's hear details about it. We have been waiting for it! We hear promises, but we become sceptical about whether the government will deliver. The government has only talked, reviewed and established committees. If the Honourable Elaine Carbines were fair dinkum about that project she should have spoken about it more extensively than she did — and forgotten about skate parks and so forth.

I refer to Essendon Airport, which is an important piece of infrastructure for country Victorians. Many passenger services and health services operate through that airport. The opposition parties wholeheartedly support the retention of Essendon Airport, yet every member of the government has voted for its closure. The government has no commitment to regional development in Victoria.

I have a list of other matters I wished to mention during the debate, including the creation of call centres and the 10 000 jobs in regional Victoria as promised by the government. It says it has created 450 jobs in Bendigo; my calculation is that it has another 9550 jobs to go! I had intended to talk about education, parks and precincts in the Latrobe Valley, the pittance of $170 million in the Regional Infrastructure Development Fund and the shortage of services in country Victoria. They are important issues, but time prevents me from fully discussing those issues. I am disappointed that all the house has heard from the government is a glad bag collection of minor projects

for Geelong and surrounds. It has not spoken about regional development, for which it has no vision.

Hon. I. J. COVER (Geelong) — I shall reply to contributions honourable members have made to the debate on my motion condemning the government for its failure to support the growth and development of Geelong and its failure to meet its commitments on regional development in Victoria. As the lead opposition speaker, I was pleased to contribute to the debate and to outline some of the issues that confront Geelong and regional Victoria. My colleagues the Honourables Wendy Smith and Ron Bowden were not afforded the opportunity but were keen to contribute to debate about other parts of regional Victoria; and I understand the Honourable Dianne Hadden was prevented from making a contribution about Ballarat.

She may wish to take up that issue with her colleague from Geelong who gave the house chapter and verse of every constituent inquiry in the first 12 months of the government's term and became bogged down in a lot of minutiae relating to the daily activities of a member of Parliament. Although it is fair enough to give the house an indication of the work done in that regard the motion has had the government worried, in particular the honourable member for Geelong Province, in that she spent so much time today defending her position and her work rather than promoting what the government is doing more broadly for regional Victoria.

The house heard of meetings and forums, but not about the outcomes of those forums. It heard about her turning the first sod of soil at a school. I could have easily gone on about the $40 million that the previous government spent in seven years on capital works in Geelong schools. However, I aimed to discuss broader issues.

In her contribution that lasted about 90 minutes no mention or response was made of the current health funding crisis at Geelong Hospital, nor was any response made about increased Workcover premiums for the dozens of Geelong businesses that I listed earlier. The house also heard no response to my concerns about the industrial relations scene in Geelong.

Issues such as increased Workcover premiums and industrial relations affect regional growth and development. I am disappointed that no minister chose to respond. It is an insult to the people of Geelong that the government did not believe it necessary to have a minister respond on its behalf or tell the people of Geelong about the government's plans for the future.

I have pleasure in supporting the motion and I call on all members of this house to support the motion.

House divided on motion:

Ayes, 27

Ashman, Mr	Furletti, Mr
Atkinson, Mr	Hall, Mr
Baxter, Mr	Katsambanis, Mr
Best, Mr	Lucas, Mr
Birrell, Mr	Luckins, Mrs
Boardman, Mr (*Teller*)	Olexander, Mr
Bowden, Mr	Powell, Mrs
Brideson, Mr	Rich-Phillips, Mr
Coote, Mrs	Ross, Dr (*Teller*)
Cover, Mr	Smith, Mr K. M.
Craige, Mr	Smith, Ms
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Forwood, Mr	

Noes, 13

Broad, Ms	Mikakos, Ms
Carbines, Mrs	Nguyen, Mr
Gould, Ms	Romanes, Ms
Hadden, Ms (*Teller*)	Smith, Mr R. F.
Jennings, Mr	Theophanous, Mr (*Teller*)
McQuilten, Mr	Thomson, Ms
Madden, Mr	

Pair

Hallam, Mr	Darveniza, Ms

Motion agreed to.

Sitting suspended 1.08 p.m. until 2.12 p.m.

QUESTIONS WITHOUT NOTICE

Ansett Airlines: job losses

Hon. D. McL. DAVIS (East Yarra) — I refer the Minister for Industrial Relations to the merger of the Ansett Airlines group with the Air New Zealand group and to a number of related industrial relations issues. Will the minister give the house an assurance that there will be no further job losses at Ansett Airlines as a result of those industrial relations issues?

Hon. M. M. GOULD (Minister for Industrial Relations) — The honourable member refers to the merger between Ansett Airlines and Air New Zealand. The government has been working closely and talking not only with Ansett but also with Qantas and a number of other companies about the current government's approach to industrial relations as compared with that of the previous government.

The government's approach to industrial relations is to sit down with companies and talk to them about a

cooperative and conciliatory approach to industrial relations as opposed to the conflict-based approach that was set up by the federal Workplace Relations Act.

The government has worked and will continue to work with companies to assist them in encouraging investment into Victoria and to assist them to reach memorandums of understanding with other companies to ensure that they invest in Australia and in Victoria in particular.

The government will continue to encourage companies to operate effectively in a peaceful and cooperative industrial relations environment in Victoria, which is somewhat different from the approach of the previous government.

Legislative Council: reform

Hon. JENNY MIKAKOS (Jika Jika) — In light of the decision taken by the Liberal and National parties to block all reform of the Victorian upper house I ask the Minister for Industrial Relations what action the government intends to take to promote democratic reform of the Victorian Parliament.

Hon. M. M. GOULD (Minister for Industrial Relations) — When in opposition Labor stated clearly that when in government it would advocate the reform of the Legislative Council. In 1997 it launched a policy paper that set out Labor's plans for the upper house — that is, a reduction in the number of members in this place and the introduction of proportional representation to achieve democratic reform in the Victorian upper house. The policy was included in the Labor Party's platform launched in May 1999, it was again released during the state election last year and it was subsequently presented to the Parliament. Victorians want change — —

Honourable members interjecting.

The PRESIDENT — Order! Honourable members will sit down and allow the minister to finish her answer.

Hon. M. M. GOULD — Victorians want changes made to the upper house to make it more representative and more effective. The government has been open about its determination to achieve that reform, and there is no question that it has a mandate — —

Hon. T. C. Theophanous interjected.

The PRESIDENT — Order! Mr Theophanous is not helping his leader. I suggest that he desist.

Hon. M. M. GOULD — There is no question that the government has a mandate to achieve that reform. I am disappointed that last night honourable members on the other side put their political interests ahead of the interests of Victorians by defeating the reforms. The first bill honourable members across the chamber have blocked in the current term of Parliament was a bill that would have achieved one simple thing — that is, a reduction in the term of the upper house from seven or eight years to four years.

The opposition parties are hoping the issue will go away; I can assure them it will not. The government is committed to establishing a constitutional commission to examine the constitution. The opposition has also been on the record supporting such a commission. The government will now proceed with drawing up plans for a constitutional commission. It will appoint three eminent Victorians to conduct the review.

Opposition members interjecting.

The PRESIDENT — Order! There is no way the house can hear the minister's answer. Given the detailed nature of the matter, on future occasions the minister should consider making a ministerial statement instead. However, as she has reached the stage she has, I ask honourable members to allow both the minister to finish her answer and the house to hear it.

Hon. M. M. GOULD — Three eminent Victorians will conduct a review of the constitution and provide recommendations to government on measures to improve the democratic operation of the Parliament. The terms of reference of the review will deal with reforms to the upper house and the relationship between the two houses.

The commission will take the form of a board of inquiry with powers conferred under the Evidence Act. It will be supported by special advisory committees that will take the operation of the commission to the whole of Victoria.

The government invites all Victorians to become involved in the development of the recommendations. I also invite opposition members to become involved, to put aside their interests and to work with the commission to deliver a more representative upper house. I urge the opposition to give the government its full cooperation in the inquiry so that together we can achieve real reform of this place.

Fishing: rock lobsters

Hon. P. R. HALL (Gippsland) — I refer the Minister for Energy and Resources to the management

of the eastern zone rock lobster fishery. Given that the latest risk assessment data has shown more stringent input controls are the most effective means of ensuring resource sustainability, will the minister now rule out any thoughts of introducing quotas in this fishery?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank Mr Hall for his question about this important issue. The honourable member has drawn attention to the latest stock assessment of the rock lobster fishery that confirms a great deal of advice, including not only expert scientific advice but also advice based on data provided by fishers in the industry, that this fishery is in trouble and action is necessary to ensure that in future it is managed on a sustainable basis.

As I am sure the honourable member is aware, I am currently awaiting advice following extensive consultation with both the fishers in the industry from around the state and the Fisheries Co-Management Council and Seafood Industry Victoria, and I have met with many of the individuals affected in the lead-up to the making of this decision.

The honourable member has referred to two options, and within them are a number of variations as to the action that is needed to place this fishery on a sustainable basis in the future. When I make that decision after weighing up all the advice I will make an announcement publicly, and I am optimistic that that will be possible shortly.

Gold discovery anniversary

Hon. R. F. SMITH (Chelsea) — I ask the Minister for Energy and Resources to explain to the house how Victoria will commemorate the 150th anniversary of the discovery of gold in this state.

Hon. C. C. BROAD (Minister for Energy and Resources) — The year 2001 marks the 150th anniversary of the discovery of gold in Victoria. The Bracks government is pleased to provide $1 million to help Victorians celebrate this important milestone with a number of commemorative infrastructure projects and community events. The grant will enable the development of a number of tourism projects around the state, including heritage conservation, commemorative infrastructure projects, community events and celebrations.

The celebrations will be based on five core themes: celebration, cultural and heritage tourism — —

Honourable members interjecting.

The PRESIDENT — Order! I am finding it difficult to hear the minister, and I know honourable members in the back of the chamber would also be having difficulty. I ask the house to settle down and allow the minister to be heard.

Hon. C. C. BROAD — Thank you, Mr President. The five core themes are celebration, cultural and heritage tourism, education, conservation, and the creative application of gold. In this place we can see a great deal of evidence of the creative application of gold in the past.

The Country Victoria Tourism Council will administer the grant to ensure that the funds are properly administered with appropriate levels of accountability. A community-based steering committee has been established to guide the project in line with the government's commitment to a partnership approach.

Honourable members interjecting.

The PRESIDENT — Order! There is too much noise coming from this side of the chamber. Mr Theophanous and Mr McQuilten are not helping the minister.

Hon. T. C. Theophanous — Why didn't you name — —

The PRESIDENT — Order! I said from this side of the house — the Deputy Leader of the Opposition. I suggest that all honourable member desist from interjecting and allow the minister to be heard.

Hon. C. C. BROAD — The appointment of a steering committee is in line with the government's commitment to taking a partnership approach to community projects of this nature. The steering committee will be chaired by the honourable member for Bendigo East in the other place. There will also be representatives from local government, including Hepburn, Greater Bendigo and Ballarat councils, the Country Victoria Tourist Council, the Victorian Multicultural Commission and a further two members of Parliament, the honourable member for Ballarat West Province and the honourable member for Ripon in the other place.

The discovery of gold at Clunes and Warrandyte in July 1851 was followed soon after by discoveries at Ballarat, Bendigo and other localities. The economic and social contributions of the gold rush were critical to the growth of Victoria and made a major contribution to what the state and Parliament are today.

The celebrations will recognise the important role that gold has played in the development of this state and that continued gold production will play in the future.

The mineral exploration and mining industries contributed greatly to Victoria's beginning and have the potential to contribute substantially to its future. Companies in places such as Bendigo are showing exciting exploration results, indicating that there are still significant gold resources to be won in Victoria.

The government is committed to developing these resources to maximise benefits through the development of a responsible resource industry that contributes to the wealth and wellbeing of all Victorians while meeting contemporary community expectations for social and environmental outcomes.

Electricity: Yallourn dispute

Hon. PHILIP DAVIS (Gippsland) — Given that the security of electricity supply task force report failed to deal with the primary cause of the supply crisis of February — that is, the industrial dispute at Yallourn — I ask the Minister for Industrial Relations what she is doing to settle this protracted dispute that threatens power supplies this summer.

Hon. M. M. GOULD (Minister for Industrial Relations) — I have met with Yallourn Energy representatives on a couple of occasions and have been down to the site and met with the company, the unions and the general manager of the parent company from England when he was in Australia a couple of weeks ago. The matter has been before the Industrial Relations Commission on a number of occasions. Officers from my department are in daily contact with the unions and the company, and they report to me. The matter is currently before the commission on the issue of protected action, and the commission is currently in the process of writing its decision.

My department has been in contact with the company and the union. The dispute has been going on for 18 months, from May 1999. Half the issues have been resolved and the other half is continuing. Discussions on the negotiations have been taking place under the chairmanship of the commission and we are waiting the outcome of the commission's decision.

Fishing: government policy

Hon. E. C. CARBINES (Geelong) — Will the Minister for Sport and Recreation inform the house as to how recreational fishing is directly benefiting from the Bracks government's fishing policy?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Through Sport and Recreation Victoria the government is providing $120 000 per year for the next three years for the fishing policy project in addition to the initial allocation of $60 000 in 1999–2000.

The initiative is managed by a steering committee comprised of representatives of Sport and Recreation Victoria, the Department of National Resources and Environment, the school sport unit of the Department of Education and VRFish. A developments project officer has been employed to progress the project.

The schools project is well advanced and will be piloted in two primary schools in November 2000, one at Flora Hill Primary School in Bendigo and the other at Williamstown Primary School. With support from the local angling association students will be taught fishing skills including casting, knot tying, lures and bait as well as responsible fishing habits, releasing fish and care and understanding of the environment.

The schools project is being developed in conjunction with local angling clubs, which will provide volunteers to assist with teaching and coaching at schools. The linking of the students, teachers and fishing clubs provides a relationship for a long-term development of school fishing clubs and incorporates the science and environmental aspects of the program in the school curriculum that will in turn lead to increased participation.

The research project includes an audit of a number of fishing sites in the state with suggested development that will allow greater access for people with disabilities, older adults and children who currently cannot fish in those areas.

The Recreational Fishing Small Grants Scheme was piloted in September 2000 with $25 000 being distributed. Applications were assessed by Sport and Recreation Victoria and VRFish and presented to the fishing project steering committee for ratification. Letters have been sent out this week to successful and unsuccessful applicants and projects are to take place before late March 2001.

In total 27 projects representing training and education for fishing club members, fishing clinics for all ages, and providing opportunities to under-represented groups including women, people with disabilities and school-age children were funded. The pilot funding round will be evaluated and offered again in March 2001.

Honourable members maybe interested to hear the following list of organisations that are receiving grants: the Australian Course Anglers, $1000; Ballan Angling Club, $400; Bendigo Legion Angling Club, $1500; Ballarat Fly Fishers, $900; Bemm River Anglers, $800; Brotherhood Fishing Club, $1000; Cardinia Angling Club $1100; and Commercial Club Anglers, $1000.

Honourable members interjecting.

Hon. J. M. MADDEN — I point out, Mr President, that the interjections show that opposition members are not really interested in local issues. Last night opposition members told the house how they wanted to service their provinces.

The PRESIDENT — Order! I think you made your point. Ignore the interjections and, if you want to, go on with the list.

Hon. J. M. MADDEN — If the opposition want to interject I can yell a lot longer about the development of fishing at a local level. No doubt opposition members will be particularly sceptical of funding such as this at a local level because they do not appreciate the local needs. They continue to talk about servicing their electorates.

The PRESIDENT — Order! The honourable member is debating the answer, which is not permissible. I ask him to wind up.

Hon. J. M. MADDEN — This program and these funds are servicing local links at a local level. Opposition members should take note of and appreciate the links with sporting participation the government is developing at the community level.

Honourable members interjecting.

Hon. J. M. MADDEN — If the opposition would stop interjecting and allow me to continue — —

Hon. Andrew Brideson — On a point of order, Mr President, I put to you that the minister is abusing question time. He is making a ministerial statement under the guise of answering a question.

The PRESIDENT — Order! I do not uphold the point of order but I ask the minister to get to the end of his answer.

Hon. J. M. MADDEN — I will run through a few more clubs and then I will come to the punch line, Mr President. The Elwood Angling Club is receiving $1400; the Fairfield Alphington Anglers, $1000; Frankston Anglers, $1000; Geelong Rod and Gun Club, $1100; Greenwells Fly Fishing Club, $500; Violet Town Angling Club, $1000; Knox Bait Fishing Club, $600; and Mallacoota Angling Club, $1200.

Hon. D. McL. Davis — On a point order, Mr President — —

The PRESIDENT — Order! All the point of order is going to do is prolong the agony. I ask the minister to get through his list and the house can get on to the next question.

Hon. J. M. MADDEN — Thank you very much, Mr President, for your ruling. I can understand how this might be agony for opposition members because they still have not come to terms with not being in government.

Hon. R. M. Hallam interjected.

Hon. J. M. MADDEN — I just make the point, Mr President — —

The PRESIDENT — Order! We are trying to wind up this answer. Mr Hallam, I know you are getting frustrated but I suggest you allow the minister, for heaven's sake, to get to the end of it.

Hon. R. M. Hallam — Put it out in the press if you want us to read it. This is hopeless. You are meant to be a minister of the Crown, not a joke.

Hon. J. M. MADDEN — As I said, I am trying to inform honourable members that some of their groups at a local level may be receiving funding. That is what I want to point out. If they have not taken the point of the message, that is to their detriment.

The government is facilitating increased levels of participation on a local community basis and no doubt that is what the local communities want. I am reinforcing today that the linkages of sport and local community development can be done through simple programs based on simple activities such as fishing. The fishing project steering committee is developing an ongoing range of initiatives that will further participation in the sport of fishing.

Industrial relations: tribunal

Hon. M. A. BIRRELL (East Yarra) — I refer the Minister for Industrial Relations to the new state industrial relations tribunal that the Labor government has proposed to establish. Is it a fact that once established the tribunal would cost the taxpayer more than $10 million per annum?

Hon. M. M. GOULD (Minister for Industrial Relations) — The government has announced that this week it will introduce into Parliament a fair employment bill. The purpose of the bill is to protect 200 000 Victorian workers who were deserted by the previous government. The legislation is in line with the policy the government clearly took to the last election. Part of that policy was to introduce legislation that would protect those workers.

As honourable members opposite know, all the policies the Labor Party committed itself to at the last election were costed by Access Economics. Included in that document are funding arrangements to cover the cost of the implementation of the proposed legislation. The proposal for an employment tribunal and support services, for which employers have been screaming because they have not been able to get information out of the federal government as a result of the referral powers, is included in the costing that has been ticked off by Access Economics. The document sets out budget arrangements for up to $8 million. The proposal before the house is in line with that Access Economics document.

Small business: government commitment

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Small Business outline to the house the benefits of the new initiative, Vic Export, which she recently launched in conjunction with a significant positioning statement entitled 'Showcasing small business'?

Hon. M. R. THOMSON (Minister for Small Business) — Along with 'Showcasing small business', the government announced the launch of Vic Export, a government initiative to give small and medium-sized businesses access to information relevant to them about exporting. This is a great initiative of the government because it will give online service to small businesses to help them with the initial stages of exporting and assist their progress through to the marketing and exporting stage. It will have links to Austrade and to Apex sites so there will be a smooth transition through all the information services they may wish to access along the pathway to exporting.

I pre-empt what I expect the opposition might ask and advise the house that the address of the agency's web site is www.export.vic.gov.au.

Hon. Bill Forwood — That was in the advertisement.

Hon. M. R. THOMSON — If you read it and small businesses are reading it, I hope those businesses are using it.

Hon. Bill Forwood — I read the advertisement; I am not sure small business operators did.

Hon. M. R. THOMSON — I hope they do.

This is a particularly good government initiative because it will give regional Victorians access to information they otherwise might not be able to get. The information can be accessed by business 24 hours a day, 7 days a week.

Small business: infrastructure planning

Hon. W. I. SMITH (Silvan) — I refer the Minister for Small Business to the Australian Labor Party's 1999 small business policy, in which Labor promised to include the voice of small business in planning processes. How has that been achieved?

Hon. M. R. THOMSON (Minister for Small Business) — As the government announced some time ago, the Infrastructure Planning Council that has been established has on it a small business representative. The small business representative on that — —

Hon. W. I. Smith — There were two policies.

Hon. M. R. THOMSON — The chair of the Small Business Advisory Council has been appointed to the Infrastructure Planning Council, so small business will be represented on that board, which will assist with the development of infrastructure planning. For planning generally, such as for shopping centres, there is a need to consult with operators in small shopping strips and the surrounding communities about planning issues for shopping centres.

Freeza program

Hon. T. C. THEOPHANOUS (Jika Jika) — My question is to the Minister for Youth Affairs, and I hope the minister gives me as comprehensive an answer as he gave to the last question on fishing. In light of the Bracks government's commitment to giving regional Victoria a voice in government, will the minister inform the house of the outcome of his recent visits to the Gippsland region?

Hon. J. M. MADDEN (Minister for Youth Affairs) — Recently I had the good fortune to visit Gippsland again, having made a number of visits in the past year. I visited Bairnsdale and Lakes Entrance and was particularly impressed with two of the Freeza

providers in East Gippsland: the Bairnsdale Secondary College and the Lakes Entrance Community Health Centre. The Freeza program is a magnificent program for a number of reasons. It allows young people not only to be involved with drug-free and alcohol-free entertainment, but more significantly allows them to be involved in the formation and the development of such events.

The Bairnsdale Freeza committee, known as Voices of the Future, has approximately 30 members and has been active for about five years. On Friday, 13 October, it held a Freeza–Push Battle of the Bands in Bairnsdale, which was attended by more than 500 people. It also successfully implements 16 Freeza events a year. As well as the normal senior Freeza events for the 15-plus age group, it has junior Freeza events for the 11-to-14-year-olds. It organises a regional youth forum, a major regional youth festival and implements individual grants programs for young people. It has strong links with the local Aboriginal community and is responsible for initiating and has remained involved in the Bairnsdale Youth Club.

The Lakes Entrance Community Health Centre Freeza committee implements nine events a year with audiences ranging from 100 to 500 through a unique model of five subcommittees and event locations: Water Works in Lakes Entrance, Youth Forum in Orbost, Voices of Cann in Cann River, Extreme Youth in Buchan and the Mallacoota Junior Festival Committee in Mallacoota.

I am pleased I have been able to increase the number of providers across the state, increase the amount of funding that will go to providers in 2000–01 and identify specific regional groups that will benefit from the funding.

QUESTIONS ON NOTICE

Answers

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

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

The question numbers are: 876, 878, 882, 1010–1026, 1048–1055, 1059–1061.

Motion agreed to.

BUSINESS OF THE HOUSE

Sessional orders

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

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

Motion agreed to.

UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN

Amendment

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

> That pursuant to section 46D(1)(c) of the Planning and Environment Act 1987, amendment no. 113 of the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Motion agreed to.

ELECTRICITY INDUSTRY BILL

Second reading

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

> That this bill be now read a second time.

This bill represents a further step in the government's commitment to introduce competition to sell electricity to domestic and small business customers, commencing from 1 January 2001, in a measured and considered manner that ensures that all Victorians benefit from this reform.

When, in the last session of Parliament, the bill for the Electricity Industry Acts (Amendment) Act 2000 was introduced, it was foreshadowed that further amendments would be required to implement full retail competition on 1 January 2001 and beyond. Since that time, the task of implementation has continued in conjunction with industry, regulators and governments in other states and territories and nationally.

The task of implementing full retail competition in electricity is an extremely complex one. Victoria is part of a national electricity market and the government is conscious of the need to ensure that competition

develops in a harmonised fashion across all the states and territories in that national market to ensure there are minimal barriers to competition and that costs are minimised. However, it is also important that Victorians benefit from the introduction of competition as soon as possible.

This bill is drafted in a manner that allows competition to be introduced in Victoria in parallel with developments in the national market. This ensures that Victoria is not delayed by developments in the national market but at the same time can develop competition in a manner that is consistent with future national arrangements.

The government wishes to ensure that Victorians benefit from competition as soon as practicable. However, the government is not willing to prejudice those benefits by an unnecessary and undue haste that results in arrangements that are incompatible with other states, that incur unnecessary costs or that do not afford Victorians the best opportunities to benefit from competition.

The previous government provided no relevant legislative framework to address the issues associated with competition for small business and domestic customers. This government, however, believes that it is essential that such a framework be provided to ensure the effective implementation of that competition and to deliver on its commitments to Victoria.

The absence of any legislative framework is of itself a major barrier to the introduction of competition to small business and domestic customers. Without that framework, the roles, rights and responsibilities of the industry, the regulator and customers are unclear. Business is uncertain about the rules and it cannot invest with any certainty. Regulators are unsure of their powers and how they should be exercised because there is no clear policy framework. This bill completes the framework that will facilitate the introduction of competition.

There are two bills now before the house. They are the Electricity Industry Act 2000 and the Electricity Industry Legislation (Miscellaneous Amendments) Act 2000. The two bills represent conjoint or cognate legislation. At the same time, the existing Electricity Industry Act 1993 is to be renamed by these bills as the Electricity Industry (Residual Provisions) Act 1993.

As part of its review of the legislative framework that governs the electricity industry and which was inherited from the previous government, this government has determined that it is appropriate to separate out into a new act the regulatory provisions required for the ongoing regulation of the electricity industry. Left behind in the Electricity Industry Act 1993 (which, as I said before, will be renamed as the Electricity Industry (Residual Provisions) Act 1993) will be the provisions which were, for the most part, used by the previous government to restructure the electricity industry in Victoria.

The government sees significant advantages to this restructuring of the legislation. It sends a clear message to the industry and other interested parties that Victoria has moved beyond the restructuring phase. Instead we are now at the stage of oversight of a private industry — one that provides an essential service — for the benefit of all Victorians. It is also consistent with the implementation of full retail competition in Victoria and the focus that places on the regulation of the industry for the benefit of all Victorians.

This restructuring of the acts is accompanied by detailed miscellaneous amendments to electricity industry legislation. To avoid the Electricity Industry Act 2000 being cluttered with those provisions, and taking as the model previous similar exercises in Victoria, it has been decided to put these provisions in a separate act which is the Electricity Industry Legislation (Miscellaneous Amendments) Act 2000.

Because much of the Electricity Industry Act 2000 represents a re-enactment of regulatory provisions that were previously contained in the Electricity Industry Act 1993, I do not propose to address this house in detail on those re-enacted provisions. However, honourable members may wish to note that in the explanatory memorandum to the bill for the Electricity Industry Act 2000 a note has been made of whether a particular provision is a re-enactment. This is in addition to section 20 of the Electricity Industry Legislation (Miscellaneous Amendments) Act 2000 which contains a table of re-enacted provisions. Additionally the explanatory memorandum attempts to draw attention to any material differences between a re-enacted provision and its predecessor in the Electricity Industry Act 1993.

In so far as the Electricity Industry Act 2000 contains provisions that are new — in the sense that they were not previously in the Electricity Industry Act 1993 — those provisions break down into two principal groups.

Firstly, and consistent with what I said at the start of this speech, there are provisions addressing further the implementation of full retail competition in Victoria. Those provisions for the most part appear in part 2, divisions 5 and 6 of the act.

This government recognises that implementation of full retail competition needs to occur within the context of the national market, but there are benefits to putting in place at this time the framework in Victoria required for that implementation. To that end the act contains provisions that allow for orders in council to be made providing for processes, procedures, systems and other matters required so that customers may elect to purchase electricity from different retailers and also to allow settlement of trades on the national electricity market.

Current arrangements in the national electricity market require all customer meters to collect consumption data for every half hour. These requirements are not satisfied by the vast majority of small business and domestic consumers. These customers typically have simple accumulation meters that show aggregate consumption over the billing period. Changing customer meters to new meters which would allow collection of consumption data for every half hour is presently assessed as too expensive for most domestic and small business customers. Consequently, amendments to the national electricity code have been proposed to overcome this problem by allowing estimates of customer usage to be made and used for reconciling settlements in the national electricity market. This will mean that customers will not have to invest in new meters and equipment in order to become contestable although they are not prevented from doing so if they wish. However, the amendments to the national electricity code may not be completed in time to accommodate the introduction of competition for these customers in Victoria. And even when completed, there will still need to be measures at the state jurisdictional level to complement what is provided for nationally. Consequently, provision is being made such that a Victorian order in council can be made to specify matters relevant to the estimation procedure.

One thing to note about this, however, is that the use of estimates for settlements in the national electricity market will not change how domestic and small business customers are billed by their retailers; their bills will still be based on meter readings taken from their meters.

The provisions go on to provide for orders in council that address the costs of the processes and procedures and systems required for full retail competition and how reasonable costs might be recovered over the customer base. There are other provisions which allow for orders in council that govern provision and use of information required to be exchanged between industry participants for the purposes of allowing customers to switch retailers. Additionally, the opportunity has been taken to enhance the customer protections that were put in place by last session's Electricity Industry Acts (Amendment) Act 2000, in particular in relation to the situation that often occurs when customers in effect enter into agreements for supply of electricity by simply turning on a switch in premises where the electricity supply has been left on by the retailer.

The second principal group of new provisions appear in part 4 of the act and relate to customer load shedding. It has become apparent that there is insufficient power for Vencorp to direct customer load shedding when such shedding may avoid or alleviate situations of insufficiency of electricity supply. Accordingly, part 4 contains provisions allowing Vencorp to gather necessary information and give necessary directions as required to address this problem.

Apart from the above amendments there are certain miscellaneous amendments contained in the Electricity Industry Act 2000. As I said before, the explanatory memorandum attempts to provide a roadmap to those amendments particularly where they represent a difference between what was in the Electricity Industry Act 1993 and what is now in the Electricity Industry Act 2000. Of these, I would draw honourable members attention to an amendment being made to the provisions in part 3 that require separation of the generation, transmission and distribution sectors of the electricity industry. As from 1 January 2001, under the model set up by the previous government, the Office of the Regulator-General was to be given a discretionary power to exempt persons from compliance with those requirements — applying as it did so tests that are effectively the same as those applied by the Australian Competition and Consumer Commission under the Trade Practices Act 1974. However, the office would be applying its tests at the same time as the Australian Competition and Consumer Commission — in other words there would be two regulators to do the same job. This duplication of regulation has been reviewed and it has been decided that the office should no longer have the role and part 3 has been amended accordingly. Instead, if a person obtains an authorisation under the Trade Practices Act, or the commission determines no competition concern arises from a particular merger or acquisition, that will suffice for the purposes of an exemption from the prohibitions in part 3. This avoids the duplication of costs that would otherwise be incurred by two regulators doing the same job.

Statement under section 85(5) of the Constitution Act 1975

I wish to make a statement pursuant to section 85(5) of the Constitution Act 1975 of the reason for altering or varying that section by the bill.

Clause 118 of the bill states that it is the intention of sections 84 and 99 to alter or vary section 85 of the Constitution Act 1975.

Section 84 provides an immunity from suit for any person acting in good faith in the execution of section 81 of the bill or any direction under that section. Section 81 deals with situations where there is insufficiency of supply of electricity.

Section 99 provides an immunity from suit for any person acting in the execution of part 6 or any proclamation or direction under that part. Part 6 deals with electricity supply emergencies.

The reason for limiting the jurisdiction of the Supreme Court with respect to these two sections is to give persons who act in the execution of section 81, or any direction under that section, or part 6, or any proclamation or direction under that part, a degree of confidence that they can act without fear of litigation. This is necessary to ensure that in times of actual or anticipated emergency decisions are taken and acted on immediately and in the interests of and to the benefit of Victoria and Victorians as a whole.

I commend the bill to the house.

Debate adjourned on motion of Hon. PHILIP DAVIS (Gippsland).

Debate adjourned until next day.

ELECTRICITY INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

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

That this bill be now read a second time.

There are two bills now before the house. They are the Electricity Industry Act 2000 and the Electricity Industry Legislation (Miscellaneous Amendments) Act 2000. The two bills represent conjoint or cognate legislation. The existing Electricity Industry Act 1993 is to be renamed by these bills as the Electricity Industry (Residual Provisions) Act 1993.

As part of its review of the legislative framework that governs the electricity industry and which was inherited from the previous government, this government has determined that it is appropriate to separate out into a new act the regulatory provisions required for the ongoing regulation of the electricity industry. Left behind in the Electricity Industry Act 1993 (which, as I said before, will be renamed as the Electricity Industry (Residual Provisions) Act 1993) will be the provisions which were, for the most part, used by the previous government to restructure the electricity industry in Victoria.

The government sees significant advantages to this restructuring of the legislation. It sends a clear message to the industry and other interested parties that Victoria has moved beyond the restructuring phase. Instead we are now at the stage of oversight of a private industry — one that provides an essential service — for the benefit of all Victorians. It is also consistent with the implementation of full retail competition in Victoria and the focus that places on the regulation of the industry for the benefit of all Victorians.

This restructuring of the acts is accompanied by detailed miscellaneous amendments to electricity industry legislation. To avoid the Electricity Industry Act 2000 being cluttered with those provisions, and taking as the model previous similar exercises in Victoria, it has been decided to put these provisions in a separate act which is the Electricity Industry Legislation (Miscellaneous Amendments) Act 2000.

If I may now briefly address the amendments contained in the Electricity Industry Legislation (Miscellaneous Amendments) Act 2000.

The amendments in this bill divide into two groups. First there are amendments which are transitional or consequential on the restructuring of the legislation and the separation out into the Electricity Industry Act 2000 of the ongoing regulatory provisions. Second there are amendments which are not of that nature.

Dealing with the first group of amendments, it is to be noted that these amendments mostly involve either repeal of regulatory provisions that are henceforth to be contained in the Electricity Industry Act 2000 or the amendment of references in various other acts so that either ‘Electricity Industry Act 2000’ or ‘Electricity Industry (Residual Provisions) Act 1993’ is substituted for ‘Electricity Industry Act 1993’.

Additionally, the opportunity has been taken, where appropriate, to amend spent references in those other acts to bodies such as Generation Victoria, National

Electricity and VPX and instead substitute their successor bodies. There has also been an updating of definitions to be consistent with what now appears in the Electricity Industry Act 2000.

Furthermore, clause 20 of the bill introduces a new schedule 4 into the Electricity Industry Act 1993 which contains savings and transitional provisions. This schedule includes a table of re-enacted provisions which enables a comparison between what was the former regulatory provision of the Electricity Industry Act 1993 and its successor provision in the Electricity Industry Act 2000.

Dealing with the second group of amendments, the bill includes amendments to provisions in the Electricity Industry Act 1993 relating to easements, amendments to the Electricity Safety Act 1998 relating to bushfire mitigation, who carries out work and other miscellaneous matters, the Gas Industry Act 1994 to clarify who may be directors of Vencorp, the State Electricity Commission Act 1958 to repeal a spent provision relating to easements, and the Office of the Regulator-General Act 1994 to clarify a provision relating to determinations.

I commend the bill to the house.

Debate adjourned on motion of Hon. PHILIP DAVIS (Gippsland).

Debate adjourned until next day.

ELECTRICITY INDUSTRY BILL and ELECTRICITY INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Concurrent debate

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

> That this house authorises and requires the Honourable the President to permit the second-reading debate on the Electricity Industry Bill and the Electricity Industry Legislation (Miscellaneous Amendments) Bill to be taken concurrently.

Motion agreed to.

WATER INDUSTRY (AMENDMENT) BILL

Second reading

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

> That this bill be now read a second time.

The main purposes of the bill are to abolish Melbourne Parks and Waterways and to make adjustments to some of the administrative arrangements for park management.

Melbourne Parks and Waterways

Melbourne Parks and Waterways (MPW) was formed as part of Melbourne Water in 1993 but on 1 January 1995 it was established as a separate statutory authority under the Water Industry Act 1994. Its main function has been to own, control and manage open space, parks and waterways in the greater metropolitan area. It also has other statutory functions relating to waterways and regional drainage but these have never been activated.

From 12 December 1996 to 2 July 1998, MPW operated under the trading name Parks Victoria and was responsible for the on-ground management of national and other parks and conservation reserves throughout the state as well as metropolitan parks and waterways. When Parks Victoria was established on 3 July 1998 as the state's primary park management agency under the Parks Victoria Act 1998, MPW's staff were transferred to it. MPW was retained as a shell authority to enable an orderly wind-up of its affairs, with Parks Victoria managing by agreement the metropolitan parks and waterways for which MPW is responsible.

There is no longer a need to retain MPW and it is intended that it be wound up by 1 December 2001. The bill provides for its abolition and the necessary transitional arrangements and consequential amendments to a range of legislation.

Metropolitan parklands

MPW currently owns more than 4000 hectares of land within the metropolitan park system. This is land which the former Melbourne and Metropolitan Board of Works, Melbourne Water and MPW have progressively acquired for public open space as part of a long-term strategy to develop a metropolitan park system for Melbourne. The parks include land in the Yarra, Maribyrnong and Dandenong valleys, at Merri Creek and at Braeside, Plenty Gorge and Point Cook, as well as other locations. The government is strongly committed to the protection of these parklands, which include significant conservation and recreation values and give pleasure to millions of visitors each year.

The bill enables MPW to surrender all of its land to the Crown by 1 December 2001. After surrender, the land in the metropolitan parklands will be permanently

reserved and protected under the Crown Land (Reserves) Act 1978. Existing easements and other rights and interests over that land will continue to be recognised and honoured by the Crown.

To accompany the reservation of the parklands, a parklands code is being developed to define the activities which are acceptable within parks and to establish processes for consideration of any proposed changed uses.

The bill also amends the Crown Land (Reserves) Act 1978 to enable, in the rare event that it should be necessary, the minister to compulsorily acquire land for public park or public recreation purposes in the greater metropolitan area. This will replace MPW's current compulsory acquisition power.

Wattle Park

The land forming Wattle Park was purchased for a park in 1916 by the Hawthorn Tramways Trust. It has been transferred to successive public authorities including the Melbourne and Metropolitan Tramways Board, the Public Transport Corporation, Melbourne Water and finally, MPW. The bill surrenders MPW's interest in Wattle Park to the Crown and deems the land to be permanently reserved under the Crown Land (Reserves) Act 1978. Consequently, the Wattle Park Land Act 1991 will be repealed. The bill saves existing interests relating to the Wattle Park chalet, the golf course and the tennis courts.

The park's permanent reservation as a Crown land reserve will ensure that its significant values are protected and that it remains one of Melbourne's treasured parks.

Reservoir parks

MPW currently leases 12 reservoir parks owned by or vested in Melbourne Water, for example at Silvan, Maroondah and Sugarloaf reservoirs. These parks were developed as picnic areas in association with various water storages that form part of Melbourne's water supply system. The bill substitutes the minister as the lessee in place of MPW and enables regulations to be made for the care, protection and management of these parks.

Waterways

MPW's current waterway responsibilities will be reallocated through amendments to the Water Industry Act 1994, the Water Act 1989 and the Melbourne and Metropolitan Board of Works Act 1958. The minister and the Secretary to the Department of Natural Resources and Environment will be responsible for licensing jetties and managing activities on the waterways outside the port waters of the port of Melbourne, while Melbourne Water will be responsible in the metropolis for the management, protection and conservation of the waterways themselves. The bill enables regulations to be made to assist in managing activities on the waterways. These regulations will complement the local authority powers under the Marine Act 1988 used to manage navigation and boating safety matters.

Management agreements and delegations

The bill enables the secretary to enter into management agreements for Crown land reserves and waterways land, and also provides additional powers to delegate to Parks Victoria in relation to waterways and reservoir parks.

Park management administration

The bill adjusts some of the administrative arrangements in the National Parks Act 1975 and Parks Victoria Act 1998 relating to the Director of National Parks, the National Parks Advisory Council and the Parks Victoria board.

The chief executive officer of Parks Victoria will be the Director of National Parks under the National Parks Act 1975. Consequently, the function of the director is clarified so that it focuses on advising the minister and the secretary on the operational elements of management of land under the National Parks Act 1975. These amendments ensure that advice on the practical aspects of park management is provided by the park manager, and that this advice is distinguished from the advice provided on strategic policy and Parks Victoria's performance by the Department of Natural Resources and Environment.

The secretary or her nominee will become a member of the National Parks Advisory Council, which advises the minister on the administration of the National Parks Act 1975 and on other specified matters. It is appropriate that the secretary, who is responsible under the act for ensuring that the parks are managed appropriately, can contribute to the workings of the council.

The bill also amends the Parks Victoria Act 1998 to ensure that the Parks Victoria board includes a person or persons with skills and experience in conservation.

Conclusion

In conclusion, the bill consolidates park and waterway management. Importantly, the abolition of MPW will

lead to the permanent reservation of more than 4000 hectares of Melbourne's precious metropolitan parklands for the continued enjoyment by all.

I commend the bill to the house.

Debate adjourned on motion of Hon. PHILIP DAVIS (Gippsland).

Debate adjourned until next day.

TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 4 October; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. G. B. ASHMAN (Koonung) — The Transport (Miscellaneous Amendments) Bill suggests some minor housekeeping amendments to the Transport Act and Rail Corporations Act but when examined in detail the bill makes some significant changes.

The second-reading speech states that the bill will facilitate the investigation into rail accidents and improve the access regime for existing and intending operators of the public transport system. They are important changes that I will deal with in some detail.

The bill also makes a number of amendments to the Rail Corporations Act that are not mentioned in the second-reading speech, but some are significant. One proposed amendment will give absolute priority to passenger rail services from any part of Victoria. Another amendment will alter the circumstances under which an alleged offender can be released or detained. It is remiss of the government not to highlight those changes in the second-reading speech.

The major changes relate to accident investigations. They come about as a result of a rail collision that occurred between two trains outside Ararat on 26 November last year. During the course of the investigation the investigators encountered some difficulty gathering evidence. Some of the people at the scene of the collision were concerned that in providing evidence they could leave themselves open to prosecution on criminal or disciplinary charges by the rail operators or others. Obviously their interest in not providing information was one of self-preservation. That is not unreasonable and is something our criminal justice system affords to everyone. That is the option of silence.

However, in investigating rail accidents and taking action to rectify any procedural or operational difficulties or problems that may exist, it is important to interview people at the scene or involved in the accident. The proposed amendment requires those people to give evidence. They cannot claim the need for self-preservation as a defence against providing evidence, but they have protection under the proposal because any information they provide as part of an investigation cannot be used in civil or criminal prosecutions against them.

I ask the minister in responding to the second-reading debate to reinforce that protection because, as has been put to me, there are some minor concerns that evidence gathered as part of a prosecution may be re-jigged, re-worded or put in some other form so that it can be used in either a civil or criminal prosecution. We need to give additional assurances to informants that no set of circumstances can be created to provide an opportunity for their evidence to be used against them.

It is important that rail investigators or anyone investigating an accident on the public transport system obtains the full information relating to the accident because, at the end of the day, the objective must be to provide the safest possible transport system for the people of Victoria.

The proposed amendments will bring Victoria into line with most other states and possibly all states in Australia. I understand there is a move to adopt a national code. It makes sense to have a uniform or standard procedure across Australia. As rail services are being deregulated and new operators are entering the field, services are not just intrastate but increasingly interstate. In the years to come an operator may traverse the tracks from Melbourne to Darwin, Melbourne to Cairns or any combination in between so we need to make sure legislation is in place that enables the authorities to adequately investigate and control the network. Clearly national regulations, uniform standards and legislation will become important.

The other significant changes the bill introduces are the changes to the access regime. When this was first mentioned the opposition wondered what was being talked about when referring to access regimes. However, it is a process whereby any intending or existing operators who gain access to the track, gain access to the information that is necessary to enable them to make decisions whether their business propositions may or may not be viable. Access information should be readily available to anyone seeking to introduce new services to the system.

Some of the existing operators have control of the tracks so it could be argued that it is in their interests to give out as little information to a new competitor as is possible. Under the proposed access provisions in the legislation it will be a requirement for the intending operators to be provided with timely data relating to their applications.

It might not be a large operator seeking access to information but rather someone wanting an additional tram or railcar restaurant, or a group of primary producers coming together in a cooperative to freight their produce to market using the rail network. Others seeking access might include tourist operators wanting to couple a special light rail vehicle with other tourism activities. Access might be sought to information about one train a week or a month, or about a number of items of rolling stock that could be added to another train already using a route.

Some of the people making applications could be very small operators who should be encouraged, not discouraged. The regime should be open, transparent, prompt and efficient. If it is not, there is provision under the bill for the Office of the Regulator-General to intervene.

If a matter is referred to the Office of the Regulator-General, that office can meet some of the costs of reviewing a decision or of a failure to provide information. It is now possible for the Office of the Regulator-General to contribute up to $10 000 towards those costs. The regime should not preclude small operators from gaining access to information.

As I have said, access to information is important, particularly given the success of the privatisation of the rail system and the public transport system to date, which is a significant achievement.

I shall refer to some recently published figures on patronage. I note from an article in the *Age* of 27 August that Swanston Trams has increased its patronage by 6 per cent to 7 per cent and anticipates that over the 12-year period of its contract patronage will increase by 40 per cent. Bayside Trains has also increased its patronage by 6 per cent to 7 per cent over a 12-month period. Connex, formerly Hillside Trains, has had an increase in patronage of 4 per cent.

Those significant improvements and gains in patronage have been achieved because the current operators of the services are very customer focused. They have cleaned up the rolling stock, they are in the process of modernising it and they are focused on delivering services on time. The one thing that the consumer really demands from public transport is timely service. If a train or tram is scheduled to arrive at 8 o'clock, it should arrive at 8 o'clock. Nothing discourages patronage of public transport more than lateness.

I was interested to note the comments of Lou Di Gregorio, whose conflicts or disputes with rail, tram and bus operators were legendary. He now makes favourable comments about privatisation of the public transport system. He is quoted as saying:

> Actually, I'm more relaxed under the private system … There is more of an incentive for the operators to work with us than the government ever had.

Even Trevor Dobbyn, the Rail Tram and Bus Union state secretary, said:

> This anti-privatisation line is looking a bit tired. We've managed to negotiate better conditions with the private companies than we ever were with the government.

Some of the fines built into the contracts with the operators are significant incentives for them to negotiate with the unions to ensure that there is no disruption to service. It is interesting to note that some of the major opponents of privatisation are now starting to sing its praises.

I will refer briefly to a couple of clauses that provide power to detain alleged offenders. That power currently lies with the Transport Act, but some modification is required. As I understand the way the current legislation operates, if rail employees or protection officers detain persons they are required to call the police before those persons can be released. That is a fairly cumbersome process. People could be detained for failing to give a name and address, failing to clearly identify themselves, or for a number of other relatively minor offences.

The process would normally be that the detaining officers would explain to those persons that if they failed to provide a name and address or to prove they were the person they stated they were — for example, Mickey Mouse or Donald Duck, which I understand are names frequently used — they would be detained until such time as they provided the correct information, and that they would then be handed on to the police. At that point many offenders would readily provide adequate identification and there would be no reason to continue their detention. For simple ticket offences, once infringement notices are issued the investigators have no further interest in the offenders.

The proposed amendment allows arresting or detaining officers to release offenders once they have been clearly identified without further reference to the police. That is

a sensible amendment. It is unfortunate that the minister did not highlight some of those changes in the second-reading speech.

Clause 9, which was not mentioned in the second-reading speech, gives priority to passenger services. I can understand why one might choose to give passenger services priority on the rail, but on my reading of the bill passenger services have absolute priority all the time. I can envisage a number of circumstances where it may not be appropriate for passenger services to have that priority. For example, during the grain season it might be more appropriate to give grain freight priority over passenger services rather than saying to the grain growers if they are moving multimillion dollar crops in the middle of a harvesting period, 'We are going to delay your freight because we have 20 people on a passenger train who have priority'. On the rail system, in particular the country system, there are inadequate pull-offs for freight trains so that passenger trains can easily pass.

Circumstances could arise where high-value freight might require priority. Before saying it will give absolute priority to passenger services, the government should have looked at placing value on the alternative uses of the rail network. On my reading of the bill, when the government introduces the higher speed trains from Ballarat, Geelong, Bendigo and Gippsland it will become fairly difficult to run freight on the same line. Freight trains trundling along at 60 to 70 kilometres an hour will impede express passenger services that need to travel at 150 kilometres an hour. I understand freight will be able to move to Melbourne and the dock area only between midnight and dawn when rail passenger services are not operating. I do not think that is appropriate. A mixed use of the lines is necessary, and at times freight should be given priority.

A clause in the bill requires the operators to keep records. That is a fundamental practice and one would not normally say, 'I will do that as part of normal business practices'. However, when one considers that some operators are running track services and some are running freight and passenger services, separate sets of records are required for each of those activities. Some other organisation may seek access to information about track operators and they would not want the track information polluted by information about freight or passenger services.

There is a right of appeal to the Office of the Regulator-General on matters relating to financial data that may be provided. Overall the bill provides a number of important measures. The facilitation of accident investigation is important, and the access to information for new or existing businesses is also quite important. Although the opposition has some reservations on the absolute priority the government seems to be giving to passenger services, it does not oppose the bill.

Hon. G. D. ROMANES (Melbourne) — The Transport (Miscellaneous Amendments) Bill will amend the Transport Act to facilitate the investigation of railway accidents and improve the operation of that act. It will also amend the Rail Corporations Act to improve the operation of the access regime relating to rail and tram transport services.

Proposed new section 129S provides for the compulsion of witnesses to give evidence to an inquiry instituted by a minister when an accident has occurred or if an investigation is required. The reason for the provision stems from fairly recent events — namely, a two-train collision at Ararat in November 1999 and the subsequent independent inquiry that was undertaken by the Australasian Transport Safety Bureau. Importantly, in the course of that inquiry the person involved in switching the track points, which set the trains on a collision course, refused to give evidence to the inquiry. The refusal meant that the investigation and the response were hamstrung by the absence of critical safety-related information.

The Bracks Labor government is committed to implementing the recommendations of the inquiry into the Ararat rail accident. Those recommendations include a review of provisions that enable witnesses to refuse to give evidence. The bill provides for the compulsion of some persons to give evidence, even when that evidence may be self-incriminating, if it is part of a rail or tram inquiry.

The provision is not new to the legislative system in Victoria. There are 28 similar provisions in acts of Parliament in this state, such as the compulsory requirement to give information under the Environment Protection Act and the powers of inspectors to take evidence under the Livestock Disease Act. There are similar provisions for rail investigations in other states and in civil aviation inquiries and royal commissions. However, compulsion is a fairly serious step to take, but alongside that provision is protection for persons giving evidence that prohibits the use of such evidence, information, document or other matters in legal proceedings that might be used against them.

In other states that protection extends to criminal proceedings, but in the government's bill it covers both criminal and civil proceedings. In such circumstances evidence given would not be admissible or able to be

the ground of any prosecution action or suit. However, it is not a blanket immunity. It protects the person from self-incrimination but would not protect a person from proceedings for perjury or false information.

As I said before, it is a serious step to take. However, it is a trade-off for enabling the Victorian government to access critical safety-related information if such rail and tram accidents were to occur again. It is a trade-off to ensure that in the event of an accident involving trams and trains, public safety comes first and allows the causes of those accidents to be determined and subsequently rectified. It also brings Victoria into line with other states, consistent with the aim of moving towards uniform national rail operations.

Clause 4 seeks to amend section 129U of the act. It addresses powers of investigation and widens the powers of an investigator in an inquiry directed by a minister, which includes powers under the Evidence Act and powers to require witnesses to give evidence on oath and produce documents. In some circumstances such powers are already given to the secretary of the department and inspectors such as those who check compliance with safety accreditation requirements. Again, the powers envisaged in the bill are consistent with those used and provided in other states. The bill ensures that all relevant material or information is investigated. The changes before the house are consistent with the Bracks government's commitment to implement the recommendations of the Ararat inquiry.

The other major part of the bill relates to the access regime which provides for competition in the use of the fixed high-cost rail, including tram and train infrastructure, ensuring that those who control the infrastructure — that is, the access providers — give access to parties who wish to use the infrastructure — that is, the access seekers in the future. The regime was introduced by the former Kennett government as part of its privatisation program and framework. In addressing a number of changes to the Rail Corporations Act, the government is intending to tidy up and improve the access regime framework put forward by the previous government.

It is worth noting that we are talking not about deregulation but about a highly regulated system in which the privatised companies now operating in the transport area can operate with certainty and in the knowledge that all circumstances, whatever they might be, are covered.

The proposed changes to the access regime address a range of different, mostly minor matters and do not change the general thrust of the scheme. The access regime is regulated by the Office of the Regulator-General, who has been given similar powers to those he exercises for the gas and electricity and other regulated industries.

Clause 9 requires the Regulator-General to take into account giving priority to passenger services over freight services. However, picking up on the Honourable Gerald Ashman's concern about that area, I point out that the Regulator-General would refer to the Director of Public Transport, who would have the ultimate responsibility for any recommendations about the operation of passenger and freight services in conjunction with each other. Therefore, although the legislation requires the Regulator-General to give priority to passenger services over freight services, it is a matter of taking that priority into account and working with the Director of Public Transport to ensure that the action taken is, under the circumstances, reasonable, always depending on local circumstances and events as they occur.

Clauses 10, 11 and 12 relate to access seeker information and provide penalties in circumstances where an access provider may not comply with the provisions for providing that information. The bill also refers to confidentiality and to commercially sensitive information that would be of concern to access providers. It provides for an appeal against a decision of the Regulator-General as to what sort of information would be expected to be provided by the access provider.

Clause 13 relates to costs in the event of a dispute between the different parties where an access seeker is wanting access to the fixed-rail infrastructure in Victoria.

Clause 14 relates to the obligations of the operator to keep and prepare forecasts of operations and costings so that any access seeker might have a whole range of information on which to base a decision about likely tenders for such services. Currently the access regime described in the Transport Act is not operative in Victoria. But the intent and purpose of the bill is to ensure that if a rail transport service were to be declared open for competition by the Governor in Council on the recommendation of the Minister for Transport, the framework would cover all bases and be workable.

Some media articles have related to the concerns of the current operator, Freight Australia, about the proposals for the access regime. Those proposals have been spelt out in discussion papers released by the Department of Infrastructure and the Office of the Regulator-General.

Decisions on whether to broaden the scope for competitive access to the rail infrastructure and rail services or to change the current system will be made in the future on the basis of the outcome of those discussions.

The bill addresses important issues of public safety and information in the event of accidents and the requirement to ensure that the government can fully understand the cause of and be able to rectify any problems in the transport system. It also addresses the important task of tidying up the access regime framework as it currently stands. I commend the bill to the house.

Hon. B. W. BISHOP (North Western) — The bill is interesting and amends a number of acts: the Rail Corporations Act, the Evidence Act, the Office of the Regulator-General Act and the Transport Act. Before starting my contribution, I thank the officers of the department and the minister's staff for the briefing given to me and a researcher. It was complete, and the officers were prepared to follow up other queries we had as we went through the bill.

Given that there are a number of amendments, I will begin with the one that had its genesis with the train collision at Ararat in 1999, after which an inquiry instigated by the Director of Public Transport, as I understand it, was carried out by the Australian Transport Safety Bureau using the Australian standards as a base. I suspect the inquiry was conducted transparently and its report criticised rail safety procedures, particularly in relation to the Transport Act.

The inquiry recommended the removal of a section of the Transport Act that entitles people to refuse or even fail to give evidence if they believe that evidence might incriminate them. I suppose one could understand why that would happen — human frailty, if you like. The bill removes that section and at the same time indemnifies the person, except in cases of perjury or the giving of false information. My colleague the Honourable Gerald Ashman raised the issue — and it was a fair comment — that an assurance from the minister that people would be protected would give the degree of comfort required. Research indicates that 28 other Victorian acts contain a similar provision, so it is not new. It is also in Queensland, Tasmanian, South Australian, Western Australian and New South Wales acts. It is not brand new. It has stood the test of time.

The bill raises the issue of the status and power of inspectors who may be charged with conducting a future inquiry. It also clarifies the circumstances of how alleged offenders may be detained — that is, by an inspector or anyone acting on behalf of an inspector; how they can be passed on to the police if that is required; and further down the track, how they can be brought before a bail justice or the Magistrates Court. The bill tidies that up and gives the inspectors more power to investigate fully and handle alleged offenders.

During the debate previous contributors have mentioned the provision that gives priority to passenger rail with regard to timetables, scheduling and other such issues. It does not apply only to declared services but across the ambit of rail services. From the briefing, I understand that in special circumstances the Director of Public Transport can make a judgment to alter that. Again, the Honourable Gerald Ashman raised a good issue — that is, given the value of the freight to the state, flexibility is needed to ensure passenger and rail freight can live in harmony on rail lines throughout Victoria.

The issue of access is important to the people the National Party represents in rural Victoria. The National Party believes the bill and the way the process will be handled are important. When the Victorian freight business was privatised and sold — I suspect it was about 18 months ago — the purchaser was then Freight Victoria, which has since been renamed Freight Australia. It has leased the track on which it operates — I guess it is most of the track in Victoria, although not all — on a 15-year by 3-lease package. I suspect other parts of the track might be leased to other people or simply stay with the government. Victrack, the government organisation that owns the track, has managed to do that by passing the facilitation of the lease through to the transport department. That is fine; there is no real problem with it.

I turn to the issue of a fair and reasonable access regime and how it should be put in place. The situation is similar to that which applies to Telstra and the electricity providers — operators can gain access to a line on which to run their services.

A wide range of people would probably like access to particular railway lines. I can think of all sorts of things for which people may wish to access the railway lines through this access regime: carrying grain, mineral sands or any sort of freight; and carrying passengers for tourism or hospitality purposes. Everyone agrees an access regime must be provided and the issue is how it should be achieved. Some of the people the National Party has reached out to for a view on the issue have expressed concerns and there has certainly been support. This is a good forum to raise those concerns to ensure they are on the public record.

Freight Australia has given the National Party documents in which it raises concerns that the rules have changed. That will always be open to debate. Everyone in the industry has always known an access regime would be put in place and everything will depend on how that is done.

I will pick up some of the other concerns that have been raised as I go through the balance of the bill. Freight Australia is concerned: about the administrative burdens it may have applied to it; that some confidential information may be not handled as well as it could be; about changes in costings — I was a bit surprised that it thought it may be disadvantaged and I will talk about that later; that the penalties are fairly solid — 100 penalty points or up to two years in jail; and about the small amount of consultation that took place. The point about lack of consultation does not apply to the National Party, which had open access — a good access regime — to the department and to the minister's office. Our questions were dealt with well.

Freight Australia also said that it was concerned that the Office of the Regulator-General might be more sympathetic to an access seeker than to a present operator. If I were the operator I would probably say that too, but that is where there is a need for a proper balance. Freight Australia provided the National Party with a number of reports, one of which is a report prepared for the company by Joshua S. Gans of the University of Melbourne entitled 'An evaluation of the draft access pricing principles for access to the Victorian rail network (freight)'. That was prepared for Freight Australia.

When the bill is passed, documents such as that will be essential and valuable to ensure a correct balance. The National Party will be watching closely as the provisions of the bill become operational.

The next issue I turn to is one where it may be assumed that if another person wants access to the rail, the two parties may agree early and easily. Given the nature of the business, that is probably unlikely. What is a fair and reasonable balance in dispute resolution? The bill puts that process in place through a series of amendments. When I first read the bill I thought it was extremely bureaucratic and tough but, I suspect, given the nature of the business, it should be tough to ensure any chance of success.

Section 38F of the Rail Corporations Act provides for the process required. However, the more specific provisions in the bill will make that process more available to someone seeking access. If that procedure were not in place would an operator keep up the barriers? I am not suggesting that. However, that may be part of the competitive thrust. The original operator may try to keep the access seeker at bay.

At the briefing on the bill I had a problem with the operation of what is termed the declared rail transport service. I asked how far the Office of the Regulator-General would go if it were called on to either facilitate or determine an access regime. I firmly believe the Regulator-General should refer only to the under-wheel costs and the other forecast costs when formulating determinations on a particular system. The act already provides that records must be kept for access in those proceedings.

When one examines the process a number of concerns arise. Page 12 of the bill sets out what the Office of the Regulator-General requires from the operator. Proposed new section 38O(2) refers to information the Regulator-General considers may be useful to the office in the future. I thought that provision was wide and that the Office of the Regulator-General was making it difficult. Proposed new section 38O(4) states:

> The operator must ensure that any information the operator has to prepare and keep —
>
> (a) is kept separately from any other information relating to any other business conducted by the operator; and
>
> (b) is prepared and kept in any form and manner specified by the Office.

It then provides for heavy penalties.

The other issue I raised at the briefing was the time limits set out in proposed section 38EA(3) when the Office of the Regulator-General is called in to facilitate or determine a resolution. It provides for at least 15 business days. I thought that was too tough but at the same time noted that the information required must be compiled separately and kept by the operator. On that basis it was not as tough as it seemed at first blush. If a dispute arises the Office of the Regulator-General can request the information but must give the operator at least 15 days. If the Regulator-General is not satisfied he can then go back, but must give the operator another 5 days at least.

I was concerned about the operation of the declared rail transport service in that it may be used too widely by the Office of the Regulator-General. Often perceptions are stronger than fact, and in politics nothing is surer than that. I examined the requirements associated with operating rail tracks, the indemnities involved with tracks, the costs associated in the amendment and the forecasts of historical and current usage. The confidence of the operator must be protected at all

times. However, the access seeker also has to provide that information. It is a quid pro quo situation. However, it depends on how it is managed. Those issues must be handled in confidence.

As a result of the briefing the Minister for Transport sent me a letter responding to the concerns raised. I have mentioned the letter to the President and asked that it be incorporated into *Hansard*. I seek leave of the house to incorporate the letter.

Leave granted; letter as follows:

The Hon Barry Bishop MLC
Member for North Western Province
35 Deakin Ave
MILDURA VIC 3500

Dear Mr Bishop

I refer to the matter you raised in a recent briefing concerning the access provisions of the Transport (Miscellaneous Amendments) Bill.

It is proposed that the access regime contained in the Rail Corporations Act be amended so as to require access providers to give 'access seeker information' to access seekers. Access seeker information will be defined in Section 38EA to mean 'information relating to the operation of a declared rail transport service' that in the opinion of the Office of the Regulator-General is necessary to enable a person to make an informed decision about seeking access.

You have expressed a concern that the seeming breadth of the phrase 'operation of a declared rail transport service' may result in an access provider being required to provide information about its above rail operations to potential above rail competitors.

Section 38C of the Rail Corporations Act allows the Governor in Council, on the recommendation of the minister, to declare a 'rail transport service' to be 'declared rail transport service'.

'Rail transport service' is defined in section 3 of the act to mean:

> … a service comprising access to, or use of, rail or tram infrastructure owned by Rail Track, the Public Transport Corporation, the Crown, a train operator or a tram operator for the purpose of providing passenger services or other transport services;

'Rail infrastructure' is defined to mean:

> … the facilities that are used to operate a railway and includes, but is not limited to, railway track, associated track structures and works (such as cuttings, tunnels, bridges, stations, platforms, excavations, land fill, track support earthworks and drainage works), over-track structures, under-track structures, service roads, signalling systems, rolling stock control systems, communications systems, notices and signs, overhead electrical power supply systems and associated buildings, workshops, depots, yards, plant, machinery and equipment, but does not include rolling stock;

A similar definition of tram infrastructure is also included in section 3.

The effect of these definitions is that the only type of service that can be declared to be subject to the access regime is a service comprising access to or use of rail infrastructure, which does not include access to or use of rolling stock. It would not be possible to declare an above-rail service to be declared rail transport service subject to the access regime.

This is not to say that information about above-rail operations would not have to be included in access seeker information (for example, information about the volume of above-rail operations may be relevant in calculating the access charge). Importantly, however, in order to qualify as access seeker information, information must 'relate to the operation' of a declared rail transport service (ie a service comprising access to or use of rail or tram infrastructure); see the definition of 'access seeker information' in proposed section 38DA.

Similarly, financial and business information required to be maintained under the proposed section 38O is limited to access seeker information, information necessary to compile access seeker information, and other information the Office of the Regulator-General may require for the purpose of making a determination. A determination can only be made in relation to a dispute concerning access to or use of declared rail or tram infrastructure as defined in the act.

I trust that this explanation satisfies your concerns.

Yours sincerely

Peter Batchelor MP
Minister for Transport
23/10/2000

Hon. B. W. BISHOP — The penalties are high — 100 penalty points is a lot of money and there is up to two-years imprisonment. National Party members researched it more fully because in some areas that is big business. We suspected that if an operator wanted to delay a situation he or she may be prepared to wear 100 penalty points. It is obviously a carrot-and-stick situation and although stiff penalties apply they are most unlikely to be invoked. They are there to move things along in a complex area.

I turn to other complex areas. One cannot say this is only a broad-brush approach. Instances have arisen where issues become complicated. It may not simply be an issue of an operator seeking access to the track; an operator may want to pick up mineral sands, timber or grain from a railway siding. Those areas can be complicated.

The National Party seeks an assurance that the Office of the Regulator-General will not be pedantic about time limits, particularly in complicated areas where flexibility should be provided. It is obvious that the Office of the Regulator-General will require track cost details and also the proposed tonnage used on the lines

to establish cost regimes. I suspect that would be on a tonne-per-kilometre basis.

Just as obvious is the fact that the operator will need some protection when that is supplied, and I am sure that will occur under the Office of the Regulator-General. They are the issues about which the National Party has the most concerns.

We have given some thought to the proposed tonnage issue, which is obviously of commercial sensitivity, and have concluded that it cuts both ways — if one supplies the information, the other must as well — and so the proposed entrant, or the operator, would probably be on a level playing field.

The process of appeal against the Office of the Regulator-General on information requirements, either in relation to the requirements he or she may impose on an operator or the disclosure of information, appears adequate. An appeal must be lodged within seven days of the receipt of a notice. I suspect that that is fine; it will keep the issue moving along.

An operator can appeal on a couple of grounds: the first is if the decision was not made in accordance with the law — which is quite obvious; and secondly, if the decision was unreasonable having regard to all relevant details. Obviously a confidentiality process is also involved. So a wide range of appeal processes are available to the operators, which should be satisfactory to both parties. Those appeal details are contained in the Office of the Regulator-General Act. If it comes to that stage, appeals are heard by a panel of two, appointed under the provisions of the Office of the Regulator-General Act.

I turn to the costs of determination. Currently in the act they stand at fifty-fifty — dead even — and that is it. The amendments in the bill — I believe quite correctly — promote the fact that the Office of the Regulator-General has substantial flexibility. The Regulator-General cannot impose costs of more than 50 per cent on either party but can impose costs below that level, which can be varied on a totally differential basis. In other words, the office can require each party to pay a different amount, but no more than 50 per cent.

At first I thought that was pretty unfair. Why would an operator be expected to pay costs when an access seeker is making it do the work to get the access? That argument seemed quite reasonable. But when I worked through it a little more I realised that business had to be moved along to ensure that access was available, and that the measure applies a discipline and pressure on all parties to get the job done. I might add that all the bidders for the business were well aware that costs could also be awarded under the Rail Corporations Act as well, so that was not a surprise. The changes with the amendments may be a surprise, but I believe the Office of the Regulator-General can well and truly manage them. The amendments put a ceiling on the costs and create a level playing field process that provides discipline and puts pressure on both sides to reach a result. In a seasonal business I think that is a reasonable way to go.

As I understand it, part 3 of the Office of the Regulator-General Act does not apply to information supplied. The information in that area is far different from the wide-ranging powers the office has in dealing with electricity and gas matters. As I understand it, those powers do not apply in this instance.

I conclude by saying that the amendments allow for the giving of information and provide investigatory powers that are important to rail safety. I think they have been well thought through. Such procedures are used in other states and in other areas. I reiterate that an interesting and important part of the bill for the people I represent is that which relates to the rail access regime.

It will always be difficult to get the right balance. It is possible to be either too tough or too lenient on an operator. The bill appears bureaucratic and pretty tough, and I think it is. But it is required to be like that to put in place a process that can be tested in the marketplace. It must be there to enable competitive pressures to be applied and to be consistent and fair in the way they are applied.

I ask the house to note — because this is very important — that the Office of the Regulator-General must give the Director of Public Transport at least 20 days notice of a determination and must consider any submission by the director prior to any determination being struck. That is another check and balance in the area that is particularly important.

All in all the bill addresses a number of matters, including the need for a rail access regime process. The National Party will watch the operation of the legislation closely, particularly the way the Office of the Regulator-General handles the issue. It will be difficult for the office to maintain a sense of balance in its management. The office must not promote a view of an entrant against that of an operator; it must be completely professional and there must be an absolutely level playing field. Unless that occurs, the credibility of the process will be brought down, to the detriment of all parties in the community.

With those comments I indicate that the National Party does not oppose the bill. As I have stated, it will watch with great interest the operation and the results of the legislation in the real world of competition.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to speak on the Transport (Miscellaneous Amendments) Bill. The bill was introduced as a result of a railway accident involving the collision of two trains that occurred at Ararat on 26 November 1999. The three main purposes of the amending bill introduced by the minister are to implement certain recommendations of the independent inquiry into the Ararat freight train collision; to implement the recommendations of the Regulator-General to amend certain provisions of the tram and train infrastructure access regime in the Rail Corporations Act; and to make a number of minor amendments as well as a small number of miscellaneous amendments to correct errors and anomalies in the Transport Act. It is important that the minister has such concerns about the safety of the Victorian community.

On the rail safety amendments I make the following points. The report of an inquiry conducted by the Australian Transport Safety Bureau recommended a number of changes to the legislation to facilitate the investigation of the causes of rail accidents.

Clause 3 inserts proposed new section 129S of the Transport Act and makes it compulsory for a witness to give evidence, whereas at present a person involved in an accident can refuse to give evidence to an inquiry on the grounds of self-incrimination. In future a witness to a rail or tram accident will be required to cooperate with an accident investigation or inquiry. The purpose of the bill is to bring Victorian law into line with the laws of other states and to comply with federal legislation.

Section 129U, dealing with powers of investigation, will be amended in clause 4 to widen the powers of investigation into a tram or train investigation. Under the provision the minister can direct that an inquiry be conducted, and the amendment will widen the power of an investigator. The department will have more power to investigate any collision or accident.

The bill is important. Anybody working on trams or trains must cooperate with the department to report on what occurred in a collision. The present legislation gives an employee the right to refuse to give that information. This is an important provision because the Victorian community expects to be safe on Melbourne's trams or trains. A person in charge of operating those vehicles will be made more responsible for acting safely.

I refer to the access regime amendments. The rail access provisions under the Rail Corporations Act are dormant. If activated in the future they will enable rail or tram operators to obtain rights of access over rail infrastructure. The access regime is consistent with national competition principles. A comparable scheme under commonwealth legislation can be imposed by the Australian Competition and Consumer Commission. The operator will have more power under national competition principles.

The bill amends section 38O of the Rail Corporations Act to clarify the type of information an access provider — that is, the lessee of the track or other infrastructure — is required to keep. The Office of the Regulator-General and the Department of Infrastructure have prepared discussion papers with the goal of making the system more open and accessible. That information will include forward estimates of costs and other business information.

The amendment to section 38E will require an access provider to prepare an information package for access seekers and to have the package approved by the Office of the Regulator-General. The bill contains a right of appeal against the requirements of the Regulator-General.

The bill also amends the provision that now allows the Office of the Regulator-General to recover 50 per cent of its costs from a party to an application for a determination. The amendment to section 38B of the Rail Corporations Act ensures that passenger services have priority over freight services on track infrastructure that is declared for the purpose of the access regime.

It is important to have those amendments passed and to follow the recommendations of the Office of the Regulator-General and the Department of Infrastructure on behalf of all Victorians. Passenger services will be recognised as more important than freight services. The bill makes vital changes to ensure the safety of people using trains or trams.

In conclusion, this is an important bill for the transport industry, especially for rail and tram operators. It ensures that people involved in the industry work closely with the department. The bill provides more power for investigators to compel people to give evidence and to produce documents.

It is important to ensure the safety of investigators so they can do their job better and that people take more

responsibility for the operation of the public transport system in Victoria. The legislation will make transport legislation uniform with that of other states. I support the bill.

Hon. P. A. KATSAMBANIS (Monash) — As mentioned by previous speakers, the opposition does not oppose the bill. I will not take up too much of the time of the house because the amendments to the Transport Act and the Rail Corporations Act have been explained by earlier speakers, including the Honourable Gerald Ashman. However, I will refer to clause 3, the first operative provision, to highlight a strange anomaly and the hypocrisy of the Bracks government in its attitude to the right to silence and to protecting people against self-incrimination as it operates in various types of legislation.

Mr Bishop indicated in his contribution that Victoria had 28 acts that included provisions such as that being incorporated into the Transport Act by proposed new section 129S inserted by clause 3. I appreciate the research of Mr Bishop in highlighting those statistics. We have heard in the past few weeks and no doubt we will hear more in the weeks to come when debate on the private member's bill introduced by the Honourable Mark Birrell is resumed about the right to silence and why the government believes it is important to the criminal justice system.

Despite the protestations and rhetoric from the government, the bill includes a clause similar to that included in many other acts that is headed 'Protection against self-incrimination'. It is a neat way of describing the removal of the right to silence. That is what the provision does. If there is an investigation of a railway accident no person can withhold information about it, and if they do they will be subject to penalty or prosecution under the proposed new section. The right to silence is effectively removed, but in such a way that the evidence people give is not admissible in any civil or criminal proceedings, and many people will be thankful that that is so.

In the previous Parliament I had the opportunity of serving on a subcommittee inquiry of the Scrutiny of Acts and Regulations Committee regarding the right to silence in criminal proceedings in Victoria. The committee found unanimously that the right to silence, although mitigated, reduced and in many cases removed in other jurisdictions around the world, particularly in the United Kingdom, afforded the accused an important protection and should continue to operate in Victoria. In some cases, including those involving the investigation of railway accidents, it is deemed by Parliament that the right to silence should be removed. It is always the responsibility of the legislature to enact these provisions, but it is rich for the government on the one hand to protect the right to silence and even enhance it yet on the other hand remove the right to silence while offering informants protection against self-incrimination.

The provision will offer sufficient protection to informants, but their right to silence is removed. If people incriminate themselves in the information they give it will not be used against them. As pointed out by the minister in her second-reading speech and by previous speakers, it will allow railway investigators the opportunity to investigate railway accidents effectively.

I remind members of the government in this place and the other place that when talking about how sacrosanct the right to silence is they should have in mind that at least in 28 pieces of legislation, as highlighted by Mr Bishop, the right to silence has been removed. They should focus on the protections afforded in each case to people against self-incrimination, and whether the raft of protections incorporated in legislation will continue to ensure Victorians are served well by our justice system. I again make the point that the opposition does not oppose the bill.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank the Honourables Gerald Ashman, Glenyys Romanes, Barry Bishop, Sang Nguyen and Peter Katsambanis for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ASSOCIATIONS INCORPORATION (AMENDMENT) BILL

Second reading

Debate resumed from 4 October; motion of Hon. M. R. THOMSON (Minister for Consumer Affairs).

Hon. BILL FORWOOD (Templestowe) — The house deals with all sorts of legislation in its legislative program, and periodically a bill comes before it that has the overwhelming approbation of everyone associated with it. As the house deals with the Associations Incorporation (Amendment) Bill I confidently predict this will be one of those pieces of legislation.

The bill is designed to end a rort that occurred recently from ever occurring again. I am delighted the legislation is before the house today. I should indicate that the opposition supports the bill.

The issue first came to my attention at a hearing of the Public Accounts and Estimates Committee on 9 August when the Minister for Consumer Affairs appeared before the committee and the honourable member for Essendon in the other place, Mrs Maddigan, raised the matter that the house is dealing with today.
Mrs Maddigan put it succinctly when she said:

> Some months ago an incorporated association ceased operating as it had been previously and sold its assets. Those assets were distributed privately to the remaining members to do with them whatever they liked. That was as a result of the change to the constitution of the organisation … The remaining members then had another meeting and changed the original constitution. The original constitution said the money should go to community purposes. At that point they held the general meeting, when they were the only remaining members, and they said, 'No, we will give it to ourselves instead', and that went ahead.

Everybody in the room was stunned that that had happened. The minister said at that time she would bring forth legislation to deal with the issue, and she has done so today. I am pleased it has happened so quickly. However, I am also slightly bemused by the minister's reticence in publicly naming and lambasting the group of people involved. She did not do it at the Public Accounts and Estimates Committee hearing nor at her media release when she introduced the bill on 9 October and was very polite about closing the loopholes.

However, I am quite happy to let everybody know that the association involved was the former Ascot Vale Bowls Club. Although it is true, as the minister said, that there was nothing unlawful in that sporting association's conduct, it was unethical, and everybody should know that. It should not have been allowed to happen. It is outrageous that people can go along to an association like the Ascot Vale Bowls Club, which had been in place for 87 years, change the rules, sell its land to a developer for $1.3 million and divide the proceeds among themselves. It is an outrage, it is unethical, and they should not have been allowed to get away with it. I understand that nothing can be done about what they did because it was lawful, but people ought to know about it. If I had my way I would get the names of the 42 members of the Ascot Vale Bowls Club and tell the public that all those people ripped off their community.

I did the sums: the 42 members got $1.3 million for the site — it was a substantial site in Unley Grove — divided it between them and each put $30 000 in his or her pocket. Some of us in this room are members of tennis, golf or other clubs, and if we — —

Hon. M. R. Thomson — They were not taxed, either.

Hon. BILL FORWOOD — They got the money tax free?

Hon. M. R. Thomson — Yes.

Hon. W. R. Baxter — It should at least have been a capital gain!

Hon. BILL FORWOOD — Yes, it should have been a capital gain.

Hon. W. R. Baxter — Instead, it was a windfall gain.

Hon. BILL FORWOOD — It was a windfall gain. Not only did they rip their community off and pocket $30 000 each, they got it tax free. So be it.

I have made my feelings on the bill well known. I could go through in detail how the government proposed to stop the practice, but the bill's solution of allowing a five-year period of flexibility is sensible. People should not be prevented from having some flexibility in the way they behave.

Section 33(2) of the principal act refers to:

> … a special resolution relating to the distribution of assets …

I am convinced that that clause was intended to enable members to say in the event of a winding up of their club or association, 'We want the assets to go by special resolution to another community organisation'. When an incorporated sporting association is winding up, its members should not be stopped from deciding where its assets should go. I am glad the bill protects the ability to distribute the assets while at the same time it closes the loophole.

I am advised that in the course of closing the loophole the advisers discovered it was possible for similar events to occur with trading charities, so the bill takes

the opportunity to prevent that from happening as well. I applaud that.

I need say no more. I am pleased that the bill has been brought in quickly. It was an outrage that people were able to secretly rip off their own community. I accept that what was done was perfectly legal, but sometimes things that are legal should not be done.

Hon. W. R. Baxter — Things that are morally repugnant.

Hon. BILL FORWOOD — Thank you, Mr Baxter, things that are morally repugnant, and this was one of them. The Liberal Party has a system in which members go into the party room and report on bills, and I can inform the house that when I went in and said, 'This bill is designed to stop people ripping off clubs' and told them the story of the Ascot Vale Bowls Club, all present agreed instantaneously. There was no debate on the issue.

The bill deals with one of those black and white issues. Well done, Minister, for bringing in the bill.

Hon. JENNY MIKAKOS (Jika Jika) — It is with great pleasure that I speak in support of the bill on behalf of the government. As the Honourable Bill Forwood has noted, the government is introducing a significant piece of legislation that seeks to strengthen the very real benefits to be derived by members of the community under the Associations Incorporation Act and to close certain loopholes that currently apply under that act.

As honourable members would be aware from their dealings with non-profit tax exempt organisations in their own electorates, the Associations Incorporation Act has been a useful vehicle to allow non-profit organisations and clubs in the state to operate with a minimum amount of paperwork being required and a minimum cost being associated with compliance requirements under the legislation. However, the act contains a number of important provisions relating to financial statements and so on which ensures that such non-profit tax exempt organisations are accountable to their members.

As the Honourable Bill Forwood said, the bill seeks to deal with some loopholes that came to light after the former Ascot Vale Bowls Club sold its premises to a developer and distributed the proceeds of the sale, which amounted to $1.3 million, among its 42 members. As the Honourable Bill Forwood also noted, that action was not illegal under the current terms of the principal act. However, I agree with his assessment that it was morally repugnant in the sense that the club had derived a benefit under the federal tax legislation because it was a tax exempt body and was therefore able to amass a considerable asset worth over $1 million, the proceeds of which did not then accrue to the benefit of the whole community but instead ended up in the pockets of a limited number of members.

The minister has acted speedily and with a great deal of foresight in ensuring through the bill that the principal act will continue to be a flexible piece of legislation. The bill does not seek to introduce a blanket prohibition on the distribution of an association's assets to its members but provides certain restrictions in the event that the association's members seek to circumvent a rule that has been adopted by the organisation.

Clause 3 of the bill seeks to effectively rewrite division 1 of the act, not with the intention of making substantial changes to it but rather to allow the new provisions that relate to the closing of the loophole to fit in with the current existing provisions relating to the voluntary winding up of such associations.

Although the bill has a lengthy new division 1, only certain aspects of it are new. A proposed new section 33A is being inserted into the act. It provides that if the rules of an incorporated association include or have included at any time within five years prior to a voluntary winding up a rule that prevents the distribution of assets to its members on a voluntary winding up, a special resolution by that association will be of no legal effect if it purports to distribute the assets of that association to its members. The proposed new section will seek to avoid a situation such as that which occurred at the Ascot Vale bowling club. Where there is a rule which, as I said, is a requirement under federal legislation, a club's assets cannot be distributed to members by special resolution.

However, the bill provides for certain exceptions to the rule, one of which is where the minister consents to such a distribution occurring to its members. The other exception relates to a situation where a club's members decide by special resolution to distribute the club's assets to another body corporate, the rules of which body corporate do not allow for a distribution of assets to its members.

The bill insets proposed new section 33B, which is similar in nature to proposed new section 33A. The only difference is that it seeks to apply where a distribution of assets on a voluntary winding up occurs without a special resolution having been passed by the association. In the same way proposed new section 33B will apply in a situation where there has been no special resolution passed dealing with the club's surplus assets,

and the rules of that club did provide in the previous years a distribution of the club's assets to the club's members on a voluntary winding up.

However, where the club has in effect ended up with such a situation, in the same way as when a special resolution has been passed there are, again, exceptions relating to the minister consenting to such a distribution, and also where the association seeks to distribute its assets to another body corporate, which has in its own rules a prohibition against a distribution of assets to the club's members.

The bill also seeks to apply where a trading charity has the required rule for providing for a distribution of surplus assets to another trading charity. In those circumstances the minister's consent is required and members cannot resolve under the winding-up provisions to distribute assets in a contrary way.

They are the key aspects of the bill. Proposed new section 33D relates to an application to the Supreme Court by an aggrieved person, and the other provisions of the bill replicate current provisions in the Associations Incorporation Act.

In conclusion, it is important to reiterate the policy reason behind the bill. The bill seeks to ensure that members of a non-profit tax-exempt organisation do not seek to circumvent their non-profit tax-exempt status by taking an opportunity to pass a special resolution or otherwise seek to voluntarily wind up their association for the purpose of deriving personal gain.

As I said earlier, the non-profit tax-exempt organisations derive considerable benefit from being tax exempt. Under the federal taxation legislation and the Australian Taxation Office's requirements they are required to have in their rules a prohibition against a distribution of the assets of the club to the club's members on a dissolution of the association, and usually the method that most clubs employ is inserting into their rules a provision stating that if the club voluntarily winds up, the assets of the club will go to another tax-exempt non-profit organisation. Those clubs are able to derive considerable benefit by virtue of being tax exempt, and a number of those organisations, at least that I am aware of in my electorate, own valuable pieces of real estate. The bill seeks to ensure that the Ascot Vale bowling club situation does not recur.

It is an important bill and I commend the minister for introducing it. I urge all honourable members to support it.

Hon. W. R. BAXTER (North Eastern) — The National Party is pleased to support the amendment to the Associations Incorporation Act, which I believe has been one of the most useful and successful pieces of legislation on the statute book. Today as I was preparing my contribution I recalled when the original bill was passed in 1981.

Hon. Bill Forwood — You were probably here!

Hon. W. R. BAXTER — I was, and I spoke in the debate. I well recall the debate, Mr Forwood, because I was one of the members making representations to the then Attorney-General, the far-sighted Honourable Haddon Storey, because so many of the voluntary associations in my electorate were having difficulty with legal liability and the like because they were unincorporated. Many of their members were becoming nervous that they might be held personally liable for debts of the association or damages claims.

I know the then Attorney-General received many of those sorts of representations. He gave a reference to a judicial body that made recommendations to introduce legislation along the lines of the Associations Incorporation Act. Since its inception the act has helped literally hundreds of volunteer organisations throughout the state.

It is disappointing that someone has found a way to use the provisions of the act in a way that I described by interjection a moment ago as morally repugnant. I suppose in some respects the Parliament ought to be pleased and gratified that it has taken 19 years for someone to turn their mind so nefariously to finding a way around it and advantaging people in a most disappointing manner.

I join Mr Forwood in commending the government and the minister for moving to rectify this now-discovered anomaly. I believe the methods being inserted are fair and reasonable. It does not deny in all cases the distribution of assets to the members, but it places some checks and balances on the process so that it cannot be done quickly, in secret or under the table; it must be a public process.

I do not think we are likely to see many examples of voluntary organisations that have large assets being wound up. Clearly there will be some, such as the example that has generated the debate today. Some organisations will through good fortune and the effluxion of time find themselves the proprietors or custodians of a piece of real estate that has assumed considerable value, as with the case in point.

Clearly in those cases it would be totally unfair for a small group of existing members to gain some windfall benefit when that land was sold. Those members probably did not contribute to it in the first place, it being long held, and it would have acquired a value mainly through the development of the surrounding districts and the activities of the state and community at large, not as a result of the efforts of a particular group of members. On the other hand, thousands of other organisations will have virtually no assets at all and in most cases would transfer them to another body. In some cases it might well be appropriate that the very modest assets be liquidated and divvyed up among the remaining members, so I do not object to that procedure. However, the steps that have now been inserted in the act will prevent any abuse in the future.

Because of the way society is going, I suggest that a large number of organisations will become defunct and there should therefore be a mechanism by which they can be formally wound up and not just be hung out in limbo for years and years because the membership has completely disappeared. It seems to me we are now living in a society where fewer and fewer people are prepared to join organisations. We need only look around our own communities and think of the many organisations which in the 1950s and 1960s were very strong bodies with large memberships of active people. For one reason or another fashions have changed, as has people's commitment to community service, and many of those organisations are struggling and some are bound to go out of existence.

The registrar will probably need to keep a close eye on that process in the future and ensure that defunct organisations are formally terminated to avoid having on the books a large number of incorporated associations which are dormant at best and which in most cases are probably absolutely defunct. That would not be in anyone's interest and it is a matter the registrar might keep his eye on as the years roll by.

The act is workable and has been of great assistance to dozens of communities throughout the state. It is unfortunate that someone has found a way to abuse it, but I am pleased that Parliament is acting quickly to rectify the problem.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank the Honourables Bill Forwood, Jenny Mikakos and Bill Baxter for their contributions, and all parties for the support they have given to the bill. The only tragedy is that the bill is $1.3 million too late. However, it is comforting to know the government has the support of all parties for the legislation. I hope it will move quickly through the lower house.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL

Second reading

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

Hon. M. T. LUCKINS (Waverley) — The opposition has made a unanimous decision to oppose the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill. After months of genuine consultation it is clear that the community overwhelmingly rejects the so-called trial of heroin self-injecting facilities.

Labor has failed to listen to the people. It locked itself into the policy during an election campaign when it had little expectation of winning and of having to implement it.

Labor established the Drug Policy Expert Committee to report to the government in two stages on the issue of drugs. In doing so it put the cart before the horse because the committee, ably chaired by Dr Penington, was asked initially to report on the development of local strategies and areas affected by street drug use, with primary attention on how to fulfil the government's election promise to establish five injecting rooms in the municipalities of Greater Dandenong, Port Phillip, Melbourne, Yarra and Maribyrnong.

The second report, which has now been released, well after the legislation was first introduced, deals with fundamental issues such as early intervention in schools, improvements in drug treatment and rehabilitation, and how to reduce drug trafficking.

As a result of the committee's having to look at the issue in two stages the task force was given the unenviable task of examining heroin injecting rooms and their viability without having the opportunity to look at the drug problem in toto. Surely the main priority should be to address the reasons for drug use and abuse. Young people have throughout time always engaged in risk-taking behaviour, and they are most at risk from drug abuse. The availability of drugs, and particularly the reducing cost of heroin, has made deadly this rite of passage for young people because they are increasingly using drugs intravenously. The drugs are often of poor quality and on purchase the strength of the dosage is unknown.

The breakdown of family relationships and greater pressure on young people has resulted in many having poor self-esteem and experiencing a feeling of lack of connectedness to the community generally. There is more and more evidence of younger people using heroin and other illicit drugs.

In August I had the honour of officially opening Youth Week, during which forums were conducted to gauge the opinions of young Victorians on drugs. The *Voice of Youth Victoria 2000* recommendations to government included:

> No heroin injecting rooms — they encourage drug use.

The Youth Council also looked at the issue of substance abuse, and the young people cited as the major causes of drug abuse depression, seeking a quick and temporary solution to problems, boredom, lack of education, low self-esteem, peer pressure, bad role models and stress from school, family or money problems.

The forum's recommendations to government included the need to fund organisations to promote anti-drug messages, advertising campaigns in the style of those run by the Transport Accident Commission to create awareness of the issue, supporting of local communities to fund drug-free youth events, and sending into communities where there is a high drug use drug counsellors to talk to users instead of sending in the police to drive them out. There was also a recommendation to crack down on dealers, and to provide more rehabilitation centres and harsher penalties.

The forum members urged the government to ensure drug awareness was promoted in schools and to educate people on how to deal with addicts, should they come across them. They wanted needle bins to be provided in all communities and they wanted to promote compassion for people affected, not just isolate them as druggies. They also recommended new and improved education programs in schools.

Labor has proposed a radical social experiment without any empirical evidence to back up its assertion that injecting rooms will achieve the objectives as stated in Labor policy, which are preventing drug abuse, saving lives, getting back on track, and effectively policing the drug trade.

During the debate I will argue that self-injecting facilities — they are certainly not safe injecting facilities — in Victoria will not only fail to meet the stated objectives of reducing harm to users and removing public nuisance but will create even more problems in terms of law enforcement and attract even more criminal and antisocial behaviour to the five proposed locations. In addition, the proposal has the potential to polarise the community even more and threatens the development of more effective drug policies.

All individuals are influenced by their own experiences, their upbringing, their religious and moral beliefs. Members of Parliament are no different. Some issues are fundamental and members of Parliament should be afforded the opportunity to have a conscience vote, which is certainly available in my party — a very democratic Liberal Party.

Some members of Parliament entered the drug debate with a preconceived stance on the issue. I know some have changed their position during the course of the consultation period as they found out more and more about the issue. I stress again that the Liberal Party came to a unanimous decision to block the legislation, having concluded that heroin injecting room trials are bad public policy.

I have been more heavily exposed to the drug problem than some people. Springvale, where I grew up and attended school, is in my electorate. Prior to entering the political scene I worked as a property manager in the Springvale, Noble Park and Dandenong areas, and that certainly broadened my horizons much more than even my experience in Parliament. In that five years I saw more than most people would see in a lifetime. I saw how drugs were ruining people's lives. I saw the family breakdowns that were contributing more and more to young people going off the rails and feeling that they were not of value in the community. I saw properties being wrecked, shops being robbed and individuals being mugged, all because people needed to feed their habits.

My decision to reject the injecting room proposal came after many months of listening to people in my community and speaking to addicts, their parents and families, community social workers in my area and throughout Victoria and experts in the field of drug addiction as well as police.

Springvale has long suffered a reputation as a drug centre and the problem has certainly escalated in the past five years. By sensationalising the Springvale area and calling it a heroin hot spot and so forth, newspapers have done the area and other areas such as Footscray a grave disservice because other users and more activity, including criminal activity, have been attracted to the centre. However, at the same time it has driven down resident, consumer and business confidence in those areas. It has become a cycle: you talk down an area and it becomes even worse.

The Springvale drug action committee was established in 1997 with police, traders, residents, schools and community leaders represented. My colleague the Honourable Cameron Boardman, a member for Chelsea Province, was a member of the Springvale drug action committee when it was formed. Another colleague, the Honourable Neil Lucas, a member for Eumemmerring Province, is a member of the Dandenong drug action committee. Both honourable members have contributed greatly to the consultation process over the past three years. In April 1998 the Springvale drug action committee released a three-year action plan, and its goals were awareness, prevention, treatment, support and criminal justice.

During the election campaign I remember listening to Steve Bracks speaking on 3AW when he named the five suburbs in which he would establish injecting facilities, and they included Springvale. At the time I certainly considered that the proposal was ill conceived. Clearly, Labor had not taken the time to examine the good work that was already being done in areas of high drug activity. The previous government worked strongly with the communities to combat the problem. In contrast, Labor, by flagging those areas as venues for a self-injecting facility, which was first referred to as a safe injecting facility, held up the white flag of surrender. Rather than working to combat the problems it was surrendering and in fact condoning the use of heroin.

The former Premier had long pursued the drug problem. My colleague the other member for Waverley Province, the Honourable Andrew Brideson, ably chaired the Drugs and Crime Prevention Committee in the last term of the previous Parliament. That committee was well on its way to making recommendations to the government when it was locked out of the process by Labor. The committee had investigated strategies employed elsewhere and undertaken research on the success or failure of similar programs overseas.

Labor polarised the community and locked the opposition out of the debate by the process it employed to establish self-injecting facilities. During a political campaign for the establishment of heroin rooms experts in the field of drug treatment and addiction were portrayed as the enemy if they were predisposed to have an alternative view to that of the Labor Party. The Reverend Tim Costello, a high-profile community leader, pleaded for an end to the self-injecting room debate to prevent further polarisation within the community. He is reported in the *Age* of 14 June as saying:

> We have expended so much social capital on a debate that has polarised the community and caused enormous anger and distrust over what is at most 5 per cent of the answer in terms of our drug problem.

Rather than embarking on an educative and informed debate, Labor failed to properly articulate, sell and explain the merits of the proposal to Victorians, particularly those most affected by the drug problem. In arguing for the establishment of heroin self-injecting rooms, Labor used very emotive arguments and did not back them up with any empirical evidence. How often have we heard, 'Well, we have to try something' and 'This might save lives.'? It is a very big 'might' indeed.

There are many issues involved in the legislation, such as the impracticality of the self-injecting room proposal in that it ignores the buyer behaviour of the user and does not account for the demographic profile of street users; the mixed message a trial would send with regard to tolerance of criminal and antisocial behaviour; the legal complications as they relate to police pursuit of traffickers and dealers; the legal liability issues for staff and operators of such self-injecting facilities; and the overall lack of community support for the program.

Advocates of self-injecting facilities argue that people are dying and that something new needs to be tried. They believe that if the trial saves just one life it will be worth it. Of course, we all want to save people's lives, and we are all, I am sure, affected by the number of heroin-related deaths in Victoria. The *Herald Sun* publishes the heroin toll next to the road toll, which emphasises the fact that we have a grave problem and that many people are dying unnecessarily. We want to keep people from harm. However, the proposed self-injecting facilities would by no means be safe, for many reasons which I will expand on. Primarily, it is

not safe to inject yourself or anyone else intravenously unless you are trained to do so. It is not safe to inject a substance into your veins if you are not aware of the content or the dosage or quality of that substance.

To put the debate into perspective, there were 25 000 drug-related deaths in Australia. Approximately 1500 were the result of illicit drug use and 19 000 were from tobacco-related illness. I acknowledge that tobacco-related illness may be more evident over a longer period, but I find it inconsistent for the Bracks government to seek to ban the smoking of tobacco, which is a legal substance, in public areas such as restaurants and eateries while at the same time effectively condoning the use of an illegal, mind-altering drug that not only has the potential to cause instantaneous death in the wrong dosage or poor quality but also has the potential to harm others because the people affected by the drug are moving around the community and may be involved in road accidents and the like. They are not only harming themselves, but have the potential to harm innocent people.

The experiment, which is what it is, of establishing self-injecting facilities in Victoria will divert effort and resources from prevention and law enforcement. The way the debate has been handled to date is evidence of that. People have focused only on this small part of a proposal to combat drug abuse. They have not had the broader debate about how to prevent drug abuse, help young people to say no, treat the user, improve self-esteem and tackle the psychological problems associated with drug use.

Actively encouraging the injection of a harmful illegal substance is a simplistic white-flag approach to drug policy. It is loaded with moral and legal contradictions and sends a mixed message to young people who are grappling with health and lifestyle decisions.

The proposal will not achieve the objective of removing public nuisance, and it will fail to help those most at risk — the young people who tend to use the drug on the street in a chaotic manner. Two of the major stated objectives for the establishment of the self-injecting facilities are, firstly, to reduce the number of deaths from serious injury due to overdose among street-based users, and secondly, to reduce the public nuisance associated with drug use.

The chaotic street users will not be targeted by the trial. The facilities will be accessible only to those over the age of 18 years. By far the majority of chaotic street users who leave needles in the street, accost people in and around the city and suburbs and wander around in drug-affected states are under the age of 18 years. Often they tend to be homeless.

All available evidence from youth workers, community groups and the Drug Policy Expert Committee indicates that chaotic drug users are young users. The Drug and Crime Prevention Committee of the Victorian Parliament report on the issue states that the:

> … street level use tends to be a phenomenon mostly involving young users, older ones generally having more opportunity to purchase and use in a private setting.

Young people generally under the age of 18 years are the public face of drug use on Melbourne's streets. They are associated with the antisocial behaviour by which people in community feel most threatened as they go about their daily lives and business. They are also the young people at risk, and those the government seeks to get off the street. The government wants to remove them from the public gaze, but the legislation will not do that for the reasons I have outlined.

As I said, the proposed trial would fail the young and most vulnerable users on two counts. Firstly, it would weaken the main game, which includes early intervention, education, effective treatment facilities and intensive policing of trafficking and dealing. Victims of drug use deserve a better solution than simply removing the less tasteful aspects of their illness from the public's line of vision. The money, resources and effort that have been earmarked for the trial should be redirected into reducing the demand for drugs and the treatment options available to users.

Secondly, the trial is not available to people under the age of 18 years and therefore it fails those most in need. The second-reading speech states:

> The government has made a clear decision that children should not be allowed to use any injecting facility during the trial and provides in the legislation only for adults. We have done this for many reasons, but largely because we do not believe that there would be community support or acceptance that this is appropriate.

Ironically, the government has not accepted the community view that the proposed facilities are inappropriate or acceptable for anyone, including those over the age of 18 years. The number of people using heroin under the age of 18 years has increased markedly. The Drug Policy Expert Committee paper states:

> The number of users who reported using heroin for the first time under the age of 16 years of age increased less than 1 per cent in 1993 to approximately 7 per cent in 1998 in Victoria.

> The number of male year 9 (14 and 15-year-old) students in Victoria who reported using heroin increased from 3 per cent in 1992 to 5 per cent in 1996.
>
> It is estimated that half of all intravenous drug users in Melbourne's CBD are under the age of 21.

The proposed trial is a costly trendy experiment that would divert precious dollars and effort away from the needs of young users. I find the moral and legal ambiguity of the proposal astounding. The government is proposing to actively encourage the isolated, quarantined use of drugs that are illegal to import, to sell, to buy and to use under any other circumstance. The proposal would discriminate at law against those users under the age of 18 years and also put the police in a terrible quandary about how to deal with the sale and possession of drugs close to self-injecting facilities.

I shall go into that in more detail. By actively encouraging the injection of heroin the government is actively encouraging the illegal procurement of the drug. It is actively encouraging the import and trafficking of the drug and providing an entrenched guaranteed market for it. It is also actively encouraging the criminal and violent behaviour necessary to support the habit.

The Australian illicit drug report of 1997–98 estimates that heroin addiction is responsible for 80 per cent of all crime in Australia. The New South Wales Bureau of Crime Statistics and Research reports that heroin addiction last year was responsible for a 33.4 per cent increase in robberies committed with firearms, a 76.8 per cent increase in robberies with knives and a 29.5 per cent increase in robberies without weapons.

A report tabled in Parliament yesterday, of which I do not have a copy, shows that over the past few years attacks or threats on people using syringes as weapons have increased markedly. A survey of heroin users conducted in Sydney from 1995 to 1997 found that 70 per cent had committed a property crime in the preceding month.

How can Parliament actively condone and assist with the use of a substance when honourable members know the chances are that a violent crime has been committed to get money to obtain the drug? To my mind to aid and abet the use of a drug and to turn a blind eye to how it was obtained is nothing short of hypocritical.

Under this legislation and the framework agreement police would be expected to allow the laws of this state to be broken. It is unfair to expect members of the police force, particularly young constables on the beat, to use their discretion about whether or not a crime has been committed based on the proximity of where an action such as dealing or possession took place if it is close to a self-injecting facility. If you are found in the possession of a drug and a police officer believes you are on the way to a self-injecting facility, or there is one within a specified distance — there have been no guidelines released on that — the officer might or might not let you off. The onus is put on the officer to decide who gets charged for the crime. To quote Dr Nick Crofts, the director of the Centre for Harm Reduction in Melbourne:

> Police are going to assess the bona fides of users based on prejudice … there's no control over that aspect of it …

How the police would be expected to implement the legislation if it were passed has already caused great concern and conflict in the police force. There is a clear conflict between on the one hand the government's insistence that self-injecting room clients should feel free to attend the facility, not feel threatened and not be harassed by the police and on the other hand the government's insistence that there be a heavy police presence to prevent the so-called honey pot effect whereby dealers and other users congregate around or are attracted to the facility and the area. It is an unworkable, impractical position.

The legislation would place the staff of the facilities in an invidious position. It would make them party, if you like, to violent crime, because they would know that a person presenting at such facility may have knocked over an old lady around the corner and taken her handbag to purchase the drug he or she is about to inject. Under the proposal health care workers would be expected to suppress their own moral and social values.

The experiment would also expose the staff and managers to massive civil liability problems and challenges similar to those that have been examined in trials in New South Wales and the Australian Capital Territory. However, unlike those trials, where the operators were immune from civil liability, there would be no immunity from civil liability for those involved in the Victorian trials. The government would face a great risk in undertaking such a proposal because it would be likely to be a self-insurer. The law of negligence is relatively simple: if you hold yourself out as providing a service and invite people to participate you owe them a duty of care, and if you breach that duty you will be liable for any damage they suffer. Possible situations where liability could occur include a failure to revive an injector; a failure to prevent a user from leaving in an intoxicated state and perhaps causing an accident or damage out on the streets; a failure to admit a user, who might then cause an accident; providing bad advice; and it can go on and on.

Other issues I will touch on include dealing with children who attend the centre in the company of their parents who are using drugs, and pregnant women turning up seeking to inject.

There is a problem with the criminal liability of operators, because the immunity would extend not only to aiding and abetting use but also to procuring, soliciting or inciting the possession of a drug of dependence. There have already been many cases where hotel publicans have been sued for property and personal damage because they have been exposed to massive liability due to accidents caused by the behaviour of hotel patrons. There is no way to account for the safety of clients who might use a self-injecting facility.

According to the government, use of the self-injecting facilities would be restricted to established or habitual adult users. That would place staff members at a facility in a difficult position because they would have to assess the bona fides of potential clients. The framework and the legislation do not make it clear how potential clients would prove they were long-term drug users or addicts. I do not know whether they would be expected to show their veins, or what. That aspect of the proposal has not been thought through at all.

Another serious concern is that an 18-year-old who had never used an intravenous drug before could turn up and prove that he or she was 18 years of age. The person may buy a drug, turn up to a facility and say, 'Well, I am 18 now, I have never tried it and would like to give it a go'. I cannot see the staff of a self-injecting facility being able to knock such a person back because he or she would meet the criterion of being over the age of 18. Potentially the staff would have to assist that first-time user to inject the drug into his or her veins. It is also unclear how staff will assess whether a person is over the age of 18 years if minors try to enter the premises, particularly homeless people, who often do not have any form of identification on them and because of that have trouble accessing unemployment benefits and the like.

What about the pregnant woman who may roll up? Surely the centre — or the government, and certainly the community — would have a duty of care to the unborn baby of a user, even if that user, being an addict, were unable to stop herself from using a drug of addiction that would cause her unborn baby harm? And what would happen if a user arrived with children in tow? It could be argued by the staff in using their discretion about a pregnant woman that, 'She will inject anyway, so we might as well let her in; otherwise she will do it around the corner', or about children that, 'It is better for the children to be escorted by their parents into the centre, because it is safer than leaving them out on the street or in a hot car unattended and unsupervised'.

I would not envy the staff of self-injecting facilities in making judgments and using discretion about who would have access to a facility. The proposal to register regular clients and local users to prevent access by recreational and young users would not remove the public nuisance associated with street use. In Springvale instances have often occurred — it is a daily occurrence there, as it is in other parts of Melbourne — of a user procuring a drug, injecting himself or herself and then going back out onto the street.

I shall give the house an example. Springvale has a dial-a-dealer service that operates from a particular place that I will not identify as it is the subject of a police crackdown. A user can order drugs by phone. Sometimes the dealers have witches' hats on the roadway outside certain premises on Springvale Road to keep the traffic flowing and allow the user to park easily. The dealer waits on the street, hands the drugs to the user, who hands over the money and drives off. Users tend to drive around the corner, inject themselves and drive away from the area. The police need to apprehend a user or dealer in the act of either buying or selling the drugs. The difficulty for the police is that the user is generally mobile or the dealer has only money in his or her pockets. The police have nothing to go on unless they can get the evidence to take a dealer or user to court. Honourable members can imagine what it is like to have drug-impaired or intoxicated people driving cars: as a consequence, terrible accidents have occurred in the area.

The establishment of a self-injecting facility would not necessarily stop that kind of behaviour or usage because that type of operation is convenient for the user. Street users, particularly older addicts, crave convenience and anonymity when purchasing drugs. They generally make quick, small purchases and use the drugs as close as possible to the place of purchase so that they face less risk of being caught by the police with the drugs in their possession. The longer they have possession of the drugs, the more vulnerable they feel. Dealers know that; they also generally know the buying patterns and consumption habits of the users. They offer their wares close to the point of use. I am sure they also provide suggestions about the best places to inject the drugs.

I have travelled throughout the city of Greater Dandenong on what is called Ken's Bus. I take the opportunity to thank Ken Grenda of Grenda's Bus

Services and Visy Board Pty Ltd for their support through Visycares. The addicts I have spoken to, if aged more than 18, said they would not use a self-injecting facility because they do not want to be cornered or pushed into detoxification or rehabilitation before they are ready. They do not want to be on any register as drug users because they are concerned that such information would be held against them for the rest of their lives. They feel it could make them more of a target for the police.

If the Liberal Party supported the legislation and allowed self-injecting facilities to be established, in five areas of Melbourne dealers would have the niche market they crave. I have no doubt that not only would the chaotic street use of drugs increase in those areas but that the dealer presence would also increase. There would be more competition, cheaper drugs and more people accessing drugs.

The traders and residents of the communities who are now belatedly being consulted by the government about establishing self-injecting facilities in their areas are gravely concerned about what such facilities would mean to their communities, which are already struggling with the problem of drug use. I refer to page 21 of the City of Port Phillip injecting facilities report and to the submission to the council by the Fitzroy Street Traders Association, which expresses concern that:

> … facilities currently proposed could result in a massive compounding of the drug problems within the vicinity of these areas. We believe that drug users, and more particularly, drug dealers, will increasingly be attracted to these few facilities. This will result in a further loss of amenity and trade and a probable increase in crime and trauma.

It is clear that community support is required for the establishment of self-injecting facilities if the experiment is to have any chance of success. The government is on the record as saying that community support and partnership are mandatory for it to pursue the trial. On radio station 3AW late last year the Premier said:

> … safe injecting facilities would only go ahead where there was wide community support for it. And if there is not, we wouldn't go ahead …

In the second-reading speech the Minister for Health in the other house reiterated that view when he said:

> While the government is prepared to lead on this matter, partnerships across the community are needed if we are to have a significant impact … involving community leaders and key stakeholders.

There is no wide community support for a trial. The issue has polarised the community, which is unfortunate for future handling of the drug issue and the formulation of strategies to assist addicts and communities to regain their freedom. People should be able to feel safe in their homes and to move freely around their communities. More than two-thirds of people in the community do not support self-injecting facilities. Of the measures put forward to assist drug users, the self-injecting facility has attracted the least community support.

The national drug strategy household survey 1998 outlines support for the following measures: free needle and syringe exchange, 50.1 per cent; methadone maintenance programs, 57.5 per cent; treatment with drugs other than methadone, 54 per cent; rapid detoxification therapy, 60 per cent; and regulated injecting rooms, only 33.2 per cent. The level of community support and partnerships required to make self-injecting rooms a viable strategy is not evident.

Page 14 of the City of Port Phillip injecting facilities report shows that a recent survey of City of Port Phillip residents revealed a clear preference for drug policy strategies such as education, prevention and early intervention to reduce demand rather than methods such as self-injecting facilities. Many submissions have been made through the consultation process to the City of Port Phillip inquiry.

Last Monday night the City of Maribyrnong voted to support a trial, even though there is still wide and continuing debate and opposition to it within the community. There will never be full community support on the issue, but at the very least, in the areas most affected by the scourge of drugs, people must be on side; and the government has failed to achieve that.

I congratulate the City of Greater Dandenong on conducting a tremendous consultation process on the issue. I refer to a document entitled *Greater Dandenong's Response to the Victorian Government's Proposal to Trial an Injecting Facility in the City*. At page 13 the report states:

> … 13 June 2000 meeting, the Greater Dandenong council rejected the Victorian government's proposal to trial an injecting facility …

It did so because it had listened to the community. It was clear that the proposal was not supported by the residents, traders and consumers in the City of Greater Dandenong. I commend the council for having the fortitude, strength and courage of its convictions to reject the proposal, particularly given that it is a Labor

Party council; I hope council members will not be victimised for their decision.

During the year to date, but most particularly in May the City of Greater Dandenong conducted a full and extensive consultation process. Some 1200 people participated in the consultation process and approximately 800 attended a public forum. The council analysed the feedback from its consultation over a six-month period, including the public forum, written submissions and telephone calls. It found that approximately 90 per cent of the people involved opposed the injecting facilities trial in the city. The result was supported by surveys taken at the public forum.

The Drug Policy Expert Committee in its stage 1 report entitled *Drugs: Responding to the Issues — Engaging the Community* states:

> It is mindful that a community survey, conducted on its behalf, showed that two-thirds of respondents in the five municipalities nominated for injecting facilities support the trial, providing a suitable location can be identified.

I believe the private consultant's report commissioned by the Drug Policy Expert Committee, the Wallis report, was flawed in the questions it asked. Certainly the comment I quoted is not correct if one looks at the results of the actual survey on community attitudes to trial injecting facilities, which involved consultations and telephone polling across the five municipalities where the government proposed to establish injecting facilities.

I refer to the question asked in the survey because I believe it was open-ended and was not fair and unambiguous. It states:

> If a suitable location could be found would you support or oppose a trial of a safe injecting room in the City of …

A space has been left to insert the name of the city. I am not suggesting that the 90 per cent who were opposed in the City of Greater Dandenong adopted a nimby — or, not in my backyard — attitude but the question could be misleading because a suitable location could be miles from residents or businesses and respondents may therefore not be affected by the establishment of the facility.

According to the survey conducted for the expert committee, in the City of Greater Dandenong only 46 per cent supported the trial of a safe injecting facility; in the City of Maribyrnong it was 57 per cent; in the City of Melbourne it was 74 per cent; in the City of Port Phillip it was 78 per cent; and in the City of Yarra it was 81 per cent. It is clear even from that survey that the residents of the City of Greater Dandenong did not support the establishment of a safe injecting facility in the city.

The Greater Dandenong council rejected the proposal. I refer to the council endorsement and recommendations at page 13 of the report. It states:

> Based on the evidence substantiated in this report and results of all the consultative processes undertaken, the Greater Dandenong City Council rejects the proposal to trial a supervised injecting facility anywhere within the city.

During the process and before the council voted to reject the proposal considerable dialogue occurred with the Drug Policy Expert Committee. A number of queries were raised, which were consistent across the five municipalities that were investigating whether to support the trial. They asked whether:

> Police resources will be increased in any area where an injecting facility is located
>
> Laws relating to the trafficking and supply of heroin will be enforced to the full extent of the law in the area surrounding an injecting facility.

One of the responses from the expert committee was interesting. It was that trafficking inside or outside the facility would still remain an offence under sections 71 and 75 of the Drugs, Poisons and Controlled Substances Act. That response highlights the quandary police are in about how they are expected to deal with crimes that are happening under their noses.

The City of Greater Dandenong asked the Drug Policy Expert Committee:

> There are many schools and other sensitive use public facilities within 100 to 500 metres of where the drug activity currently exists. This includes three schools, a kindergarten, a child-care centre, a maternal and child health centre, an aged care facility, a community health centre and three community centres.
>
> There is a residential area within approximately 400 metres.
>
> There is a business/industrial area within approximately 400 metres.
>
> There is a high public use retail area immediately around the street-based drug activity area.

The response from the expert committee was that:

> … facilities should be within a 5-minute walk of the current scene but not on a major trading thoroughfare; and
>
> facilities should not be separated from the current scene by a major traffic thoroughfare;
>
> location is not in close proximity to kindergartens, schools or other sensitive public facilities;

> location is not in an area primarily used for residential purposes; and
>
> premises are on the ground floor to ensure easy access for emergency services, and to reduce the likelihood of accidents on stairs;
>
> while each of these criteria are important, none can be regarded as absolute or mandatory; this can only be assessed at the local level.

The Springvale drug trade occurs in areas that will never meet that criteria. When the expert committee first proposed Springvale as a possible site for a safe injecting facility, I was alarmed because the only place that would meet the criteria as articulated by the committee was the local community health centre. The centre had a needle exchange program that had been established almost five years previously but had since been closed. On a number of occasions I raised the matter with the then Minister for Health, the Honourable Rob Knowles. He investigated the issue and eventually closed the needle exchange facility because of its proximity to schools in the area.

The problem was not just with discarded syringes in school grounds but also because users were using school toilets, particularly the toilets of St Joseph's Primary School in Springvale, my old school, and were using the cisterns to store drugs. On many occasions the church poor box was knocked off and it was becoming a trauma for the whole community.

The centre is the only place where a facility could be established that would fulfil all the criteria. There is nowhere else in Springvale for a safe injecting facility because it is a built-up area. It has a busy retail area with some tremendous shops, multicultural food outlets and restaurants and should be one of the hubs of the community, but sadly it is not, due to its reputation as a drug area.

From June 1998 to July 1999 there were 266 non-fatal definite heroin overdoses in the City of Greater Dandenong — approximately 7.5 per cent of the total number of reported heroin overdoses in metropolitan Melbourne — and in the period from June 1998 to October 1999, 69 per cent of overdoses in the City of Greater Dandenong occurred in public places.

There were also 164 likely heroin overdoses and 109 alcohol-related non-fatal overdoses during the period from July 1998 to June 1999. However, most incidents involving the street use of drugs concerned people under the age of 18 years who would not have access to the self-injecting facilities even if they were established.

It is well known that many of the areas proposed for the establishment of the injecting facilities have populations with a high multicultural mix — Footscray and Springvale in particular. I was interested to note that during the consultation process 100 per cent of the Indochinese community of Springvale rejected the proposed establishment of a facility in that area. The Greater Dandenong report states:

> The Indochinese community representatives were firmly of the view that the proposed injecting facility trial was an inappropriate way of addressing the drug problem in Springvale. The perceived endorsement that the trial would give to drug use was highlighted as its major flaw, together with its displacement of funds for what were considered to be more effective options, particularly rehabilitation and treatment or enhanced policing and law enforcement strategies.

The local police also overwhelmingly rejected the establishment of self-injecting facilities. A police workshop was held on 18 May, and those who attended raised a number of concerns, including: that public nuisance and crime would continue in the event of possible injecting facility trials resulting in more public dealing; legal protocols for the operation of the trial; the potential for drug dealers to frequent the areas — the honey pot effect — around the self-injecting facility; the injecting facility's capacity to provide child care or protection for children of drug users using the facility; the legal requirements due to the duty of care and civil risk; probity checks and protocols for staff operating the proposed injecting facility trial; the quality of the drugs being used in the facility; the concentration of the drug problem in Springvale if the trial went ahead — the honey pot effect again; and the political cost to government of a failed trial, making it unlikely for support of an injecting room facility to be withdrawn in the event of its failure.

That is an important point. The proposed facilities are a trial, and the argument of the government has often been, 'It is only a trial. If it does not work at least we will know we tried'. However, the police have raised a salient point: how often does a government finish off a failed trial without sustaining damage to its credibility or political damage? The police were also concerned about the siting of the facility, particularly given the parameters specified by the Drug Policy Expert Committee.

The public forum held at the Springvale town hall on 12 May, which my colleague the Honourable Andrew Brideson and other members of Parliament attended, was addressed by Dr David Penington, Peter Faris, QC, representing the Springvale Traders Association and Communities, and Eddie Micallef, a former member for Springvale in the other place, whom I personally

commend for his commitment to the issue and to trying to resolve the problems facing his community. He is very committed to the community, and I am sad, as is my colleague Andrew Brideson, that he has departed the Parliament. He is a good friend and is very committed to finding the right public policy solutions to many of the problems facing our community.

People attending the public forum were surveyed about their support or lack of it for the trial. An overwhelming 90 per cent said no, they did not support the trial. I refer the house to some of their comments:

> Why are safe injecting facilities no. 1 priority when detoxification and rehabilitation services are not in place?;
>
> A safe injecting room doesn't confront the major issues;
>
> Why service the problem and solve it later?;
>
> …
>
> Will injecting rooms stop old ladies being mugged … will it keep needles and syringes off the streets?

They are some of the issues raised at that forum and, more importantly, raised with individual members of Parliament throughout the period of consultation. A novel way to survey the residents in attendance at the public forum was in the form of electronic service meters, which are like the audience reaction meters seen on *Who Wants To Be A Millionaire?*.

Hon. K. M. Smith — Like the worm!

Hon. M. T. LUCKINS — Yes, Mr Smith, like the worm. The following question was asked in English, Vietnamese and Cambodian:

> Do you support the trial of an injecting facility for heroin users in the City of Greater Dandenong?

There were 425 respondents and 378 of them — or 89 per cent — said they did not support the trial of an injecting facility in their city. The results were clear, and they were consistent with the results that the council obtained through its consultation in workshops and through the telephone calls it received in response to information sheets circulated throughout the area.

The City of Greater Dandenong conducted a very good, solid and comprehensive consultation, and I commend it for its efforts. That is my electorate, and in my opinion and in the opinion of other members in both chambers on the opposition and Labor sides that view is consistent across the community, given the feedback we receive from the people we were elected to represent.

There has been also a grassroots community campaign in the central business district against the establishment of injecting facilities. Residents 3000 and Central City Retailers have openly voiced their opposition to the experiment and expressed their preference for a greater crackdown on supply within the CBD.

Unlike the Labor Party, the Liberal Party, having voted unanimously to reject the proposal, formulated a strategy to deal with the problem and released 'Combating drugs — a safer way'. That comprehensive program has been costed at around $80 million per annum. According to the Liberal Party, the first priority of government should be to do everything it can to prevent young people from using illegal drugs in the first place so they do not go down that never-ending spiral of addiction with the resultant upheaval within their lives caused by not being able to hold down jobs, family breakdowns and so on.

The other priority should be to prevent drug use in future generations. We have to educate all our young people from a very early age to say no to drugs because all drugs are harmful, including prescription drugs if taken without proper medical authority as well as illicit drugs and alcohol. The next Liberal government, which will be voted in at the next election, will build on the foundations of the successful $100 million Turning the Tide strategy which was established by the previous Kennett government. It will establish the Best Start program, designed to provide seamless support for families from pre-birth to the start of primary school, and it will assist families who need additional support.

A Liberal government would fund visiting hospital community counsellors to help expectant parents identified by health professionals as being at risk from drug use. That initiative is important because it is often the unfortunate newborn babies who struggle with the effects of a drug-addicted mother because they have the same drug flowing through their veins and must go through the experience of going cold turkey. I have seen babies in that situation and it is heartbreaking to watch.

A Liberal government would also provide additional professional development for infant welfare professionals to identify at-risk parents and children and provide them with information and support. As soon as a problem is identified there is an obligation for a health professional to refer the family or the individual for more assistance.

A Liberal government would provide funds for schools to conduct drug awareness seminars for all parents of government and non-government secondary school students at the beginning of each school year. It is important to educate parents, and today that process

takes place more often than at times in the past, such as when I was growing up. Education is more prevalent because drugs are more freely available. It is important to educate parents about what to look for and about how to recognise the warning signs of a child using drugs, or even contemplating drug use. It is important to send a consistent message by saying, 'You say no to drugs because all they will do is harm you'. That is crucial to ensuring a generational change in drug usage in Victoria.

A Liberal government would also develop and fund community education programs to introduce or reconnect people with drug problems to training networks. I have spoken to addicts. Some might be fortunate enough to find detoxification beds, but when they leave a facility, although not physically addicted to the drugs, they go back to the same environment and the same psychological problems that led to the drug use in the first place. They hang out with the same people and might be unemployed. The issues have not been addressed.

Not only is it important to rehabilitate and change the attitudes of all users, young and old, it is also important to give them a sense of worth and make them feel they have something great to contribute to the community, because they do. Training is a big part of the process of ensuring users feel they are making a contribution to their own futures without having to depend on the government.

A Liberal government would do more on the issue of mental health because unfortunately there is a connection between mental health and drug use. More integrated programs and social support are needed to address that issue in the health sector. Greater coordination of the drug effort is needed if we are to make a dent in the problem.

A Liberal government would establish a commission for drug education and enforcement to coordinate all areas of government in helping to combat the drug problem. It would also establish a drug help line so that people could ring up about friends and families and get on-the-spot advice in a similar manner to the service provided by Parentline. The service could assist people who are struggling and do not know who to ask for help, or people who are embarrassed to ask a friend or relative what to do when they suspect a child or friend is using drugs. It is also difficult to access impartial but professional and consistent advice.

The most important aspect of the Liberal Party's policy for the immediate combating of drugs and the problems faced in Victoria is detoxification and rehabilitation for people who are already suffering an addiction to drugs. It would establish 500 more detoxification and rehabilitation beds and increase outreach contacts, particularly in country and regional Victoria. It would implement a program of compulsory treatment for overdose victims, which is very important. Often ambulance drivers and paramedics attend overdose victims who, once they have been resuscitated with Narcan — ambulance officers save their lives; it would be a terrible job and they must be commended for the work they do — refuse additional treatment and refuse to be admitted to hospital. Unless there is compulsory treatment overdose victims will never receive the proper care and attention they need. That issue is another strong plank of the Liberal Party's proposal.

Under the proposal additional mobile intensive care ambulances would be provided focused on high-risk drug overdose areas such as Springvale, Footscray, Melbourne, Richmond and St Kilda.

A Liberal government would look at the expansion of alternative pharmacotherapies, not just methadone but Naltrexone and other therapies as they became available, to try to get people off drugs. It would also resource the establishment of long-term rehabilitation and integration hostels. That is important when looking at trying to get users to feel connected and part of a community they can contribute to and be good members of, and in which they have a role to play.

The evidence I have produced in the debate points to a clear community preference for rehabilitation and treatment options for users and effective policing to identify pushers, suppliers and importers. There is no real community support for self-injecting room experiments, and the proposal cannot be implemented without it. I hope the government will now focus on the issues of most importance to people addicted to drugs, who are potentially facing death from drug use. I hope the government will now focus on education, rehabilitation and early intervention. I hope it gets its eye back on the main game and away from a social experiment that was doomed to fail from the start. The Liberal and National parties oppose the bill and I am pleased to have contributed to the debate that has doomed the experiment.

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

Debate adjourned until later this day.

Sitting suspended 6.27 p.m. until 8.04 p.m.

ESSENTIAL SERVICES LEGISLATION (DISPUTE RESOLUTION) BILL

Second reading

Debate resumed from 6 September; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. PHILIP DAVIS (Gippsland) — I shall make some relatively brief remarks on the bill because I understand that a number of other members will go into greater detail than I intend to. However, some critical points must be made to develop the framework for the debate.

The Essential Services Legislation (Dispute Resolution) Bill is part of the government's process to establish the essential services ombudsman to provide a customer dispute-handling mechanism for utility industries that is independent, fair and cost effective.

I will come back shortly to the word 'independent' in the preamble, which is a reference used a number of times by the government both in the legislation and indeed in the general rhetoric surrounding the bill. The effect of the bill is to amend the Electricity Industry Act, the Gas Industry Act, the Water Industry Act, the Water Act and the Melbourne Water Corporation Act to provide for customer dispute resolution.

I point out that although the bill attempts to fulfil a government election commitment to establish an ombudsman role it fails to do so. The election commitment was to establish an essential services commission to regulate utilities. As a consequence the bill does not fulfil to the letter the policy commitment the government made at the 1999 election.

It is important to note also that the bill fails specifically to extend the power of the ombudsman to cover the public transport sector, which was another election commitment. Therefore the bill attempts to develop a legislative framework that simply subverts the policy stand the government took prior to the election.

The Brighter Ideas policy released during the election campaign made a detailed and clear commitment to establish an independent essential services ombudsman to handle customer complaints and make rulings on compensation. That word 'independence' appears again, and I will come to that shortly. But within the detail of the policy the then opposition said:

> Labor will transform the Office of the Regulator-General into an essential services commission …

The policy then described the establishment of an independent essential services ombudsman to handle customer complaints and make rulings relating to compensation. The justification given for that policy position was:

> Currently complaints about the energy companies are handled by the Energy Industry Ombudsman. The Energy Industry Ombudsman scheme is not the best we can have. This is because it is not truly independent. The current ombudsman is funded by the privatised energy companies.

After saying all that — and mindful that its so-called independence is referred to a number of times — in reality the bill does not significantly change that scheme. A press release from the then Minister for Finance, Mr Brumby, on 20 April referred to the release of a discussion paper that would include customer complaint mechanisms for energy, water and public transport utilities. Furthermore the word 'independence' was alluded to on a number of occasions in the discussion paper.

> The existing arrangements

so the paper states:

> do not meet the government's policy commitments for comprehensive and effective mechanisms for dispute resolution for customers and operators of all utility businesses.

Further it states:

> There are no formal arrangements for an independent ombudsman scheme for public transport.

I am quoting from the discussion paper released by the Department of Treasury and Finance in association with the announcement of the former Minister for Finance to which I referred earlier. The central point about the independence of the ombudsman is interesting. I refer to the discussion paper which, under the heading '3.4 — Independence of the ombudsman', states:

> While it is reasonable that utility businesses rather than taxpayers should bear the cost of resolving complaints made against them it is important that funding the scheme in this manner does not undermine the independence of the ombudsman or impinge on the ability to make binding determinations.

I shall highlight the points made by the government about the framework it is establishing. The reality is that the scheme builds upon the arrangements put in place and left by the coalition government. In her second-reading speech the Minister for Energy and Resources states:

> … the government has come to the view that the ESO is best established by building on the existing energy industry scheme to include water and sewerage customer complaints.

She then acknowledges that the government did not propose to include public transport within the ESO at that time.

It is important to note that the bill does not in any material way change the mechanism by which the essential services ombudsman, now known as the Energy Industry Ombudsman (Victoria), or EIOV, will be funded. I note that the government has expressed a particular concern about two issues. One is that the ombudsman scheme and arrangements must be impartial and be seen to be completely independent in every respect. However, the government proposes no effective change to the funding mechanism in the already established Energy Industry Ombudsman scheme. I simply raise that matter for the minister to note.

We are concerned to hold the government to account for its views represented in the past in policy but now ignored. It is critically important to remind the house that notwithstanding the criticism by the then Labor opposition that the arrangements in place for energy industry consumers were ineffective, now in government it seeks to build on the base established by the preceding government.

The opposition will not oppose the bill, but it is important to recognise that it is being built on an effective base and I look forward to its ongoing development.

Some parts of the legislation need to be noted. It is interesting to note that the government does not have a satisfactory framework for the development of its legislation. I understand the government proposes — tonight to introduce house amendments that will reflect on issues that were raised with the government while the opposition was reviewing the bill at policy meetings. It is regrettable that the opposition, in a committee process of its own, should have to point out to the government the deficiencies of its legislation and for the government to make house amendments that should and would have been unnecessary had the proper processes been followed by the government in developing the detail of the legislation.

To demonstrate the importance of this type of scheme I cite the most recently publicly available annual report of the Energy Industry Ombudsman (Victoria) and will take some key points from it to put on the record the relevance of this type of facility for customers. In the 1998–99 financial year the Electricity Industry Ombudsman (Victoria) became the Energy Industry Ombudsman (Victoria) — that is, before 17 March 1999 it had been clearly focused on the electricity industry but following 17 March it commenced a role to resolve disputes in the gas as well as the electricity industries.

The EIOV handled 3825 electricity and gas cases during that year, which represented an increase of 5 per cent compared with the number for the previous year. Of the cases lodged with the ombudsman, 3139 or 82.07 per cent were from residential customers with 630 or 16.47 per cent of cases lodged by businesses. Some 25.01 per cent of cases were lodged by rural customers, which is particularly important. We sometimes look at such issues in aggregate terms, but it is important to note that a quarter of the cases came from rural Victoria. That is approximately in proportion to the ratio of population split between urban and rural Victoria, and it is important that that figure be noted. Interestingly, it was not a high increase; it was only a 2 per cent increase on the previous year.

In both the gas and electricity industries more than 50 per cent of all issues were billing issues, which is hardly surprising. Of the cases investigated by the ombudsman, 72.3 per cent of all electricity and 74.5 per cent of gas cases were closed through conciliation, while only eight electricity cases required a binding decision of the ombudsman.

The ombudsman commenced the preparation of a strategy for effective complaints handling in the lead-up to full competition in 2001. I point out that preparation for full competition in January 2001 was obviously unnecessary, given that the government has announced it does not intend to proceed with full retail competition in the electricity industry for some time. Without pre-empting debate on another bill before the house, it is with some disappointment that I mention that the ombudsman will not have the opportunity to deal with those issues earlier rather than later.

It is important to recognise the role that such a disputes settlement procedure will create for customers. There are always people in the community with issues they feel they need assistance to resolve. On many occasions members of Parliament provide a mediation process for their constituents. However, clearly an independent arm's-length office such as an ombudsman's office plays a useful role.

The question that arises here is: is this the best mechanism? I am confident the arrangements that evolved with the restructuring of the energy sector leading to the establishment of the Energy Industry Ombudsman service were well tested and found to be satisfactory. I believe the government approach, which is to build on that base and develop it into the future,

has some merit, and I give the government credit for that.

However, I am concerned about the hypocrisy in the rhetoric of the government as evidenced by what it had to say in opposition and what it is implementing in practice in government. That is clearly another policy backflip by the Bracks government where it is not prepared to adhere to the policy commitments it made during the election campaign. It has obviously found, with the benefit of experience, that the criticism it made of the arrangements put in place by the coalition government was not warranted. It would be desirable if subsequent speakers from the government side could perhaps acknowledge that during the debate. If Mr McQuilten has the opportunity to speak on this bill I would be delighted to hear him make some small gesture of recognition by the government for the good work that has preceded the introduction of the legislation rather than simply claiming the credit for actions that have been taken by others in the past.

I am concerned, as I said, about the independence of the office of the ombudsman, given that the industry will be funding the arrangements as it currently does. If we are to believe the rhetoric of the former opposition, now the government, in a policy sense, this independence is potentially prejudiced.

I should be interested to hear the views of the government. Given that other speakers wish to contribute and given that the house will go into committee to deal with government amendments as a result of some assistance provided by the opposition's policy committee as a result of testing the bill in a policy sense and finding it wanting, there will be plenty of opportunity for me to make further comment.

Hon. P. R. HALL (Gippsland) — When legislation comes before the house usually the first thing honourable members do is read the second-reading speech. If they are further interested they read the bill itself. The first sentence of the second-reading speech of the Essential Services Legislation (Dispute Resolution) Bill states:

> The purpose of this bill is to enable the establishment of an essential services ombudsman.

I thought that was clear. However, when I looked at the bill I found that the purpose of the bill states:

> The purpose of this Act is to amend the Electricity Industry Act 1993, the Gas Industry Act 1994, the Water Industry Act 1994, the Water Act 1989 and the Melbourne Water Corporation Act 1992 to provide for customer dispute resolution.

I wondered whether I was reading the right bill or had the right second-reading speech. The second-reading speech said the purpose was to establish an essential services ombudsman and the bill was to provide for customer dispute resolution. I am still puzzled about which is the correct statement. Both documents are headed exactly the same, Essential Services Legislation (Dispute Resolution) Bill. However, both have different purposes. I read further through the bill and compared it with the second-reading speech. In part, the second-reading speech says:

> This bill fulfils a key government election commitment to establish an independent ombudsman …

If one reads every clause of the bill there is no mention of an essential services ombudsman. Those words do not occur anywhere in the bill, yet when one reads the second-reading speech they occur over and over. Not once in the text of the bill is the essential services ombudsman mentioned.

The second-reading speech that the government provided with the bill at best is misleading. Page 3 of the second-reading speech, although the pages are not numbered, states:

> The bill will, therefore, impose a requirement on relevant electricity, gas, and water business to be members of such a dispute resolution scheme as a matter of law.

It does not do that. One has to go to the explanatory memorandum and carefully read every clause of the bill. It provides a requirement that each licence service provider in electricity, gas and water must enter into a customer dispute resolution scheme that is approved by the Office of the Regulator-General. The minister smiles at that comment. That is what the bill does. Each of the service providers has to enter into a dispute resolution scheme. It does not have to be a common dispute-resolution scheme or with the essential services ombudsman, as proposed by the government in its policy. The government deserves a rap on the knuckles about that. The second-reading speech was misleading as are the clauses of the bill.

I make the point loud and clear that when I read this I was totally confused. The second-reading speech does not reflect the content of the bill. That is, at best, misleading the Parliament. The government should be brought to account on that matter.

The bill requires service providers of electricity, gas and water to ensure that they have an appropriate dispute resolution scheme approved by the Office of the Regulator-General. It does not have to be common but it must be a scheme that is approved by the Office of the Regulator-General.

The National Party does not have a problem with that concept. All such service providers should have some form of scheme in place. Probably most of them already do. If there is a dispute I know the local water, electricity and gas authorities throughout the state have a dispute resolution scheme in place. I am also aware that the majority of providers of electricity and gas have dispute resolution schemes that are overseen by the Energy Industry Ombudsman. That system has been working well in the past, and the National Party has no dispute with that.

The proposal and the policy of the government is to extend that to include urban and metropolitan water authorities into what will be a broader scheme under the heading of the essential services ombudsman. The National Party does not have any problem with that notion, although it will have to work through the details. One should not be misled as to what this bill is about. Currently, most, but not all, electricity and gas retailers and suppliers in this state are now signatories to the Energy Industry Ombudsman as the peak resolution body. Most would have a locally based dispute resolution mechanism. My constituents with complaints about electricity or gas would go to the supplier of the service. If they cannot get satisfaction they can then go to the Energy Industry Ombudsman to try to have the matter resolved.

National Party members have no difficulties with that as a common scheme applied across a greater range of services. We are aware of the discussion paper issued by the Department of Treasury and Finance in April this year entitled 'Essential services ombudsman consultation paper'. The National Party has no objection to the content of that paper, although it covered only eight pages in total. It was appropriate that all authorities have the opportunity to have input into the formation of a common scheme.

The paper went through the possibilities. An attachment outlines the role of the Energy Industry Ombudsman of Victoria. It makes a few interesting comments which I was grateful to receive and which added to my knowledge. It says the Energy Industry Ombudsman of Victoria has the power to determine disputes, and includes payments of compensation to customers of up to $10 000, or up to $50 000 with the consent of the parties. It also states that:

> Most gas and electricity businesses fulfil this obligation through membership of the EIOV.

It also mentions that:

> A small number of niche energy retailers covering small numbers of large energy customers participate in alternative schemes that have been approved by the ORG.

It also refers to the fee that has been paid by those service providers to become part of the scheme. The fee is fixed up to $20 000 per year and a pro rata fee is paid for disputes heard by the Energy Industry Ombudsman of Victoria.

The National Party has no real criticism of the discussion paper that was issued earlier this year. Its real concern is that it does not know how the scheme will be applied to the water industry, because although the discussion paper floated electricity, gas, water and public transport operators as potential participants in a common dispute resolution scheme the legislation includes only electricity, gas and water operators as potential members of such a scheme.

In the second-reading speech the minister indicated that the government had decided not to include public transport as an essential service at this point in time but that it was a potential future possibility.

No-one knows how membership of such a common scheme would affect the water industry and what costs it would incur. Not even members of the industry know what it would cost to become a member of the scheme.

A letter dated 26 September from Mr Andrew Cooney, industry officer of the Victorian Water Industry Association, states in part:

> An important issue of concern for the industry and one that needs to be addressed in establishing the ESO is the cost structure for members participating in the scheme. It is imperative that the cost structure is fair and reasonable providing a cost-effective means for industry to resolve disputes. The association strongly recommends that a transparent cost structure be established that bases fees on the level of usage made of the ESO by the various utilities that would make up its membership.

So the industry has concerns.

From the National Party's point of view the legislation is somewhat premature and the second-reading speech is misleading and makes assumptions that there will be a common dispute resolution scheme. At the end of the day National Party members faced a dilemma about whether they should support or oppose the bill. We do not argue against the concept, but we definitely do not support a requirement that all utility service providers enter into a common scheme. Luckily the bill does not require that. I repeat: the bill requires all such authorities — electricity, gas, and water — to have a dispute resolution scheme that has been approved by the Office of the Regulator-General. If one of the water

authorities in my electorate sought approval for a dispute resolution scheme that was outside any other scheme shared by other water authorities, I would support it to the hilt.

Although the National Party is happy to support the bill, I must say that it does not support the second-reading speech because it is misleading. It makes assumptions and contains blatantly untrue statements. It reflects poorly on and again highlights the ineptitude of the government in introducing legislation.

Somewhat reluctantly the National Party does not oppose the bill. However, the house can be assured that its members will maintain a careful watch to see whether or not the water suppliers in their electorates enter the common scheme. We will at all times uphold their right to seek approval for a dispute resolution scheme which is independent of any other scheme while recognising that it must be approved by the Office of the Regulator-General.

Hon. D. McL. DAVIS (East Yarra) — In contributing to the debate on the Essential Services Legislation (Dispute Resolution) Bill I note the comments that have been made by a number of my colleagues, including both honourable members for Gippsland Province. They have brought forward a number of important points. I want to reinforce a number of those and make some additional points.

I commence by picking up a point made by the Honourable Peter Hall. He made a number of comments about the imprecision with which the bill is phrased and about the fact that in many respects it is misleading in its aims. I can only echo and agree entirely with those comments. The bill has been presented in haste. It has not been thought through clearly and has all the problems which the honourable member pointed out and which I do not need to repeat.

However, that is only one symptom of what is wrong with the bill. The government plans to introduce a number of amendments, which I think also reflect the haste and lack of precision in the drafting of the bill. Many opposition members were greatly surprised as they went through the process that the government provided a useful briefing for the opposition. I thank Minister Brumby for the briefing and the material provided. However, as we worked through the briefing with the departmental advisers it became clear to us that things such as the term ‘an authority’ with respect to water bodies had not been thought through with any great clarity. I might say that Mr Lucas is the one who spotted many difficulties with the bill as to its definition of what an authority is.

Hon. N. B. Lucas — The Lucas amendments.

Hon. D. McL. DAVIS — I think they can safely be called the Lucas amendments. The opposition has a constructive role in pointing out such things to the government, and I appreciate that the government has picked up the opposition’s suggestion that the definition in the bill of an authority was unsatisfactory. With those comments about process I will move to talking about the background to the bill. Before doing so I make it clear that the opposition is unhappy with the way the government has introduced the bill and with the great deal of confusion surrounding aspects of it. I thank a number of opposition members for bringing some of these points to the government’s attention.

Before I talk about the bill itself I will say something about the background of the energy industry in Victoria. It has been a highly regulated industry in this state for a long period, and I refer to the time of the former State Electricity Commission. It is not necessarily my place to review the history of the industry in Victoria, so I will not do so other than to say that the past seven or eight years have seen a great deal of reform. Many of the concessions made by the government in terms of the differences between on the one hand its policy before the last election and on the other hand the reality of this bill and what it plans to introduce recognise that many of the reforms of the past seven years have been constructive and important reforms. In making those comments I pick up the points made by the Honourable Philip Davis.

The energy industry is an important and crucial industry in Victoria’s future. The delivery of electricity, gas and other essential services in a cost-effective, timely and reliable way is essential to Victoria’s growth and to enable our industries to compete internationally. Throughout the world there is a greater and greater focus on the quality of energy industries and the importance of providing timely, quality energy in an environmentally sound and highly cost-effective way.

During the Kennett government’s period in office considerable savings were made in the cost of energy. There were reductions for many households of an average of $130 a year, and much more than that for small businesses. It is important to look at those cost savings in real dollar terms.

Similarly the previous government put a great deal of time into reforming the water industry, and during its time in office the real cost of household water bills actually fell.

The focus on efficiency, reform and quality of water is important. A feature of the Kennett government was the upgrading of Victoria's water standards. It is important to place the bill in the context of the last seven years of the former government's reforms.

As has been already said in this house, it is important also to ensure the rights of consumers are protected not only through cost or quality but in the interface between any energy industry supplier and the consumer. The bill is a step in that direction. The opposition does not oppose most of the bill, but expresses a number of reservations about aspects of it.

The new supply of services is another question. In the context of the bill the opposition looks to the future with a certain amount of concern about Victoria's competitiveness and the ongoing quality of supply. There are some clouds on the horizon and I will turn to those during my contribution.

In recent times the government has not achieved a good record in the energy industry. At the start of this year Victoria faced difficulties in the energy industry.

Hon. C. C. Broad interjected.

Hon. D. McL. DAVIS — It is this year, after 12 months of a new government. Concerns are genuinely felt in the community and by the opposition about those matters. The state faces a significant economic position.

Hon. R. F. Smith interjected.

Hon. D. McL. DAVIS — I note your concerns, Mr Smith.

The intent of the bill is to allow a mechanism to be established to resolve disputes between providers of essential services and their customers in an independent — I will return to the use of the word 'independent' to add to the comments made earlier by the Honourable Philip Davis — fair, and cost-effective way through the establishment of an essential services ombudsman (ESO). The Honourable Peter Hall spoke about the appearance of the word 'independent', or the phrase in which it is used, and the curious lack of its use later in the bill. His point was well made.

The government claims the bill meets an election commitment to establish the independent ombudsman to handle customer complaints and make rulings about compensation in the utility industries. However, the bill may not meet the government's pre-election commitments in many respects, as the Honourable Philip Davis said. There are variations between what the government promised before the election and what is delivered in the bill.

Although there is a role for holding the government accountable to its promise on every occasion, Parliament must exercise good sense in making the point that sometimes the needs of a government differ from its policies. This may be one such occasion, without saying the government should have a catch-all provision. Nonetheless, there may be some concession by the government in that it does not meet every aspect of its pre-election policy; maybe the government thinks the present system is effective and has delivered well for Victorians.

The creation of the ESO is intended to complement other proposals such as the declared intention to establish an Essential Services Commissioner and the plan to regulate the utilities industry so utilities can operate in the interests of consumers at large.

Some consultation has occurred, although concerns have been expressed, particularly among the electricity suppliers. The Regulator-General has brought down a number of rulings that provide some concern for many of the larger suppliers in the electricity industry. Without wishing to take sides, and in the context of the bill, I point out that the opposition is aware of the comments made publicly, the concerns expressed by the suppliers and the fact that Victoria is in an international environment with a great deal of competition, where the state needs to provide security for firms that invest in it and to remain competitive with other jurisdictions or firms in investments and opportunities for investors.

It is important that the government send the right signals to the investment community within Victoria, Australia and internationally. I am not sure that the signals now sent by the government in the energy industry are entirely satisfactory.

An article on the front page of the *Australian Financial Review* only a few weeks ago raised the spectre of contract repudiation and variations. I am not sure that is strictly the correct summary of the position, but I am concerned that senior and large players in the industry feel that way and are prepared to say so publicly. Whatever the reality, that should be a matter of concern for Victoria. The government needs to be careful in ensuring there are no lost opportunities for those who have invested large amounts of money in the Victorian energy industry.

It is unsatisfactory to have a situation where private firms believe and are prepared to say publicly that there

is a question mark over contracts being honoured to the fullest. The government must be held accountable in that area because in its pre-election policy on financial responsibility it made the point that elected governments enter into contracts on behalf of Victorians to the extent that if they know they are in operation, they should be honoured. Within the first few weeks of coming to office the Premier made statements on that subject. For example, in the *Herald Sun* he is quoted as having said that the days of tearing up contracts are over. He said that if the Kennett government signed a contract, his government may not like it, but the Bracks government was not going to be a wrecker.

It is important that those statements or principles are honoured. Victoria enjoyed a huge competitive advantage during the last seven years of the Kennett government in certainty of investment. Victoria should move with the regulation of the electricity and energy industry in a cautious manner and in such a way that positive signals are sent to the investment community. On the evidence that is not the case now, as shown by concerns expressed by a number of large suppliers.

I return to the bill. The government has said it is appropriate that the establishment of the ESO reflect its stated confidence in the operation of an Energy Industry Ombudsman. We respect and share that confidence because it has worked well, as has the system in general. The ESO initiative, according to the government, will attempt to ensure that in the event of an unsatisfactory complaint resolution process at a local level, customers of government-owned water authorities throughout Victoria will have access to external and independent complaint-handling schemes through a single-point contact. The opposition sees sense in that approach.

I will comment further about the fact that, as pointed out by the utilities, it is a funded scheme. The Honourable Phil Davis has commented on the independence of the dispute-settling mechanism and the Honourable Peter Hall made the point that there is no requirement for any particular scheme and that there may be several schemes. That is a healthy situation because different arrangements may apply with different groups of suppliers, and as the industry develops it may set up its own dispute-settling mechanism. I support that flexibility in the bill.

The government says it is already working with the Energy Industry Ombudsman, the Regulator-General and the water businesses and customer groups to implement the new scheme. That is a positive initiative. The bill will establish the underpinning for the scheme. The government says the continuing effectiveness of the scheme should be subject to independent oversight. The opposition agrees with that. The government wants to retain and strengthen the role of the Office of the Regulator-General. I pick up on the point made by Mr Lucas. The opposition believes the Regulator-General has done an excellent job.

Hon. N. B. Lucas — He is about to be wiped out.

Hon. D. McL. DAVIS — I understand those sentiments. There will be some shifting of responsibilities. The opposition agrees in principle with the aims of the bill — the accessibility, the low cost to consumers and the independence of the members, although it makes the point, as the Honourable Philip Davis did, about the need for fairness and accountability and the requirement to publish its decisions. As pointed out earlier, the opposition is concerned about the vagueness of some parts of the bill, such as the process it implements, the lack of precision and the fact that not all essential services are covered.

The discussion paper flagged the possibility that transport could be brought into the system. It was sensible not to incorporate transport at this stage. I note that the Honourable Chris Strong is shaking his head. It would not be sensible to incorporate transport into the purview of the bill.

The opposition has made a number of important points. It is concerned about some of the regulatory authorities. People have concerns about the way appointments to boards have been made. Those things stick in people's minds when one talks of independence and fairness. A number of strange appointments have been made to the electricity and gas boards recently; nonetheless the opposition does not oppose the bill.

We are concerned about the lack of precision of some of the clauses. I note that the government proposes to move amendments during the committee stage and that they are in line with the aims and objectives of the principal act, so in that respect the government demonstrates that it is sincere in its intent. Therefore the opposition will not oppose the amendments.

The amendments seek to clarify the definition of authority, particularly in regard to water authorities and the coverage of new and existing licence-holders. Proposed amendments 2, 4 and 6 reflect the issue of process. It was not clear at the opposition briefing whether the bill was intended to cover both new and existing licence-holders. The wording of some clauses leaves one to conclude it may well not apply to existing

licence-holders. I note the amendments attempt to clarify that issue.

I make the point that the application of the provisions to existing licence-holders is in tension with the government's commitment to honour contracts and not to alter the ground rules adopted by significant investors in this state. However, the opposition does not oppose those provisions because they fit with the intention of the bill and the promises the government made prior to the election.

It is important to place on the record the opposition's concerns about the process and the drafting of some clauses that are imprecise and confusing about what the government will actually achieve, no matter what it said it intends to achieve with the provisions in this bill. Rural Victorians will be confused by the addition of many water authorities other than the larger water authorities, which makes the scheme problematic in a number of ways.

In concluding my contribution I note a number of achievements of the Energy Industry Ombudsman. The highlights of the year in the 1999 annual report of the Energy Industry Ombudsman include:

> The efficiency of the EIOV in closing cases continued to improve with the average age of closed electricity consultations decreasing to 37.7 days and the closed electricity complaints decreasing to 69.8 days. The average age of closed consultations was 30.8 days and closed gas complaints was 30.3 days.

They are significant measures of achievement and efficiency. Further down in the list of success points it states that:

> 72.3 per cent of all electricity and 74.5 per cent of all gas cases investigated by the EIOV were closed through conciliation while only eight electricity cases required a binding decision.

It is preferable for these schemes and, I hope, the scheme the government will introduce, to operate effectively, which means minimal legalism, maximum conciliation, maximum efficiency, smooth and fast turnover of cases, and accessibility to the scheme, enabling consumers, small and large, to access it quickly and efficiently and to have their cases heard fairly and independently. I will return to the word 'independent' in a moment.

The government said in its policy that it wanted an independent scheme. Before the last election Labor heavily criticised the scheme in operation, partly on grounds of independence. The scheme the government has introduced is not significantly more independent in any way that I can see — it is not significantly more transparent and the funding source is no different in that it is funded by the industry itself, which was seen by Labor before the election to have compromised the independence of the scheme. The proposed scheme replicates that funding source, which is not the sort of independence the government talked about when it was in opposition.

Parts of the bill have been drafted in a sloppy and thoughtless manner. They appear to have been lifted from a policy document rather than having been carefully drafted and thought through in the way one would expect bills to be drafted.

Clause 3 in part 2 inserts proposed section 163AAB, subsection (2)(d) of which refers to 'the need for decisions under the scheme to be fair and be seen to be fair'. I was surprised to read such a clause, which could only lead to confusion. I do not disagree with the intent of the proposed subsection because I believe the system should be fair and should be seen to be fair, but it would provide scope for all sorts of legal manoeuvres. At the briefing the opposition asked the very simple question, 'Does that mean that, if a complainant does not believe the complaints procedure is fair, ipso facto it is not seen to be fair and therefore on its own criteria the system must fall down?'. That is a very unusual subsection to have in a bill. However worthy its intent, it could open up a whole series of difficulties.

I am not familiar in other areas of law with the concept of something that is seen not to be fair in the eyes of a complainant being of itself sufficient grounds to undermine the system. That subsection is replicated in the bill in relation to each industry covered by it. When the government brings future bills before the house it should think carefully about those aspects of them and draft them in a way that aims at clarity and at achieving its policy objectives with precision.

Notwithstanding that the bill has some merit opposition members have happily placed a number of concerns on the record. We look forward to the committee stage of the bill when we can look in detail in a constructive way at some of the issues we have flagged, and I hope we will achieve a better bill.

With those caveats — in particular the opposition's concerns about the future of the industry; the importance of the state being positioned as a competitive investing environment; the importance of the government focusing strongly on projecting Victoria as a place where one can do business in the energy and other industries with certainty and security; and with a plea to the government to ensure for the benefit of all Victorians that those things are made clear

to the international and national investing communities — the opposition does not oppose the bill.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to speak in support of the Essential Services Legislation (Dispute Resolution) Bill. One of the reasons the Bracks government has introduced the bill is that one of its election commitments to the Victorian community was to establish an independent essential services ombudsman to handle complaints and disputes relating to all utility industries. The bill is one step forward by the Bracks government in setting up that complaints mechanism.

Honourable members have been given a very good outline of the details of the bill, which was introduced following lengthy discussion and consultation with the public. It provides consumers with a mechanism for solving problems and complaints relating to the electricity industry, the gas industry, the water industry and other Victorian services. Given that the previous government privatised the electricity and gas industries, it is good for consumers to be able to complain about services they receive or the bills for those services.

The Bracks government understood that it was clearly time for a more accessible, easier, more independent and less expensive system of resolving disputes to be organised. The bill establishes an essential services ombudsman to provide customers of all Victorian utility industries with a dispute-handling mechanism that is cost-effective, fair and independent. The bill demonstrates to members of the community that the government is listening to them and wants them to be prepared to put their cases forward.

In the past many people were afraid to go ahead with complaints to the ombudsman because they knew it was not easy to get their cases heard. Sometime the costs involved were very high. The bill will give Victorian customers confidence to use electricity, gas or water services. The government believes transport is a different issue. The government will implement the system as quickly as possible so that Victorian consumers get the benefit of the service.

The government will set up a one-stop shop complaint mechanism so that all services will be in one place. People will be able to telephone and have greater access to services. People all over Victoria, whether they be from country, rural or metropolitan areas, will be able to telephone the service. The telephone calls will not attract STD or long-distance charges.

The service will be set up to handle complaints. In April this year the government consulted with the community. It prepared a consultation paper that was released to 120 stakeholders in the essential services industry. The government received approximately 50 responses from industry and consumer groups, and they have been vital in developing its response. The government has tried to deliver good policy. It has adopted a responsible approach for the people and the suppliers, who are pleased to see the government doing something to restructure the industry.

The current Energy Industry Ombudsman, Ms Fiona McLeod, will be appointed as the new essential services ombudsman and that body will operate from next year. The same person will be in charge. She has good experience in chairing the board.

The government knows it is important to have the one-stop shop so that people can complain about electricity, gas or water services. It is one of the best outcomes for Victorian consumers. The bill is good legislation and a good outcome for consumers.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! There is a conversation taking place on my left that is causing Hansard some difficulty. I ask honourable members to conduct their conversations away from the chamber.

Hon. S. M. NGUYEN — The gas and water customers can get all the information they need at the one-stop shop and they know how to make a case to the ombudsman. The scheme is good because it is not funded by taxpayers but by the utility suppliers. The new scheme will cost customers very little so people will be able to afford to use the service. The new body will be independent and should not be influenced by any person on the board. The board will have three independent consumers, three industry suppliers and a chair. There will be a total of seven board members. The board will play an important role in supplying information to the public and meeting the needs of the community.

From my experience I have learnt that a lot of people, especially those from non-English-speaking backgrounds, do not complain because they know it is too hard to communicate with telephone operators. Sometimes people must wait in long queues to access the telephone service and then they must listen and press the appropriate buttons to access the area required. If people cannot communicate well in English they will hang up. People often do not get the best service because they know little about their rights and what they can complain about. In the western suburbs of Melbourne, for example, where I live in Braybrook,

people do not telephone when the globes in the street lights are broken and need to be replaced.

For four or five years the company did not pay attention. It did not go around to find globes that needed replacing. Normally companies do not give information in other languages so the residents always complain to the council. The council's role is not to keep the lights on; it has different responsibilities. The council is not involved in supplying power; only the power company can do that. Those small things are important to many people who live in the suburbs. They do not understand the structure of the council and the separation between government and suppliers.

I will talk about my experiences with my constituents and neighbours. I am sure this new system will improve their understanding of the way Victorian communities work. There are many little things people do not know. They should be educated about how to use the service more effectively.

Being able to choose between different electricity companies will give consumers more rights and more options. If they are not happy with one company they can switch to another. I understand they cannot do that now; that will come next year. The bill will allow the consumers to choose which supplier they want.

That will happen with the gas industry as well. It will not be available next year but it could be available the year after. So consumers will have more choice about the companies that supply services in their best interests.

Lately people have been able to choose between the services offered by the communications companies, Telstra and Optus. I am sure all the companies will provide the best service they can to attract consumers. Consumers will enjoy the best services they can obtain.

The bill will help the community to better understand the role of the ombudsman. The essential services ombudsman will be very important for state services. People can also put their complaints to the water authorities. The complaint-handling process is a free service to the customers.

The government would like to see the role of the essential services ombudsman built on by improving on the service previously offered by the Energy Industry Ombudsman and including the water and sewerage industries. The Energy Industry Ombudsman was formed to impose the obligation of gas distribution licences, which is also very important.

In conclusion, the government made the right decision in making the promises it did to the Victorian community before the election. It is time for it to deliver on its promises to the Victorian consumers, and the bill is a step forward. I commend it to the house.

Hon. C. A. STRONG (Higinbotham) — I shall speak on the bill not because I believe it does anything wrong or terrible or because I have any problems with it, but because it creates a new high-water mark in hyperbole. Victoria has just had the rebadging of the Sustainable Energy Authority. This is just another bit of rebadging.

To elaborate on some of that hyperbole, the bill is entitled Essential Services Legislation (Dispute Resolution) Bill. That throws out a message that it is important, dramatic and vital for Victoria's future. But what is it? It is just a slight rebadging and extension of the ombudsman scheme that has been going for some time. The second-reading speech of the Minister for Energy and Resources states:

> This bill fulfils a key government election commitment to establish an independent ombudsman to handle customer complaints …

How was that key government commitment fulfilled? The minister explains as follows:

> Following an extensive public consultation process involving customer groups, the utility businesses and other key stakeholders, the government has come to the view …

And the view was that the existing ombudsman system was the best way to handle the problem. The government said, 'We will just tack water on to the existing ombudsman role, but we will not go all the way towards fulfilling our key commitment because we will not include public transport. We will just take the role of the existing energy ombudsman and add the responsibility for water. We won't bother about public transport — there will be no ombudsman for that'. The bill therefore has to rank as a new high-water mark in hyperbole.

I draw to the attention of the house another more serious issue. Although I do not see any other way out of it, members of the house need to watch this development. Ombudsmen schemes and ombudsmen are, by tradition, part of a system set up by the private sector to allow some mechanism for customers to deal with complaints in a less bureaucratic fashion.

In essence, it is a scheme set up by private enterprise to create the facility for it to better manage its customers without going through the whole court process. This legislation is unique in that the government is

legislating to force the private sector to have an ombudsman. I repeat that to date ombudsmen schemes, whether in banking or insurance, have been voluntary schemes set up, paid for and staffed by the industries involved. The bill forces through a licensing arrangement; it forces private sector industries to have ombudsmen schemes. In many ways one cannot disagree with that, but it is an interesting precedent because the same sort of legislation could be used to enact ombudsmen schemes across many other areas of the private sector.

I refer again to the high-water mark in hyperbole and ask: what key crucial area and crying need will this fulfil in the energy ombudsman area? It needs to be put into perspective, although that is not to say there should not be such a scheme. The existing energy ombudsman scheme, which covers electricity and gas, would service somewhere between 4.5 million and 5 million customers of the companies involved. An examination of the records of the current scheme reveals there are about 1300 to 1400 complaints a year from those 4.5 million to 5 million customers. It is hardly an industry that is riddled with endemic complaints.

Perhaps it is worth dwelling on statistics to put some of the issues into perspective. I refer to the latest review by the electricity ombudsman. In the past six-month period it received about 1400 inquiries. The definition of an inquiry is simply a request for information or assistance, and once the inquiries were dealt with at the information and assistance stage the figure came down to 172 consultations. The ombudsman defines a consultation as a matter that is more substantive than an inquiry and requires further investigation and contact with the company. The next level is complaints.

In other words, there is an inquiry when someone rings up with a problem. They get a bit of information and most of them go away. Of the 1400 inquiries, 172 perhaps need a little more help, so there is a consultation. At the next level those 172 consultations represent 115 complaints. A complaint is defined by the ombudsman as a matter that is relatively complex and requires detailed investigation. Taken to the next level, if it has not been possible to deal with those complaints and explain what is going on to the people making the complaints, the number comes down to 35 disputes that had to be settled by the ombudsman in the six-month review period. Those figures are worth looking at to put some scale on the scope of the problem. As I said, out of 4.5 million to 5 million customers there were 35 disputes in the last review period of six months.

Other issues are raised in the bill, particularly the independence of the ombudsman. It is important to note that at the moment the board of the ombudsman is made up of three representatives from the industry and three consumer representatives, with an independent chairman. The extended ombudsman scheme would probably take on board somebody from water and perhaps another independent person to balance that. At the committee stage I will ask the minister whether that definition of fifty-fifty representation with an independent chairman actually meets her definition of the independence of the new energy–water ombudsman, who will be rebadged as the essential services ombudsman.

I have no great issue with the bill because it changes very little, as I have outlined. It is basically a rebadging exercise with a whole lot of hyperbole about meeting election commitments. I await with great interest the meeting of the next election commitment, which is the proposed essential services commission, to see the extent of that and whether it will be just another rebadging exercise. With those few comments I look forward in the committee stage of the bill to teasing out some of the more detailed questions.

Hon. G. W. JENNINGS (Melbourne) — I am happy to support the Essential Services Legislation (Dispute Resolution) Bill, which will, among other things, amend the Electricity Industry Act 1993.

As the Minister for Energy and Resources indicated in her second-reading speech, the bill fulfils a commitment the government took to the people of Victoria at the last election to establish an essential services ombudsman. Following extensive consultation the bill does that in a slightly different way from what was originally envisaged. I will outline how what is proposed in the bill varies from the original undertaking and the rationale for the legislation.

The bill is neat and operates with a relatively light touch to introduce a scheme that will continue to be funded within the energy sector, as are the existing dispute-resolution procedures. It will provide a legislative framework and underpinning that does not currently exist. It will provide Victorian consumers with more certainty and a high degree of confidence in essential services in that a more solid legal framework will apply than under the existing regime, which relies on licence arrangements and does not apply to the water and sewerage industry.

They are key elements of this legislation. The current Labor government clearly undertook to provide to Victorian consumers of electricity, gas, water and sewerage an accessible, low-cost system of dispute resolution that has a degree of rigour that does not

undermine the integrity of the Office of the Regulator-General and builds on and enhances the role of the current Energy Industry Ombudsman of Victoria.

In April this year the government issued a document to outline the purpose of its intended reforms and sought the contributions of stakeholders in this sector. It sought the views of business, consumers and industry associations and received 51 submissions. The basic tenor of those contributions was that people support the existing regime and that there are many benefits in the way the current scheme operates for consumers and businesses alike. There was not only a high degree of confidence but overwhelming support for the operation of the ombudsman to be broadened to include water and sewerage.

Originally it had been envisaged that transport also may come within the scope of the present legislation, but there was little support for that proposal during the discussion phase. The way complaints are dealt with in the public transport sector is a matter the government will continue to scrutinise. It will make ongoing assessments about the most effective way dispute resolution can take place.

The decisions the government made that resulted in the introduction of this legislation were to establish the new office of essential services ombudsman by building on and improving the operations of the Energy Industry Ombudsman of Victoria to include water and sewerage, to impose an obligation on gas distribution licence-holders and to provide a legislative underpinning for the operation of dispute-resolution procedures within the overview of the Office of the Regulator-General.

At the latest the legislation will come into effect on 1 July 2001. It is the intention of the government for the scheme to be up and running by then, but the default setting is to come into effect as of that date. The current arrangements that have been in place since 1995 are that the Office of the Regulator-General is a self-regulating scheme that has been established and funded by the electricity and gas industries as a private body as well as being funded by businesses within those sectors to provide for dispute resolution.

The procedures are self-regulating to the extent that if they are satisfactorily completed in the overview of the Office of the Regulator-General and comply with the licence and contractual arrangements the system looks after itself. Currently there is no way such a comprehensive scheme applies with regional authorities.

In the transport sector there is no formal scheme, and dispute resolution has been undertaken by the Director of Public Transport. That regime will continue into the future.

The Energy Industry Ombudsman of Victoria has the capacity to make binding directions and decisions on costs that operate in this sector and can make determinations on cases involving up to $10 000. Previously, in the absence of a legislative framework, there had been a contestable situation. One energy company took the ombudsman to the Supreme Court to determine whether his decision was binding, and the Supreme Court upheld the decision of the ombudsman in that case.

That procedure is not as rigorous as it should be, and one of the fundamental reasons this legislation has been introduced is to provide added certainty for Victorian consumers of essential services that the regime is rigorous within law and will satisfy the expectations of both consumers and the sector itself.

The bill enables the new framework to be developed. Clearly the government's expectation is that the administrative and licensing arrangements and the accountability structures within the new regime will be worked collaboratively through the Office of the Regulator-General, the new essential services ombudsman and the essential services sector. After the passage of the bill the government agencies will work with the various players within the sector to ensure the procedures are put in place.

During the course of this debate there was some confusion about how the bill operates because some clauses were taken in isolation and divorced from their intent, which may give a misleading impression to anybody who reads *Hansard*.

There is a requirement under the regime that will be put in place under various provisions of the bill for the Office of the Regulator-General to be confident that any dispute-resolution mechanism satisfies a number of criteria. One of the criteria is that the regime is seen to be fair by the Office of the Regulator-General. Clearly there has been some impression during the debate that this would lead to confusion. The provision ensures that the Office of the Regulator-General will make a determination of what is fair and seen to be fair and will ensure that the dispute-resolution regime complies with its considered view.

In conclusion I repeat what I said when I began my contribution — that this is a nice, neat piece of legislation that has been drafted with a light touch to

provide a regulatory regime which will not be disruptive in the competitive marketplace in the energy sector and which will build on the strengths of the current regime.

My parliamentary colleague the Treasurer, through his media release of 6 September advising that the bill would be presented to Parliament, took great pleasure in announcing that the current Energy Industry Ombudsman, Ms Fiona McLeod, would be appointed as the essential services ombudsman. That was responded to in kind and enthusiastically by the incumbent, who believes the new regime will enhance the work she has undertaken, will provide legislative certainty and an underpinning that has not previously existed in the legislative framework that has applied to the sector in Victoria, and will protect the interests of both consumers and the industry.

The government believes the bill will provide a greater degree of certainty and confidence for all parties and stakeholders in the essential services sector. On that basis I believe it is a good piece of facilitating legislation that recognises the competitive marketplace, satisfies the government's undertaking to ensure that there is an accessible and affordable dispute-settling regime and provides additional legislative support to the Office of the Regulator-General and the essential services ombudsman in performing the tasks of protecting the interests of Victorian consumers of essential services. Because of the way the bill satisfies those requirements, I have much pleasure in supporting the package.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Hon. C. C. BROAD (Minister for Energy and Resources) — In the course of the earlier debate there was reference to the government's election commitment to establish an independent ombudsman scheme. I will make some brief references in response to the points made in that debate.

The government believes the essential services ombudsman (ESO) scheme can be best established as an industry-based scheme that builds on the existing Energy Industry Ombudsman of Victoria scheme and extends its jurisdiction to cover water customer complaints. The government has recognised that a one-stop shop for electricity, gas and water complaints is the best outcome for Victorian customers. This approach is based on widespread support expressed during extensive consultations with key stakeholders including consumer groups, utility providers and regulators. Some 120 stakeholders were consulted in coming to this view.

The government is confident that this approach will be the most effective way to provide all Victorians with an independent customer complaints-handling mechanism to ensure appropriate protection for all Victorian consumers of utility services. The independence of the ESO scheme will be guaranteed by an independent chairman, with appropriate arrangements being in place to preserve the ombudsman's impartiality and independence from the funding utilities.

The independent Office of the Regulator-General will continue to oversee the ESO scheme and certify that it is accessible, independent, fair, accountable, efficient and effective. The ESO will also be supported by an institutional structure that will include representatives of utilities and consumer groups.

Clause agreed to.

Clause 3

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

1. Clause 3, line 26, omit "decisions under".

I acknowledge in relation to this and subsequent amendments the constructive contribution of the opposition in achieving the best possible result in this bill, as was referred to in the earlier debate.

The amendment will make a minor technical drafting change relating to one of the factors that the Office of the Regulator-General must have regard to in approving the scheme. The draft of the bill refers to the need for decisions of the scheme to be fair and be seen to be fair. This technical amendment clarifies the ORG's role as being one of ensuring that the operations and mechanisms for handling complaints against electricity businesses under the new scheme are fair and seen to be fair, and removes any implication that the ORG is accountable for individual decisions.

Hon. PHILIP DAVIS (Gippsland) — I will briefly respond to the minister's generous remark, in which she acknowledged the contribution the opposition has made to assist the government to improve its legislation.

I reiterate what I said in the second-reading debate — that is, it is important for the government to adopt a more rigorous process in dealing with its legislation so that these sorts of house amendments are not necessary. The opposition has a rigorous process which identifies the need for many of them.

Hon. C. A. STRONG (Higinbotham) — I also acknowledge that the process of going through the bill has helped enormously. The amendment deletes two words from clause 3(2)(d). In its amended form the clause states 'the need for the scheme to be fair and be seen to be fair'.

I can conceive of a process being fair and the key is that it should be fair. Perhaps the minister could enlighten the committee: what is the meaning of the phrase 'seen to be fair'? Something is either fair or unfair; it may be seen to be fair, but it may or may not be fair. It may masquerade as being fair, but not be fair. Certainly the minister wants it to be fair. I seek elaboration.

Hon. C. C. BROAD (Minister for Energy and Resources) — Electricity retail and distributor licences currently impose an obligation on licensees to be members of respective dispute-resolution schemes. The amendment enshrines the licence conditions into law. In so doing they contribute to the aim, which is set out in the amendment, to ensure, as has already been said during the second-reading debate, that decisions are not only fair but are seen to be fair by becoming provisions of the bill and, subsequently, legislation.

Hon. C. A. STRONG (Higinbotham) — I know it seems a complicated point, but is it possible for the minister to elaborate and give an example of a decision that would be fair and yet not be seen to be fair? Can she help the committee understand the fine difference?

Hon. G. W. JENNINGS (Melbourne) — I offer an example from the Bible. I am not a learned biblical scholar, but I recall a story about the wisdom of Solomon. A dispute arose over the parenthood of a child; two rival sets of parents were disputing parentage. Solomon announced, 'It is too hard to work it out. We don't have DNA testing. I suggest you cut the baby in half and give half to each rival set of parents'. There was a lot of wailing and gnashing of teeth.

Hon. C. A. Furletti — You've got it wrong because one gave up immediately. There was no wailing.

The CHAIRMAN — Order! I presume this has something to do with the amendment. I am sure Mr Jennings will bring that to the committee's attention.

Hon. G. W. JENNINGS — I remind the committee, in answer to the interjection, that a decision can be fair and be seen to be fair. Taken in the abstract, the outcome of the dispute in my example was that one set of parents gave up the child. Solomon said, 'I grant parenthood to the parents who gave up and no longer disputed the parenthood of the child'. That was a fair decision, but that is not the end of it. What is the take-home message? Why was Solomon seen to be wise or fair?

The reason was that, in Solomon's assessment the parents who willingly saved the life of the child were the ones who loved the child and deserved to be its parents. In the explanation of the story Solomon is not only wise but shown to be wise.

Similarly, decisions can be fair through benevolence or wisdom, but they may be seen to be fair by being codified and consistent, and demonstrating on one occasion after another that a proper process was gone through to demonstrate a fair decision was made. On that basis, they can be fair and should be seen to be fair through their consistency and process.

Hon. C. C. BROAD (Minister for Energy and Resources) — To add to what has already been said, I am advised that the reference to the scheme not only being fair but being seen to be fair is a reference to the importance of transparency provided by enshrining the processes in legislation. I am further advised that that is based on a national benchmarking approach and that this type of complaint-resolution procedure be enshrined in legislation.

Hon. C. A. STRONG (Higinbotham) — I will not pursue this issue further because although it may seem flippant it is important. Something is fair or is not fair, and it does not need the other caveat — that it must also be seen to be fair. If, as the minister describes, this is a new benchmarking standard, the committee can look forward to much new legislation dealing with fairness that says, 'Not only does this have to be fair but it must be seen to be fair'. I will have to get used to things being fair and being seen to be fair. The unnecessary duplication confuses people.

Hon. D. McL. DAVIS (East Yarra) — I shall pick up the point made by the Honourable Chris Strong about the legislation being seen to be fair. That point was discussed at the opposition's briefing on the bill and I alluded to it during my contribution to the second-reading debate. In whose eyes does it have to be seen to be fair, Minister?

Hon. C. C. BROAD (Minister for Energy and Resources) — My understanding of the way the clause is worded in relation to the Regulator-General approving schemes is that the intention is that the scheme must not only be seen to be fair in the view of the Office of the Regulator-General but must be generally viewed as being fair in the eyes of stakeholders, including customers.

Hon. D. McL. DAVIS (East Yarra) — Does that mean a customer or another stakeholder could argue that he or she did not believe the system was seen to be fair, that in some respect he or she did not see the dispute-resolution system to be fair, and that it would give rise to a complaint in that context?

Hon. C. C. BROAD (Minister for Energy and Resources) — The clause clearly indicates that the office is certifying the schemes and that the office must have regard to those matters, but it is the office's decision. Provided the office takes those matters into account in reaching its decision, the way the clause is worded is that that is the end of the matter.

Hon. D. McL. DAVIS (East Yarra) — I understand what the minister has outlined about the process — that is, that the office would need to examine the schemes and make sure they were both fair and seen to be fair. It seems that complainants may have an action under certain circumstances against the office on the ground of it either being fair or being seen to be fair, or in the event of it not being fair or not being seen to be fair, as the case may be, in the certification of the scheme.

Hon. C. C. BROAD (Minister for Energy and Resources) — There are no provisions in the bill for an appeal mechanism following a decision of the Office of the Regulator-General regarding a particular scheme. Proposed section 163AAB(2)(d), which is inserted by clause 3, does not refer to individual decisions on individual complaints. It refers to the approval of particular schemes.

Hon. D. McL. DAVIS (East Yarra) — Notwithstanding that, the Office of the Regulator-General has duties under the act, including one of certifying schemes. The schemes need both to be fair and be seen to be fair. If the Regulator-General had in some way not undertaken the process and had produced a scheme that in the eyes of the customer was not seen to be fair, why would the Regulator-General not be involved in some action for his failure to certify correctly a scheme that should be both fair and seen to be fair?

Hon. C. C. BROAD (Minister for Energy and Resources) — I reiterate my answer: the issue raised by the Honourable David Davis is not covered by the bill. In making a decision the office must have regard for the matters set out in the bill. That is the end of it.

Hon. C. A. STRONG (Higinbotham) — The question of whether something is fair is an objective test that can be measured objectively, but something that is seen to be fair is a subjective test and therefore is open to a range of interpretations, and as such puts a burden on the Regulator-General that is not necessary and adds nothing to the bill. The question of objectivity is clearly a responsibility of the Regulator-General. The provision puts a burden on the Regulator-General that is unnecessary and is a potential difficulty.

Amendment agreed to.

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

2. Clause 3, page 4, after line 6 insert —

"(3) The Office may, in accordance with this Part, vary any existing licence to —

(a) distribute or supply electricity; or

(b) sell electricity —

to include a condition of a kind referred to in sub-section (1).".

The amendment clarifies the intention that the obligation to be a member of an effective dispute resolution scheme will apply equally to new and existing licence-holders. Although the obligation already exists for existing licences, with the exception of gas distribution licences, it is expected but is not explicitly stated in the current bill that they may be amended as necessary by the Office of the Regulator-General to include the specific legal obligations of the new essential services ombudsman.

By way of explanation, the amendment will remove any ambiguity that the obligations are intended to apply equally to new and existing licences for electricity businesses.

Amendment agreed to.

Hon. C. A. STRONG (Higinbotham) — Proposed section 163AAB(2)(c), which is inserted by clause 3, states:

the need to ensure that the scheme is independent of the members of the scheme.

I seek from the minister more details on what she sees as the criteria necessary to build that independence test. I note that under the current scheme there are three members from the industry, three members who could loosely be termed as independent and who are from the customer base and an independent chairman. It is evenly balanced between the two chief stakeholders. While I accept that, as the scheme expands — I reiterate that I do not see any problems with the scheme expanding and taking on other areas of essential services — I can envisage a situation in which there would need in the future to be a representative of the water industry, or perhaps a representative of the transport industry. I seek some details from the minister on whether she sees the even split as adequately meeting that test of independence.

Hon. C. C. BROAD (Minister for Energy and Resources) — I am advised that in approving customer dispute resolution schemes the office in making a judgment in relation to the independence of the scheme — in ensuring its independence — and the members of the scheme will take into account not simply representation but also any issues to do with possible undue influence by members of the scheme and other matters that go to the articles of association regarding the operation of the scheme.

Hon. C. A. STRONG (Higinbotham) — In her answer the minister alluded to one of the issues I was trying to tease out. If we suppose that the board has 7 members — 3 from industry, 3 from outside, and an independent chairman — and the minister says the criteria will be 'no undue influence', I seek an assurance that having industry representatives on the board would not be seen as undue influence. If there was an even split of members that would not be perceived as being undue influence whereas it might be perceived as undue influence if all were community-type people. The fifty-fifty split seems to me a good way of ensuring that there is no undue influence. I seek some assurance that that is not likely to continue.

Hon. C. C. BROAD (Minister for Energy and Resources) — Those matters are not addressed in the bill. However, it is the intention of the bill to maintain the current balance that has been referred to as a fifty-fifty balance. The industry background of members would not of itself be seen as being related to undue influence.

Amended clause agreed to.

Clause 4

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

3. Clause 4, line 25, omit "decisions under"

The reasons for the amendment are the same as those for clause 1. It is a technical amendment that clarifies the role of the Office of the Regulator-General as one of ensuring that the operation and mechanisms for handling complaints against gas businesses under the new scheme are fair and seen to be fair, and removes any implication that the Office of the Regulator-General is accountable for individual decisions.

Amendment agreed to.

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

4. Clause 4, page 6, after line 6 insert —

"(3) ORG may, in accordance with this Part, vary any existing licence to —

(a) provide services by means of a distribution pipeline; or

(b) sell gas by retail —

to include a condition of a kind referred to in sub-section (1).".

As with amendment 2, the amendment will remove any ambiguity that the obligations are intended to apply equally to new and existing licences for gas businesses. The amendment will not override existing provisions for licence variations spelt out in the Gas Industry Act 1994.

Hon. D. McL. DAVIS (East Yarra) — How does the government reconcile that change with its decision to honour contracts and not to vary existing contracts in any manner?

Hon. C. C. BROAD (Minister for Energy and Resources) — I confirm that there is no issue of varying existing contracts. The amendment relates to licences, and there are existing provisions to enable the variation of licences.

Hon. C. A. STRONG (Higinbotham) — Proposed subsection 3(a) in amendment 4 states:

provide services by means of a distribution pipeline.

I seek clarification of that proposed subsection. I presume 'distribution pipeline' refers to the pipelines owned and operated by the three licensed gas distributors, or are we talking about other pipelines?

Does the proposed subsection refer to the three licensed distributors?

Hon. C. C. BROAD (Minister for Energy and Resources) — I am advised that that is correct.

Hon. D. McL. DAVIS (East Yarra) — Would that apply also to any future storage arrangements that have been considered within the scope of the gas distribution and production system?

Hon. C. C. BROAD (Minister for Energy and Resources) — I am advised that storage is not encompassed by the bill.

Amendment agreed to; amended clause agreed to.

Clause 5

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

5. Clause 5, line 29, omit "decisions under".

As with clauses 1 and 3, the technical amendment clarifies the role of the Office of the Regulator-General as one of ensuring that the operation and mechanisms for handling complaints against the three metropolitan retail water businesses under the new scheme are fair and seen to be fair, and removes any implication that the Office of the Regulator-General is accountable for individual decisions. The amendment will not override existing provisions for licence variations spelt out in the Water Industry Act 1994.

Amendment agreed to.

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

6. Clause 5, page 8, after line 10 insert —

"(4) The Office of the Regulator-General may, in accordance with this Part, vary any existing licence to include a condition of a kind referred to in sub-section (1).".

As with clauses 2 and 4, the amendment will remove any ambiguity that the obligations are intended to apply equally to new and existing licences for the three metropolitan retail water businesses.

Amendment agreed to; amended clause agreed to.

Clause 6

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

7. Clause 6, line 27, omit "decisions under".

As with clauses 1, 3, and 5 this technical amendment clarifies the role of the Office of the Regulator-General as one of ensuring that the operation and mechanisms for handling complaints against the non-metropolitan urban water authorities and rural water authorities under the new scheme are fair and seen to be fair, and removes any implication that the Office of the Regulator-General is accountable for individual decisions.

Amendment agreed to.

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

8. Clause 6, page 10, after line 7 insert —

"(4) This section only applies to an Authority that has a water district or a sewerage district or an irrigation district.".

The scheme is intended to cover the water authorities providing water and sewerage services to consumers — namely the three metropolitan retail water businesses, Melbourne Water Corporation, the 15 non-metropolitan authorities and the five rural water authorities. The definition of 'authority' in the current draft of the bill, however, could unintentionally draw the new water catchment management authorities into the scheme coverage.

Water catchment management authorities will oversee the protection and restoration of land and water resources and the conservation of natural and cultural heritage. Consequently they do not provide direct services to customers. The amendment will exclude the new water catchment management authorities from the arrangements by not including them in the definition of 'authority' for the purposes of the bill.

Amendment agreed to; amended clause agreed to.

Clause 7

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

9. Clause 7, line 27, omit "decisions under".

As with clauses 1, 3, 5 and 7 this technical amendment clarifies the role of the Office of the Regulator-General as one of ensuring that the operation of mechanisms for handling complaints against the Melbourne Water Corporation under the new scheme are fair and seen to be fair and will remove any implication that the Office of the Regulator-General is accountable for individual decisions.

Amendment agreed to; amended clause agreed to.

Reported to house with amendments.

Report adopted.

Third reading

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

That this bill be now read a third time.

I acknowledge the contributions of the Honourables Philip Davis, David Davis, Peter Hall, Sang Nguyen, Chris Strong and Gavin Jennings.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

TERTIARY EDUCATION (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

ADJOURNMENT

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

That the house do now adjourn.

Small business: regulation

Hon. BILL FORWOOD (Templestowe) — I refer the Minister for Small Business to this week's edition of *Business Review Weekly's* 'Fast lane' web site, which tells the story of a man named Barry West — the article states that that is not his real name — who for 21 years has run a business from his home in Melbourne's eastern suburbs.

I know who the person is, and he has contacted the minister about his problems with his home-based business. His name is Tony Wilson and he runs a business called Eliza Travel. Mr Wilson has run his business for 21 years and, as the minister knows, his problem is that he just exceeds the number of employees he is entitled to employ in a home-based business. His business is entirely Internet based. No clients visit his home. There are no noise and no signs. He uses a post office box for mail delivery. His five-bedroom home is on 2 hectares and the employees park their cars off site.

Mr Wilson has been told by the council that he cannot employ five people on his site. On 6 September he wrote to Dawn Walker, who is on the minister's staff, seeking assistance with his home-based business. On 16 October the minister wrote back and said:

> The Bracks Labor government recognises that the home-based business sector generates substantial employment opportunities and the government is keen to offer practical assistance to this sector.
>
> As you would appreciate, however, I am not able to directly intervene in your particular case …

The issue concerns home-based businesses and how they work. The minister will recollect that Labor's policy raised the issue of support for home-based businesses. I ask the minister to investigate what can be done to assist people like Mr Wilson, because he will go out of business after 21 years unless a mechanism is found to enable him to operate his business.

Willaura North: sand quarry

Hon. R. M. HALLAM (Western) — I raise with the Minister for Small Business, as the representative of the Minister for Aboriginal Affairs in the other place, a sand quarry operation at Willaura North on the property of Mr Mick Joyce. Mr Joyce runs a small farm and over the years has relied on royalties from the sale of sand taken from his property. Just over two years ago skeletal remains were found in or near the pit and it was suggested that they were Aboriginal remains. As a result, Mr Joyce was ordered to cease the quarrying of the sand and has since incurred ongoing financial loss.

Despite a conference of interested stakeholders held in Willaura last year and the preparation of reports by those stakeholders, the ban continues, as does Mr Joyce's financial cost — and I might add, his frustration. Earlier this year he wrote to the minister seeking a meeting to discuss his plight, but as of this evening there has been no response to his letter. I know that Mr President, as a local member of Parliament, also sent a letter to the minister on 6 March asking that the minister agree to see Mr Joyce in the hope that the issue could be resolved and that Mr Joyce could be given the chance to outline his case for compensation for the loss of the use of his land. As I understand it, the minister has not responded to the President in this context.

I ask as a parliamentary representative of Mr Joyce and on behalf of the Honourable Bruce Chamberlain, more

particularly given his close and personal interest in Mr Joyce's plight — —

Hon. R. A. Best — He is not allowed to do that!

Hon. R. M. HALLAM — Yes, he is.

Hon. R. A. Best — Why didn't he raise it himself?

Hon. R. M. HALLAM — Given Mr Chamberlain's close personal interest in Mr Joyce's plight, will the minister take up this issue with her colleague in the other place, the Minister for Aboriginal Affairs, and ask that he agree to meet with Mr Joyce as a matter of urgency?

Gas: Barwon Heads supply

Hon. E. C. CARBINES (Geelong) — I refer the Minister for Energy and Resources to the desire by the residents of Barwon Heads in my electorate of Geelong Province to have natural gas provided to their township. I ask the minister to advise the house of any further progress on this issue of much importance to the residents of Barwon Heads.

Somerville secondary college

Hon. R. H. BOWDEN (South Eastern) — I ask the Minister for Sport and Recreation to refer a matter to the Minister for Education in another place. It concerns the Somerville land that was reserved several years ago as the site for a potential Somerville secondary college. The land is in the vicinity of Blacks Camp Road and Graf Road next to the Somerville Rise Primary School.

The citizens and constituents in the Somerville area are extremely concerned that with the high growth and very considerable population now in the Somerville area there will certainly be a requirement for a secondary college. Earlier this year an announcement was made that the site for the Somerville secondary college would be disposed of. That triggered a great deal of concern in the community and a large public meeting was held. The people expressed very strong concern.

I ask the minister to refer the matter to the Minister for Education, who I understand has for some time been conducting a review that may be almost complete. The people in the Somerville area are concerned to have the matter resolved on a priority basis and that the land not be sold.

Mosquito plague

Hon. B. W. BISHOP (North Western) — I ask the Minister for Sport and Recreation to direct a matter to the attention of the Minister for Major Projects and Tourism in another place. The Sunraysia has suffered a severe mosquito plague, no doubt due to the conditions that preceded the oncoming summer, which started much earlier than normal. The recent rains have given the mosquitoes a new lease of life.

I have met with representatives of the Mildura Rural City Council and tourism, recreational and sporting representatives. There is no doubt that the normal program of inspection, control and treatment that is shared between the council and the health department is going along well. I am confident that the program is adequate. The Mildura Rural City Council has a lot of experience in that area and is managing well.

However, for a number of years the effect of mosquitoes on tourism has been discussed. In the past those discussions lead to a joint venture with tourism operators, the council and the government. To make the process more sustainable it has been suggested that the state governments — Victoria and New South Wales — and the two councils — Mildura Rural City Council and Wentworth shire — join with the tourism operators and sport organisations to devise a program that would have long-term sustainable effects on reducing the mosquito problem. Could the minister advise whether such a program could be initiated this year?

Housing: western suburbs homeless

Hon. S. M. NGUYEN (Melbourne West) — I direct a question to the Minister for Small Business, who represents the Minister for Housing in another place. In the July report *Homelessness in Victoria* Dr Chris Chamberlain of Monash University identified some 1369 incidents of homelessness in the western suburbs of Melbourne, a rate of 35 per 10 000 head of population. That was based on Australian Bureau of Statistics figures from the census night 1996 and represents a similar incidence ratio to inner city Melbourne.

Dr Chamberlain also noted that some two-thirds of the homeless in suburban Melbourne were the invisible homeless — that is, many of those identified as being at risk of homelessness were staying temporarily with other households on census night.

Despite having a number of transitional support services and transitional housing access for families, the western suburbs lack a crisis response with the capacity to provide access to accommodation and intensive support for families who are homeless and at risk.

What action is the government taking to provide assistance to families facing housing and accommodation crises in the western suburbs?

Black Rock: seawall

Hon. J. W. G. ROSS (Higinbotham) — I ask the Minister for Energy and Resources to direct a matter to the Minister for Environment and Conservation in the other place. It concerns a collapsed seawall in my electorate. The wall is adjacent to the promenade that runs around the bay opposite 325 Beach Road, Black Rock. About 15 metres of the wall has collapsed and is desperately in need of repair.

The Bayside council has secured the wall and made it safe but the question of the source of funds to repair it is in dispute. Traditionally the state government in association with the Department of Natural Resources and Environment has maintained such seawalls, and of course the council immediately sought permission from the department to engage a contractor to repair it. Surprisingly, the department has responded with a request for the council to share the costs and declined the necessary permission to proceed and repair the seawall.

That is a clear abdication by the Bracks government of its traditional responsibility to maintain seawalls. I ask the minister to ensure that this matter is rectified in accordance with established practices as soon as possible and to provide the necessary funding to the Bayside City Council so that the repairs can be effected forthwith.

Fire blight: New Zealand imports

Hon. E. J. POWELL (North Eastern) — I ask the Minister for Energy and Resources to refer to the Minister for Agriculture in another place an issue that is very important to the electorate the Honourable Bill Baxter and I represent.

New Zealand has again applied to export apples to Australia, and that is causing major concern to fruit growers in the Goulburn and Murray valleys. New Zealand had a disease called fire blight, which has completely wiped out its pear industry. That is of grave concern to my area, which produces 85 per cent of Australia's pears. Once in Victoria, that devastating disease will not be able to be eradicated.

In 1997 a visiting New Zealand scientist claimed to have discovered fire blight in Melbourne's botanic gardens. Quarantine restrictions were placed on the orchardists and nurseries in the Goulburn and Murray valleys. Almost 6 million trees were surveyed and tested. The cost to the food industry, the state and federal governments and the nurseries in my area highlights the issue that concerns us if fire blight gets into Victoria. It costs millions of dollars and highlights the danger of introducing imports of any plant matter from countries affected by fire blight.

My electorate is known as the food bowl of Australia and the food industry has worked exceptionally hard to keep that clean green image that is known around the world. Victorian orchardists are prepared to compete on a trade basis and believe they can compete successfully on price and quality of fruit. However, they need protection from the introduction of a disease that can wipe out the pear industry. Many people, including the canneries and the transport and packing industries, depend on the food industry.

I have written to the Minister for Agriculture in another place and he has been briefed by the industry and understands the ramifications. I raise the matter because of the time constraints. A draft risk assessment report has just been released by Biosecurity Australia and there are now only 60 days for comments and submissions on the report. What is the minister's response to the scientific analysis and conclusions in the report? Will the government support the fruit industry in Victoria by making sure there can be no possible risk of the introduction of fire blight into Victoria?

Frankston Hospital

Hon. R. F. SMITH (Chelsea) — I ask the Minister for Industrial relations to refer a matter to the Minister for Health in another place. It concerns comments made during last night's adjournment debate by the Honourable Cameron Boardman about extra beds for Frankston Hospital. Mr Boardman referred to a letter in the *Frankston-Hastings Independent* written by the honourable member for Frankston East in another place, Matt Viney, and a media release from the Minister for Health dated 11 April.

In his letter Mr Viney discussed plans for the $12 million construction of additional beds for Frankston Hospital and the fact that the construction will be completed in approximately 12 months. The minister's media release related to the provision of an additional 25 beds to relieve pressure at Frankston Hospital over the critical winter months. In addition, the media release indicated that the additional funding would continue beyond the winter period and become a permanent increase in hospital funding. Mr Boardman attempted to imply that those comments somehow contradicted each other.

Hon. Bill Forwood — On a point of order, Mr President, I raise the issue of reading from notes. Honourable members know the rules of the house. The honourable member knows it is outside the forms of the house. Mr Smith, if you have an issue to raise, get up and raise it.

The PRESIDENT — Order! There are time limits during the adjournment debate. It is of assistance for honourable members to use notes when they know it will allow their comments to fit within the time limits. The general rule about reading relates to speeches during debates on motions or bills. It is not as relevant in this case. I will not allow the point of order.

Hon. R. F. SMITH — Can the minister confirm that Mr Viney's comments are accurate in that they refer to the construction of a facility at the hospital to house 76 beds? Can he confirm that the minister's statement referred to an entirely separate matter — the opening of existing beds to meet additional demand — and that those comments are entirely accurate? Does the minister also agree that the only inaccuracy or inconsistency on display here is from Mr Boardman, who is simply scaremongering by blurring facts and deliberately misrepresenting the truth about Labor's plans to improve health services in Frankston?

The PRESIDENT — Order! The honourable member's time is up.

Hon. R. F. SMITH — That is after seven years of neglect and three years of Mr Boardman's silence.

Honourable members interjecting.

The PRESIDENT — Order! The honourable member went over time. I advised him that his time was up. Once I call time, I expect the honourable member to stop.

Hon. R. F. Smith — I could not hear you. I am sorry, Mr President.

Teachers: industrial agreement

Hon. P. R. HALL (Gippsland) — I ask the Minister for Sport and Recreation to refer to the attention of the Minister for Education in another place the position of school service officers (SSOs), particularly those in administrative positions in schools. I refer the minister to the recent agreement between the Department of Education, Employment and Training and the Australian Education Union which, according to the Minister for Education, as reported in *Hansard* of 5 October, concerned principals, teachers and school service officers. While I am aware of the benefits of the agreement delivered to teachers, I am totally unaware of the implications the agreement has for SSOs. There has been no publicity on the matter, and a search of the department web site revealed no reference to any benefits being applied to school service officers.

Because of all the extra responsibilities SSOs now undertake, they are the most overworked and underpaid employees in the education system. Their duties are many, varied, and complex. Small schools in particular are under-resourced when it comes to funding for SSO administrative positions. Such positions are often part time, yet the range of tasks they have to undertake and their complexity are no less.

In recent weeks I have had representations from several small schools, including Wurruk Primary School, Elmore Primary School and Lucknow Primary School, outlining the difficulties they face and also pleading for greater recognition of the importance of the role of the SSO administrative positions. I ask the minister to recognise the urgent need of small schools for adequate resources to appropriately fund SSO positions and further ask why they have been left out of the recent agreement between the department and the Australian Education Union.

Housing: St Kilda hotel closure

Hon. ANDREA COOTE (Monash) — I ask the Minister for Small Business to refer a matter to the Minister for Housing in another place. I have spoken in this chamber before about the Hollywood Hotel in Beaconsfield Parade which was until recently a home for underprivileged men. A developer has bought the building and it is being redeveloped.

Many of the housing associations within the City of Port Phillip have been very good at relocating the men. I note in an article in the *Emerald Hill Times* of 13–19 September that Ms Sue Riley of the St Kilda community group, a group that does excellent work, is reported as saying that time is running out and most of the men wanted to be close to friends in familiar surroundings but the better rooming houses have waiting lists and the amount of affordable stock has fallen because the suburb has been gentrified. I was also concerned to read in the same article that:

> A spokesmen for housing minister, Bronwyn Pike, said the government would spend $94.5 million to provide affordable housing in the next three years.
>
> But the spokesman said he did not know how much of that money would be spent in St Kilda.

My question to the minister is: how much of that $94 million allocated for emergency housing and for

the relocation of the homeless will be spent in the City of Port Phillip in 2000, 2001 and 2002?

Residential tenancies: review

Hon. R. A. BEST (North Western) — I ask the Minister for Small Business to refer a matter to the Minister for Housing in another place. I have been contacted by Mr Phil Spencer, the honorary president of the Private Home Owner Association of Victoria. As honourable members would be aware, the government is currently undertaking a review into the Residential Tenancies Act. The government has put together a committee and a working group to assist in that review. The chair of that review group is Jacinta Allan, the honourable member for Bendigo East in another place.

The working group also consists of representatives of the Real Estate Institute of Victoria (REIV), the Tenants Union of Victoria, Shelter Victoria, Statewide Community Housing Services, the Port Phillip Private Hotels Association, the Victorian Caravan Parks Association, the Community Housing Federation of Victoria, the Brotherhood of St Laurence, the Springvale Community Aid and Advice Bureau, the Newlands Public Tenants Association, the Hanover Welfare Services, Consumer and Business Affairs Victoria, the Department of Justice, the Department of Infrastructure and the Residential Tenancies Legislation Working Group.

There seems to be an arrangement of cross-representation for tenant groups, a few community groups and a couple of industry groups on the working party. However, the Private Home Owner Association Victoria is requesting representation on that working group, particularly as the proposed changes or review of the residential tenancies legislation may impact adversely on owners, thereby affecting investment in private rental stock.

The association has written to the Premier, the Minister for Housing and the honourable member for Bendigo East. Mr Spencer is requesting a position on the working party to enable him to reflect the views of private owners in any proposals for changes to the Residential Tenancies Act. However, nobody in the government will talk to the association.

It is acknowledged the government cannot provide accommodation to meet the needs of all people in the rental market and there is a reliance on investors in housing to meet the market demand. Will somebody in this open and accountable government, particularly the minister or the chairperson of the working party, contact Mr Spencer with a view to explaining to him whether he or a representative of his group will be included in this review committee, and if not will the government have the courtesy to explain why no representative from the group will be included?

Bunyip State Park

Hon. N. B. LUCAS (Eumemmerring) — I raise a matter with the Minister for Energy and Resources for the attention of the Minister for Environment and Conservation in the other place. I refer to the Bunyip State Park, a large area in my province of over 16 000 hectares, where there is a problem with off-road vehicles, including not only four-wheel vehicles but also motorcycles.

An article at page 16 of the *Pakenham Gazette* refers to the damage that vehicles are doing to the park, and states:

> Bunyip State Park ranger Greg Young said up to half the riders and drivers using the park were ignoring signs and riding or driving where they liked. He estimated that 100 trail bike riders used the park on weekends.
>
> …
>
> Friends of Bunyip State Park president Marg Schuurmans-Young said the government should consider banning motorbikes and four-wheel drives.

The residents are also concerned because they have raised this matter with me. I have visited the park and seen the problem for myself.

The Australian Trail Bike Riders Association refers to the hoon element using the park, and Melbourne Water employees are also concerned. The local police sergeant refers to the problem also. I have written to the minister on the subject but have not received a reply. I ask the minister to respond to me, the community, the Friends of Bunyip State Park, Melbourne Water, the ranger, and the police by taking positive action in the form of answering letters, providing adequate resources to the park and the police and considering my suggestion to either transfer the off-road vehicles to the northern section of the park or to ban them from it completely.

Police: after-hours call-outs

Hon. G. R. CRAIGE (Central Highlands) — I raise a matter with the Minister for Sport and Recreation for the attention of the Minister for Police and Emergency Services in the other place. On 19 October at 9.45 p.m. I understand a serious and violent robbery took place at the Rubicon Hotel in Thornton.

The proprietor immediately rang D24 in Wangaratta and was advised that no police were available to attend

and no police were on duty to service the call. The proprietor rang back several minutes later and requested that somebody attend. He was once again informed that no assistance was available. He then asked to speak to a supervisor, and a senior sergeant telephoned him back. The proprietor once more asked for assistance. The senior sergeant agreed to call an off-duty policemen from Alexandra to the case at Thornton. It is understood that is all the budget would allow.

The policeman arrived from Alexandra at 10.30 p.m. and told the proprietor that no police were on duty at Alexandra, Eildon, Marysville or Yea at that stage. During the evening the publican overheard some conversation in the hotel to the effect that the offenders were at the Kendalls Bush camping area, and advised the policeman, who proceeded on his own to the camping area. D24 at Wangaratta lost contact with the policeman, but he contacted D24 some 15 minutes later and requested urgent assistance. Assistance was despatched from Benalla, approximately 1½ hours away.

This situation is a disgrace and a reflection on the minister's inability to resolve the overtime budget issue for police. It is not a problem of numbers; it is an overtime budget matter. I ask the minister to investigate this matter urgently so as not to place the community or the police at risk in rural Victoria.

Wangaratta and District Base Hospital

Hon. W. R. BAXTER (North Eastern) — I raise a matter for the attention of the Minister for Industrial Relations for referral to her colleague the Minister for Health in another place that goes to the issue of appointments to hospital boards. I do not want to discuss particular appointments because any government has the right to appoint whomever it wishes to boards. I wish to deal with the process that has been employed on this occasion in regard to appointments to the board of the Wangaratta and District Base Hospital.

A number of changes were made to the board in an announcement last week, or more properly through lack of an announcement last week. The first that board members who were not to continue heard of it was on the local morning news station, then on ABC regional radio and when they bought the local newspaper which, not surprisingly, in journalistic terms referred to them as having been 'dumped'.

Some good and faithful citizens who have served on the hospital boards with distinction for a number of years have been publicly humiliated by this apparent breach of confidentiality from the minister's office, or at least out of the regional office of the Department of Human Services.

I ask the minister to give an undertaking that future board members who will not be continuing their duties will be so advised before there is any public announcement from his office, and that they will be advised in writing, by fax, by telephone or by other means so they have some forewarning and are not subject to the extraordinary public humiliation that was accorded to some decent people in Wangaratta over the past few days.

Schools: Modern Greek

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The matter I raise with the Minister for Youth Affairs, who represents the Minister for Education in another place, refers to a newspaper article of 16 October written by Anne Davidson, an experienced principal and teacher in the Victorian education system, who referred to an article that appeared in the *Neos Kosmos English Weekly* of 2 October regarding comments made by the Parliamentary Secretary for Education, Employment and Training, Theo Theophanous. In the article Ms Davidson said:

> Not only does he criticise the teaching of Modern Greek in our schools and therefore our teachers, but makes ludicrous statements regarding the quality control and rigorous accreditation for funding required by the ethnic language schools.
>
> I doubt whether there is any public system of education in the world that imposes as much accountability and quality control on its schools as does the Department of Education, Employment and Training of Victoria.
>
> Mr Theophanous, although new to the job, should know this.

The article further states:

> It is obvious to me, that despite his position, Mr Theophanous has not visited — —

Hon. T. C. Theophanous — On a point of order, Mr President, I do not mind comments about *Neos Kosmos* or letters being read out in this place in relation to me. However, the letter was responded to by me in *Neos Kosmos*, where I had an opportunity to defend myself. If the honourable member is embarking — —

An honourable member interjected.

Hon. T. C. Theophanous — Why don't you shut up!

Hon. M. A. Birrell — Why don't you make your point of order?

Hon. T. C. Theophanous — Can I finish?

The PRESIDENT — Order! Yes, you can, but nothing you have said so far is a point of order. Please get to the nub of what you are saying.

Hon. T. C. Theophanous — If the honourable member is about to embark on an attack on me in this place, and from his preamble one could reasonably assume that he is, I ask you, Mr President, to rule the matter out of order and ask him to put it up in the form of a substantive motion, as he should do in this house when he wants to reflect on another member.

The PRESIDENT — Order! An honourable member can make a critical comment about Mr Theophanous or about me, but the test is whether the remarks are objectively offensive. Mr Theophanous has not said they are offensive and has not sought to have them withdrawn. As I understand it — I have not heard it so far — it is not an attack on Mr Theophanous that requires a substantive motion. Substantive motions are made in relation to serious matters, such as an accusation of some wrongdoing. One does not want to be too thin-skinned in relation to these matters. I do not uphold the point of order.

Hon. G. K. RICH-PHILLIPS — The letter continues:

> It is obvious to me, that despite his position, Mr Theophanous has not visited government schools where Modern Greek is taught. He has not witnessed the dedication and competence of our and his teachers; his reported comments are an insult to the many competent and dedicated teachers of Modern Greek in our schools.

Ms Davidson goes on further to conclude:

> I believe Mr Theophanous has abused his position. He has denigrated the many competent teachers of Modern Greek in government schools, has insulted administrators such as myself who have been supporting community languages for 20 years and has displayed gross ignorance about conditions in the ministry of which he is the parliamentary secretary. I invite Mr Theophanous to step outside of Parliament House, visit some schools, go to classrooms and talk with teachers, students and parents.

I am sad that an elected representative of the people — —

Hon. J. M. Madden — On a point of order, Mr President, I think you alluded in your comments to getting to the point of the question. The preamble has yet to get to any question directed to the minister. I ask that you direct the honourable member to get to his question, which should be directed to the minister rather than to the parliamentary secretary.

The PRESIDENT — Order! I can see no point of order in relation to that matter. However, according to the guidelines a member is to make a complaint or a request, and the matter has to relate to government business. The honourable member still has a bit of time. I ask him, now that he has read the letter, although he did not finish it off by saying who the author was, to make his request or his complaint in accordance with the guidelines.

Hon. G. K. RICH-PHILLIPS — Thank you, Mr President. As I stated earlier, the letter is from Anne Davidson, a teacher of 40 years standing in the Victorian education system.

The matter I would like the Minister for Education to investigate is the nature of Mr Theophanous's comments and why they have caused so much anger among the teaching community involved in teaching Modern Greek. I ask the minister to ensure that in future when Mr Theophanous makes public comments in his capacity as Parliamentary Secretary for Education, Employment and Training, he gets his facts right.

Martial arts: regulation

Hon. ANDREW BRIDESON (Waverley) — I raise an issue for the attention of the Minister for Sport and Recreation. In June of this year I met with Dr Peter Lewis, who is chairman of the Australian Ringside Medical Association and who doubles as a director of the International Sport Karate Association. Dr Lewis is also a martial arts instructor of some repute.

Dr Lewis explained to me in great detail many of the problems that exist in the martial arts industry, particularly the calibre of many instructors, whom he described to me as being nothing more than thugs. He described in great detail the amount of drug taking in the martial arts industry, particularly the taking of steroids.

An article in the *Sunday Herald Sun* of 22 October — I am sure the minister is well aware of it because it has been brought to his attention previously — reports that Dr Lewis has been seeking an appointment with the minister for the past 12 months, but has not been successful. I ask the minister to meet Dr Lewis as a matter of urgency so that this difficult situation can be resolved.

Better Pools program

Hon. B. C. BOARDMAN (Chelsea) — I raise a matter for the attention of the Minister for Sport and Recreation in his capacity as the minister overseeing the

2001–02 sport and recreation community facilities funding grant, which incorporates the Better Pools program. I have spoken a number of times in this chamber about the proposed Frankston aquatic centre that is being promoted and heralded in Frankston.

I refer the minister to a small article that appeared in yesterday's *Frankston-Hastings Independent*. Coincidentally, the article just happens to appear on the same page as the article headed 'Police figures fudged: Libs' — there you go! — about the Frankston police station. There was never a more accurate article about the Frankston police station and fudged police figures. However, the article I refer to is headed 'Conroy buoyed by pool prospect'. The first paragraph states:

> Frankston mayor Cr Mark Conroy —

who just happens to be the electorate officer of the Honourable Bob Smith —

> was buoyed about the city's prospects of a first-class aquatic centre after talking to sports and recreation minister Justin Madden on Thursday.

I suspect that was Thursday of last week while the minister was in Frankston opening a sporting function. Matt Viney, the honourable member for Frankston East in the other place, also attended the meeting, but their colleague Bob Smith was snubbed. I don't know why he could not get to that meeting.

The meeting does not really accord with what the government is supposed to be about — openness and accountability. There seems to be a little bit of secrecy as to what happened at the meeting. At this stage no-one has been able to ascertain what was actually discussed and why. As a result of the meeting the mayor of the City of Frankston was, as he would say, 'buoyed' by the prospect of speaking with the minister, so I wonder what the conversation was about.

I refer the minister to his own department's guidelines about the Better Pools program, which relate to the funding ratio of $1 to $3, the primary project criteria, the evidence of need, the participation in community benefits, project timing and also being at arm's length.

I ask the minister to explain exactly what the details were of the conversation between himself, the mayor of Frankston and the honourable member for Frankston East and to say what the mayor was promised that got his hopes and spirits so high.

Retail tenancies: review

Hon. C. A. FURLETTI (Templestowe) — I raise a matter for the attention of the Minister for Small Business. I refer to the minister's announcement yesterday about the government's proposed review of the retail tenancies legislation. In her media release launching the review and in the terms of reference the minister says the review will involve an examination of interstate legislation.

Will the minister advise the house of the government's attitude to a national approach to retail tenancies legislation and will she consider amending the terms of reference by adding a direction to the regulation reform division of her department to investigate the prospect of a national approach to retail tenancy legislation during the course of the review?

Mobile phones: underground rail loop

Hon. C. A. STRONG (Higinbotham) — I raise for the Minister for Small Business an issue about mobile phones that have become an essential part of every small business operator's equipment. Mobile phones enable them to move around freely during their day while keeping in touch with their offices or clients, organising appointments, and so forth. Many small business operators have reported to me that as they move around Melbourne they often use public transport. Mobile phones appear to cut out in Melbourne's underground rail loop and they lose that important line of communication.

I understand the matter does not fall specifically within the minister's jurisdiction, but as she is the Minister for Small Business and given the importance of the issue will she use her good offices to have mobile telephone suppliers and operators try to place transmitters in the rail loop, as happens in most underground rail systems in the world? It would advantage small business operators in Melbourne.

St Kilda: street prostitution

Hon. P. A. KATSAMBANIS (Monash) — I direct to the attention of the Minister for Small Business the important issue of street prostitution in St Kilda. I am sure the minister will be aware of the issue as I have raised it in the house previously. The matter is of extreme concern, particularly to my constituents who live in St Kilda.

The Port Phillip Residents against Street Prostitution group has been attempting to form a working party to examine long-term solutions to the street prostitution that plagues many of St Kilda's residential streets. The group has lobbied the City of Port Phillip for help to form a working party, but the council requires the

assistance of the government to get an effective outcome in this matter.

It has been brought to my attention that the council has asked the minister and her department for assistance in the formulation of that working party, and that the minister and her department have not offered a satisfactory response to the council's approach. The council is becoming extremely frustrated.

In last week's *Emerald Hill Times*, local councillor Dick Gross said that the council had received an unsatisfactory response from the minister. An article headed 'Stalemate on street prostitution' quotes Cr Gross. It states:

> This is a major social issue and they are negative and incompetent in dilly-dallying around.

The issue is extremely important. As I have said in this house previously, if people consider this a laughing matter they should visit the streets of St Kilda on any Friday, Saturday or Sunday night to see what local residents are subjected to, particularly by the hoons who drive around the streets.

Given that the City of Port Phillip has made representations and has said the minister has been lax in responding to its concerns, what action will she take to help establish a working party of representatives of residents, local government and the Victorian government to take proper measures to adopt a long-term solution to what is a problem that has existed in the St Kilda area for some time?

Youth: suicide prevention

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Youth Affairs on the important issues of youth suicide and undiagnosed and at-risk depression. I have been active on issues concerning suicide since my election to this place. The minister will be aware that on a number of occasions I have formally raised with him the issue of youth depression and suicide. I care deeply about the issue.

Victorian statistics show an alarming trend in the number of youth suicides. Across all age groups about 15 persons per 100 000 successfully suicide each year. The rate for people aged under 35 increases to about 20 per 100 000. The rate for males aged under 35 increases to 40 per 100 000. The suicide rate for young men living in regional and rural areas is about three times those figures. The minister will appreciate the seriousness of the issue.

The minister will also be aware of the recent launch of the National Depression Initiative by the federal and state governments, to be chaired by former Premier Jeff Kennett. The initiative has chosen as its slogan Beyond Blue, which is appropriate given the causal link between depressive illness and suicide.

Will the minister give an undertaking that as the advocate in the government for young people he will make urgent representations to the federal health minister, former Premier Kennett and the Minister for Health in the other place to ensure that the National Depression Initiative includes a special focus on diagnoses of depressive illness and intervention to prevent suicide for young Victorians? Will he particularly highlight the plight of young men in rural and regional areas of Victoria?

Hospitals: elective surgery

Hon. K. M. SMITH (South Eastern) — I direct a matter to the attention of the Minister for Industrial Relations as the representative in this house of the Minister for Health in the other place. The general issue I raise concerns the shortage of beds in Victorian hospitals and the growing waiting list. The issue concerns me, and I am sure many thousands of Victorians would also be concerned.

Mr Steven Thorpe of Wonthaggi has contacted me about delays he is experiencing in having elective surgery. In May 1999 he suffered a hand injury and was advised by the Alfred Hospital that surgery to his hand was booked for 10 August of this year — a long wait to start with! Some time ago the Alfred cancelled those arrangements and advised him that he would be contacted in about three weeks. He has yet to hear anything from the hospital.

Mr Thorpe is a married man with two children. He has a housing mortgage and is unable to work due to his hand injury. He has no money. I ask the minister whether it is possible to do something about getting Mr Thorpe into hospital to have elective surgery on his hand because the injury is preventing him from working. That surgery should be regarded as necessary, not elective, because it would allow him to get back to work.

Water safety: government initiatives

Hon. I. J. COVER (Geelong) — I refer the Minister for Sport and Recreation to his response yesterday during question time to the *Victorian Drowning Report* and associated activities such as the Play It Safe by the Water campaign, both of which highlighted the need

for Victorians to be mindful of the dangers of aquatic recreation. The policies announced by the minister are supported by both sides of the house.

While honourable members have the minister's response yesterday uppermost in their minds I am reminded of the Labor Party's sporting policy, which was espoused prior to the last election regarding safer and improved aquatic recreation and family-friendly beaches. The issue has been raised in the past 12 months and it is an important issue considering that summer is almost upon us. I point out that the Labor Party stated at the time that in conjunction with local councils and life-saving clubs, it would identify 20 family-friendly beaches and ensure that they were given every assistance to meet the standards required for greater safety and convenience.

I ask the minister how the identification process is proceeding and whether he can identify the 20 family-friendly beaches for Victorians to enjoy this summer.

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Bob Smith raised for the attention of the Minister for Health in another place some discrepancies or issues raised during the adjournment debate last evening. I will pass that matter to the minister and ask him to respond in the normal way.

The Honourable Bill Baxter raised a matter for the attention of the Minister for Health and I will ask the minister to respond in the usual way.

The Honourable Ken Smith also raised for the attention of the Minister for Health an issue relating to an injury sustained by one of his constituents, Steven Thorpe, that has stopped him from working, and his inability to obtain a hospital bed. I will pass on that matter to the minister who will provide a response in the usual way.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Elaine Carbines referred to my attention the desire of residents of Barwon Heads to secure the extension of natural gas to that community and she sought to discover how the matter had progressed. The honourable member has been very determined in pursuing the issue and I am advised that further discussions have been held between the Office of the Regulator-General and TXU, the gas company with which the City of Greater Geelong and Barwon Heads residents have been seeking to develop the project.

For some time TXU has been advocating more favourable treatment regarding certain industry-wide capital expenditures than the Office of the Regulator-General has been able to grant under pipeline access rules. On account of the protracted impact this broad regulatory cost issue has had on the development of the Barwon Heads project, the office has written an open letter to TXU regarding the project. In the open letter, the office expresses surprise that TXU is not progressing the Barwon Heads project on account of the broad regulatory issue, which is currently being dealt with through a separate and formal public consultation process. The office states that it believes the rule change being sought by TXU to address the matter is relatively immaterial in the context of the Barwon Heads extension.

The office indicates that while it cannot force TXU to undertake the Barwon Heads project, there is no regulatory impediment to the project proceeding under a standard tariff regime. The government hopes progress will now be possible, as it appears that disproportionate efforts and resources have been devoted to date by all parties in bringing the Barwon Heads project to fruition.

The Honourable John Ross requested that the Minister for Environment and Conservation in another place ensure necessary funding is provided to Bayside City Council to rectify a collapsed seawall at Beach Road, Black Rock. I will refer that matter to the minister.

The Honourable Jeanette Powell referred to the attention of the Minister for Agriculture in another place the minister's response to the draft risk assessment report regarding the protection of the pear industry from fire blight. I will pass on that matter to the minister for his attention.

The Honourable Neil Lucas requested the Minister for Environment and Conservation in another place to take action and provide resources to the Bunyip State Park rangers and police and to consider his suggestion that the activities of the drivers of four-wheel drive vehicles be transferred to another area or be banned completely from the park. I will pass on that matter to the minister for her attention.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The Honourable Bill Forwood referred me to concerns about a home-based business operated by Tony Wilson of Eliza Travel that is being closed down under council regulations. The government does not intend to interfere with council zoning regulations, but I am happy to ask my department to look at the issue and see whether some assistance can be offered.

Hon. Bill Forwood — It is an example of a wider problem.

Hon. M. R. THOMSON — I am aware of problems regarding zoning, but I will ask my department to look at the issue and the basis for councils making the decisions they do. Often there is a point where home-based businesses expand to the point where they need commercial offices rather than residential offices, but there should be flexibility so that those businesses can continue their activities and thrive. I will look at that issue again and see what the problems are.

The Honourable Roger Hallam raised for the attention of the Minister for Aboriginal Affairs a sand extraction operation at Willaura North operated by a Nick Joyce. It is having problems because of skeletal remains that may be Aboriginal. Although continuous consultations have taken place regarding the bans that now exist and are still in place, Mr Joyce is seeking a meeting with the minister as a matter of urgency. I will pass on that matter to the minister.

The Honourable Sang Nguyen referred to the attention of the Minister for Housing in another place an issue regarding homelessness and 1300 incidents in the western suburbs following a census. He asked what action the minister is taking to address the housing crisis in the western suburbs. I will pass on that matter to the minister for her attention.

The Honourable Andrea Coote raised for the attention of the Minister for Housing in another place the Hollywood Private Hotel for underprivileged men, an issue that the honourable member has raised before. She is seeking clarification of how much of the $94 million for emergency housing will be allocated to the City of Port Phillip in 2000-01 and 2001-02. I will pass on that matter to the minister for her attention.

The Honourable Ron Best raised for the attention of the Minister for Housing in another place an issue regarding residential tendencies and a Mr Phil Spencer from the Private Home Owners Association who is seeking representation on a working group, which he says does not reflect the views of private owners. Mr Best asked whether contact could be made with Mr Spencer regarding representation on the group.

The Honourable Carlo Furletti raised the issue of the Retail Tenancies Act review that has been announced, the government's approach to national uniformity in relation to retail tenancies, and whether the government would adjust its terms of reference in relation to that uniformity. The government is very supportive of national uniformity as a matter of course. I would like to leave the review open at this time to try to come up with what I hope might become a template for retail tenancies nationally. It may be something that the government can take up with ministers in other state jurisdictions as a template for good, sound legislation. I would rather leave the review open, but I would like other ministers to look at the outcome of the review.

The Honourable Chris Strong referred to mobile phones, to the fact that they have now become an essential tool to business and that they cut out in the rail loop. He is right to say that matter does not come within my jurisdiction; however, I am happy to raise it with the telecommunications companies to find out whether they intend to put transmitters in the loop and whether they are able to do so.

The Honourable Peter Katsambanis raised the matter of street prostitution in the City of Port Phillip. Street prostitution is not my area of responsibility — just let me finish, and then see if you want to raise your point of order.

Hon. Bill Forwood — On a point of order, Mr President, an administrative order from last year states at page 21 that the Prostitution Control Act 1994 is the responsibility of the Minister for Consumer Affairs.

The PRESIDENT — Order! Is that the latest one?

Hon. Bill Forwood — My understanding is that it is the latest one.

Hon. M. R. THOMSON — I can clear that up. I am responsible for the Prostitution Control Act, which covers the licensing of brothels, and that is the jurisdiction for which I have responsibility. Street prostitution is a planning and police matter — if I could reply to the matter raised it may resolve your point of order, Mr Forwood, but you can keep going.

Hon. Bill Forwood — My understanding of the Prostitution Control Act is that it also covers street prostitution. While there are some aspects of planning in the act, the issue that has been raised by Mr Katsambanis falls within the minister's jurisdiction and no-one else's.

Hon. M. R. THOMSON — I am responsible for the licensing of brothels, and there are aspects of the act that are the responsibility of the police and planning ministers. I am sorry, Mr President, you want to rule on the point of order. It is not really a point of order.

The PRESIDENT — Order! It is a question of clarification. The minister is aware of her ministerial responsibilities and she has explained them.

Hon. M. R. THOMSON — However, I am aware of the problems in Port Phillip and on that basis I have raised the matter for discussion with the Minister for Police and Emergency Services, the Minister for Planning and the department to look at ways we can assist in that area, and we will be responding to the Port Phillip council. That is why there has been a delay in the response.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Ron Bowden referred to me a matter concerning land in Somerville reserved for a potential secondary college near the Somerville Rise Primary School. I will refer that matter to the Minister for Education in the other place.

The Honourable Barry Bishop referred to the mosquito outbreak in the Sunraysia area and the possibility of a joint local eradication program being conducted by local and state governments. I am happy to relay that matter to the Minister for Major Projects and Tourism in the other place.

The Honourable Peter Hall referred to recent education department agreements and the resourcing of school service officers in small rural schools. I am happy to refer that matter to the Minister for Education in the other place.

The Honourable Geoff Craige referred to an incident at the Rubicon Hotel, Thornton, and to related pleas for police assistance. I am happy to refer the matter of policing and resourcing in rural Victoria to the Minister for Police and Emergency Services in the other place.

The Honourable Gordon Rich-Phillips referred to issues surrounding the *Neos Kosmos English Weekly*. I will refer that matter to the Minister for Education in the other place.

In relation to the matter referred to me by the Honourable Andrew Brideson, I have spoken recently with Dr Peter Lewis and have arranged to meet with him to discuss a number of the issues relating to responsibilities that come within the Professional Boxing and Martial Arts Act.

The Honourable Andrew Brideson and other members of the house may not be aware — and it is a significant time to point it out — that prior to 1996 instructors, officials and competitors in both professional and amateur martial arts contests were required to be licensed. The licensing criteria included the minister being satisfied that the applicant was a fit and proper person. The licensing requirements for non-professional contestants were repealed in 1997, and the principal reason for the removal of that licence requirement was to enable amateur organisations to have greater control over their own affairs.

It also became apparent that there were significant deficiencies in the registration system because at the time there were more unlicensed instructors than instructors holding licences, and it was impossible to fully police the industry without a huge increase in resources. The act now provides that only professional kickboxing and any martial art declared by the minister to be a martial art for the purposes of the act come within the ambit of the act. I trust that Mr Brideson and other members of the house now appreciate the context into which that act falls.

The Honourable Cameron Boardman referred to the Better Pools program funding and to a meeting I had with the honourable member for Frankston East in the other place, Matt Viney, and the Frankston mayor, Cr Conroy. That meeting was facilitated by the Honourable Bob Smith, and I appreciate the job he did in bringing us together.

The meeting allowed me the opportunity to talk with them about the criteria for Better Pools program funding. I had the good fortune of meeting with them after the opening of the Ballan Park athletics track, which has been partly funded by Sport and Recreation Victoria and is a magnificent facility. Although the Honourable Bob Smith and Mr Viney were at the opening of the track, I was disappointed not to see the Honourable Cameron Boardman there on that occasion.

I point out to the Honourable Cameron Boardman that I said at the meeting that, as with all discussions in relation to Better Pools program funding — this is worth consideration by all members of the house — what is important is that it be a viable and ongoing project and a good one for the council to bring together in terms of all the technical and financial criteria involved. That is what I say to all people I meet with in relation to the Better Pools program, and on that occasion it was no different.

The Honourable Andrew Olexander referred to youth suicide and to issues relating to the National Depression Initiative. He highlighted the high incidence of suicide among young males in regional and rural areas. I am very conscious of that issue and it is of significant concern.

I point out to the honourable member that as part of the government's mental health policy it has committed funds to address the prevention of youth suicide. Rural youth suicide prevention programs have been allocated funding to address those issues in country areas. In 1999–2000, $250 000 was committed and in 2000–01, $250 000 was again committed. The ongoing commitment for a further three years will be $250 000 in each of those years. The government is also providing funding to address youth suicide among same-sex young people and has allocated $35 000 in 1999–2000, $125 000 in 2000–01, and $50 000 in 2001–02.

I thank the honourable member for drawing my attention to an issue raised by the National Depression Initiative. No doubt I will be advocating not only across government but to federal colleagues with regard to ongoing funding of the institute's initiatives and those linked with youth suicide.

The Honourable Ian Cover raised the issue of the *Victorian Drowning Report* and the family-friendly beach initiative that was part of Labor's policy commitment. Currently the Labor Party is instigating a number of initiatives on that issue. As the honourable member may appreciate — it was one of the satisfying elements of the initiative I recently announced — a number of groups need to be brought together to coordinate a range of initiatives. The stakeholders include Surf Life Saving Victoria, the Royal Life Saving Society, the Victorian Aquatic Industry Council, local governments and other government departments. Not only has that been the case in the Play It Safe by the Water campaign but also in bringing together the family-friendly beaches program.

One of the first issues the Labor Party discovered to be a significant factor was the lack of coordinated beach signage throughout Victorian beaches. The signage is inconsistent, not only at a local government level but in relation to a range of issues, particularly the identification of safe beaches, where it is and is not possible to swim and where flags may be displayed. As part of the development of the family-friendly beaches initiative the government has allocated $136 000 to a beach signage trial project.

Until the government can bring together, benchmark and coordinate signage across all Victorian beaches it would not be prudent for it to start recommending beaches. As part of the initiative the government will instigate open-water education programs to make young people aware and to make certain beaches more attractive to families and young people. That is part of the Play It Safe by the Water campaign directed to beaches that are more likely to attract families because they have a higher standard of family friendliness than other beaches. It is part of an ongoing developmental project to benchmark the accommodation of families at those beaches.

Motion agreed to.

House adjourned 11.56 p.m.