

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL  
FIFTY-SIXTH PARLIAMENT  
FIRST SESSION**

**Tuesday, 19 August 2008**

**(Extract from book 11)**

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**Standing Committee on Finance and Public Administration** — Mr Barber, Ms Broad, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips and Mr Viney.

**Standing Orders Committee** — The President, Mr Dalla-Riva, Mr P. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP



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**Tuesday, 19 August 2008**

**The PRESIDENT (Hon. R. F. Smith) took the chair at 2.03 p.m. and read the prayer.**

## **BUSINESS OF THE HOUSE**

### **Audio webcasting of proceedings**

**The PRESIDENT** — Order! I want to draw the attention of the house to a slight change in the IT system. Today for the first time the audio of the proceedings of this house will be available on the internet. The link to the webstreamed audio is on the Parliament's website at [www.parliament.vic.gov.au](http://www.parliament.vic.gov.au). This initiative has been developed by Hansard, with support from IT and the library, and I note in particular the work of Dennis Advani from Hansard in putting this project together.

The webcasting of proceedings is a wonderful use of the chamber's new sound system and makes the Parliament of Victoria more accessible to Victorians and people all over the world who may be interested in listening to the operations of Parliament.

## **ROYAL ASSENT**

**Message read advising royal assent on 5 August to Local Government Amendment (Elections) Act.**

## **QUESTIONS WITHOUT NOTICE**

### **Automotive industry: review**

**Mr DALLA-RIVA** (Eastern Metropolitan) — My question without notice is to the Minister for Industry and Trade. Does the minister support the Bracks automotive industry review in full?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — I thank the member for his question. As the member is aware, unlike the opposition the government put in a submission to the Bracks review in which it outlined its position very clearly. I might add, being somebody who has been in this place for some considerable time, that when the Labor Party was in opposition it regularly made submissions to this kind of review because it was very keen to put its policies up-front and to the Victorian people. There are plenty of examples where we were prepared to go and do the work and actually put our views out there, but there are even more examples where the current opposition has not been prepared to

put a single view to any authority, to any board, to any review or to anyone else, but it wants to come in here and ask us about our submission.

I am happy to respond to the member by saying that our views were put in our submission, which went to the Bracks review. It was a public document, so Mr Dalla-Riva is well aware of the position we put to the Bracks review. The Bracks review has come down with a good set of recommendations which will now be considered by the federal government. Obviously the two big issues in relation to that review are: firstly, the level of the tariffs and secondly, the level of assistance to the industry. In the event, the Bracks review came down on the side of saying we should significantly increase the level of assistance but decrease the level of tariffs.

That was not the position we put to the Bracks review; we put the view that tariffs should remain post 2015. Certainly our view now would be that if there is to be a reduction in the tariff levels, then the level of assistance ought also to be taken into account. In other words, if the Bracks review recommends a significant increase in assistance, as it does, then we would be — and I think the industry would be, the unions would be and the workers would be — very disappointed if only one half of the Bracks recommendations, that is, reducing the tariff, were considered without agreement on the other half of the recommendations, which is that the level of assistance should be increased dramatically and doubled in the case of the green car fund.

**The PRESIDENT** — Order! Before I ask Mr Dalla-Riva whether he has a supplementary question, I advise the house that I am reliably informed by the manager of information technology that we are online.

### *Supplementary question*

**Mr DALLA-RIVA** (Eastern Metropolitan) — Given that the minister says there are two components, is it not a fact that the former Premier, Mr Bracks, has ignored the submission on tariffs that the minister put forward.

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — The member is clutching at straws and trying to make an issue out of something that is not an issue. This is a serious issue for workers, for the manufacturing industry and for the automotive industry. We put up a position. It was a position based on our view that tariffs should be retained at the current levels and that the level of assistance to industry should also be maintained. That was our position. In the event,

the Bracks review came down with the view that the level of tariffs should be reduced but the level of assistance should be increased beyond what we had suggested in our submission.

I again reiterate what I said to the member, that our view is that one should go with the other: you should not reduce the tariffs and then not increase the level of assistance. That is our view at the moment. Unlike the member, who is the opposition spokesperson, and unlike the opposition, we put in a submission. It was open to the opposition to put in a submission, but it did not. We do not know what its position is: whether it supports tariffs, whether it is against them or whether it is neutral. It was not prepared to do the work to put in a submission and be part of the debate; that is the difference. We are part of the debate, and in that sense we are relevant to the debate. The opposition is totally irrelevant because it was not even prepared to put in a submission.

### **Innovation: government policy**

**Mr LEANE** (Eastern Metropolitan) — My question is to the Minister for Innovation. As the minister is well aware, this week marks National Science Week. In this context I ask the minister to outline to the house how the Brumby Labor government's recently released innovation statement renews and strengthens the state's support for science and technology, and how this will lead to a healthy, sustainable and productive future for all Victorians?

**Mr JENNINGS** (Minister for Innovation) — I know the President welcomes Mr Leane's question as much as I do, because it provides me with an opportunity to talk about something that he is well versed in and understands. I am pleased that he joined the Premier and me last week at Boronia to launch the innovation statement, which is an important commitment by our government to make sure that we drive continuing innovation and capability within the Victorian community, particularly as it relates to science, technology and the application of more productive activity. It underpins the economic development of small and medium-sized enterprises and underpins our productivity generally. That was the feature of the innovation statement launched by the Premier and me.

As Mr Leane acknowledged, it is National Science Week. I had the privilege last week of being at an important event at Government House where, on behalf of the people of Victoria, we gave awards to some of our outstanding scientific talent. Professor Peter Colman was the recipient of the Victoria Prize, which,

when mixed with our sporting metaphors of the moment, is the equivalent of the gold medal. The science week agenda is an opportunity to showcase Victoria's outstanding scientific capability.

**Mrs Coote** — What did he do?

**Mr JENNINGS** — Peter Colman is a scientist at the Walter and Eliza Hall Institute for Medical Research. He was one of the leaders in doing structural analysis of the protein structures of various viruses and illnesses — in this case influenza. His work led to the creation of a number of important drugs that will protect this community and the global community from the potential for pandemics in the future.

I thank Mrs Coote for giving me the opportunity to expand on that element of my contribution, because we should be extremely proud that we have a scientist such as Peter Colman. Our government understands the importance of that work and the importance of our institutions in Victoria.

It understands that the investments we have seen in previous iterations of the innovation strategy have supported that capability and led to great economic outcomes for this state. We have estimated that something of the order of \$3.9 billion worth of economic activity has been generated. But beyond that, in terms of dealing with some of the most profound challenges that confront our global community, whether they be in biomedicine, whether they be in climate change, whether they be in renewable energy or whether they be in a whole variety of human endeavour, the innovation strategy is designed to support that capability. The \$300 million we announced last week will augment the approximately \$700 million that was announced by my colleague the Treasurer on behalf of the government a few months ago. Altogether we can identify something of the order of \$1 billion worth of programs in this current budget to support innovation. Within the prism of the strategy but more broadly in the areas of skills and IT development, in terms of our approach to supporting renewable energy programs and driving research and development across a broad range of programs within the Victorian government we are committed to innovation.

Within the strategy itself we make sure that we have identified programs to build on our strategic capability in science. We add to the possibilities for competitive grants to be able to underpin strategic investments such as the ones we have talked about in this chamber many times — the synchrotron, the fantastic monoclonal antibody facility that we opened recently at Monash University and a number of other facilities such as

Bio21. We want to make sure that we have the infill of scientific capability so that our scientists can expand their research and development, expand their skills and develop international collaboration. We are trying to take innovation further into the small and medium-enterprise sector.

**Mr Dalla-Riva** interjected.

**Mr JENNINGS** — Mr Dalla-Riva knows that there is great capability in this community and great scientific endeavour coming through the innovation portfolio, and we have every reason as a community to be extremely proud of that capability. We want to take it further into clinical practice and commercialisation, and that is what the strategy is designed to do. I look forward to that on behalf of the government and on behalf of the Premier, who continues to be totally committed to this program and to this strategy.

The Victorian government will support greater innovation and scientific capability and the commercialisation of this great potential, not only for our own community but for this nation and the world.

### Public sector: investments

**Mr D. DAVIS** (Southern Metropolitan) — My question is for the Treasurer. Last year when questioned in this chamber about the risk to Victorian government investments flowing from his government's decision to invest in risky subprime instruments, the Treasurer said:

I am confident that we have good governance in place ...

On another occasion he said:

I am satisfied with the prudential guidelines.

Does the Treasurer now concede that these risky investments will have a material effect on many Victorian government departments and agencies and that he was wrong last year to dismiss these concerns?

**Mr LENDERS** (Treasurer) — I thank Mr Davis for his question and send a cheerio to my mum on the internet, because I know she will be listening. She has got a computer and she will be listening, so cheerio to my mum.

**Mr Jennings** — She is the only listener!

**Mr LENDERS** — I know that Mr Rich-Phillips's mother reads *Hansard*, and my mother listens to the internet, so we have an audience of at least two.

Mr David Davis asked about my comments last year. He talked about risky investments, and I assume he is

alluding to the disgraceful article in last Saturday's *Age*. I say that deliberately, and I will go through what I guess Mr David Davis is asking. Last year I was asked, and the Premier was asked at the same time — it was like synchronised swimming by the opposition in both houses — whether we had — —

**An honourable member** interjected.

**Mr LENDERS** — Synchronised questioning.

**An honourable member** interjected.

**Mr LENDERS** — Synchronised sinking; that is right. We were asked whether the government had any exposure to subprimes. My answer then was that the VFMC (Victorian Funds Management Corporation) and the Treasury Corporation of Victoria, our main fund investors, had negligible direct exposure to subprimes. Of course we have indirect exposure. Mr Davis's leader, Mr Baillieu, owns shares in banks, for example, and banks have exposure to subprimes. Everyone has some exposure to subprimes in a market, but Mr Davis's specific question asked what was the particular exposure of the Victorian government.

**Mr Guy** interjected.

**Mr LENDERS** — Mr Guy says, 'How petty'. I am putting it into context. People who invest in the market — probably everybody on this planet — have some indirect exposure to subprimes, and I do not say that lightly.

Regarding the issue of exposure, I first of all go to the collateralised debt obligations, or CDOs, which the *Age* was talking about. Anybody who actually looks at CDOs will know that some of them have a subprime exposure. Most of those referred to in the *Age* actually deal with risky items — if that is the term that Mr David Davis wants to use — like notes in BHP. Today BHP Billiton had, if I recall correctly, a profit half the size of the budget of Victoria, so I would not mind having some risky CDOs in BHP Billiton paper! If we are talking about exposure to CDOs, and if the *Age* had the information right, if it had looked at what Lehman Brothers said — it did not even check its story properly, which it had an opportunity to do — —

**Mr D. Davis** interjected.

**Mr LENDERS** — Mr David Davis said I am having a go at journalists. What I am saying is that many people in Victorian charitable organisations — whether they be part of the Catholic Church, the Uniting Church, the Anglican Church or various welfare organisations — were spooked on the weekend

and thought their investments were under some sort of threat because a newspaper could not bother checking its story properly. That is an issue of some significance.

Going back to the Victorian government, there is one Victorian government body that unequivocally has invested in CDOs with a subprime exposure — that is, the First Mildura Irrigation Trust — and my colleague the Minister for Water has taken action against that particular body. A number of bodies in Victoria have some CDO exposure.

**Mr D. Davis** interjected.

**Mr LENDERS** — Mr David Davis says ‘Ah’, as if he has struck the jackpot. He ought to learn and discover that we have a prudential guideline in place — —

**Mr D. Davis** — There are losses.

**Mr LENDERS** — Mr David Davis says, ‘There are losses’. I was informed the other day that a big school in his electorate had an accumulation superannuation fund that had a 17.6 per cent loss. If he talked to his constituents, if he talked to some teachers in the non-government sector who have accumulation funds, he would find that most superannuation funds investing in accumulation funds are operating on bad this year because — surprise, surprise! — the equities market has gone south, as it has across the planet and as it did in 2002, after which it rebounded.

If Mr David Davis wishes to talk about losses, he should look at the Victorian Funds Management Corporation, which is the largest single investor on behalf of the state of Victoria. If he looks at a five-year period, he will find its average annual gross profit or benefit has been 10.5 per cent. If Mr Davis suggests the government should have put that in a bank, he would find that had it done so Victorian taxpayers would in the order of \$6 billion worse off than they are with the investment models we have been using.

I say to Mr David Davis: we have a prudential guidance operation in place, much of it under the Borrowing and Investment Powers Act. To my knowledge one organisation in Victoria has breached that act — that is, the First Mildura Irrigation Trust — and we know how the government has responded to that. A number of other bodies have prudential requirements under different acts of Parliament, and I have asked my department — as I have on a number of occasions — to report to me on whether the model is appropriate. As a government we will continue to adjust to what we need to do.

**Mr D. Davis** — So the guidelines might not be adequate.

**Mr LENDERS** — I say to Mr David Davis that if he is saying the guidelines are inadequate, he can scaremonger, he can try to talk down the state of Victoria, but if we had put the money in the bank over the last five years — which he is perhaps suggesting — Victorian taxpayers would be \$6 billion worse off than they are under the investment models the government has used and operated under. On the other hand, those in BaillieuLand, who promise all things to all people — they promise everything and are accountable for nothing — have promised \$10 billion more in the last two years than can be delivered. We are proud of our record. We have made a good return on taxpayers money. We will continue to model it. It is best practice; it is something that people in most jurisdictions look at with some envy. We will continue to invest appropriately in Victoria, to have a AAA bottom line, to get the prudential guidelines right, to monitor and observe these issues, but mostly to have confidence in our financial sector.

We have confidence that this is a great state in which to live, work and raise a family. It is not a place that should be talked down. This is a time when we need to put our shoulder to the wheel and be with our businesses and our communities in going forward — not talk down the state like Mr David Davis repeatedly does.

*Supplementary question*

**Mr D. DAVIS** (Southern Metropolitan) — I think the Treasurer has essentially conceded that he is reviewing the prudential guidelines and has asked for a report on them. As the Treasurer has alluded to, and in fact as has been reported, dozens of Victorian departments and agencies will be significantly impacted by losses on subprime investments. Aside from the prudential report he has referred to, has the Treasurer requested a report that summarises or examines the Victorian government’s full exposure to subprime investments? If so, on what date did he request that report, and will he make it public?

**Mr LENDERS** (Treasurer) — Mr David Davis, I presume, needs to go for a hearing test, or perhaps I am not expressing myself clearly enough. Mr David Davis erroneously says dozens of Victorian government bodies have had large losses due to subprime exposure. I suggest Mr David Davis read more than an article in the *Age* and actually start going to those organisations.

**Mrs Peulich** — Answer the question.

**Mr LENDERS** — Mrs Peulich is saying, ‘Answer the question’. It is very helpful of her to suggest to me that I answer the question. I inform Mrs Peulich that this government is here 50 days a year answering questions — unlike the disgraceful government she was part of, which closed down Parliament.

Mr Davis Davis’s premise is that dozens of bodies are exposed to subprime investments.

**Mr D. Davis** — And they are.

**Mr LENDERS** — He bleats that they are. He actually looks like the former federal Treasurer, Peter Costello, when he says that, even though he is in the wrong faction.

**Mr D. Davis** — And you have not denied it.

**Mr LENDERS** — If Mr David Davis listens and goes through the record, he will note that I have said one — one — Victorian government body has had subprime exposure that has been drawn to my attention, and that is the First Mildura Irrigation Trust. For the record, if Mr David Davis is so keen that we act, he should have a word to his leader in the Assembly, Mr Baillieu, who is reported in today’s *Sunraysia Daily* as saying we should not have acted against the First Mildura Irrigation Trust. Mr Davis’s leader thinks we should be soft on bodies that expose taxpayers funds to subprime investments, while his mouthpiece in this house says we are not tough enough. Like the Liberal Party, they are all over the place.

I say to Mr David Davis that before he comes into this place he should understand what a collateralised debt obligation (CDO) is. He should read about what it is. If he bothers to look at what the Municipal Association of Victoria thought of the *Age* article today — erroneous, wrong — if he checks what a CDO is, if he thinks that government bodies should not invest in CDOs when you are talking about collateralised debt obligations in relation to things like BHP Billiton paper and if he thinks that is a risky proposal, then I suggest he put his money under the pillow — —

**The PRESIDENT** — Order! I am sorry to interrupt the minister, but I ask the woman in the gallery with the camera who she is and what she is doing.

*Interjection from gallery.*

**The PRESIDENT** — Order! I did not hear the answer.

*Interjection from gallery.*

**The PRESIDENT** — Order! I suggest she did.

**Mr LENDERS** — In conclusion, I say to Mr David Davis that he should stop scaremongering. To come into this place and say, as he did, that dozens of bodies have breached these guidelines is preposterous. It is talking down the state. It is frightening investors. What he should focus on is that we will continue to monitor this situation.

As I said, collateralised debt obligations — CDOs — are more than subprimes. If Mr David Davis thinks they are just subprimes, then he should relinquish the baton to any of the other people on his front bench. Mr Rich-Phillips would not make that mistake. I dare say not even Mr Wells, the member for Scoresby in the Assembly, would make that mistake, and that is a big statement. Mr David Davis should get his facts right, stop talking down the state and focus on the fact that investing in Victoria is one of those areas where, in a government sense, Access Economics gave this state an A-plus rating for transparency, which no other jurisdiction in Australia got.

**An honourable member** — Your mum will be ashamed of you!

#### **Emergency services: volunteers**

**Ms DARVENIZA** (Northern Victoria) — My question is for the Minister for Environment and Climate Change, Gavin Jennings. Could the minister inform the house how the Brumby government is preparing for the coming fire season?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Ms Darveniza for her question and the opportunity to talk about our firefighting effort, but for the benefit of Mr Lenders’s mother and perhaps Mr Rich-Phillips’s mother, during the course of Mr Lenders’s answer somebody entered the gallery with a camera — probably to augment the World Wide Web audio coverage — and the President made a very timely intervention to make sure that we do not have the visuals, because the world is perhaps not prepared for the visual presentation of the chamber at this moment!

But back to the subject that Ms Darveniza is imploring me to talk about, which is our firefighting effort. Victorians well know that we should be proud of those in our community who stand up at times of adversity to undertake fire emergency response and those who mitigate against the fire risk by engaging upon controlled burning and other fire mitigation activities. Every year we as a community can be extremely

thankful for the courage and capability of those who fight fires on behalf of our community and our environment.

I take the opportunity to draw to the attention of the house that some of our most experienced and capable firefighters are returning to Victorian shores today after spending more than a month in California. On behalf of the Victorian government and on behalf of the Parliament, I would like to congratulate them for going beyond the call of duty and assisting in the California firefighting effort. Those fires have bedevilled the Californian community and indeed have been quite prominent in terms of international media exposure about the risk that has been evident in California.

I thank members of a number of Victorian agencies for their firefighting effort. They include the nine who have returned today: Mike Blackall, Caroline Douglass, Lee Gleeson and Evan Lewis of the Department of Sustainability and Environment; Mark Gilmore from the Country Fire Authority; Craig Jeffs, Peter Teasdale and Anthony Maxwell of Parks Victoria; and Mario Malovic from Melbourne Water. We can be grateful that their expertise has supported that firefighting effort. They have great capacity in dealing with remote fires and with management supervision of firefighting crews, and in repelling fires through the use of aircraft and their appropriate guidance and supervision.

I also remind the house that last week we sought expressions of interest from firefighters to come forward to support our effort in the next firefighting season. There is currently an open process inviting Victorians who believe they are capable, able and willing to participate in our firefighting effort to put in their expressions of interest within the next few weeks to join the 1300 full-time firefighters that we have at our disposal over the summer period. These firefighters will be called upon somewhere between November and March. Hopefully most of their activities will be in fire mitigation, such as reducing fuel loads and putting in fire tracks, and they will not be called upon to repel fires or put out fires during the summer months, but it is almost inevitable that there will be fires that will require some degree of emergency response over summer.

We hope that people will put in those expressions of interest. We will ensure that they are trained and supported. In fact our firefighting effort for the last few years has increased dramatically to make sure that we support our firefighters at times of adversity and that we have resources available at their disposal to support their firefighting effort. We call on Victorians to put forward their expressions of interest to join our firefighting effort, so that we as a community can have

a greater capability in fighting those fires this summer season and in the years to come.

### **Economy: performance**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Treasurer. On 30 July the Premier told Parliament that economic conditions in Victoria were ‘the toughest in 15 years’. Two weeks later the Premier told the media that the ‘economic fundamentals are as good as you will ever get’. How can the government claim that conditions are the toughest in 15 years and at the same time are as good as they will ever get?

**Mr LENDERS** (Treasurer) — I thank Mr Rich-Phillips for his question. I thank him for his interest in these matters and particularly for listening to what the Premier has to say. I thank him for that and for the media analysis.

What the Premier said is correct and it is a quite simple proposition. We have had 17 years of strong economic growth and what we are seeing now are some challenges to that economic growth. We obviously have a narrowing or tightening of credit. We have seen that. At the moment my own bank, the Commonwealth Bank, has its standard variable mortgage rate at 9.58 per cent, which is higher than it has been for a while. We also have some tightening of credit; we have seen that. We have seen pressure from rising petrol prices. We have seen pressure that has come through in a range of areas — interest rates and petrol prices in particular — and that is having an effect on slowing the growth rate of the economy.

What we said in the budget, or what I presented, was that we would continue to have economic growth but at a slower rate. What I presented in the budget was that we would have unemployment rising slightly. What I predicted in the budget was a range of those economic indicators which are actually happening pretty much as predicted. The Premier was alerting us to the fact that there are challenging things facing us at the moment but he was also stating the obvious, that Victoria has a strong and diversified economy which will position it better than any of the other non-resource states to actually respond to this. So the Premier’s statements are absolutely consistent. We are facing more difficult times than we have at any time in this 17 years of growth that we have seen.

But, having said that, we will continue to have growth at a slower rate. If we look at the resilience of the Victorian economy, what we see is a demand for housing which is strong there; and we see a very strong

infrastructure pipeline which this government has been building towards, whether it be for the water plan, whether it be for the roads, whether it be for the rail, whether it be for many other areas such as the investment in social housing, investment in schools or investment in hospitals. So we see a strong building program, we see a diversified economy — —

**Hon. T. C. Theophanous** interjected.

**Mr LENDERS** — The rectangular stadium, exactly, Mr Theophanous. We see arising out of the budget and particularly targeted towards manufacturing a reduction in payroll tax, a reduction in WorkCover premiums and a reduction in land tax — and we see packages. Mr Jennings mentioned the innovation package before. My colleague Ms Allan, the Minister for Skills and Workforce Participation, will have a skills package; and Mr Theophanous is dealing very well with the manufacturing sector in a time when the dollar has been very strong.

With all those things coming together, the Premier was correct to identify that out of a 17-year period of strong growth this was more challenging than at any other time in that 17-year period. He is absolutely correct to predict that in a strong and diversified economy the levers we have put in place and the measures we have put in place position Victoria well, which is a very diversified economy, to go forward with extraordinary promise for this state. I do not see them at all as inconsistent. In fact they are all part of the elaborate story that is Victoria.

I thank Mr Rich-Phillips for his question. I look forward to his supplementary question, which I am sure will be to acknowledge the good work done by the Bracks and Brumby governments to help diversify the Victorian economy.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — Is the Treasurer aware of any advice within Treasury that now casts doubt on the gross state product growth forecast of 3 per cent?

**Mr LENDERS** (Treasurer) — As Mr Rich-Phillips well knows, and as the *Australian Financial Review* reported back on 15 January 2003, we are too transparent, we report so many times. Twice a year we put out economic forecasts: we put them out in the budget and we will do a mid-year budget update probably around mid-December, which will be a revision of the forecasts. Quite clearly what we have seen in the nation is a slowing of the rates of growth that were predicted at the start of the year. We have

seen the Reserve Bank go out of its way to actually assist slowing the economy and we have seen the commercial banks add to the interest rate rises. We have also seen the dollar going up and down a bit like a creature at Luna Park sometimes. It went up to 98 cents, and it is at about 88 cents now. We have seen movement in the price of petrol. The last time I looked, which was Friday, it was US\$114 a barrel. It has probably moved up or down a bit since then as well.

I will certainly release a mid-year budget update, which will show where the Victorian Treasury forecasts the economic parameters to be in November for that mid-December announcement. I can certainly say to Mr Rich-Phillips that what we predicted in the budget was that growth would be at a slower rate than last year and I am certainly confident that growth will be at a slower rate than last year.

**Economy: regional and rural Victoria**

**Ms PULFORD** (Western Victoria) — My question is to the Treasurer. The Brumby Labor government has a strong history of investing in our regions. In light of this, I ask: how is the Brumby Labor government continuing to make regional Victoria the best place to live, work and raise a family?

**Mr LENDERS** (Treasurer) — I thank Ms Pulford for her question and her interest in this. Ms Pulford is a great member for her regional electorate; she lives and breathes regional Victoria.

**An honourable member** interjected.

**Mr LENDERS** — I take up the interjection. I remember Ms Pulford when she was Jaala McDonald from Castlemaine. She came down to Melbourne as a student. Certainly Ms Pulford came from the country, is back in the country, and understands the country better than anyone opposite. Ms Pulford would never describe regional Victoria as the toenails of the state, because she comes from regional Victoria, is regional Victoria, and is bringing up her family in regional Victoria.

I was distracted by that interjection, but the question was: what is the Brumby government doing to assist in the growth of regional Victoria? The first thing I would say to Ms Pulford and the house is that 133 200 jobs have been created in regional Victoria since we were elected to government in 1999.

**An honourable member** — In Castlemaine?

**Mr LENDERS** — In Castlemaine and Ballarat and right through the Western Victoria Region she so well represents. The first thing we have done in regional

Victoria is set the climate for the growth of jobs. It is not as if — —

**An honourable member** interjected.

**Mr LENDERS** — I hear always the interjection, ‘Thank John Howard’. John Howard did nothing to create jobs in regional New South Wales, did nothing for regional Queensland, did nothing for regional South Australia, did nothing for regional Tasmania and did nothing for regional Western Australia compared to what has been happening in regional Victoria. It is the investment in people and service delivery, whether it be in health, because we do not close hospitals, we build them and put health professionals in the bush; whether it be in schools, because we do not close 300 rural schools, we build schools and put teachers into place; or whether it be in the building of roads and the regional fast rail that lets Ms Pulford come to Melbourne from her home in Ballarat so easily — the rail system which those opposite mock is now delivering people in record time to Melbourne.

It is not just in these areas. It is also in the farming package that we put out recently to assist farmers: the Future Farming strategy. It is three words: Future Farming strategy. Jeff Kennett talked of toenails. We talk of future farming strategies to assist in these times to help a vibrant, growing industry in regional Victoria. There is a range of things: this government listens, this government acts and this government delivers. And Ms Pulford embodies why regional Victoria is a better place to live, work and raise a family.

**Invest Victoria: investments**

**Mr D. DAVIS** (Southern Metropolitan) — My question is for the Minister for Industry and Trade. A key section of the minister’s department Invest Victoria has lost \$4.5 million in subprime investments. Will the minister explain to the house why his department invested in collateralised debt obligations and what investment options have been lost for Victoria as a result of his department’s careless loss of taxpayers money?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — The problem is that the member opposite reads fairytales. It is one of the two: he either reads fairytales or he reads the *Age*. I am not sure which of the two he got his information from on this occasion. I have to say to the member that my department, including the section he referred to, is doing a fantastic job in delivering jobs to Victorians.

**An honourable member** interjected.

**Hon. T. C. THEOPHANOUS** — He is just plainly wrong. It is not possible to answer a question which is based on incorrect information, but that has never stopped Mr Davis in the past from fishing around. He can fish around as much as he likes. The fact of the matter is that his information was wrong in the first place.

The second bit is that he has given me the opportunity to talk about the real job creation that has occurred as a result of the actions of my department, and specifically that particular part of my department, I might say. Let me just give him one example: since October 1999 this government has facilitated \$23 billion of investment as a result of the actions undertaken by my department and by the government — that is \$23 billion in food, in manufacturing, in information and communications technology and in other sectors across metropolitan and regional Victoria. As a result of that we had the 133 200 jobs in regional Victoria that the Treasurer referred to earlier, but overall — throughout Victoria, including the Melbourne area — we have generated 446 600 jobs since October 1999. That is more than 1000 jobs per month. It means that this government has been able to generate a significant number of jobs over the entire period — 446 600 — and a large proportion of those are involved in the \$23 billion of additional investment attracted as a result of the actions undertaken by my department and the government and are directly related to the actions we have taken in facilitating those additional jobs.

We are happy to stand by our record of achievement in job creation, in growing the economy and in providing for the kind of economic growth that has allowed us to build schools and hospitals and to do all kinds of things of that nature that have led to Victoria becoming such a great place to live, work and raise a family.

*Supplementary question*

**Mr D. DAVIS** (Southern Metropolitan) — I note that the minister in his response did not deny that there were some losses by Invest Victoria, and I now ask: has the minister requested any investigation or report into the management of public funds by the central Victorian arm of his department, and if so, what are the results of those investigations?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — The member can fish around as much as he likes on the basis of wrong and incorrect information. His information is incorrect; he is wrong. The numbers he quotes are completely made up by him. There is no issue that he is seeking to raise. The only thing occurring in my department that is relevant

is that it is creating jobs. We are helping to create jobs in Victoria, and we are happy to be judged on the fact that under our government, unlike the opposition — unlike Wendy Lovell and Bruce Atkinson, who are both asleep for the whole of question time — we are not asleep at the wheel. We are well and truly awake, and we are creating jobs in regional Victoria.

**Mr Atkinson** — On a point of order, President, I take exception to the fact that the minister suggested that a couple of members of the opposition were sleeping. It is totally incorrect, and the reality is that it reflects badly on the members. I ask for him to withdraw the remark.

**The PRESIDENT** — Order! I am sure the Deputy President knows full well that that is not a point of order. I also remind him that if he were to take offence at anything said within this chamber, he is entitled to ask for it to be withdrawn. But I remind all members of the house that it has to be offensive.

**Mr Atkinson** — I regard it as offensive.

*Honourable members interjecting.*

**Mr Atkinson** — President, I do regard it as offensive because there is absolutely no substance to it, and the minister made a remark which does —

**Hon. T. C. THEOPHANOUS** — There are a lot of witnesses here, Bruce!

**Mr Atkinson** — Then let them stand, because the fact is that you are wrong, and to make such an assertion as an offhand comment in an answer is just outrageous. I find it offensive and ask that it be withdrawn.

**Hon. T. C. THEOPHANOUS** — Bruce was dreaming.

**The PRESIDENT** — Order! Whilst I understand Mr Atkinson's annoyance and I accept that he is taking offence at the remarks made by the minister, I need to be satisfied that they are objectively offensive. I have to say that Mr Atkinson has made his point quite well — it is on the record — but in my opinion it fails the test of being objectively offensive.

**Mrs Peulich** — On a further point of order, President, I concur with Mr Atkinson, although perhaps on different grounds, that the minister was exploiting the innovation in which you, President, have had a significant role — being the webcasting of this sitting — and he has taken a cheap shot in reflecting on members. I believe that is disorderly.

**The PRESIDENT** — Order! The house is more than aware that there is no capacity to debate a point of order. I am not sure what the member's point of order is, but she certainly has not got to it yet. I will give her an opportunity to actually get to the point of order.

**Mrs Peulich** — President, the point of order I was raising was that Minister Theophanous was reflecting on the two members, whom he actually named, and that that is unparliamentary.

**The PRESIDENT** — Order! They are in the chamber. They have the capacity to defend themselves and make the point on their own behalf. Mrs Peulich has no capacity to make a point of order on their behalf, unless they did not actually hear what was said. I have already dealt with the matter and said the remarks were not, in my opinion, offensive to the extent that would require a withdrawal.

**Mr P. Davis** — On a point of order, I do not want to labour the point, but I am seeking your indulgence, President, to clarify a point for the chamber. If a member were to make such a reflection on the Chair — for example, that the President or Acting President was asleep in the chair — would that be objectively offensive? And if it were, surely the point of order made by Mr Atkinson stands.

**The PRESIDENT** — Order! The fact is that a comment made about the Chair in those circumstances would be a reflection on the Chair, and I might take a very different view.

**Mr P. Davis** — So it's a double standard.

**The PRESIDENT** — Order! I am not going to continue with this. I have made it very clear that the actual remarks were heard, the point has been made about the member's opinion et cetera and I do not intend to labour the point.

### **Water: Geelong**

**Ms TIERNEY** (Western Victoria) — My question is to the Minister for Planning. Can the minister inform the house about recent action the Brumby Labor government has taken to secure water supply for the Geelong region?

**Hon. J. M. MADDEN** (Minister for Planning) — I thank Ms Tierney for her question and her interest in the issue of water, and particularly water supply in the Geelong region, because it is a critical issue and one that I know she is very conscious of and has been very eager to see resolved.

I am pleased to advise the house that recently I gave approval to amendment C44 to the Surf Coast planning scheme. C44 is a very important amendment because it will facilitate the Anglesea borefield project. For those in the chamber who may not be aware of the detail of this, I am happy to provide them with it. The Anglesea borefield project will extract up to 7000 megalitres of groundwater per year from the Lower Eastern View Formation aquifer, and it will ensure the reliability of water supply to the Geelong region. Given climate change and the prolonged dry period we are going through, it is important that we secure water supply for populated areas like Greater Geelong. This is all part of the central region sustainable water strategy that this government has been well and truly keen to see enacted.

It is very important because there are a number of related conditions that are worth recognising. I am requiring Barwon Water, which is the proponent of this project, to make sure it prepares a groundwater monitoring regime, a construction and environment management and mitigation plan and a native vegetation offset plan. These are all critical qualifications to the securing of this water, and all of these plans must be approved by the Department of Sustainability and Environment before the project can commence. This is part of the overall process by which Barwon Water will receive a bulk entitlement, but what is important about that bulk entitlement to extract groundwater under the Water Act 1989 is that that bulk entitlement will specify the parameters for the volume and the timing of the extractions as well as the requirements to monitor the performance of the aquifer.

All these conditions ensure that whilst the water is being extracted it is monitored and accounted for and that we put in place very strong and stringent environmental conditions. It is expected that the project will commence in spring 2009, and it is another example of the Brumby Labor government taking action to secure the future of Victoria and making sure that the regions as well as Melbourne are even better places to live, work and raise a family.

**Ordered that answer be considered next day on motion of Mr VOGELS (Western Victoria).**

**Port Phillip Bay: channel deepening**

**Ms PENNICUIK** (Southern Metropolitan) — My question is for the Minister for Environment and Climate Change. On 24 July, in answer to questions from the media, Mr Mick Bourke, the independent monitor for the channel deepening project, made a statement to the effect that a thorough study of Yarra

River sediments was conducted in the 1990s and that no radionuclides were detected. The SEES (supplementary environment effects statement) inquiry received similar assurances but noted that no supporting documentation was provided, so I contacted the Office of the Environmental Monitor to ask it for copies of the studies that Mr Bourke was referring to. I received three documents, none of which refers to the presence or otherwise of radionuclides in Yarra River sediments.

Given that it appears there are no publicly available studies on the presence or otherwise of radionuclides in the Yarra River sediments, does the minister know of any studies that the Port of Melbourne Corporation has relied upon that either confirm or deny the presence of radionuclides in Yarra River sediments?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Ms Pennicuik for her question. I believe — in fact I am informed — that in the supplementary EES (environment effects statement) process there were various analyses undertaken, and I think that as far back as 1995, as referred to in the question — —

**Mr Barber** — So the SEES is the document?

**Mr JENNINGS** — No, the supplementary EES considered these matters. I am sure the member is well versed in physics and well versed in the nature of the material she is referring to. There is low background material; it is right across the globe, as I am sure she is aware. Thanks to incidents such as Chernobyl and to nuclear proliferation going back even earlier than that, there are background levels of contaminants that exist in the environment subsequent to those events and also subsequent to the presence of a number of heavy metals that might exist in very low levels but have very long half-lives.

In fact the material in relation to this matter has been gathered and examined. Despite the fact that the member is shaking her head, I am informed that this advice has been considered and that very low levels of this material were ever in that consideration. In terms of providing advice I believe that the independent monitor would have acted in good faith on the basis of the evidence and the advice that he received and that subsequently I have received.

Until this question there has never been any doubt about the authenticity or the reliability of the evidence that was considered within the supplementary EES. I am happy to take advice based upon the member's examination of the material furnished to her to test the veracity of that. I indicate to the member that this is a

matter that I am somewhat informed about. I have been informed about it and I have taken advice on this matter, and my advice is contrary to the proposition in the member's question.

*Supplementary question*

**Ms PENNICUIK** (Southern Metropolitan) — As the minister would be aware, I have looked at the documents. None of them refers to Yarra River sediments, although some of them refer to Port Phillip Bay in a wider sense. The minister is saying to me that he has advice. Will he provide that advice publicly? There is nothing publicly available about radionuclides in the Yarra River sediments so that people can be assured that the material that is being dredged around the former CSIRO and Defence Science and Technology Organisation sites and put into the middle of Port Phillip Bay is free from radionuclides — and not just at background levels.

**Mr JENNINGS** (Minister for Environment and Climate Change) — As I indicated in my substantive answer, I have been advised that these examinations and these reports exist and they have been considered in the context of the EES. If I am privy to any advice beyond that, I am happy to share it with the member beyond what is publicly available.

**Information and communications technology:  
VicFibreLINKS program**

**Mr ELASMAR** (Northern Metropolitan) — My question is to the Minister for Information and Communication Technology. Could the minister inform the house how online access for Victorians has been recently boosted by the Brumby Labor government?

**Hon. T. C. THEOPHANOUS** (Minister for Information and Communication Technology) — I thank the member for his question. If we are going to have webcasting of the house, then it is important that that webcasting goes to as many Victorians as we possibly can get to. I was very pleased to see that part of the innovation statement *Innovation — Victoria's Future* that was introduced by my colleague the Minister for Innovation, Gavin Jennings, along with the Premier referred to the \$20 million program called VicFibreLINKS, which is designed to boost connectivity across Victoria. This program will go to providing better optic fibre capacity in strategic regional markets.

One of the things we have done as a government is get ahead of the other states by spending money on delivering high-speed internet into regional Victoria. It

is one of the reasons we were able to create 133 200 jobs. We were wanting to place regional Victoria in a competitive advantage by rolling out fibre into those regions before anyone else. That is why we took the opportunity to roll out fibre along the railway lines, to get fibre to every school in Victoria and to get access through that fibre to a whole range of centres in regional Victoria.

This new initiative will deliver over 1000 kilometres of competitive fibre-optic infrastructure to Victoria's underserved regional centres. Large regional centres like Geelong, Ballarat, Bendigo and the Latrobe Valley, which are well served with more than one provider of fibre infrastructure, will then be supplemented by other important areas with growing populations having a strong regional industry and government presence, making sure that they are not held back in terms of their competitive capabilities through a lack of broadband access.

There is a rapid demand for high-speed mobile data. It means the demands on regional backhaul or network and hub connectivity are only going to increase in the future, which is why VicFibreLINKS is so important. We have not simply waited for the federal government to roll out fibre across the whole of Australia through its programs. What we have done is take action and put money into the system ourselves. This is a further \$20 million towards building that infrastructure ahead of time, and it is putting us ahead of the rest of Australia in relation to the delivery of this important service and important infrastructure in Victoria.

There are many other initiatives in the innovation statement which go to ICT (information and communications technology) development, but I might say about ICT — and I will certainly have more to say about the ICT industry in the Victorian industry and manufacturing statement when it is released — that the Productivity Commission in one of its reports found that 1 per cent of the 3.2 per cent labour productivity growth in the 1990s, which is about a third of the labour productivity growth in the 1990s, was directly attributable to ICT. If we want to increase our productivity, then ICT is going to play an incredibly important role in doing that, and that was confirmed in the figures from the Productivity Commission as well. It is important that it forms part of our industry and manufacturing statement going forward as well, and I look forward to delivering that statement and delivering further jobs into Victoria, particularly in regional Victoria, in the future.

**QUESTIONS ON NOTICE**

**Answers**

**Mr LENDERS** (Treasurer) — I have answers to the following questions on notice: 549, 669, 683, 793, 944, 963, 969, 980, 981, 985–8, 999, 1005, 1008, 1012, 1034, 1035, 1044, 1159–62, 1193, 1241, 1242, 1343, 1356, 1370, 1372, 1756, 1884, 1893–1916, 1989, 2011, 2023, 2029, 2034–7, 2042, 2054, 2055, 2076, 2079–82, 2135, 2175, 2181, 2187, 2201, 2204, 2212, 2215, 2217, 2218, 2220, 2238, 2241, 2245–7, 2249–54, 2273, 2281, 2290, 2291, 2293, 2321, 2328–34, 2346, 2398, 2401, 2404, 2430, 2507, 2515, 2517, 2519, 2521–23, 2525–32, 2535, 2536, 2589, 2594, 2595, 2597, 2599, 2606, 2607, 2609, 2611, 2612, 2615, 2616, 2623, 2625, 2634, 2635, 2637, 2639, 2644–50, 2670–2, 2675, 2677, 2679, 2681–90, 2707, 2709, 2710, 2764, 2774–9, 2786, 2787, 2789, 2796, 2813–21, 2824, 2826, 2827, 2829, 2838, 2843, 2866, 2867, 2869, 2894–9, 2906, 2907, 2909, 2912, 2923, 2934–47, 2949, 2960, 2967, 2971, 2982, 2986–8, 3005, 3009, 3061, 3084, 3087, 3093, 3100, 3102, 3116, 3117, 3120, 3125, 3145, 3150, 3151, 3153–7, 3159, 3161–4, 3166, 3168, 3171, 3181, 3184–3286, 3251, 3259, 3290, 3293–3303, 3305–9, 3311, 3313, 3314, 3316–26.

**Mr HALL** (Eastern Victoria) — President, I seek an explanation to an unanswered question I have had on the notice paper for 84 days — I refer to question no. 2960 — so long as it is not included in the current list of answers to questions on notice which has just been circulated, and I do not think it is. It is addressed to the Minister for Planning for a direct answer. I emailed the minister’s office last week and now formally seek an explanation as to why I do not have an answer to that question.

**Hon. J. M. MADDEN** (Minister for Planning) — I understand it is on the list.

**PETITIONS**

**Following petitions presented to house:**

**Euthanasia: legislative reform**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council serious concerns about the Medical Treatment (Physician Assisted Dying) Bill 2008 and any regime which allows voluntary, active euthanasia and urges:

1. members of the Legislative Council to not proceed with passing laws which allow the taking of life of another;

2. support for ensuring access to palliative care and pain management to all those Victorians who need it;
3. consideration is given to international research which demonstrates that when pain is removed or alleviated, the desire to live is reinstated among those who suffer chronic pain;
4. acknowledgement of cases where even individuals who sign an agreement to voluntary euthanasia do and have changed their minds when faced with death;
5. draw attention to the tragic and illegal ‘euthanasying’ of hundreds of people including many elderly patients in public hospitals who have never agreed to voluntary euthanasia in jurisdictions which have a voluntary euthanasia regime, such as Holland.

The petitioners call on the members of the Legislative Council of the Victorian Parliament to vote against this bill which will legalise euthanasia in Victoria.

**By Mrs PEULICH (South Eastern Metropolitan)**  
**(2800 signatures)**

**Laid on table.**

**Ordered to be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).**

**Water: north–south pipeline**

To the Honourable the President and members of the Legislative Council assembled in Parliament:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council its opposition to the proposed building of the north–south pipeline by the Brumby Labor government which will steal water from country Victorian farmers and communities and pipe this water to Melbourne. We believe there are better alternatives to increase Melbourne’s water supply such as recycled water and stormwater capture for industry, parks and gardens and therefore call on the Legislative Council to oppose the construction of the proposed pipeline.

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

**By Ms LOVELL (Northern Victoria)**  
**(48 signatures)**

**Laid on table.**

**Abortion: legislation**

To the Legislative Council of Victoria:

The petition of RMIT University students and staff members, of the state of Victoria, draws to the attention of the Legislative Council that we support model C for abortion law reform in Victoria.

Model C represents a clear and fair law. It is the only option which reflects current community values, fully respects women’s reproductive rights and choices, and is in line with the abortion laws of the ACT and Canada.

The petitioners therefore request that the Council supports model C for abortion law reform in Victoria.

**For Ms HARTLAND (Western Metropolitan) by Ms Pennicuik (172 signatures)**

**Laid on table.**

**Monash Freeway: noise barriers**

To the Honourable the President and members of the Legislative Council assembled in Parliament:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the Victorian government's failure to upgrade sound barriers where required along the Monash Freeway between Warrigal Road and Huntingdale Road as part of the current expansion of the Monash Freeway.

We oppose the upgrade where no systematic provision has been made to reduce the impact of increased traffic volumes and noise on residents whose properties are impacted by the widening of the Monash Freeway.

The petitioners therefore request that the Victorian government take action to reduce the increased noise impact on local residents of the Monash Freeway expansion by the installation of state-of-the-art noise abatement barriers to a standard equivalent to that required of CityLink and EastLink.

**By Mr D. DAVIS (Southern Metropolitan) (128 signatures)**

**Laid on table.**

**Wind energy: planning guidelines**

To the Legislative Council of Victoria:

The humble petition of the residents in the state of Victoria draws to the attention of the house the detrimental impact on the residents of Inverleigh, Buckley, Winchelsea and Gnarwarre surrounding the Mount Pollock-Winchelsea wind farm development with regard to noise, shadow flicker and CASA required lighting. Current policy and planning guidelines for development of wind energy facilities in Victoria are vague and provide ample opportunity for exploitation leaving residents suppressed of their rights to be protected by the laws of the land.

The petitioners request that the Brumby government immediately review the current policy and planning guidelines for development of wind energy facilities based on new data, new science, environmental, social and economic viability.

**By Mr KOCH (Western Victoria) (78 signatures)**

**Laid on table.**

**Abortion: legislation**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council proposals within government to remove legal protection for children before birth in Victoria.

Unborn babies are the most vulnerable and defenceless members of our society and, as such, need the full protection of Victorian law. Abortion kills unborn children and often permanently damages their mothers.

The petitioners therefore request that the Legislative Council rejects any move to decriminalise abortion in Victoria.

**By Mr FINN (Western Metropolitan) (1026 signatures)**

**Laid on table.**

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE**

**Involvement of small and medium size business in corporate social responsibility**

**Mr SCHEFFER (Eastern Victoria) presented report, including appendices, together with transcripts of evidence.**

**Laid on table.**

**Ordered that report be printed.**

**Mr SCHEFFER (Eastern Victoria) — I move:**

That the Council take note of the report.

In doing so I take the opportunity on behalf of the Family and Community Development Committee to thank the many individuals and organisations who made written submissions to the committee and to those who participated in the public hearings and forums we conducted. I also acknowledge the contribution of my fellow committee members — the members in the other place: the chair, Jude Perera, the member for Cranbourne; the deputy chair, Jeanette Powell, the member for Shepparton; Mary Wooldridge, the member for Doncaster; and Wade Noonan, the member for Williamstown; as well as Adem Somyurek and Bernie Finn from this place. I also acknowledge the considerable work of the Family and Community Development Committee secretariat, Mr Paul Bourke, Dr Tanya Caulfield and Ms Lara Howe.

The final report on the involvement of small and medium size businesses and their corporate social responsibility makes a number of recommendations to the government that the committee believes will assist the owners and operators of these businesses to make

their contribution to their local communities easily and a lot more effectively.

I am sure members of the house will find this report informative and useful, and I commend it to them.

**Motion agreed to.**

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### Regulation review 2007

**Mr EIDEH (Western Metropolitan) presented report, including appendices.**

**Laid on table.**

**Ordered to be printed.**

#### *Alert Digest No. 10*

**Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 10 of 2008*, including appendices.**

**Laid on table.**

**Ordered to be printed.**

## ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE

### Mandatory ethanol and biofuels targets in Victoria

**The Clerk, pursuant to Parliamentary Committees Act, presented government response to committee report.**

### PAPERS

**Laid on table by Clerk:**

Crown Land (Reserves) Act 1978 —

Minister's Order of 18 July 2008 giving approval to the granting of a license at Sandringham Beach Park Reserve.

Minister's Order of 19 July 2008 giving approval to the granting of a lease at Tasma Terrace Reserve.

Minister's Orders of 22 July 2008 giving approval to the granting of leases at Rosebud Tennis Club Reserve (two papers).

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 86.

Notice pursuant to section 32(4)(a)(iii) in relation to the Building Code of Australia 2008.

Melbourne City Link Act 1995 —

CityLink and Extension Projects Integration and Facilitation Agreement Seventeenth Amending Deed, 24 July 2008, pursuant to section 15B(5) of the Act.

Exhibition Street Extension Twelfth Amending Deed, 24 July 2008, pursuant to section 15D(6) of the Act.

Melbourne CityLink Twenty-sixth Amending Deed, 24 July 2008, pursuant to section 15(2) of the Act.

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2008.

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

Bass Coast Planning Scheme — Amendments C57 and C69.

Boroondara Planning Scheme — Amendments C72 and C84.

Campaspe Planning Scheme — Amendment C49.

Casey Planning Scheme — Amendment C109.

East Gippsland Planning Scheme — Amendment C55.

Greater Shepparton Planning Scheme — Amendment C89.

Hepburn Planning Scheme — Amendment C16.

Hindmarsh Planning Scheme — Amendment C6.

Hume Planning Scheme — Amendment C105.

Indigo Planning Scheme — Amendment C46.

Kingston Planning Scheme — Amendment C91.

Knox Planning Scheme — Amendment C75.

Maribymong Planning Scheme — Amendment C54.

Melton Planning Scheme — Amendment C66.

Monash Planning Scheme — Amendment C77.

Moonee Valley Planning Scheme — Amendment C89.

Moreland Planning Scheme — Amendment C86.

Northern Grampians Planning Scheme — Amendment C10.

Towong Planning Scheme — Amendment C16.

Warrnambool Planning Scheme — Amendments C46 and C59.

Whittlesea Planning Scheme — Amendment C110.  
 Wyndham Planning Scheme — Amendments C101 and C106.  
 Yarra Planning Scheme — Amendment C87.

Retail Leases Act 2003 — Minister's determination of 22 July 2008 relating to premises not constituting retail premises, pursuant to section 5(1)(e) of the Act.

Statutory Rules under the following Acts of Parliament:

Estate Agents Act 1980 — No. 97.  
 Fisheries Act 1995 — No. 92.  
 Local Government Act 1989 — No. 96.  
 National Parks Act 1975 — No. 93.  
 Supreme Court Act 1986 — Nos. 94 and 95.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 93, 94 and 95.  
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 72, 76, 92, 93, 96 and 97.  
 Minister's infringements offence consultation certificates under section 6A(3) in respect of Statutory Rule Nos. 73, 74 and 75.

Water Act 1989 — Reasons for Determination to restructure First Mildura Irrigation Trust and Lower Murray Urban and Rural Water Corporation pursuant to section 87(2)(b)(ii) of the Act.

## BUSINESS OF THE HOUSE

### General business

**Mr D. DAVIS** (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 20 August 2008:

- (1) order of the day no. 4, resumption of debate on motion and amendment to motion relating to Catholic school funding;
- (2) the notice of motion given this day by Mr Dalla-Riva relating to manufacturing industry strategies;
- (3) order of the day no. 5, resumption of debate on the second reading of the Local Government Amendment (Disclosure) Bill 2008;
- (4) notice of motion no. 20 standing in the name of Mr Barber relating to the production of certain documents; and

- (5) order of the day no. 2, resumption of debate on the second reading of the Medical Treatment (Physician Assisted Dying) Bill 2008.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Buses: Bendigo

**Ms LOVELL** (Northern Victoria) — The state government has continued to ignore Bendigo's Mitchell Street bus issue, which arose after changes were made to the city's bus timetable. Whilst the community has welcomed the addition of more bus services, the concentration of many of those services at just a few bus stops in Mitchell Street has caused problems for traders along the popular shopping strip. At peak times, such as between 3.30 p.m. and 4.00 p.m. on weekdays, the footpath outside some businesses is often packed with up to 100 people waiting for buses. This high volume of people has caused some problems in Mitchell Street, including an increase in shoplifting from some businesses and even violence in the street.

Rather than address the concerns of all interested parties, which is what the community asked for, the government's Department of Transport recently surveyed only bus passengers regarding the location of bus stops. This survey was almost identical to one the department completed earlier this year, which also failed to canvass other interested parties such as traders and shoppers. Traders have called for a bus interchange and multilevel car park to be developed one block from Mitchell Street to reduce congestion in the main thoroughfare, but their idea has been ignored. Bob Cameron and Jacinta Allan, who are the members for Bendigo West and Bendigo East in the Assembly, have done nothing to appease the concerns of traders and have refused to listen to traders' pleas to relocate any of the Mitchell Street bus stops or explore the traders' alternative plan.

As one Bendigo media outlet reported last week, the City of Greater Bendigo has gone to great lengths to diffuse parking because putting it all in one spot would cause traffic mayhem. I quote:

It seems while it is not OK for cars to create traffic and pedestrian congestion, it is OK for buses to, especially state-government-subsidised buses.

The Brumby government cannot continue to ignore the concerns of Mitchell Street traders and other parties —

**The PRESIDENT** — Order! The member's time has expired.

### **Tertiary education and training: teacher salaries**

**Ms PENNICUIK** (Southern Metropolitan) — Teachers are the backbone of our government school and TAFE systems, which educate the majority of Victorian students. Victorian TAFE teachers have not had a pay increase since September 2006 and their salaries are as much as \$26 000 behind those of teachers in state primary and secondary schools. It is difficult to see how it is possible to attract and retain qualified and experienced tradespeople to work in the TAFE system on a starting salary of \$42 000. A recent survey of TAFE teachers found that nearly three-quarters had thought about leaving in the last 12 months and more than half see themselves working elsewhere within five years. Poor pay is not the only issue affecting TAFE teachers. Six out of 10 are currently employed on short-term contracts. The high rate of casualisation in TAFE is a prime reason many do not see a future for themselves in the TAFE sector.

Everyone is talking about the skills shortage, and the need for more places in TAFE colleges for Victorians who want to improve their skills and qualifications is clear. The government is proposing to increase fees for TAFE courses, which is unlikely to raise student numbers. The government should concentrate on improving the pay and working conditions of TAFE teachers to attract and retain the best staff so that students receive the quality training they need and deserve.

### **VicForests: harvesting and haulage contracts**

**Mr HALL** (Eastern Victoria) — I draw the attention of members in this chamber to the fact that a sawmill in Cann River closed yesterday. The closure has directly cost nine people their employment, and the impact of that will be spread across a far greater number of people, including the families of those workers and those who supply services to the mill. The closure was brought about because VicForests was unable to meet the contracted timber supply to that mill. I might add that while the mill owner was closing the gates on Monday several trucks were going through Cann River with timber product on board to be processed in Eden in New South Wales.

I have previously advised the government that VicForests is incapable of running an efficient and sustainable commercial timber industry. This latest incident is not an isolated one. Other mills in East Gippsland have informed me of the trouble that they have had with VicForests in terms of getting a reliable supply of product to the mill gate. I might add that this

comes on top of the mismanagement that VicForests recently demonstrated again with harvest and haulage contracts, particularly in eastern Victoria. Again I repeat that only four of the 14 harvest contracts were actually awarded by VicForests, leaving many people unsure about their future, unsure about their jobs and unsure about their economic circumstances, given that much equipment is a direct financial liability to some of those previously employed in the industry.

I again call upon the government to get rid of VicForests because it simply is not performing efficiently and is letting down the timber industry, particularly in East Gippsland.

### **Community cabinet: Hume and Whittlesea**

**Mr ELASMAR** (Northern Metropolitan) — I, along with many of my parliamentary colleagues, attended the state government community cabinet visit to Hume and Whittlesea on 13 August. Members of the local community were invited to submit proposals and ask questions from our government leaders. I believe that this face-to-face communication and consultation by government is far superior to any other. I was pleased to be able to shake hands with the locals and discuss with them community issues that they feel strongly about. I appreciate the efforts of the Hume and Whittlesea councils. It was not an easy event to organise but they did it well and I congratulate them.

### **John Ilhan Memorial Reserve, Westmeadows**

**Mr ELASMAR** — On another matter, the Premier and I attended at the naming of the John Ilhan Memorial Reserve to commemorate the life and passing of John (Crazy John) Ilhan. John was a great community supporter. He was known by many as a self-made man. He made many millions of dollars in his business ventures but he also believed in giving back to the community. His generosity was legendary. He is now being honoured by our state government and the Hume council, by the naming of the John Ilhan Memorial Reserve. His good deeds will never be forgotten by the community he served and by the family who loved him.

### **Olympic Games: Australian athletes**

**Mrs PEULICH** (South Eastern Metropolitan) — I would like to commend all the athletes across the sporting codes who are currently representing Australia in Beijing in both the Olympics and Paralympics and all those who have missed out as well, in addition to all those who helped them get there — and, of course, those who have missed out over the years.

Olympic success depends upon many factors, some of which are in the athletes' control but many of which are not. Strong forward planning is vital. Australian shot-putters Justin Anlezark and Scott Martin may have done better if they had not had to wait 25 minutes between their throwing attempts.

There is also a need to have the resources and the facilities that foster that Olympic dream, the sort of facility that we saw at Olympic Park, which is steeped in Australian sporting history and which saw John Landy achieve his great success in selflessly helping Ron Clarke in the memorable national championship — and he still went on to win. This venue reminds us of our Olympic tradition. It was the first in the Southern Hemisphere and it is also the venue which fired up many Olympic dreams in Victoria and Australia. Unfortunately this venue is soon to close due to a very, dare I say, questionable deal with the Collingwood Football Club. I believe that the relocation of Olympic Park athletics to Albert Park is a retrograde step for our athletes and our sport. The prime time for athletics is February and March. That is when the grand prix is on. The government should rethink and serve the athletes well by the doing the right thing.

### **Transport: east–west link needs assessment**

**Mr PAKULA** (Western Metropolitan) — Recently, the offices of Labor MPs in the inner west have been approached by a number of residents who were extremely distressed and of the belief that they were about to lose their homes. In most cases, the approaches have come from residents who are economically disadvantaged or who come from non-English-speaking backgrounds.

It became pretty clear pretty quickly that these residents had been the victims of a disinformation campaign run by the Greens regarding the Eddington report. Government MPs had to point out to these residents that Eddington had earmarked no specific roads and no specific homes and that the government had not decided which parts of Eddington, if any, to implement.

The Greens have already handed down their verdict on Eddington. They support rail initiatives, even though, I should point out, there may be property acquisitions required if there were to be a rail tunnel. But the Greens have told motorists in the middle and outer west to 'stick it' — no new river crossings and no new roads for them. Car drivers in the west are to be punished, sacrificed on the altar of green ideology.

In the inner west a consequence of the Greens' position would be that the trucks remain on local roads. We

expect all that from the Greens. What we did not expect and what we do not accept is the Greens traumatising residents in areas of social disadvantage. These are the people the Greens profess to care about, and they show it by deceiving them with phoney and scurrilous claims about their homes.

### **Ayaan Hirsi Ali**

**Mr O'DONOHUE** (Eastern Victoria) — Ayaan Hirsi Ali was in Australia earlier this month. Sadly, her visit, like her visits to most places, had to be kept secret for security reasons. Ayaan Hirsi Ali is a courageous and remarkable woman. Born in Somalia, she fled to Holland after her father arranged to marry her to a distant relative. In Holland she became an advocate for the independence and equality of women and was elected to the Dutch Parliament. By turning her back on the religion she was born into, she earned the wrath of Islamic extremists. This wrath culminated in 2004 with the murder of her friend, Theo Van Gogh. Attached to Van Gogh's body was a threat to kill Ali. This led to a series of events that eventually forced her to flee Holland for the safety of the United States.

Australia rightly prides itself on its religious tolerance and freedom. However, we should not think that what has happened to Ali could not happen here. Religious and other freedoms are not guaranteed so much by charters of human rights — Holland is a signatory to the Charter of Fundamental Rights of the European Union — but rather by a culture that cherishes liberty, independent institutions and the ability to choose without fear the path that is right for the individual.

If you are born into religious freedom and tolerance, as is the case for most Australians, it is easy to take those freedoms for granted. Someone such as Ayaan Hirsi Ali is a reminder to us that liberty should never be taken for granted, and indeed should be fiercely protected and defended. I congratulate her on her courage, and America for providing her the safety that Europe could not.

### **Sam Armas**

**Mr KAVANAGH** (Western Victoria) — On 4 June I sent an image to members of both houses of this Parliament. The image was of Sam Armas, soon after surgery had been completed on him while he was still a 21-week-old foetus. In the photo Sam extends his arm through an incision in his mother's abdomen and grasps his surgeon's finger. It is quite a well-known photo and is not new. Sam is now a happy, healthy, eight-year-old boy.

Those who assert that there is a right to kill the unborn have two major advantages. The first is that their victims are anonymous. The second is that many of the victims do not look like the people we see around us every day. The picture of Sam Armas as a 21-week-old foetus obviously exposes both of these failures of reason. The image makes it perfectly clear that human life begins well before birth and, just as science and our intellect and our knowledge tell us, the victims of abortion are indeed human beings.

The image provoked strong responses. In addition to vitriol and anger, someone called me 'a very sick man' to send such an image and concluded angrily, 'This is the picture of a premature baby'. That was precisely the point of the picture. I ask that leave be granted to incorporate a black and white —

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! The member's time has expired.

### **Crime: Knox**

**Mr TEE** (Eastern Metropolitan) — I would like to congratulate the government and Knox police for their success in achieving a 6.2 per cent drop in the Knox police service area's overall crime rate. The latest Victoria Police figures show a 17.7 per cent drop in assaults in Knox and a 21.3 per cent decrease in burglaries. In view of this success I was somewhat surprised by a joint press release from the members for Scoresby and Ferntree Gully in the other place. In that release Mr Wakeling, the member for Ferntree Gully, claimed that, 'Crime is on the rise in Knox'. This claim is unbelievable. It is completely unfounded and is contrary to the police statistics. It is no wonder the *Knox Journal*, in reporting on this release, ran the headline 'Libs can't back up their stats'. I congratulate the Knox journalist, Mr Tan, for his investigative journalism and for exposing the blatant misinformation and deception contained in the media release.

I call on the Liberal Party to level with the public, to stop knocking Victoria's hardworking police and to stop creating unnecessary anxiety in the community. The police are delivering a better and safer Victoria. They deserve our thanks, not unfounded and spurious criticism from the Liberal Party.

### **Intralot: agency costs**

**Mr VOGELS** (Western Victoria) — Last week I spent some time in my Western Victoria Region electorate visiting newsagents and Tattsлото agencies to listen to the chorus of concerns voiced to me since the introduction of Intralot in Victoria. Agents had to pay

\$10 000 for what they were already selling, because of Brumby government legislation. Most, if not all, question the process of the licence contracts and how the contracts were arrived at. The concerns expressed to me included problems with the technology of the agency terminals, slow and inefficient hardware and slow, cumbersome and behind-the-times software — it is about five times slower than the Tattersall's technology. Other concerns were weak signals and machines being off the air far too often.

The machines work on the mobile phone next generation band, and as we know in rural and regional Victoria this continually drops out. The prize structure is wrong. A spot 10 on Intralot pays \$100 000, whereas Tattersall's spot 10 paid \$1 million. When people go and have a flutter they like to see that they are going to win \$1 million. Keno sales have plummeted by the week because of the technology used — customers just walk away in disgust. Victoria had a system which was working well. It was simple and quick. It is a complete furphy to say that more competition among the providers was needed when this does not deliver one extra cent for the gambler. From my observations and from listening to both the agents and the consumers, I have found that there have been no winners in Victoria since the introduction of Intralot.

### **Bayside: library technology**

**Mr THORNLEY** (Southern Metropolitan) — On 11 August I had the pleasure of joining Bayside City Council representatives at the Bayside library for the launch of the first locally developed radio frequency identification (RFID) solution for public libraries. This is a terrific technology. The old system had up to seven different tags on each individual book, all of which had to be managed and integrated. This has been replaced by a single RFID tag. This technology was developed by FE Technologies, a division of the Geelong-based company Express Promotions, and had support from the Victorian government. It is a credit to that company and Bayside council that this terrific new technology has been implemented at the Bayside library.

### **Melbourne High School: careers expo**

**Mr THORNLEY** — On another matter, I was fortunate to represent the Minister for Information and Communication Technology in opening the national information and communications technology careers week and careers expo at Melbourne High School on 1 August. It is important to realise that we have a shortage of IT graduates for this fast-growing and successful industry. This careers fair, including the government's theme of 'ICT: Start Here, Go

Anywhere', will help to promote the industry. I congratulate Renee Hoareau, the executive officer of the Victorian Information Technology Teachers Association, and everyone who was associated with it.

### **Auburn Primary School: facilities**

**Mr THORNLEY** — Finally, on another matter, I was at Auburn Primary School last week and looked at its facilities. I want to give the school a commitment that the issues raised will be addressed aggressively by me.

### **VicForests: harvesting and haulage contracts**

**Mr P. DAVIS** (Eastern Victoria) — This week one of two green timber sawmills operated by Hallmark Oaks Pty Ltd at Cann River has been forced to stop production because VicForests has cut off its wood supply. The proprietor, Bob Humphreys, has put the nine employees at the mill on cleaning-up work until the end of the week; then they will be out of jobs until the mill is able to secure a supply of wood. The second Hallmark Oaks mill has about a week's supply of wood before it faces the prospect of ceasing operation, with more job losses. This is Cann River's main industry and main employer, and it is devastating for the town.

With the second round of tendering for timber harvesting and haulage contracts still proceeding as a result of VicForests having made a hash of the tender process, VicForests is holding a gun at the heads of the contractors. It is forcing them to meet its commitment to deliver wood to mills over the border at Eden — that is, wood harvested from Victorian forests — thus bypassing mills on the Victorian side of the border in East Gippsland. Bob Humphreys has watched in disbelief the spectacle of truckloads of wood rumbling through Cann River on the way to Eden as the supply to his mill has run out. This is typical of the mismanagement by VicForests and its patently arrogant, shabby treatment of the timber industry in Victoria, a situation the government endorses to the detriment of a mainstay industry in East Gippsland. I urge the Treasurer to act urgently to ensure Victorian timber industry jobs are not lost because of this fiasco.

### **Water: Macarthur supply**

**Ms TIERNEY** (Western Victoria) — On Tuesday, 5 August, I had the pleasure of representing the Minister for Regional and Rural Development in officially announcing the Macarthur water supply project. The \$557 000 project, to be partly funded under the Brumby Labor government's Small Towns Development Fund, will allow Macarthur to meet the

health criteria of the Safe Drinking Water Regulations 2005.

At present the Macarthur water supply is sourced from a local groundwater bore which has always contained levels of arsenic derived from natural mineral deposits within the volcanic sub-terrain. This project will ensure that Macarthur has a reliable drinking water supply that meets all regulations and expectations with regard to a safe and high-quality water supply. The project will begin in October and will be completed in February 2009. I would like to acknowledge Wannon Water for its financial contribution to this project and also the community of Macarthur, which has been involved in every step of the project and has been very supportive. I particularly thank Henry Byron and Bernie Warren.

### **Water: north-south pipeline**

**Mrs PETROVICH** (Northern Victoria) — It is time for the Premier, Mr Brumby, and his band of merry yes-men to listen to the people, to listen to Mother Nature, to listen to the local water authorities and to turn the tap off on the north-south pipeline project. A recent statewide survey by the *Herald Sun* showed that a staggering 96 per cent of the 4425 people who voted in the poll were against the north-south pipeline — so much for Mr Brumby's attempt to pit the city against the country.

An announcement last week by Goulburn-Murray Water confirmed that the drought has left it 440 000 megalitres short on water to cover its operating requirements. I was intrigued to read that even Mr Madden, our Minister for Planning, was forced to acknowledge that there may be no water to pump down this white elephant in the making, and yet they steamroll on.

Although this government is rushing through with the construction of this pipeline without ensuring adequate safeguards for the environment and with total disregard for the future of our river systems, it would appear that it is unable to act with equal haste to ensure the promised food bowl modernisation comes on stream in time to provide this so-called 'new water' for Melbourne's lawns and loos.

My understanding is that there will be a five-year gap, so where will the water come from? Given that the water authorities have projected practically zero irrigation allocations for at least the first two years that the pipeline will be in operation, then Melbourne will be stealing from the environmental reserves vital to keep our rivers, including the Goulburn and the Murray, flowing and alive. I urge this government and

my colleagues in the house to put our future ahead of city ministers' egos and — —

**The ACTING PRESIDENT (Mr Elasmr)** — Order! The member's time has expired.

### **Shepparton: recycling and litter prevention campaign**

**Ms DARVENIZA** (Northern Victoria) — Recently I was pleased to announce to the Greater Shepparton City Council a grant for recycling and litter prevention in public places. Although Shepparton has excellent recyclers in homes, we need to encourage residents and visitors to take the same action when they are in public places. This grant is going to support litter prevention and recycling activities in public places, specifically within the Maude Street Mall. The grant of \$8000 will implement a cigarette butt litter education, communication and enforcement campaign around the mall.

### **Warracknabeal: showgrounds redevelopment**

**Ms DARVENIZA** — I was also pleased recently when I was in Warracknabeal to announce a grant of just under \$54 000 for the redevelopment of the Warracknabeal showgrounds. The annual Warracknabeal show is a major highlight for the community. Following a storm, the pavilion was destroyed. These funds are going to ensure the construction of a new pavilion, the installation of internal and external lighting and ceiling fans as well as the supply of electricity to the young farmers shed and to the centre of the arena. The showgrounds are also home to a wide range of local recreational and sporting activities.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! The member's time has expired.

## **CANCER AMENDMENT (HPV) BILL**

### *Second reading*

**Debate resumed from 26 June; motion of Hon. T. C. THEOPHANOUS (Minister for Industry and Trade).**

**Mrs PETROVICH** (Northern Victoria) — I rise to speak in support of the Cancer Amendment (HPV) Bill. The purpose of the bill is to amend the Cancer Act 1958. It is simple and straightforward. In fact it is probably one of the more straightforward bills that you will ever see. It is very important, though, to the next stage in the fight against cervical cancer. It enables the

reporting of tests in relation to precursors to cancer, such as the human papilloma virus, or HPV, and allows those test results to be forwarded to organisations that maintain a prescribed register.

This piece of legislation is the next step towards fighting cancer in women, in particular cervical cancer. Every year hundreds of thousands of Australian women undergo a Pap smear test. Cervical cancer affects around 1900 Victorian women every year and is the second most prevalent cancer in women. Unfortunately breast cancer still holds the dubious honour of being the most common, and more work needs to be done there.

As our community ages, there seem to be higher rates of certain diseases which are linked to gender — breast and cervical cancer in women, and prostate and testicular cancer in men. Each needs to be treated through education and regular testing to determine the disease, preferably in the earlier and more easily treated stages of these diseases.

I will refer to some of the burden-of-disease figures that relate to the Macedon Ranges, Mitchell and Murrindindi shires and to Greater Bendigo City Council. These are startling incidences over just a small snapshot of time.

In the city of Greater Bendigo in 1996 there were 52 incidences of breast cancer; in 2001 there were 72. In the Mitchell shire in 1996 there were 14; in 2001 the number was the same. In Murrindindi shire in 1996 there were nine; in 2001 there were eight. In Macedon Ranges shire in 1996 there were 24; in 2001 there were 25.

Interestingly there are no figures in the burden-of-disease table relating to cervical cancer, but it lists ovarian cancer. In Bendigo in 1996 there were five cases; in 2001 there were six. This is the most insidious cancer, which is very difficult to detect. The tests that are currently used to detect this particularly nasty cancer often provide false and worrying results and cause unnecessary worry; it is a difficult cancer to predict and people should be on the lookout for the early detection signs. In Mitchell in 1996 there were two incidences; in 2001 there was, luckily, none. In Murrindindi in 1996 there was one incidence; in 2001 there was zero. In the Macedon Ranges in 1996 there were three cases; in 2001 there was none.

It is also startling to look at the figures for prostate cancer in men. I raise this as an issue, because I believe it is an issue that needs to be focused on. While it is not the primary focus of the bill in front of us, the issue still needs to be raised to highlight men's health. In Bendigo

in 1996 there were 53 incidences; in 2001 there were 61. In Mitchell in 1996 there were 16; in 2001 there were 13. In Murrindindi in 1996 there were 14; in 2001 there were 10. In the Macedon Ranges in 1996 there were 23; in 2001 there were 17.

I have highlighted those because they are insidious diseases that take a lot of management and have a great impact on communities. The more tests, checks and measures that we have available to our community the better off we are with early detection. Incidence and mortality rates are also listed in the information I have before me, and I will get to those later.

The bill seeks to reduce the impact of one cancer — we have looked at others previously — and that is cervical cancer. Currently the act allows for test results for cancer to be forwarded to an appropriate register such as the Victorian cervical cytology register. It does not currently allow for the test which relates to the human papilloma virus, which is linked to cervical cancer. This bill allows for precursor conditions such as HPV to be reported and recorded on a prescribed register. It is important to note that that is an innovation. It also allows for other precursors to be reported once a prescribed register is established for these records to be held.

The previous federal government is to be applauded for establishing and introducing in April 2007 a vaccine against certain strains of HPV for young women between the ages of 12 and 26. Thanks to the Howard government's initiative, young women between those ages now receive free vaccinations. I believe this initiative will have a positive effect on reducing the incidence of cervical cancer in our younger generation in the future. It is important to note that this vaccine is available free to women up to the age of 26. This fact is one which should be promoted in the wider community. I am sure that a lot of young girls are aware of that, but it still needs to be promoted. I am sure that it is not always clear to that demographic that this inoculation would be of benefit. It is something that women of my generation would have gladly taken up had the option been available to them. Some of us have gone past that point, and obviously the risks are higher in our age group. However, these young women have an opportunity to protect themselves against this disease.

I would be remiss at this stage if I did not commend CSL, formerly the Commonwealth Serum Laboratories, for its role in the innovation, commercialisation and development of Gardasil. We should congratulate CSL on this most important work.

The cervical screening program was implemented in 1991 and its major objective was to reduce morbidity and mortality from cervical cancer by maximising early detection. The outcome data indicates that prevention, detection and treatment programs continue to be successful in reducing cervical cancer incidence and mortality. In 1991, when this program commenced, the incidence of cervical cancer in women between the ages of 20 and 69 was 17.1 new cases per 100 000 women, and mortality in women aged 20 to 69 was 4 deaths per 100 000 women. The incidence of cervical cancer has declined to 8.9 new cases per 100 000 women in 2004 and mortality to 2 deaths per 100 000 women in 2005. It is important to note that we do have a decline in mortality rates which is quite significant.

Cervical cancer was the 18th most common cause of cancer mortality in Australian women in 2005, accounting for 216 deaths in 2005 compared with 329 in 1991. The age-standardised mortality rate from cervical cancer halved between 1991 and 2005 from 4 deaths per 100 000 women to 1.9 deaths. During this same period, among women aged 20 to 69 the rate fell from 4 to 2 per 100 000 women. One of the things we should note is that mortality rates for cervical cancer increase with age. The highest mortality rate in the 2002–05 period was in women aged 85 years and over, with 14.3 deaths per 100 000 women. Again, I think that refers back to the importance of those younger women being now offered the cervical cancer vaccine which will act as a preventer. Hopefully we will see a continued decline in the years to come as a result of this opportunity.

This bill complements the work already in place to detect and reduce the incidence of cervical cancer. It is important to note the proposed amendments provide continuance of the current provisions of the act which require that individuals are informed of their right to object to their test results being recorded, or to choose not to have their results recorded in the first instance.

On a personal level, many of the women I have spoken to about this bill — and I speak to women of all age groups on a variety of subjects as part of keeping myself informed of what my constituency thinks and feels about a range of things — assure me that a regular Pap smear test is about as popular with them as a visit to the dentist. But, as it turns out, most of them have an appreciation of the importance of this for their health. Just as with a regular visit to the dentist, we all know that we should make and keep appointments for our health and wellbeing. If we can ensure that education continues to make sure the health messaging is clear, my hope is that we can continue to reduce cervical

cancer and other cancers in our community. I am happy to add my support to this bill and commend it to the house.

**Mr DRUM** (Northern Victoria) — I, too, would like to contribute to the debate on the Cancer Amendment (HPV) Bill today and in doing so would like to acknowledge that The Nationals in coalition will not be opposing this legislation. We are quite supportive of the fact that testing for cervical cancer is effectively going to be broadened and that the definition of a cancer test is going to be taken out so that we do include all of those precursor tests. The precursor signs are very common; they are active in nearly all of the invasive cervical cancer situations we find. By being able to test those other aspects of the cancer, we will hopefully be in a position to identify those women at risk at a far earlier stage.

The human papilloma virus is common in all of the situations that lead to cervical cancer. Cervical cancer is not all that rare in younger people, but by the time women in our society reach their 70s and 80s it becomes more common to the extent where it is quite common among women approaching the end of their lives, even though the survival rates are still very strong. As Donna Petrovich mentioned, we now find that the mortality rate is sitting at around 2 in 100 000. That is two too many; even if we do everything we possibly can, it will still be barely enough.

The objective of this amendment is to facilitate the best practice for cervical cancer screening and the treatment of women with abnormalities of the cervix. This amendment will also ensure that Victoria is able to meet the new guidelines issued by the National Health and Medical Research Council in July 2006. We are also going to make sure that we have the framework for the reporting of test results on other precursors to cancer, if that becomes desirable in the future. That is very important. As science takes us forward and we are able to identify these early signs from pre-cancer testing, we will need to do everything we possibly can to reflect these new findings, including amending the legislation. It is an area in which we need to be active.

The government talks long and loud about preventive medicine and care. But it is worth noting that the rate of people in this state contracting cancer is about 70 every day. Whilst this bill deals with only one type of cancer, the figure struck me as being very close to the number of people who start smoking every day. We now know that there is a direct link between people who smoke and the rate of cancer in Australia. Therefore I again stress the fact that the government cannot keep making the hollow claim of being active in the field of

preventive medicine and trying to put in place health prevention measures while still refusing to tackle the issue of youth smoking. Whilst we continue to have 50 young people taking up the habit of smoking every day in this state, the government continues the same-old, same-old promotion. The government has to take a deep look at itself and somehow or other cast a critical eye over what it is doing about youth smoking.

Only about a month ago we had the opportunity to debate this issue in relation to the youth smoking bill, which I introduced into this house, but the lower house did not want to have the debate. The lower house is in effect saying that we will just keep doing what we have been doing in relation to youth smoking. We know that some 50 young Victorians are going to start smoking every day, and yet the government has brought into the chamber another cancer bill. Obviously we will do everything we possibly can to support the government in its work, but we also need the government to be genuine in its claim that it is serious about preventive health-care measures.

**Ms PENNICUIK** (Southern Metropolitan) — The Greens are pleased to support the Cancer Amendment (HPV) Bill 2008, which, as Ms Petrovich so eloquently said, is a fairly simple bill which amends the Cancer Act 1958 to include tests for precursors to cancer, in particular the human papilloma virus. As Mr Drum correctly said, it is a very common virus, with four out of every five women having it at some stage in their lives. The human papilloma virus can increase the risk of cervical cancer, but most women who have it do not go on to develop cancer.

We all know that cervical cancer is a serious disease. I know from personal experience that, like most cancers, it is very unpleasant to get it and die from it. That is what this bill is about: preventing deaths from cancer. It is always best in the health sphere to look at prevention, because prevention works better than cure. We are definitely supporting the bill from that perspective.

I note that the bill follows changes to the National Health and Medical Research Council guidelines, which state that where a woman has a high-grade abnormality of the cervix, tests for the human papilloma virus and any other follow-up tests will determine her future management. The bill also enables the Victorian Cervical Cytology Register to collect and record test results in accordance with the NHMRC guidelines. I note that the Australian Medical Association has advised us of its view that where legislation does not allow for the NHMRC recommendations to be followed, that legislation should be amended, which is what we are doing here today.

Ms Petrovich said that for women their usual two-yearly Pap smears is a bit like going to the dentist, but you are supposed to go to a dentist every six months, so it is good we do not have to have a Pap smear every six months. I certainly have my Pap smears, as do most of my friends. However, I am concerned that some women, particularly older women, do not have Pap smears. That can be due to things like personal shyness et cetera. I knew a woman who was like that. She did not have her Pap smears because she was too shy to have them, but told her family she was having them. Unfortunately, and very unhappily, she ended up with cervical cancer, which eventually took her life, so we still have a long way to go.

I urge the government to step up its education campaigns on the importance of these preventive measures. Had the test on this woman been carried out, her life may have been saved, and I am sure there are others in the same category and situation. I urge the government to step up its education campaigns in the community, particularly in schools, on the human papilloma virus and other sexually transmitted diseases in particular, and on the importance of having regular Pap smears. With those few remarks, the Greens support the bill.

**Ms DARVENIZA** (Northern Victoria) — I am very pleased to rise and make a contribution to the debate on the Cancer Amendment (HPV) Bill 2008. I would like to pick up on some of the comments that were made by one of the previous speakers on the opposition side, Mr Drum. He talked about the government's 'hollow claims' and the Brumby government speaking 'loud and long' about preventive disease, but in fact it is Mr Drum's claims that are hollow. I take this opportunity to remind Mr Drum and other members of this house of the many initiatives that the Brumby government is taking to tackle the challenge that cancer poses to us as a community. You only have to look at the last budget to see that large amounts of money have been dedicated to funding both the investigation into the causes of cancer as well as its treatment. The Brumby Labor government is absolutely fair dinkum about stepping up to this challenge and putting its money where its mouth is so that we can effectively tackle cancer.

I also remind Mr Drum and others of the new \$150 million cancer action plan, the aim of which is to fast-track life-saving cancer treatments. This plan is at the head of the government's \$233.3 million state budget package that is specifically designed to tackle chronic diseases. The cancer action plan aims to increase cancer survival rates for Victorians by a further

10 per cent by 2015. We have not only put money there but have also put targets in place for tackling cancer.

As well as investing in the cancer action plan in the last state budget, we are also investing in innovative preventive measures and the treatment of cancer as well as research initiatives worth some \$24 million to reduce major risk factors and avoidable cancer deaths. We are investing in effective screening so there can be early diagnosis.

We are also providing funding of \$78.8 million so that the Victorian Cancer Agency can link various cancer research projects, many of which are being conducted by scientists across Victoria. This state leads the way in much of the biotechnology and innovative research that is going on not only here in Australia but right across the world. That funding of \$78.8 million will help the Victorian Cancer Agency not only to link cancer research projects throughout Victoria but also to fast-track how that research can be used to deliver life-saving treatments to the Victorian community.

On top of the \$150 million cancer action plan, we have also delivered funding of \$25 million for the development of the Olivia Newton-John Cancer Centre at the Austin Hospital, which will bring together all facets of cancer care and research in one centre.

We have also increased the rates of cancer screening. Effective screening is very important so that cancer can be detected early, which increases the effectiveness of treatment. As other members have already mentioned, it is very important that women understand the need for prevention and that they take the time to be screened for cancer. Today's bill deals with cervical cancer but there is also screening for breast cancer, which is free for women over the age of 50 years. It is vitally important that women not only take the time to be screened but also speak to other women — family, friends and colleagues — about the importance of being screened, because early detection means there can be early treatment and with early treatment women have a greater chance of success in having their cancer cured or at least minimising the effects cancer might have on their bodies.

It is easy for Mr Drum to come in here and say that the Brumby Labor government makes 'hollow claims' and that we simply speak loud, but there is money and innovation behind our speech, as well as high-tech biotech. Considerable amounts of money go into research, prevention and education as well as the treatment of cancer.

This bill amends the Cancer Act 1958 and will enable the Victorian cervical cytology register to lawfully collect and record women's test results for the human papilloma virus, together with follow-up Pap smear results to determine future treatment and management of particular women. This bill is necessary because we need to be able to collect this additional information to ensure that that information can be utilised by health professionals for the most appropriate management of particular women, given their circumstances.

As a government we are committed to the prevention, treatment and research of cancer, which has resulted in a world-leading increase in survival rates. New treatments have meant that women are surviving for longer than five years without relapse. Despite this record, cancer remains Victoria's biggest killer and the cause of immense suffering within our community. Every day some 70 Victorians are told that they have cancer and every year some 1900 Victorian women develop cervical cancer. That is a lot of people, so we cannot underestimate the importance of education and the collection of valuable data. It will ensure that women get the very best treatment and the very best clinical care. With early intervention comes effective treatment and prevention of the disease.

The primary object of the amendments contained in the bill before us is to ensure best practice in cervical cancer screening and treatment. Effective screening will mean that abnormalities in the cervix are detected early and that those women will get the very best treatment as early as possible. Whilst the act currently enables the results of tests for cancer to be forwarded to a prescribed register, the Victorian cervical cytology register, the definition of 'cancer test' does not extend to the test for precursors to cancer, such as the human papilloma virus, and the amendments contained in the bill will ensure that that happens.

Victoria has one of the highest participation rates for cervical screening in the country, and that is reflected in the continuing decline of cervical cancer deaths. In fact our death rate of one per 100 000 women ranks us as almost the lowest in the world. The need for education about the importance of having screening and tests cannot be underestimated. This bill before us today will only improve on provisions in the existing legislation. The bill will make the legislation stronger by ensuring that women stay healthier, are diagnosed earlier and get the most appropriate treatment as early as possible.

It is a very good bill. I am pleased to be here supporting this bill along with my parliamentary colleagues from all sides of the chamber. I wish it a speedy passage.

**Mrs COOTE** (Southern Metropolitan) — I have great pleasure in speaking on this bill. Its purpose is to amend the Cancer Act by extending the definition of 'cancer test' to include a test for a precursor to cancer. This amendment will enable reports for tests for precursors to cancer such as the human papilloma virus (HPV) to be forwarded to an organisation that maintains a prescribed register, the Victorian cervical cytology register.

I think the issue with HPV is to understand that it is a sexually transmitted disease and that it is indeed a very invidious disease. It can lie dormant without any ramifications. People do not seem to know they have it for a significant time. People are not aware they are harbouring it, nor that through sexual transmission they can in fact transmit HPV to other sexual partners. Many years can pass before a person with HPV knows that he or she has it. Not all HPV cases cause cervical cancer, but if only one case of cancer can be prevented, then prevention of that case is to be lauded.

It is important for us to understand what HPV actually is. I looked it up on the internet today and came upon an American website, I think, from the Department of Health and Human Services Centers for Disease Control and Prevention. I would like to put it on the record:

How does HPV cause genital warts and cancer?

HPV can cause normal cells on infected skin or mucous membranes to turn abnormal. Most of the time, you cannot see or feel these ... changes. In most cases, the body fights off HPV naturally and the infected cells then go back to normal.

But:

Sometimes, low-risk types of HPV can cause visible changes that take the form of genital warts.

Which is another HPV, or worse, which is the subject of the bill we are dealing with today:

If a high-risk HPV infection is not cleared by the immune system, it can linger for many years and turn abnormal cells into cancer over time. About 10 per cent of women with high-risk HPV on their cervix will develop long-lasting HPV infections that put them at risk for cervical cancer.

Young women today who are sexually active are not even thinking of these sexually transmitted diseases. You cannot see it, it does not have ramifications that people can see, and therefore they are completely unaware that they have been infected. But, as I said earlier, this is such an invidious disease that it can turn into cancer. As we know, young women have suffered from and in fact die from cancer on a regular basis.

It is interesting to go back and have a look at some of the statistics. I found a media release from Cervarix, from 14 August 2007, which says:

Another Australian first in the fight against cervical cancer: new vaccine for women 27–45 years.

... new research finds an estimated 1 million Australian women have had an abnormal Pap smear at some time in their life.

While ‘abnormal Pap smear’ may be easy to say, the ramifications of an abnormal Pap smear are enormous. We are talking about women 27 to 45 years old who have a Pap smear and find it is abnormal. Imagine the emotional rollercoaster that that woman and her husband, family and neighbours will go through, wondering what the outcome will be. It is an extraordinarily worrying time and can have some huge psychological problems.

But I think it is important here to understand also the great inroads that Australian scientists have made. We must put on the record that the 2006 Australian of the Year, Professor Ian Frazer, undertook extensive clinical studies involving 40 000 women around the world, including Australians, to try to make a test to see what could happen and how a vaccine could be developed. A vaccine was developed, and in fact the development of the vaccine is the reason that we are dealing with this legislation today. The vaccine has been excellent in a number of ways. Young women have been given this vaccine. Many have taken it up. Some quite horrendous stories have been told about the one or two people who have had an adverse effect, but it is only one or two people. The vaccine itself is vitally important. It is also vitally important because as a community we have started to focus on this invidious disease. We have started an education program: young women and young men have been exposed to understanding what cervical cancer does and what can be used to prevent it. As a method of education the whole process has been very good.

A director of gynaecological oncology at the Royal Women’s Hospital in Melbourne, Professor Michael Quinn, has commented on the advances that have been made in Australia. Speaking about this vaccine he said:

This is important news for older women up to the age of 45 years because sexually active women can remain at risk of HPV, the main cause of cervical cancer and abnormal Pap smears, throughout their lifetime.

...

There are many different types of HPV. A woman may not have been exposed to the HPV types most commonly associated with cervical cancer, HPV 16 or HPV 18, in which

case vaccination may protect her from the development of cervical abnormalities or cervical cancer ...

We have seen this technology develop out of Australia. We have seen an education program develop out of Australia. Young women who will be vaccinated can safely be vaccinated and can face the future, understanding that they can have confidence to know they are not going to be affected by HPV.

In summary, in addition to making provision for a legislative framework for reporting tests for other precursors to cancer, should it become desirable to capture in the future, the primary objective of the amendment is to facilitate best practice cervical cancer screening and the treatment of women with screen-detected abnormalities of the cervix. This amendment will also ensure Victoria is able to meet the new guidelines issued by the National Health and Medical Research Council. All of these are very good developments for improving the health of young women and of our community into the future. The bill is to be commended.

**Mr VINEY** (Eastern Victoria) — I am very pleased to rise and speak in favour of the Cancer Amendment (HPV) Bill 2008. It is a fairly simple piece of legislation in its drafting that essentially provides for a change to the Cancer Act to include the capacity for a test to include tests for precursors to cancer. Interestingly, whilst the Cancer Amendment (HPV) Bill is designed with the intention now of ensuring that tests for the human papilloma virus are incorporated, in the amendments to the Cancer Act the bill does not in essence specify that particular virus — because, quite correctly, it identifies that in the future there may well be the potential to develop tests for other precursors and indicators of cancer in women, in this case in relation to cervical cancer.

The bill is part of the government’s continuing commitment to dealing with the challenge of cancer as was mentioned by Ms Darveniza in her contribution to the debate. The government is tackling cancer with a \$150 million cancer action plan — part of an ongoing commitment that is seeing the survival rates for cancer improving. That comes as a result of not only improved treatment and significant investment in our health system but also investment in research and preventive and community programs.

I will not speak for long on this legislation because it is fairly simple, but it is important to put it in the context of the government’s commitment to the challenge of cancer and to tackling that challenge and the government’s goal of increasing the survival rate of

cancer sufferers even further over the next 5 to 10 years.

I want to make a brief comment on the criticisms made by Mr Drum in relation to the government in this matter. It is always a bit unfortunate where point-scoring occurs over simple policy issues in the area of health. We have seen it in the past in relation to road safety. In a previous debate on Mr Drum's proposed legislation, which the lower house refused to deal with on the ground that it involved a taxing provision, I recognised Mr Drum's concerns and issues in this area and acknowledged that they had been ongoing. In the spirit of that, it would have been good for Mr Drum to acknowledge that the government is also concerned with some of the issues that he raised. Mr Drum has a record in this place of raising issues, particularly in relation to smoking in cars with children, for which I commend him. The government takes the view that these things need to be dealt with as part of a package discussing and tackling these issues and moving forward into the next stage of preventive programs.

We made it clear in the previous debate that, while the government supports the principles of what Mr Drum was trying to achieve, we believe that it needs to be part of a complete package, that the government was undertaking the necessary consultations and policy development for that complete package and that the release of that complete package was imminent. I do not believe it is appropriate to deal with these issues on a piecemeal basis. I think that was the essence of the previous debate. I do not think it serves any useful purpose — I do not think there are any votes in it — to try to have political point-scoring over the commitment of this government to dealing with and tackling the challenge of cancer in a complete and holistic way. This legislation is part of that. There has not been a government any more committed — I am not saying other governments have not been committed — than this one to tackling the issue of smoking, which is a principal cause of significant health problems in this community.

To see that, one only needs to look at the comprehensive things the government has done in relation to banning smoking in clubs, pubs and restaurants. Those things have been done by this government. I acknowledge that it is always worth looking at new areas in which we can make improvements, but I do not think there is any just basis for making political criticisms of this government on the issues of cancer and smoking. Mr Drum's contribution was unhelpful to the bipartisan and consistent approach this Parliament should, and has in

the past, taken on the issue of smoking. This legislation is worthy of the support of the house, and I wish the bill a speedy passage.

**Ms PULFORD** (Western Victoria) — It gives me pleasure to speak in support of the Cancer Amendment (HPV) Bill. The bill supplements the work of the Brumby Labor government in reducing the incidence of cancer. Each year 10 000 Victorians die of cancer and each day 70 Victorians are newly diagnosed. In 1990 survival rates were 48 per cent, but there has been a lot of good work done since then and more recent figures from 2004 show survival rates at 61 per cent.

In the state budget earlier this year the government announced a \$150 million cancer action plan. Members will recall that upon becoming Premier, John Brumby indicated that preventive health matters were among his top priorities. Part of the cancer action plan is a goal to increase survival rates to 74 per cent by 2015.

So the work that the government does is in large part supporting the fine work of specialist medical researchers and people most directly affected by cancer. That commitment breaks down into four areas: \$24 million to reduce risk factors, including prevention, screening and early diagnosis; \$78 million to fund the Victorian Cancer Agency; \$28 million to support those suffering with cancer — the patients and their carers; and \$18 million in enhanced cancer services through workforce improvements. It is absolutely essential that the government continues in this way to support medical researchers in the ongoing fight to tackle the cancer epidemic.

Specifically on this legislation, the bill proposes a small and modest change, and with only five clauses I will speak to them briefly. Clauses 1, 2 and 5 are technical and identify the purpose, the commencement arrangements and the repeal of the act. Clause 3 makes one of the two substantive changes and amends the definition of 'cancer test' to include tests for a precursor to cancer. Clause 4 deals with registers of results from cancer tests and enables precursors to cancer to be recorded and kept in the register.

This bill comes about because recent research has identified a very strong link between cervical cancer and the human papilloma virus (HPV). Cervical cancer affects approximately 1900 women in Victoria each year. During the 1980s the national cervical screening program was introduced and in 2006 more than 572 000 Pap smears were registered by the Victorian cervical cytology register. Screening participation in that target group of women aged between 20 and 69 years was 63.4 per cent in 2005–06, so we do have a

very high level of participation in screening in Victoria. We know that participation in screening is essential. As Ms Petrovich indicated, it is as important as going to the dentist but perhaps a little less straightforward. Certainly it should be part of every woman's regular health maintenance.

The Cancer Council of Victoria tells us that cervical cancer takes about 10 years to develop from the instance of cervical abnormalities into cervical cancer. The recommended screening regime is every two years. It is worth noting that 86 per cent of women diagnosed between 2002 and 2004 had either no Pap test history or inadequate screening in the 10 years before diagnosis. The relatively small proportion of women who do not have pre-screening are disproportionately represented in people who are experiencing cervical cancer.

HPV is found to have a very strong link with cervical cancer. HPV in itself does not always lead to cervical cancer. In fact 80 per cent of women at some point in their life will experience HPV but in the majority of cases most will not even know because it is usually asymptomatic and commonly resolves itself naturally and without need of medical intervention. Our immune systems just deal with it. While HPV cannot be said to cause cervical cancer, it is almost always present where cervical cancer is present. This is the same body of research that has led to the development of the vaccination that earlier speakers have referred to that is now being provided to young girls and women from the age of 12 to 26 years. These research findings have also led to changes to national guidelines and this is one of the reasons why the bill is before the house today.

The guidelines *Screening to Prevent Cervical Cancer — Guidelines for the Management of Asymptomatic Women with Screen-detected Abnormalities* now require that where a woman has a high-grade abnormality the results of the HPV test will be used to determine the ongoing management and monitoring of the abnormality. For this to work the Victorian cervical cytology register needs to be able to collect the test information and to provide people with their required reminder notices. The bill will enable this because it broadens the definition of cancer test to include information about precursors.

The bill will enable only the keeping of this information where there is a prescribed register, ensuring that it is not overly broad and that the information is only collected, collated and recorded and reported on where necessary. As is currently the case, women will retain the right to opt out of having their records kept in the register. That is something their medical practitioner

will continue to advise them on as they are tested. It is a straightforward bill with some minimal changes but it is an important feature of the ongoing work that the government does to support our medical and research communities in the battle against cancer. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Hon. J. M. MADDEN** (Minister for Planning) —  
By leave, I move:

That the bill be now read a third time.

In so doing I thank members for their respective contributions.

**Motion agreed to.**

**Read third time.**

## WILDLIFE AMENDMENT (MARINE MAMMALS) BILL

*Second reading*

**Debate resumed from 26 June; motion of Hon. T. C. THEOPHANOUS (Minister for Industry and Trade).**

**Mr HALL** (Eastern Victoria) — I was not sure I was going to be leading this debate, but we want to make sure the debate takes place so I am happy to stand up to make a few comments on this bill.

The specific purposes of the legislation are set out fairly clearly in the bill itself, and they were elaborated upon by the minister in his second-reading speech. The bill is designed to amend the Wildlife Act 1975 to further provide for marine animals and other matters. It is mainly those other matters I was going to address, but given the fact that I am first on my feet I should point out that this is predominantly a whales, dolphins and seals bill. That is what we have heard from other contributions to the debate and in public comments about the nature of the bill. Having looked through the bill and considered it carefully, the measures contained within it to give better protection to tourism activities around those marine mammals are totally supported by the coalition parties, so we will not be opposing the bill. There are some issues on which I am sure the Leader of the Liberal Party, when he comes back into the chamber, will make some more detailed comments.

I particularly refer to clauses 4 and 5 of this bill which make some specific recommendations and give powers to the secretary of the department in regard to the protection of wildlife. To a broad extent that could apply right across wildlife controls in Victoria. From the point of view of my electorate of Eastern Victoria Region, I have to say that a couple of issues severely impact on the livelihood of people in East Gippsland. One is the issue of wild dogs, and now also pigs, on public land. Both are causing particular concerns for the people I represent, and I wanted to use this opportunity to make some comments regarding those two animals.

I turn firstly to wild dogs. In East Gippsland the people who have some direct knowledge of what is actually happening have told me that the problem with wild dogs is as big as it has ever been. We all know that after the bushfires of 2006–07 there was a significant impact on farming operations involving sheep and cattle as a result of the increase in the number of wild dogs. I was talking on the phone recently to one of my constituents, Jeff Burston of Benambra, who runs a cattle farming operation. He pointed out to me that in a normal season they expect to lose about 5 per cent of their calves. In the current season he has lost about 17 per cent of his newly born cattle, and that has primarily been caused by an increase in the number of wild dogs and wild dog attacks on his cattle. In the context of this debate that can equally be said to apply to native wildlife. I am sure we are well aware from some of the anecdotal stories we hear from people who live in those areas of the increasing impact of wild dogs on native wildlife, even though we do not have facts and figures to verify that impact.

Farmers in the Tambo Valley and beyond are facing a severe problem with the increase in dog numbers. They pointed out to me that after the bushfires of 2006–07 a couple of extra dog trappers were able to be employed as part of the funding that came to the region. They were young people who effectively did their job. Now that that money has ceased, it seems to me that the number of dog trappers in the region and across country Victoria has significantly decreased. To further exacerbate the problem I am told that on some occasions a dog trapper employed on an ongoing basis by the department is required — and I mean required — to take annual leave, and no replacement is provided for that position. I know of one dog trapper in the area who has been encouraged to take eight weeks of accrued leave, and no-one has been appointed to fill that job while that person is on leave. Consequently the effort to control wild dogs is seriously diminished during that period.

I have spoken to a member of the Wild Dog Management Committee in East Gippsland, and he verifies my claim that farmers are noticing a much bigger population of wild dogs than they have ever seen in the past. The Wild Dog Management Committee also makes recommendations to government in respect of issues surrounding the program which should accompany the effort to reduce wild dog numbers. The committee has clearly said that all options for controls should be adopted. It says that there should be an increase in the trapping effort and an increase in the 1080 baiting method, given that it seems that research has shown that 1080 baiting does not have a significant effect on native animals. The committee also informed me that research has been undertaken on this matter and there is now a trap, described as the M44 injector, that injects wild dogs if they are caught in a trap, and that injection is lethal. Although I have not seen that particular device, it has been recommended to me by a well-known and well-regarded member of the Wild Dog Management Committee in East Gippsland.

The committee also felt that aerial baiting should be a legitimate method of baiting because it is effective in controlling wild dog numbers. It has been used in New South Wales for a period of time now. As I understand it, we have had some trials in Victoria using 4 milligrams of poison per bait. It turned out that that level of poison was not sufficient to kill the animal, and after a while the dogs more or less saw those baits as an additional opportunity to feed. It had little if any effect on them, so the Wild Dog Management Committee claims that we need to increase the poisons in those baits from a level of 4 milligrams to 6 milligrams.

I take the opportunity to again point out to the government that wild dogs are as big a problem as they have ever been, particularly in parts of East Gippsland, which is part of the Eastern Victoria Region. I suggest that they have increased in numbers all over Victoria. It is high time the government made a greater effort to get on top of the problem, because the impact they have on wildlife is particularly severe.

The other wildlife issue I wish to quickly talk about is wild pigs, which are also increasing in number, particularly in the Alpine National Park, and they are fast moving south. The presence of wild pigs in those areas is certainly detrimental to wildlife habitat. We would all have some understanding of the impact of wild pigs. They dig up the soil and destroy the habitat of many native animals. This is another issue the government needs to quickly get on top of.

I remember about two years ago I talked to a female departmental officer who was specifically employed to

look into and act upon the wild pig problem in Omeo. I was impressed with what she was doing. She showed me photographs of some of the wild pigs that had been caught — they were very significant, huge animals — and the cage-type traps that were used to catch them.

As I said, the wild pig problem is spreading rapidly through the Alpine National Park. It is something the government needs to quickly get on to. The other point about pigs is that pigs in their wild form are very aggressive animals. Some of my constituents who take school groups on canoeing or rafting trips along rivers like the Mitchell River have come across evidence of these pigs and are quite concerned that if we are not careful and do not get onto the problem, they will become a danger to the welfare of humans visiting the park. This is an issue.

While the bill is predominantly about whales, dolphins and seals and has some very supportable provisions to reduce the impact that ecotourism has on those marine mammals, there are other issues that impact on wildlife that we need to address. I am happy not to oppose the legislation, but in doing so I encourage the government to make greater efforts towards the control of pest animals in our communities. They are a significant problem which needs to be addressed.

**Mr D. DAVIS** (Southern Metropolitan) — I am pleased to make a contribution to the debate on the Wildlife Amendment (Marine Mammals) Bill 2008. I indicate that the opposition will not oppose the bill. Indeed there is much to commend in it.

The bill's aim or purpose is to improve the provisions for the protection of whales, dolphins and seals and to harmonise legislation with other jurisdictions. It does this particularly by regulating human interactions with these species. In a number of places it simplifies the operation of the Wildlife Act. Those simplification procedures are strongly supported by the opposition.

Mr Hall has made a number of very good points about feral animals and their impact on the environment, and I endorse many of his comments.

The main provisions of this bill will see the introduction of the permit system for aircraft-based whale watching tour operators and enable a number of operators to work in environmentally sensitive areas. It provides permit conditions to control the frequency of tours and manage the amount of time that an operator can spend in the vicinity of a whale. The issue of the density of tourism operators moving around whales, seals and dolphins in a way that could either disturb or buzz them, as it were, is something that is of genuine

concern. I indicate very strongly that the opposition supports the fair treatment of all marine mammals. These marine mammals are highly intelligent and able to understand the impact of excessive interaction, either by boating operators or by aircraft such as helicopters.

This is about getting an appropriate balance — finding a balance that means that tourism operators and those with a genuine interest in examining and interacting with marine mammals, particularly researchers, can do so in a way that does not distress or upset the animals. At the same time this has to be balanced to allow operators of tourist outfits, in particular, to have reasonable access to marine mammals to enable the operation of the very strong tourism industry that has developed in key parts of the state. I know that in the Western Victoria Region, which is the electorate of the Acting President, a strong tourism industry has developed in and around Warrnambool. Tourists from around the world enjoy whale watching in that area, and on some occasions interacting with the whales.

One aspect of the bill deals with the harmonisation of regulations, which makes a degree of sense. If you look at certain pockets of land — or pockets of a map, as it were — a state jurisdiction, a federal jurisdiction and, near state borders, a second state jurisdiction could all be involved. It seems to be a strong argument that we ensure harmonisation of the arrangements there. Whether the helicopter is in the Victorian jurisdiction, South Australian jurisdiction or federal jurisdiction seems of little relevance to the whales. It makes perfect sense to see a measured and thoughtful harmonisation of the arrangements. It may be of assistance to tourism operators if there is greater clarity and they are not caught between jurisdictions, as it were.

I also make the point that a number of tourism groups — Tourism Alliance Victoria and others — have corresponded with the opposition to make their points. I make the point that no-one has opposed the bill. They have simply indicated the need for sensible arrangements and a sensitive implementation of any regulatory arrangements around this legislation. The briefing that was provided to opposition members left us with the view that this would be the case. I thank the minister for that briefing but make the point that we will watch closely the implementation of this bill.

The Victorian Tourism Industry Council (VTIC) is the peak body for much tourism in the state. It sees the importance of nature-based tourism. I endorse that, and I know the shadow Minister for Tourism and Major Events and member for Brighton in the Assembly, Louise Asher, is very strongly supportive of a sensible regime to foster nature-based tourism that will protect

the environment sensibly and at the same time provide economic opportunities for our tourism industry. I want to quote the concluding comments of a letter from Wayne Kayler-Thomson, the chief executive of VTIC. It states:

VECCI and VTIC recognise the important role that marine mammals play in Victoria, and are supportive of appropriate moves to improve protection, while ensuring the long-term sustainability of industries associated with whale, dolphin and seal tourism.

The letter states:

We strongly support the move to extend the maximum permit terms for all types of marine mammal tourism to 10 years, and recognise that this will provide longer term certainty for small businesses and encourage appropriate investment in this important area of tourism.

With those brief comments, I think this bill has in principle a high level of support. The opposition does not oppose the bill. We believe a sensible balance needs to be struck. We will monitor the achievement of that sensible balance — that is, laying out appropriate protections for these highly valued marine mammals and ensuring at the same time that our tourism industry is able to be strengthened.

**Ms PENNICUIK** (Southern Metropolitan) — I am pleased to speak on the Wildlife Amendment (Marine Mammals) Bill 2008. The bill primarily aims to accommodate the growth in marine mammal tours in Victoria — that is, as Mr Hall said, whales, seals and dolphins. Ecotourism based on the observation of marine mammals — whales, seals and dolphins — is growing. This bill brings in new measures to protect those species; previous legislation only referred to whales and dolphins. The bill aims to consolidate wildlife protection laws with the aim of streamlining and simplifying procedures to regulate activities that may affect wildlife and bring them into alignment with other legislation, particularly the Flora and Fauna Guarantee Act.

It is good that the community is interested in going out and having a look at our precious wildlife — whales, dolphins and seals — but it is very important that in the process those animals are not put in any danger and that they are not harassed in any way. We know that in the past there have been incidents where whales and dolphins in particular but also seals in Victorian waters have been harassed by boats, by aircraft and by other means. It is probably preferable that whale watching, dolphin watching and seal watching is done, if possible, in the way it is done in Mr Vogels's electorate of Western Victoria Region. The whales come up from the southern Antarctic to Logans Beach at Warrnambool,

where I make a point of going every year if I can to see them. That is a really good set-up because the whales very conveniently come close to shore and you can view them very clearly from the viewing platform that has been put up. The whales can go about their business with their calves and they are not harassed by anybody, and everybody can see them clearly.

Some tourism operators take people out to view dolphins, in particular in Port Phillip Bay. We have a genetically unique group of dolphins in the bay. They are also unique because Melbourne is pretty much the only industrialised city in the world where people can see wild dolphins. They need to be protected. The Greens are very supportive of the 500-metre-approach limit that this bill introduces.

We have consulted with some relevant groups — for example, the Dolphin Research Institute, which does very good work in researching the dolphins in Port Phillip Bay. It is a very good organisation which I am pleased to commend for the work it does. In discussions with representatives of that group they made the point that they are very positive about the inclusion of aircraft. Obviously aircraft can harass dolphins and particularly whales by flying too low and by flying around and around and upsetting them. The institute supports the inclusion of seals in the bill, as they were not in the legislation before. It sees location-specific licences as a particularly positive development, and notes the general tightening up of tour controls.

We spoke to the Victorian National Parks Association, which is also supportive of the bill. It made particular mention of the provisions that bring the bill into line with the Flora and Fauna Guarantee Act, so we are using the same definition of 'threatened species' in this bill as is in that act.

We also consulted with one of the dolphin tour operators, Polperro Dolphin Swims. I mention that organisation because I know that it has been working with the government on this particular issue of the protection of the dolphins in Port Phillip Bay for a long time. A code of conduct was produced in 2003. The organisation made the comment to us that it feels that the provisions in that code of conduct are largely reflected in the bill. I am pleased to say that it is supportive of the bill.

It is important to me as a Green that we do our best to protect our wildlife. We know that around the world we are losing biodiversity, we are losing our wild animals and we are losing their habitats. Our wild animals will be harassed and killed and injured if they are not

properly protected by legislation. This is a very good step forward.

I raised some queries I had about the bill with the department during the briefing. One of them relates to clauses 4 and 5, which Mr Hall spent a bit of time talking about in relation to wild dogs and wild pigs. Basically the provision in clause 5 inserts a new part into the act to enable a person to be authorised to control wildlife but also to enable a class of persons to be authorised to control wildlife. I raise this as a concern, and perhaps a government member might be able to speak to this because I am not sure from the answer I got from the department whether this bill allows a blanket authorisation for a class of persons — for example, a class of persons called deer hunters — to be authorised to control wildlife and how that would work. It is not entirely clear in the bill whether that is meant. If that is meant, I would be concerned and would be watching to see how that operated.

There needs to be control of wildlife in certain circumstances. Mr Hall raised the issue of control of feral animals, which I would differentiate from native wildlife, particularly threatened wildlife. Recently we had the incident where native wild birds — swans — were killed in the Gippsland Lakes area, and there was much public consternation over the issuing of that permit. We need to have a regime in this state whereby our wildlife, our native fauna, is protected. Where there are feral animals, it is the responsibility of the government and not of other classes of persons to control those animals. I raise that as an issue which perhaps government members will be able to speak to in their contributions. It is one that we will be paying attention to.

As mentioned, the bill makes the classification of threatened wildlife consistent with that in the Flora and Fauna Guarantee Act. We think that is a good thing because it is best if legislation and regulation do not refer to different classes that overlap and so confuse the situation. We had some concern as to whether that would mean some species previously called ‘protected’ or ‘notable’ would fall outside the ‘threatened’ classification. We were assured by the department that that would not happen.

One other issue raised by the bill is the removal of the discretion of the minister to list species. The issue is whether, if a fast listing of a species was needed for any particular reason, such as a disease going through a native wildlife population or some other such reason where a listing of ‘threatened’ was needed quickly, the provisions in the bill would slow that down and make it difficult. That is also an issue which I am not sure I

have got a clear answer to, so perhaps government members could provide the answer to that.

They are the main concerns I have with the bill. In general, though, we are supportive of the bill in its efforts to enable Victorians to see dolphins, whales and seals in a way that is safe to them and, most importantly, safe to that precious native wildlife.

**Mr SCHEFFER** (Eastern Victoria) — I rise to speak in support of the Wildlife Amendment (Marine Mammals) Bill. I am pleased that other members in the chamber are supporting it as well.

The bill amends the 1975 Wildlife Act so as to improve the protection of whales, dolphins and seals along Victoria’s coast. As has been observed by other speakers, Victorians are increasingly interested in the outdoors and the natural environment. Victorian tourists head for our coasts to enjoy many of the recreational activities available to them and to learn about the history, the landforms, the flora and the coastal and marine fauna. Eastern Victoria has about 800 kilometres of coastline from Mornington to Point Nepean, around Western Port, French and Phillip islands and then east to Inverloch, south to Wilsons Promontory, east along Ninety Mile Beach to Lakes Entrance and beyond that to Mallacoota just south of the New South Wales coast.

Phillip Island and Wilsons Promontory are major Victorian tourist destinations known for their spectacular coastlines and coastal environments — their seascapes, wildlife and marine life. Tourists can see the penguin parade and the Phillip Island Nature Park and can take cruises from Phillip Island to Seal Rocks, which are home to one of Australia’s largest seal colonies of some 16 000 fur seals. Tourists can watch the seals from the Nobbies Centre by way of live cameras, and they can take a cruiser from Cowes to see the seals for themselves. Tourists can also take day wildlife cruises around Wilsons Promontory to see dolphins, seals and a variety of seabirds. This kind of tourism is increasingly popular right along the Victorian coast.

A couple of weeks ago I joined the Minister for Regional and Rural Development to open the Phillip Island Visitor Information Centre at Newhaven on Phillip Island. The people at the redeveloped information centre can display what the island has to offer tourists if they wish to stay for some time and can also assist them to plan their stay. The area has a facility for school groups, for example, and presentations can be given on the natural environment that Phillip Island boasts.

However, most ecotourism involving whales and dolphins takes place in Port Phillip Bay, where there are sightseeing and swim tours, and at Logans Beach near Warrnambool, which Ms Pennicuik has already drawn attention to. From there tourists can see southern right whales off the coast. Blue whales can be seen in the Bonney upwelling. I have not been to see it, but I understand it is an extraordinary occurrence — one of 8 or 12 in the world — where the krill is drawn through a natural vertical current from the seabed to the surface, and that provides a phenomenally plentiful supply of food for blue whales in the area. It is one of the wonders of the world, and it attracts people to this incredibly valuable tourist destination.

What all this means is that the increasing number of visitors to our coast to look at our local environments and marine creatures puts huge pressure on those animals and environments. As Minister Madden is very fond of saying, we are in danger of loving our coastal areas to death. It is important that regulations are in place to protect the environment through managing the way visitors and tourists interact with it so as to avoid damage and other unintended pressure.

This bill aims to provide greater protection for marine mammals and to bring Victorian legislation into line with agreements that have been struck through the Natural Resource Management Ministerial Council. The Wildlife Act in its present form has a number of weaknesses and is in need of amendment. For instance, the act does not adequately address the management of the air-based whale-watching industry, and it also does not allow for regulating specific interactions between seals and human beings, including tourism operators. Seal tourism and air-based whale-watching tourism are largely unregulated at the moment. Regulating these industries is fundamental to their ongoing viability because it will ensure that their impact on seal and whale populations is minimised so as to maintain the sustainability of the species and the sustainability of the tourism industry.

The bill also aims to improve business certainty for marine mammal tourism operators, to improve the protection of whales in emergency situations and to reduce red tape, and it makes a number of amendments that make the legislation work better. To put these aims into effect, the bill establishes a permit system for air-based whale and dolphin watching and for seal tourism operators, extending these permits from the current 2 years to 10 years and giving the authorities the power to direct people and vessels to stay up to 500 metres away — up from the current 100 metres — from a situation involving a whale or dolphin in distress. The bill also provides for the state to have the

power to create regulations for the interactions between people and seals for the protection of the seals and for public safety.

By way of background, we need to understand that while sea-based interactions with whales and dolphins are regulated, there are few controls on commercial air-based whale and dolphin tourism operations. Currently there is no capacity to control the frequency or time of the interactions between commercial air-based tourism operators and whales and dolphins. This means that during busy times of the year aeroplanes and helicopters can be present around whales and dolphins for most of the day, and that causes stress to those creatures.

The fact is that we do not know a lot about how the repeated flying of aeroplanes over whales and dolphins actually affects these creatures. We do not know how these kinds of repeated disturbances disrupt the normal behaviour of whales, but it does seem reasonable to conclude that their feeding routines, reproduction behaviours, socialisation and ultimately their general health would have to be impacted upon to a certain degree by the sorts of activities that are going on around them at fairly close range above the water.

I understand there are currently only two known air-based whale tourism operations in Victoria, even though there may be others that view whales as part of other sightseeing operations. So we do not have a good sense of exactly what is there. Both of these operations are based in Portland, and they run flights during the summer months. It is clear that there is considerable room for expansion, and it is a good time for the government to set in place regulations that can accommodate and assist this potential expansion.

Overall there will not be a significant increase in the regulatory burden for business as a result of this bill. In fact the bill increases business certainty for marine mammal tourism operators and minimises the administrative burden involved in applying for licences through the introduction of longer maximum permit times. The overall objective of the bill in relation to business is to ensure longer term sustainability for these industries.

In the last couple of minutes I will refer to a matter that Ms Pennicuik raised about clause 5 relating to the Governor in Council on the recommendation of the minister making an order authorising a class of person to hunt or to buy and sell and to mark wildlife. I was a little bit puzzled by Ms Pennicuik's remarks because proposed section 28G(2) of the legislation does specify very clearly that the minister must not make these

recommendations under proposed subsection (1) unless they are satisfied that making the order is necessary. It lists: (a) whether it is damaging to a range of habitats and human farming and production areas; (b) if it is for the purposes of management and conservation; (c) if it relates to Aboriginal cultural purposes; (d) if it enables care and rehabilitation of sick or injured wildlife; (e) if it is for the purposes of ensuring the health and safety of people; and (f) if it is to support a recognised wildlife management plan. It seems to me that that does constitute an answer to the matter that Ms Pennicuik was raising. With those words, I think this is very sensible and forward-looking legislation and I am very pleased to support it.

**Mr P. DAVIS** (Eastern Victoria) — I will make some brief remarks on the Wildlife Amendment (Marine Mammals) Bill 2008 and signify my intent not to oppose the bill. But before I get to my qualifications about the bill itself, I just want to make some general remarks. Those of us from country districts, including you, Acting President, are often at risk of taking for granted matters in nature which people from an urban environment behold in wonderment. It is a great thing to be reminded from time to time what a privileged existence it is to live in the country, and particularly to represent country electorates in the Parliament. With that in mind I thought I would start my comments with a brief anecdote.

For quite some time my family has hosted exchange students, particularly Japanese exchange students. One time I had the experience of being reminded of how young children, no matter what nationality they are and what language they speak, can be the same and be considerably blasé about things. It was never a surprise to me that my own children were a little blasé about being exposed to both farm animals and wildlife because they had plenty of opportunity to see them. But I recall one day, to try to stimulate some enthusiasm in this particular exchange student, saying, 'Would you like to go and see if we can find some wildlife?'. So we went down to our back paddock — most farms have a back paddock or a bush paddock, as it might be described — where in the space of about 30 minutes I was able to find a mob of emus, a mob of kangaroos, a wombat, a koala and an echidna train. I suggest there are very few people in this place who would ever have seen an echidna train, but these were things I could find on my own farm.

I might relate a story that brings home how similar children all around the world are. My Japanese exchange student barely acknowledged the presence of the wildlife species, which are all in their own way Australian icons and which very few people living in

the urban environment get to see at all unless they go to Healesville Sanctuary. Here she was on exchange in Australia to find out what Australia was all about, but she could not take the iPod earphones out of her ears to take any interest in them. I think my own children behave a little like that when I am trying to impress them with some matter of great import, but the fact that she was so unaffected reminded me how privileged I am to be able to see Australian wildlife in its natural environment at virtually any time I choose.

So it is with marine animals too; I have had privileged opportunities. For example, I have had an association with the Bass Strait oilfields going back to the 1970s when I worked for Esso Australia's Bass Strait operation. While I primarily worked at Longford, I had the opportunity to go offshore from time to time, and certainly as a member of Parliament I have regularly been to the Bass Strait platforms. I have to tell the house that watching seals — not quite in a natural environment, because you could hardly describe an oil rig coming out of Bass Strait as a natural environment — which were certainly disorganised and unmanaged choosing to make a Bass Strait oil platform their primary place of rest and recreation, surfing in on the waves and jumping onto the structure of the rig as a place to rest, sleep and socialise, was quite fascinating. Also around the Gippsland coast I have often had the opportunity to observe seals in their more natural habitat on rocky structures.

Similarly dolphin watching is something that comes and goes. There are often opportunities to see dolphins if you are involved in boating. They come into the Gippsland Lakes regularly. That is always a moment of great comment — certainly by our visitors from Melbourne who are overwhelmed by something that we Gippslanders tend to take for granted. It is good to be reminded of what a great privilege it is. Recently I was in Perth and caught a ferry on the Swan River. I was fascinated by the curiosity displayed by all those waiting for a ferry about the dolphins swimming around the jetty area in the middle of Perth. Again I thought that it just goes to show how limited the opportunities are for people to get access to wildlife — either terrestrial or marine.

Not long ago I was bushwalking in the Croajingolong National Park. I walked from Shipwreck Creek eastward towards Mallacoota. I arrived at Pebbly Beach, sat down on a big rock and had my lunch because it was about that time, and besides I am getting old and tired and need a rest every now and then. As I was sitting there working out how long it was going to take me to walk back to Shipwreck Creek and whether I would get back at the same speed at which I made the

approach to Pebbly Beach, my wife said, 'Look!'. I looked up and sure enough there was a pod of dolphins surfing on the waves into Pebbly Beach. Having come in once, they turned around and went back to see if they could catch a better wave. It was quite a delight. I wish I had had a camera with a telephoto lens so I could have captured the moment. It was a particularly magical moment. I was privileged to be in the middle of nowhere — among nature in its raw state with no human intervention — and see dolphins enjoying themselves in a way that we as human beings think is our privilege when we go surfing. It was quite a remarkable sight. It was an experience I was able to take more seriously than I perhaps used to because of the opportunities I have had to see urban dwellers when they get rare glimpses of something I see more frequently.

In relation to the bill I want to make two particular comments. When members of the other place considered this legislation I noted there were comments that were in a sense derisory of our pioneering history. In effect they diminished the significant role that our pioneers in the whaling and sealing industries played in the development of this country. The reality is that Australia would not have developed in the way it has were it not for the abundance of natural resources, including marine resources such as whales and seals. They provided an economic base for the very first settlers on the shores of southern Australia.

Comments have been made in debate elsewhere and in the other house about how advanced civilisation has become in contemporary terms. I contend that introducing legislation to better regulate in a modern sense the exploitation of our wildlife is nothing more than regulating an oligopoly for the commercial benefit of current and future businesses. If we are honest with ourselves, we would say that, yes, man depends on animals to a large extent for man's welfare. There is nothing wrong with the exploitation of animals from time to time in different ways, provided that we care for the animals in a way that is in accord with whatever our values and standards of morality are — which change. Obviously 200 years ago we had a different set of views about how we should deal with whales and seals than we do now. Today we say it is okay to observe them.

The legislation being amended by this bill effectively seeks to place some 'ring fencing' around the extent to which animals — in this case seals, dolphins and whales — can be interfered with. I support that in principle, but let me not be a hypocrite and say this is about ensuring that we do not exploit animals, because that is the very essence of this bill. This bill provides a

scheme of arrangement that will guarantee opportunities to further exploit the animals to which I have referred, and I do not see anything wrong with that in principle because that is what man has done ever since man was organised into societies and we had to sustain ourselves in ways other than by being simply herbivores. From the moment we started eating meat we have been exploiting animals, and there is no embarrassment on my part for that.

In conclusion, I would say that I think it would be much better if people were encouraged not to participate in commercial tours organised around the central motive of making a profit out of the observation opportunities that exist. It would be better if people were more encouraged by government to go to the areas of the state where animals can be seen more naturally. I know that would be difficult for some people and that the only opportunity they will have is to be involved in commercial whale watching or commercial porpoise and dolphin watching, or indeed seal watching, and that is their only opportunity. But more people should be encouraged to do as I have done, because I have had, or indeed made, the opportunity to seek out those moments where one is in harmony with nature and can see animals entirely in their natural element, free of any interference, coercion and encouragement to display any behaviours which would be unnatural. I regard myself to be extremely privileged, and I would regard all Victorians to be deserving of that same privilege if only they would get out of the city and have an adventure down along the Gippsland coast.

**Ms BROAD** (Northern Victoria) — I am sure there are many members of this house listening to Mr Davis's contribution who would dearly love to be able to do that when they are not involved in parliamentary sittings. It is my very great pleasure to speak in support of the Wildlife Amendment (Marine Mammals) Bill 2008. In particular I want to direct my remarks to the objective contained in the bill, which is to generally improve the management and protection of marine mammals in Victoria.

Some detailed proposals are contained in the bill which go to improving the management and protection of marine mammals. They include providing a mechanism to limit the number of air-based whale and dolphin tourism operators in environmentally sensitive areas to complement the existing regime for sea-based tourism. There are also specific proposals to boost wildlife officers' emergency management powers, giving them the ability to direct a personal vessel to cease approaching within or move up to 500 metres away from a whale or dolphin for the purpose of ensuring the welfare of the whale or dolphin or the safety of a

person. Further provisions empower authorised officers to approach whales and dolphins at closer than the minimum prescribed distance when necessary. The proposals also include the removal from legislation of a redundant power for the issuing of licences for the taking or killing of whales in the course of commercial fishing operations.

These amendments are all proposed to be made to the Wildlife Act 1975. This very important act has been much amended over the years since it was first enacted. I refer to some previous amendments to that act which today's amendments build on in the interests of the protection of whales and dolphins in particular. This legislation also relates to a period of my life as a young person. I was particularly influenced by an organisation called Project Jonah, which was established around 1975. People in the organisation were concerned about the whaling that was still taking place at that time from a whaling station in Albany in Western Australia. Many long campaigns involving public education took place in the interests of addressing concerns about that ongoing whaling. At the commonwealth level that activity resulted in the Frost inquiry into the taking of whales, and ultimately the report of that inquiry resulted in the then Liberal federal government taking action to prevent whaling in commonwealth waters, which was closely followed up in 1981 by a then Liberal Victorian government enacting amendments to the Wildlife Act in Victoria to prohibit the taking of whales in Victorian waters.

In 1985, again at the commonwealth level, a Senate select committee report on whales and dolphins addressed concerns about those animals being kept in captivity. That debate led to a great deal of debate about what provisions should exist to either allow or prohibit the keeping of whales and dolphins in captivity and the capturing of whales and dolphins for that purpose. By then the Cain Labor government had come into office in Victoria, and in 1988, during a period when I had the very great privilege of working as a ministerial adviser to the then Minister for Conservation, Forests and Lands, Joan Kirner, amendments were considered, including in this place further amendments to the Wildlife Act to prohibit the live display of whales and dolphins and to outlaw their capture in Victorian waters. At that time The Nationals opposed those amendments to the Wildlife Act, but the Liberal and Labor parties put the amendments through.

The amendments we are considering in this bill build on many actions across political parties over a very long period of time in the interests of better protecting whales and dolphins and also in recognition of the great attraction that they hold for so many people and the

better management of those interests that people want to pursue in terms of viewing whales and dolphins. I was reminded of this not so long ago, not in Gippsland but in the south-west of Western Australia. During an all-too-brief period I had the opportunity to go bushwalking in the south-west of Western Australia, and on one occasion I walked for many hours along the top of some cliffs, from which I was able to observe and hear a pod of whales moving along the ocean at the base of those cliffs at about the same pace that I was walking. It is an extraordinary experience to be that close to whales and dolphins for any period of time, and there is no question that they have an enormous impact on people and that people are attracted to having that experience. The amendments contained in the bill will ensure that whale watching by aircraft is properly managed in a way which is not going to be damaging to the welfare of whales and dolphins. I welcome the statements that have been made in the debate which have indicated support for those amendments, and I commend them to the house.

**Mr VOGELS** (Western Victoria) — I also wish to make a few brief comments on the Wildlife Amendment (Marine Mammals) Bill. I represent Western Victoria Region in this house. Basically it starts not far from the Werribee River and goes all the way to the South Australian border, so there is an extensive coastline in the area I represent. The tourism industry obviously is very focused on that coastline. We all understand in this day and age that the Great Ocean Road is probably one of the world's icons. We regularly get visitors there from all over the world. For Warrnambool it has been fantastic, particularly over the past 10 years, because whale watching has become one of the big things tourists do when they get to Warrnambool. Logans Beach is now world renowned. It has a great platform and great facilities that are a credit to the Warrnambool City Council and the tourism people there.

I was listening with interest to Philip Davis talking about visitors on his property. Like Philip, I run — actually, my kids do now; I do not actually do much at all — a farm. Ours is down in the Western District. As I was born in Holland, we regularly get overseas visitors. Dad was the 15th in his family and mum was one of 10, so I have lots of cousins. When they come to Australia they make sure that they visit their relatives. They have probably seen a kangaroo in a zoo or something like that, but there is nothing like seeing real life in the wild. On our property we have, I am sad to say, too many kangaroos. They are breeding very well — and I think eating quite a lot of grass that our dairy cows should be eating! We also have koalas, wombats and birds. Ten per cent of our farm is actually locked up as old growth

forest and because of that there are a lot of native animals around.

If you actually watch nature at work, which you do when you grow up in country Victoria, you know that it can be a cruel, cruel world out there for native animals. Just beside our farm we have a wetland, which we put in probably about 10 years ago. We now have a beautiful dam with lots of birdlife, including swans, and we even have kingfishers back. It is interesting at this time of the year to see ducks nesting. They usually come out with 9, 10 or maybe a dozen ducklings. You watch them grow up and by the time they get to the age where they can fly away there are usually only one or two left. The ducklings are grabbed by foxes, or when they are swimming on the dam you will see a hawk circling overhead and eventually it will pounce on one. No matter how hard the mother duck and the drake work to try to save their little ducklings as they are growing up, they usually finish up with one or two that survive out of a dozen. That is nature at work and you cannot really interfere with that.

Going back to what this bill is about, which is protecting our whales, seals and dolphins from too much ecotourism, as members have heard, the opposition supports that. I think we would be stupid not to support it. As I said, ecotourism brings millions of tourist dollars into the Western District, which I represent. Having talked to the tourism operators, I know that they also support this bill. I notice that about four or five years ago, when the wildlife legislation first came into the house, there was some concern among some of the tourism operators around Warrnambool who believed that it would affect their industry and that they would not be able to get as close to the whales as they used to be able to at Logans Beach et cetera. However, I have not heard any complaints since, so it seems to me that that legislation has been working, and this bill is taking it a bit further.

In conclusion, I just want to say that we need to be careful that we do not go over the top with protecting our wildlife. Sometimes it concerns me when we bring in a bill to create another national park or state park, but particularly a national park, where we lock out all human activity. Then it seems to get overrun with feral animals and noxious weeds, which is to the detriment of the future of that national park. It seems that usually 5, 10 or 15 years later it burns down, because the tracks that were in there have become overgrown — the human activity that actually looked after it has been kicked out of the place and it has been overrun by noxious weeds, vermin et cetera.

As I said, the Liberal Party supports this piece of legislation, and I wish it a speedy passage.

**Mr LEANE** (Eastern Metropolitan) — I would like to speak just briefly in support of this bill. Unlike the previous speaker, Mr Vogels, I represent an electorate that is actually landlocked. Unfortunately, it does not include any ocean. I know that Mr Vogels represents quite a beautiful part of Victoria in terms of the ocean that edges it. I have a daughter who is a couple of months off finishing her marine biology degree. When your children get involved in things it is amazing how much interest you take yourself.

I would like to commend this bill, particularly as it makes sure there will be further controls in the tourism industry as it applies to whale watching and dolphin watching. This bill extends the controls to seal watching. A very practical aspect of the bill is to encourage and assist the tourism industry by increasing the maximum period of the tourism operator permit from 2 to 10 years. Reducing red tape is a very practical thing.

Getting back to the provisions of the bill dealing with protections around whale watching and dolphin watching, a lot of the extra protections are to do with tourism in the air, which has not been taken into account before. I suppose as fellow mammals we would not appreciate helicopters continually hovering around in close proximity to us. I think this part of the bill makes a lot of sense.

Only a couple of weekends ago I travelled down to Warrnambool to visit my daughter for a couple of days. Like Ms Pennicuik, I visited Logans Beach in the hope of seeing the southern right whales, which unfortunately were not there. Because I knew I would be speaking on this bill, I made a point of finding out the meaning of the term 'southern right whale'. The 'right' refers to it being the right whale to hunt. Once when I was visiting my daughter and I was walking along the main beach of Warrnambool I was lucky to see a southern right whale with a calf. It is just a fantastic experience to be close to these magnificent creatures. We are so lucky that we have them coming to our coastline. On that note, I commend the bill — which makes sure that we are not interfering with them and deterring them from staying around — to the house.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — By leave, I move:

That the bill be now read a third time.

In so doing I thank all honourable members for their contributions to the debate.

**Motion agreed to.**

**Read third time.**

**UNCLAIMED MONEY BILL***Second reading*

**Debate resumed from 26 June; motion of Mr JENNINGS (Minister for Environment and Climate Change).**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I am pleased to rise this afternoon to speak on the Unclaimed Money Bill, which is a fairly important piece of legislation for a lot of people who do not realise they are beneficiaries of it. That is one of the challenges of dealing with a bill like this.

**Mr Barber** interjected.

**Mr RICH-PHILLIPS** — I encourage Mr Barber and other Victorians to check with the SRO (State Revenue Office), as they may well be up for some unclaimed money. It is one of the challenges of consulting on a piece of legislation like the Unclaimed Money Bill that, by virtue of the fact that it is unclaimed money, the beneficiaries of this legislation actually do not know that they are beneficiaries.

The bill before the house this afternoon is a full rewrite of the existing Unclaimed Moneys Act 1962, and the Liberal Party will not oppose it. The registrar of unclaimed moneys has been appointed as the commissioner of state revenue, and this legislation has been drafted in consultation with the commissioner. It is an update of the existing act. It incorporates a number of updates and modernisations, and also incorporates a number of new provisions that are consistent with the Taxation Administration Act, so there will be consistent provisions across the acts that are administered by the commissioner of state revenue.

One of the key changes the bill introduces is to remove the requirement for parties that hold unclaimed moneys to advertise those unclaimed moneys in the *Government Gazette*. Currently under the existing act a

party holding unclaimed moneys — and most often this will occur with a public company that pays dividends — will find that some of the shareholders on its share registry may have shifted to different addresses. When dividend cheques are sent out the shareholders are not contactable at the addresses listed on the share register, and consequently the dividends cannot be paid to the shareholders who own them.

There are a lot of public companies in this situation. Under the existing legislation these companies are required to advertise in the *Government Gazette* the amounts of money they hold on behalf of other people. The most recent consolidation of the Unclaimed Moneys Act in the *Government Gazette* was in October 2007, and it ran to some 421 pages. It was predominantly from companies holding money that they wished to forward on to its rightful owner.

The bill removes the requirement for parties who hold unclaimed moneys to advertise in the *Government Gazette*. In future the registrar of unclaimed moneys will be responsible for advertising unclaimed moneys via a more accessible medium, such as its website. It also gives discretion to the registrar to advertise unclaimed moneys in other ways.

Members will have seen from time to time articles that appear in newspapers, particularly the *Herald Sun*, that draw the attention of the community to the fact that there are substantial unclaimed funds held by the government. That is a legitimate way of bringing to the attention of the community that there are funds that have not been claimed by their rightful owners.

The key change in the legislation is the reduction in the time period in which a party holding unclaimed moneys is able to retain that before it is paid to the State Revenue Office. Under the existing legislation a party holds money for two years. Firstly, it is identified as being unclaimed money. After a 12-month period there is a requirement to notify the unclaimed amount that is held, and the following year the party is required to pay that to the registrar or the SRO. Under the new legislation that two-year period will be effectively reduced to one year, because within two months after the notification requirement the party will then be required to pay the funds straight to the SRO. The effect of this will be a one-off benefit to the commissioner, or to the government, in that in the first year it comes into operation unpaid moneys that have been outstanding for two years will be collected, as will unpaid moneys that have been outstanding for one year. During the first year after the legislation comes into effect there will be a one-off benefit to the government

by the bringing forward of revenue it otherwise would not have had for another 12 months.

The bill also picks up a number of provisions out of the Taxation Administration Act with respect to investigative powers, or the powers of the registrar to undertake investigations into parties that hold unclaimed moneys. The advice I received at the departmental briefing was that this typically would take place when the SRO is undertaking taxation investigations. Under the new legislation they will also have the capacity to look at matters relating to unclaimed moneys. They can administer certain penalties for parties that are in breach of the Unclaimed Money Act, and there is also capacity for parties holding unclaimed moneys that are affected by decisions of the registrar to appeal to the Victorian Civil and Administrative Tribunal (VCAT) or the Supreme Court, as the case may be. These are sensible provisions that update the Unclaimed Money Act, and as such the Liberal Party does not oppose them.

One of the interesting provisions introduced by this legislation is the capacity for the registrar to pay unclaimed money to the party that rightly owns it. One of the anomalies in the 1962 act is that there is no provision for the registrar of unclaimed moneys to pay unclaimed moneys to the rightful owner when the rightful owner is located. While it has been the practice that the registrar does pay back unclaimed moneys to the rightful owner when that person is located, there is no provision in the act allowing for that. It is one of the important provisions in this bill that there will be a capacity for the registrar, if satisfied that the person who has approached them is the rightful owner, to pay that unclaimed money to that party.

They also have the capacity not to pay the unclaimed moneys to their rightful owner. The advice from the government with respect to that matter was that essentially this would come into place where there is some type of court order, possibly in relation to a bankruptcy proceeding, where the money should rightfully be paid to another person in accordance with that order. There is some discretion for the registrar not to pay unclaimed moneys to the rightful owner when that type of circumstance exists.

The only other comment I make is in relation to consultation on this legislation. As I indicated earlier, the beneficiaries of this legislation are, by definition, not easily identifiable, but there are a number of other parties in the corporate, legal and banking sectors that are impacted by this legislation. As part of the consultation process on this bill, I spoke to a number of those parties on behalf of the Liberal Party.

One of the issues raised was the failure of the government to consult more broadly on this legislation, and there was some concern within the legal profession that it had not been discussed with them before being brought into Parliament. Obviously solicitors' trust accounts and various other trustee arrangements give rise to a number of unclaimed money scenarios in which this legislation will come into play, and the peak bodies in the legal profession expressed concern that consultation had not taken place.

Although I treat this matter in a somewhat jocular fashion, given that the beneficiaries of the legislation are not necessarily clear to us, it is a significant area of legislation. As of June this year the government held more than \$130 million of unclaimed money that is owed to a large number of Victorians. As the most recent consolidation in the *Government Gazette* indicates, many of the amounts held are no more than \$1000, but a substantial number of Victorians are rightfully owed this money. The significant amount of \$130 million is held in general accounts, and there is a further \$20 million in round figures held in superannuation accounts that are unclaimed — so it is a serious matter. Legislation that improves access to this money by the rightful owners by requiring advertising on the internet, making it easy for the rightful owners to reclaim that money, is important and welcome. I wish the bill a speedy passage.

**Ms TIERNEY** (Western Victoria) — I rise to support the Unclaimed Money Bill 2008. This bill is part of the government's ongoing commitment to modernise and streamline Victorian statutes and to reduce the regulatory burden placed on business in this regard. In this case it is to do with unclaimed money. What do we mean by unclaimed money? There are a number of categories, and they are wide-ranging — unclaimed superannuation entitlements, unrepresented cheques, share dividends, salaries and wages, rent and bond money and money paid into the courts.

The purpose of the bill is to protect unclaimed money while at the same time establishing a system that identifies and locates individuals so that this money can be provided to the rightful owners. In the period 2006–07 the State Revenue Office collected over \$25 million in general unclaimed money, and to date only \$15 million has been returned to the rightful owners.

The current act was introduced in 1962 and since then has been amended time and again to streamline administration, but the bill we have before us today provides for a more effective advertising regime. It has greater flexibility and allows for such advertising to go onto electronic mediums, whereas before it was

primarily done through the *Government Gazette*. The registrar can also place advertisements in major regional and metropolitan newspapers much earlier in the process than is currently prescribed. Current businesses are required to hold onto and administer unclaimed money for two years, whereas this bill reduces this to just over one year. This will reduce the administrative burden on businesses — whether small, medium or large.

The bill also provides for a more modern compliance and enforcement regime for the registrar and updates the powers of investigation to be similar to those in other acts that relate to unclaimed money or public money. In meeting its objectives the bill strikes a fine balance between protecting unclaimed money while at the same time protecting the privacy of individuals and seeking to have the money returned to the rightful owners.

In relation to superannuation, the bill gives effect to an agreement between the Victorian and commonwealth governments whereby money is transferred to the commonwealth. This ensures that there is no double handling and that there is a single access point — simplifying the location and identification of rightful owners in relation to their entitlements.

The bill is a simplification of the administration surrounding unclaimed money. It increases the prospect of money being returned to or received by the rightful owners in a whole range of ways. It protects privacy and promotes good common sense in what can be an interminable maze for people seeking out their entitlements and businesses which hold onto the unclaimed money. I commend the bill to the house.

**Mr PAKULA** (Western Metropolitan) — I also rise to support the bill. It is worth noting that over the three financial years from 2004–05 to 2006–07 more than \$32 million in unclaimed money was paid out by the State Revenue Office, and \$15 million of that was in 2006–07 alone. In terms of the overall state appropriation these are not huge amounts of money, but to the claimant or the beneficiary of the lost money these are significant amounts of money — although as Mr Rich-Phillips has pointed out they are often small amounts of money.

Given that for some of the claimants the amounts can be significant, particularly in relation to superannuation, it is important to get the act right. As a consequence, the government's decision was that rather than continue with ad hoc amendments to the 1962 act it should be completely rewritten. It is time for the act to be modernised in a way that will further reduce red tape

for Victorian businesses. It is important to note that the types of unclaimed money dealt with by the act are unchanged, that is: money paid to courts, share dividends, wages and salaries, interest, unpresented cheques and, as I have already mentioned, superannuation.

It is a sensible change to allow the commonwealth to deal with unclaimed superannuation. It is certainly easier for fund members to have one port of call where they can seek to recover lost superannuation, and only having to deal with one instrumentality obviously reduces the administrative burden all round.

The bill also removes the obligation on business to advertise unclaimed money in the *Government Gazette*. The registrar of unclaimed money will still advertise the fact that unclaimed money is lying about, but it will be done in a more contemporary format. It would be difficult not to find a more contemporary format than the *Government Gazette*. I am not sure how many members of the community these days are trawling through the *Government Gazette* as a matter of course. I note from the debate in the Assembly that the member for Melton claimed he was an avid reader of the *Government Gazette*. I hope that is a recent phenomenon. It would be quite disturbing to me to find out that back in the 1970s when other young people were watching *Star Wars* — *Episode V: The Empire Strikes Back* or the rest of that trilogy, that the member for Melton might have been reading through the *Government Gazette*, but that is a matter I will take up with him. I am hopeful that it is a recent phenomenon, certainly going back no further than his election to the Parliament.

There is also a reduction from two years to one year in the amount of time that business has to hold or administer unclaimed money before paying it to the registrar of unclaimed money, and that is a sensible change. It will mean that unclaimed money reaches the registrar in a more timely way and will assist in that money being returned to its rightful owner. All in all, it is a sensible bill. It is a modernising bill that reduces red tape for business, and I commend it to the house.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — By leave, I move:

That the bill be now read a third time.

I thank members for their contributions to the debate on this very important bill.

**Motion agreed to.**

**Read third time.**

## MELBOURNE CRICKET GROUND AMENDMENT BILL

*Second reading*

**Debate resumed from 26 June; motion of Mr JENNINGS (Minister for Environment and Climate Change).**

**Mr DALLA-RIVA** (Eastern Metropolitan) — This is an important but very simple bill that the chamber is discussing. It is not really a debate. There is support from the opposition for the Melbourne Cricket Ground Amendment Bill which amends the Melbourne Cricket Ground Act 1933 to facilitate the proposed widening of the southern concourse of the Melbourne Cricket Ground from gate 1 to light tower 4.

Many people will talk on this bill, and I know that my colleague in the other place, Hugh Delahunty, the member for Lowan, made a significant contribution as shadow minister for sport and recreation. His speech was wide ranging and included a lot of the history of the MCG, which continues to expand.

As I said, this bill provides for the widening of the concourse. It is aimed at improving pedestrian flows during peak crowd times and in the event of an emergency situation. Members who attend the MCG on the odd occasion would have heard announcements about what to do if there is the need for an emergency evacuation. The project will widen the concourse by up to 6 metres, extending over Brunton Avenue, on which many of us travel around the MCG as it currently stands.

This is a simple bill that consists of only three pages. In fact the explanatory memorandum contains more detail than the bill itself, and I do not want to go over what the memorandum says. Needless to say, the bill has the support of the opposition. The project is an important part of the continuation of the growth of the MCG. I hope the project gets delivered on time and on budget, which is often not the case with this government. It starts projects which end up extending way beyond their allocated time. This is a simple project that should be completed. It is important for safety during any emergency evacuation and during the peak crowd times

we have all experienced when attending that great ground.

To put it into context, I understand the government has allocated \$12 million to meet the estimated cost of this project. I understand construction is planned to start immediately after the 2008 AFL Grand Final — between Essendon and Fitzroy; I can live in the past occasionally, Mr Drum! — to ensure completion of the extension in time for the Anzac Day AFL match in 2009.

With those few words I can only add that I hope the project will be completed on time and on budget so that people can again witness in 2009 another thrashing of Collingwood by Essendon.

**Mr BARBER** (Northern Metropolitan) — The Greens will support this bill.

**Mr VINEY** (Eastern Victoria) — I am pleased to rise in support of the Melbourne Cricket Ground Amendment Bill. It is a relatively straightforward bill in that it provides the legislative framework to allow for the expansion of the southern concourse of the Melbourne Cricket Ground.

What we have seen from this government is a significant investment in the whole Olympic Park precinct with the rectangular sports stadium. We have seen the great achievements of that magnificent football club, Collingwood, in that precinct. I know that you, President, appreciate the great contribution that Collingwood makes to the sporting culture of this community.

**Mr Pakula** interjected.

**Mr VINEY** — I see Mr Pakula there, and I look forward to continuing opportunities to see Collingwood playing against other, lesser clubs such as Carlton in Melbourne. I make what I think is an interesting point: that the Melbourne Cricket Ground has been entirely rebuilt over the last 30-odd years and that entire rebuild has occurred under Labor governments. We saw the development of the Great Southern Stand under the Cain government, and the Ponsford, members and Olympic stands have all been rebuilt under this government. The entire Melbourne Cricket Ground has been rebuilt, modernised and made great under Labor governments.

The thing about Labor governments is that they build things. They create things, and they create a future. Great teams like Collingwood play at the MCG. I know Mr Madden, who just left the chamber, agrees with me that it is the enormous crowds these great teams bring

in that mean we need to undertake this development of the southern concourse. I welcome this legislation to facilitate that opportunity. I have to differ with Mr Dalla-Riva: Collingwood consistently outperforms Essendon in the great Anzac Day matches — I have been to a number of them — and it will continue to do so. This development should be completed in time for the next Anzac Day match, as he said. I wish the bill a speedy passage.

**Sitting suspended 6.23 p.m. until 8.03 p.m.**

**Mr LEANE** (Eastern Metropolitan) — Thank you, Acting President, and also thank you for sitting in the chair in my place so I can give a brief contribution to debate on this bill. The Melbourne Cricket Ground has been a very important venue; it actually put Melbourne on the map back when it was used to hold the Olympics in 1956. It is good to see that this bill will enable further works and improvements to this fantastic stadium. I think it is topical that currently we have the Olympics on in China, considering what an important venue the MCG was in 1956.

I have a bit of an affinity with the MCG and the Olympics there in that my uncle, Pat Leane, had represented Australia in two Olympics, one in Melbourne and the next one in Helsinki in the decathlon. Since we are webstreaming I told Pat to listen. His best result was at the MCG when he came ninth in the 10 events of the decathlon. I have always thought it is a pretty good thing to be the ninth best in the world at anything, so I am glad he has got the opportunity of being able to listen tonight.

I would like to reinforce Mr Viney's comments and finish my remarks by saying the MCG is the home ground of the Collingwood football club, so that should be enough to say in supporting this bill. It is a very important venue, and it is important that this work gets done. It will improve safety procedures if there is an emergency evacuation. I commend the bill to the house.

**Mr PAKULA** (Western Metropolitan) — I also rise to support the Melbourne Cricket Ground Amendment Bill 2008. As other speakers have indicated, this is a straightforward bill that is required because the Melbourne Cricket Ground Act 1933 actually defines the area of the Melbourne Cricket Ground, and if the area is to be extended then an act of Parliament is required to do so.

The area in question is the concourse which runs around the perimeter of the ground, and specifically the southern side of the concourse and the part that juts out over Brunton Avenue. That part of the concourse is

very narrow, and it can get extremely crowded. As a result of the works that the government has completed on the MCG, the capacity of the ground is back to around 100 000 people. You often find that a lot of those 100 000 or 80 000, or whatever number might attend a given game, leave the ground at the same time, and not necessarily at the end of the game. Twice this year alone in Carlton versus Collingwood games there has been a mass exodus of Collingwood supporters around the 20-minute mark of the final quarter. With that many Collingwood supporters leaving the ground at once, none of us wants to see them hurting themselves. It is extremely important that the concourse be widened. I think that you, Acting President, in your contribution, spoke of mass evacuations. On both of those occasions I would define that as a mass evacuation at the 20-minute mark.

I wish the President was in the chamber as we saw the same thing in the much-heralded '100 K at the G' game between Carlton and Richmond. Not quite 100 K turned up but those who did turn up, particularly the Richmond supporters, were leaving the ground en masse at the 15-minute mark of the final quarter. It can get extremely crowded when you have such a mass evacuation or exodus from the ground. In the interests of particularly Collingwood and Richmond supporters not coming to harm when they have to leave the ground en masse and early in heavy defeats, the concourse needs to be widened.

Seriously, the works will help with the flow of patrons. They will make egress a lot easier in the event of an emergency evacuation. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Mr JENNINGS** (Minister for Environment and Climate Change) — By leave, I move:

That the bill be now read a third time.

In so doing I thank members for the expeditious way in which this bill has been dealt with.

**Motion agreed to.**

**Read third time.**

## SUPERANNUATION LEGISLATION AMENDMENT BILL

*Second reading*

**Debate resumed from 31 July; motion of  
Hon. J. M. MADDEN (Minister for Planning).**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I am pleased to rise and make a few comments on the Superannuation Legislation Amendment Bill before the house this evening. This bill, like so many of the pieces of superannuation legislation that come before this Parliament, is primarily about harmonisation. It is about harmonising Victorian superannuation schemes with the regime laid down by the commonwealth government with respect to managing private sector superannuation schemes and to a large extent ensuring that the state-operated superannuation schemes are consistent with the schemes operated by the private sector under the commonwealth regime. One of the important reasons for doing that is that under commonwealth taxation legislation, properly regulated superannuation schemes are entitled to concessional taxation arrangements. In order for the schemes operated by the Victorian public sector to be accorded similar tax treatment they need to be largely consistent with the commonwealth requirements for superannuation schemes. To that effect this legislation goes further in terms of harmonising the state superannuation schemes with commonwealth requirements.

In 2006 the Parliament passed legislation that combined the previous State Superannuation Fund with the emergency services superannuation fund to form Emergency Services and State Super (ESSS). Members will recall that the previous state super fund was the largely defined benefits scheme that existed for Victorian public sector employees until the end of 1992, when the scheme was closed to new entrants. Of course those members who are continuing in the Victorian public service and people who have retired from the Victorian public service continue to enjoy defined benefit entitlements under that scheme. The Emergency Services Superannuation Scheme is the scheme that provides defined benefit entitlements to members of the emergency services. In 2002 the decision was taken to combine the administration of those schemes but not to combine the funds. They remain separate funds in terms of their financial structures and the beneficiaries of each scheme retain their defined benefits as they previously existed, but the administration of the funds was combined under the Emergency Services Superannuation Board. This bill goes further to recognising that combined

administration arrangement and harmonising the two funds.

One of the first changes the bill makes is to give discretion to the trustees of the board to allow members of the former state super fund to access the accumulation products available to members of the emergency services super fund. This again is about bringing the operations of the ESSS more in line with commercial superannuation funds by allowing the board to offer a broader range of products. It is an appropriate and I am sure welcome amendment that an increased range of products, the accumulation products, will be available to the state super members.

The bill also adopts, again in terms of harmonising with the commonwealth, a new definition of 'spouse'. The definition of spouse used in the current legislation is based on the Income Tax Assessment Act 1936, which is a commonwealth act. The bill replaces that definition of spouse with the definition in the commonwealth superannuation legislation. It is appropriate, if a commonwealth definition is to be used, that it be a superannuation definition rather than a taxation definition. That will ensure that when the commonwealth amends its definition of spouse, as it has foreshadowed it will, to include same-sex relationships and remove any ambiguity with respect to same-sex relationships, that will flow through to the Victorian legislation. The change enacted at the commonwealth level to recognise that people in same-sex relationships are entitled to have access to their partner's superannuation, as is entirely appropriate, will flow through automatically to the Victorian legislation as a consequence of adopting the commonwealth superannuation definition of spouse.

Again in making the fund operate on terms that are more consistent with commercial funds, the bill allows the board to contract with third parties for the provision of financial advice to members of the scheme. This provision allows the board to offer financial advice to its members, as happens with private sector schemes. It will be on the basis of fee for service, so members who obtain financial advice through the ESSS will be charged a fee for it. The advice will be provided by a third-party provider. This is about enhancing the suite of services that the board of the scheme is able to offer to its members, which again is consistent with the types of products that are now available to members of private sector superannuation funds.

The bill provides that the board, via a mechanism called specified standards, can allow members to make binding death nomination benefits in respect of accumulation products. This is a very important

innovation in superannuation products. It is one that has been introduced only recently for private sector superannuation schemes. It allows an account-holder of an accumulation fund to nominate to the trustees of that fund who they would like to receive their accumulation benefit in the event of their death. There is a limitation on who can be nominated under a binding death nomination. It is limited to a spouse or a dependent or the executor of the estate of the deceased person, but for the first time it allows a person who has an accumulation account to nominate a binding beneficiary of their account. Currently members of accumulation super schemes are able to make nominations but they are only a guide for the trustees of their respective superannuation schemes. Only very recently have members been able to make a nomination that actually binds the trustee in terms of who the accumulation fund is distributed to in the event of the member's death. It is a welcome addition to the state superannuation scheme that that will be available to members who have accumulation products within the state superannuation scheme.

The bill also tidies up a number of things. It clarifies that the board of the Emergency Services Superannuation Scheme must have regard to the interest of the contributing employer as well as employees. Obviously with a defined benefits scheme that is a significant issue. My understanding is that the practice has been for the board to have regard to the interests of the employers as well as the employees, but the act to date has been silent on that. The bill introduces a requirement that the board have regard to the employer's interest.

It also removes the prohibition on the board accepting contributions from existing members who have reached the age of 65. Traditionally 65 has been accepted as a retirement age in Australia. In the past there have been restrictions on superannuation funds receiving contributions from members who are 65 years of age or over. The bill will remove that prohibition on the board accepting contributions where it relates to an existing member. So there will continue to be, as I understand it, a restriction on new members over the age of 65 joining the fund, but existing members who reach 65 will be able to continue to have contributions made to their fund. Those are the main provisions in respect of the operation of the fund.

The bill also makes an unrelated amendment to the Victorian Managed Insurance Authority Act, and this relates to ministerial directions that the Minister for Finance makes establishing an insurance scheme or establishing an indemnity scheme. Under the current legislation the minister, if he establishes such a scheme

by ministerial direction, can only establish a scheme for 12 months. The amendments that the bill will make to the Victorian Managed Insurance Authority Act will allow the minister to make directions that are valid for up to five years. It will remove the need for an annual renewal of those directions. Obviously the operation of this will need to be monitored so that these are not ongoing into the never-never, but it provides the minister with some more flexibility where it is appropriate that there is an ongoing insurance scheme or indemnity scheme.

The other main change that the bill introduces relates to returning members of Victoria Police. This is an issue that arose mid to late 2006 where, in the lead-up to the 2006 election the Police Association and the government undertook negotiations, apparently behind the back of the chief commissioner, with respect to enterprise bargaining arrangement outcomes for Victoria Police in 2007, and part of those negotiations led to an agreement that Victoria Police would accept returning members. Members who have previously been a member of the police force in Victoria are re-hired on a short-term contract up to three years to undertake policing duties. As a consequence of the introduction of those short-term contracts for returning members it has been necessary to recognise that fact in the Emergency Services Superannuation Scheme with respect to the death, disability, injury or illness provisions contained within the existing legislation.

Under the existing Emergency Superannuation Services Scheme a police officer who is killed, disabled, injured or suffers illness is entitled to a certain accrued benefit which is paid depending upon their period of service and whether they have been a contributing member to the fund. Under the existing system for full-time or existing police members, not returning police members, a member who is a member of the Emergency Services Superannuation Scheme is entitled to make a contribution to the scheme in addition to the contribution that is made by Victoria Police and that results in their receiving an increased defined benefit at the end of their service. If a member of Victoria Police chooses to make a contribution to the scheme and the contributions are capped at 8 per cent — an individual member of Victoria Police can contribute up to 8 per cent of their salary on top of the contribution that is made by Victoria Police — in the event of their death or disability they are entitled to a payment that is equal to 32 per cent of their annual salary multiplied by the number of years in which they have been employed. In the case of a person working for a three-year period, which is consistent with what would occur with a returning member, an existing member would be entitled to a payment in the order of 96 per cent of their

salary if they suffered death or serious disability under those provisions.

It has been raised with the opposition by the Police Association that under the provisions of the bill a returning member is not recognised as a contributing member to the scheme because they are not a contributing member to the scheme, and as such their entitlement to a death or disability accrued amount is limited to that which is payable to an existing member of Victoria Police who chooses not to contribute or make voluntary contributions to the scheme, and this is limited to 10 per cent of salary for each year that they work. On the three-year scenario of a fixed-term contract a returning member will be limited to 30 per cent of salary, and that is a point that the Police Association has indicated it regards as totally inadequate. This is something that was no doubt a matter of discussion between the Police Association and the government at the time those negotiations were undertaken. While we note the difference between entitlements for a returning member and entitlements for a continuing member, we let it rest and say that clearly that is a matter that would have been negotiated between the two parties at the time those negotiations took place.

On the whole this is welcome legislation. It further enhances the harmony between the commonwealth superannuation legislation and the way in which our own state superannuation and emergency services superannuation funds operate in Victoria. With the exception of the issue raised by the Police Association, the Liberal Party believes these are sensible amendments to the legislation and commends the bill to the house.

**Mr BARBER** (Northern Metropolitan) — The Greens have also sought advice and feedback from the relevant trade unions on this piece of legislation, and I appreciate Mr Rich-Phillips outlining the same information that we received from the Police Association. Clearly emergency services workers, by virtue of their profession, find themselves in hazardous situations, even life-threatening situations. They frequently give assistance to people in life-threatening situations, so we can well understand why they would be greatly concerned about the death benefit provisions in superannuation.

However, these and other provisions in the bill are the outcome of a set of negotiations amongst the parties. Those negotiations, having been concluded, are now reflected in the legislation. We are not going to attempt a second bite at the cherry by seeking to amend the bill to achieve an outcome that could not be achieved in

earlier negotiations. However, we did want to note those particular concerns.

**Mr THORNLEY** (Southern Metropolitan) — I also rise to speak in favour of the Superannuation Legislation Amendment Bill. The bill really has four primary purposes. Mr Rich-Phillips has already gone through a bit of the history behind the amalgamation of the funds so I will not go through that again, but the first purpose, given that history, is to ensure that members of the former State Superannuation Fund and their spouses have access to ESSSuper's accumulation and post-retirement products. The second purpose is to empower the ESSSuper board to be able to contract with an external party to provide financial advice to the members. The third major purpose is to ensure that members with access to the accumulation products have the ability to make a binding death nomination. The fourth purpose is a collection of a series of matters that allow the new flexible work practices which were introduced into the Victoria Police Workplace Agreement 2007, which has been referred to by other speakers, to be put into place.

The history both of the merging of those funds and the administrative arrangements that attended to that have been covered, as has at least a brief overview of the industrial negotiations which occurred. Mr Barber quite correctly pointed out that if negotiations have taken place where various things have been traded by various parties, then as a general rule it is probably unwise for others, in particular our good selves in this Parliament, to start reopening those negotiations and trying to give away things that were traded presumably for other matters by a group of consenting adults who had agreed to a package of benefits and conditions in a bona fide, arms-length negotiation.

A number of elements of those four primary purposes in the bill are worth noting. The bill will allow all members of the former State Superannuation Fund, including active members and deferred beneficiaries and pensioners, to access the accumulation products, so it covers all of those classes of people. The amendments cater for those officers who retire from the force and later return on a fixed-term contract. Again, the amendments try to ensure that whilst there has been a change in their operational status and other administrative arrangements, their capacity to access those financial products is similar to those who are doing similar work, albeit on different terms, and to be able to, for example, continue to make contributions beyond the age of 65. This is an important provision in a world where we have an ageing population, and where people see their retirement savings and their retirement incomes potentially needing to go on for a

number of decades. Potentially they may wish to be in a position to contribute to and take advantage of the tax and other structures that are accorded to those superannuation products when they are beyond the age of 65.

The bill puts all the members of the former State Superannuation Fund and their spouses on an equal footing with all the other ESSSuper members in their ability to access those accumulation products, and allows them to make additional pre-tax and post-tax contributions to the accumulation schemes. Other sorts of flexibility that are obviously important — such as the capacity to rollover or to transfer amounts from other superannuation funds into those ESSSuper accumulation products — can only be afforded to members who have an established relationship with the scheme as employer-sponsored members or members belonging to a prescribed class. That does not mean that people can come in through some of the other arrangements, not having initiated that through an employer-sponsored position. Otherwise the conditions that were gained through those employment situations would then be available to others.

As I mentioned, in its second primary purpose the bill enables the board to contract an external party to provide financial advice to members. That is obviously a sensible thing. Given the commissions or other forms of payment that those types of financial advisers receive, it is obviously a good thing that the fund can negotiate those services in bulk and therefore get a reduction in those commissions or fees or other compensation that would be payable to those advisers. In order to give the board that flexibility, given the other elements of the legislative regime, the bill needs to empower them specifically to do that, and this bill does that.

Thirdly, I agree with Mr Barber that the binding death benefit nomination is important, particularly given that it applies to workers who are in some of the most dangerous and difficult jobs. They would certainly wish to have the comfort of knowing that in the event of their death they have previously been able to make a binding nomination in respect of their beneficiaries. This is particularly important for mixed or broken families or those in more complex family arrangements, as is the case for so many. Those types of situations can often lead to disputes and complexity around things like superannuation outcomes. To enable a member to define with some certainty in advance of their death what might occur in those often complex situations is a flexibility that we want to make sure is accorded to all of them.

Mr Rich-Phillips has covered the minor changes to the Victorian Managed Insurance Authority Act 1996, and I will not go into those in any more depth. The final matter concerns the definition of 'spouse', and I am sure other members will speak about this as well. Mr Rich-Phillips outlined this as a harmonisation issue, and in one sense it is. It has also been a discrimination issue, and it is one that we hope will disappear. In order to give the members of this scheme access to the tax and other concessional treatments that are available under the commonwealth legislation, this legislation has to have similar provisions in respect of the definition of 'spouse' and other matters. We have no choice but to adopt those provisions if we want to ensure that members have access to those preferential financial conditions available under the commonwealth scheme. We would like to see that happen.

Unfortunately the history is — and it has been well documented and has been discussed in this house on several occasions — that the previous federal government chose, in a temporary lapse of its membership of the Ayn Rand fan club, not to give people choice in relation to whom they love. You can have choice in the workplace, you can have choice in schools and you can have choice in a range of other things, but apparently you cannot have choice in the people you are allowed to love. That is currently the situation.

The new federal government is looking to change that, and I just hope its bill will pass through the Senate. I hope the somewhat more enlightened view held by at least some members of the federal opposition will ensure that it passes so people can be treated equally regardless of whom they love — particularly as it involves the very important issues of people's financial planning and security. We need to ensure that they are able to look after those whom they love with the proceeds of their superannuation, as anyone else would want to look after those they love.

This harmonisation needs to occur to ensure that all members get access to those preferential financial conditions, but that can only occur within the limits of the commonwealth legislation. We certainly hope the commonwealth Parliament will support the new federal government's more enlightened approach to this matter. With those comments, I commend the bill to the house.

**Ms PULFORD** (Western Victoria) — I am pleased to speak in support of the Superannuation Legislation Amendment Bill. The bill deals with the emergency services and state superannuation fund and serves to ensure that the scheme complies with federal requirements. It also makes the changes that have

become necessary as a result of the Victoria Police workplace agreement which is currently in place.

The fund is one of the larger superannuation funds in the country. It has in excess of 150 000 members and some \$19 billion in funds. It is a non-profit superannuation fund, and its members include members of the Victorian police force and employees of the Metropolitan Fire and Emergency Services Board, Ambulance Victoria, the Country Fire Authority, Transfield and Advanced Medical Transport, as well as members of the former State Superannuation Fund, including many Victorian public service members and employees of Parks Victoria, the Transport Accident Commission and VicRoads, among others.

Every day in the course of their work emergency service workers put their lives on the line for Victorians in a way that few professions demand, and it is incumbent on us to look after them in return and ensure that their retirement savings are secure, safe and properly regulated. Superannuation is of the utmost importance for all working people to have a dignified and hopefully relatively comfortable retirement at the conclusion of their working lives, and this is certainly the case for our emergency service workers and other people working in the public service.

I will watch the unfolding debate about the rate of superannuation with interest. I certainly welcome that discussion. The Keating federal government was on the right track many years ago in its plans to increase compulsory superannuation from 9 per cent to a rate a little more likely to provide a decent retirement income for people. That debate has been on hold for some years now. I am pleased to see that it is again being considered.

This bill seeks to amend the Emergency Services Superannuation Act and some related legislation to enable members of the former State Superannuation Fund and their spouses to access ESSPLAN accumulation and post-retirement products, which they currently cannot access. The bill will allow for the Emergency Services Superannuation Board to enter into arrangements with a private provider. Clause 6 of the bill will ensure the provision of financial advice to members. Having a financial adviser on hand is something that the household budget of many working families just does not stretch to. If members were able to access expert financial advice through their superannuation fund at a reasonable rate, I would welcome that.

Other features of the bill will facilitate some new and more flexible workplaces that have been introduced

through negotiations and under the new Victoria Police workplace agreement. Emergency service workers who have recommenced work after having previously left are often in shorter term contracts, and clause 3 of the bill will enable them to be eligible for the same death and disability cover through their superannuation. Clause 7 facilitates a review of part-time workers' contributions by providing that irregular hours are also taken into account. Members of this place are well aware that the bottom line for part-time workers and people in less than fixed permanent employment is the massive disadvantage they experience at the end of their working lives, because of the much lower balances in their superannuation accounts.

The bill will permit rollovers and transfers from other funds and offers ESSPLAN members access to binding death benefits.

The definition of 'spouse' will in the not-too-distant future be dragged into the 20th century, and maybe all the way into the 21st century. If members of the commonwealth Senate are willing, such a change would enable the very outdated Howard government view of family to be modernised and updated so that people are not discriminated against in their retirement incomes by virtue of their relationships or their sexuality. That is certainly something I am confident that all members on this side of the house would welcome. Members of the former federal Liberal government did not have space in their minds and hearts for different types of families, so it is also a feature of this bill that the definition of 'spouse', whilst linked to the commonwealth Superannuation Industry (Supervision) Act, will change as that change happens at the commonwealth level. If that change is adopted by the federal government, then that change will flow through automatically to Victoria's superannuation acts.

These changes are good for those people who work in our police forces and in our fire and emergency rescue services, as well as for those public servants who administer some of the very important work of government. I refer to such people as those who work in organisations such as Parks Victoria, the Transport Accident Commission and VicRoads. We certainly owe it to these people to ensure that their retirement incomes are preserved, that they are not discriminated against on the basis of their sexuality and that their superannuation fund is robust and in every respect complies with the requirements of the commonwealth. With those words I commend the bill to the house.

**Motion agreed to.**

**Read second time.***Third reading*

**Mr JENNINGS** (Minister for Environment and Climate Change) — By leave, I move:

That the bill be now read a third time.

And not for the first time this evening I thank members for the speedy way in which they have dealt with this piece of legislation.

**The ACTING PRESIDENT (Mrs Peulich)** — Order! And I thank the minister for the speedy way in which he has closed the debate.

**Motion agreed to.****Read third time.****PUBLIC HEALTH AND WELLBEING BILL***Second reading*

**Debate resumed from 26 June; motion of Mr JENNINGS (Minister for Environment and Climate Change).**

**Mr D. DAVIS** (Southern Metropolitan) — I am pleased to rise and make a contribution to the debate on the Public Health and Wellbeing Bill 2008. This is an important and complex bill which has a long history. The opposition supports the bill in many respects, and it also respects many of the principles contained within it. Although we will express some reservations about the bill, on this occasion we will not oppose it because many aspects of the bill are worthy.

The bill is a complex rewrite of the Health Act 1958 and other bits and pieces of legislation that surround it. It seeks to achieve a better system and take a better approach to the regulation of public health in the broad, and it seeks to do that in a way that is sensible and practical. However, a number of questions need to be raised. I do not propose to raise all of those questions tonight; that would take the time of the chamber for many hours, given the complexity of the bill, which is half the size of a telephone book. I do not propose, as members do from time to time, to examine every clause. That would be simply unnecessary in this case. It would also miss the point that this bill seeks to provide a broader framework across the top of much of the micro regulation of health, and does that in a way that seeks to enshrine a series of principles.

This bill is the result of a process that began back in the Kennett government period, in 1998, and in the context of national compensation policy and other review purposes. The initial reviews of this act began when Rob Knowles was the Minister for Health. In 2004 the government released a discussion paper and called for public submissions. Several dozen submissions were received, mainly from local governments and health organisations. As members will remember, in 2007 the chief health officer was sacked, in part because of a series of misjudgements around cases involving the transmission of HIV infection by a HIV-positive person. That is just one aspect of this extraordinary and complex bill that deals with very sensitive pieces of public health policy and regulation.

As I said, much of the Health Act has been rewritten, but the essential parts of that act are incorporated — and in many senses modernised and made more relevant — into the body of this bill. The Public Health and Wellbeing Bill is a public health bill which deals with traditional public health areas, but wellness is also a significant part of its focus. There are, however, a number of areas of concern, and I will deal with those in a systematic way.

The intent of the bill is to introduce a more flexible public health regulation to Victoria. That is a worthy aim, and the general steps that have been gone through are supported. I do want to put on record the opposition's concern about the fact that this bill was not put into a broad enough consultation phase at the end. While the earlier phases were the result of significant and broad consultation — and we support that process — the bill itself is of such complexity and significance that there are concerns about the fact that it is only a few short months since this bill first saw public exposure. I also want to put on record opposition members' concerns about the government's haste in passing this legislation. Frankly, it is not quite clear to me why the government feels the need to move in this way and at this pace. Although it is not a perfect system, the system of health regulation that has been built up in Victoria over many decades under successive governments is a good system and arguably amongst the best. That is not to say that it cannot be improved, and many of the improvements that are incorporated in this bill are generously and strongly supported by the opposition. However, the haste of the government in introducing this legislation detracts from those positive steps because the pace is faster than is necessary and faster than would be ideal for allowing key stakeholder groups the access and time to fully understand its complexity.

It should be noted that in New South Wales, in the Public Health Act 1991, a series of similar extraordinary powers to deal with public health emergencies were conferred on the minister and not on officials. This is a chief distinction between some other jurisdictions where such powers are conferred on ministers rather than chief health officers. That is an arguable position; in this state we have a long history of chief health officers of integrity and capacity. In many respects that is a stronger position than having ministers responsible. It is equally true to say that some of these areas of regulation involve political decisions, and it is arguable that those political decisions should be made on some occasions by ministers because public health and public safety are involved. I am not flagging a final or fixed position on this matter. In a sense I am flagging that there is a degree of tension and a point of debate as to where authority is vested on these occasions. The vesting of that authority is an important matter of decision making in terms of getting the best outcomes in public health terms.

The powers vested in these public officials are significant and they need to be because in certain emergency cases, where significant public infection and so forth is involved, we need to have officers who can use mechanisms to implement things, often very quickly, under stress and in uncertainty. In some circumstances those public officials may have to make political and health judgements which are not always ideal but which, for the public benefit, are required to be made in a public-spirited way and to the best of their capacity. Detention orders may be issued by a medical emergency officer. They can be of a maximum duration of 96 hours, and any extensions must be approved by a magistrate. In terms of the involuntary medical examination of a person who may have a notifiable disease, the chief executive has to seek a magistrate's order to detain them for examination. This seems a fair balance in many respects, but again there is a point of debate as to where the line is drawn and where the powers are vested.

There are a number of concerns. Part 8 of the bill allows the chief health officer to make compulsory testing orders and provides for the detention of people believed to be a public health risk, the use of police and the justice system to enforce orders, and the conferring of rights of access to private health and medical records. These are all significant powers that are required and indeed they are necessary powers in times of public health emergency, but these matters should be scrutinised in detail.

I want to come to the purpose of the bill. In a sense its purpose is simple and elegant — that is:

... to enact a new legislative scheme which promotes and protects public health and wellbeing in Victoria.

No-one can disagree with that. But what does it actually mean? The detail in these very complex bills is deep inside.

Part 2 of the bill is headed 'Objectives, principles and application'. Clause 4(1) states that:

The Parliament recognises that —

- (a) the State has a significant role in promoting and protecting the public health and wellbeing of persons in Victoria —

and so forth. Subclause (2) provides:

In the context of subsection (1), the objective of this Act is to achieve the highest attainable standard of public health and wellbeing by —

- (a) protecting public health and preventing disease, illness, injury, disability or premature death;
- (b) promoting conditions in which persons can be healthy;
- (c) reducing inequalities in the state of public health and wellbeing.

Subclause (3) provides:

It is the intention of Parliament that in the administration of this Act and in seeking to achieve the objective of this Act, regard should be given to the guiding principles set out in sections 5 to 11.

I propose to talk about these for some time, because in many senses they will become the guiding legal principles of the legislation. Whilst in essence and in the abstract these are principles that will be widely supported in the community, it is the balance that is struck between these principles that is important. Essentially, because they are incorporated as the principles of this act, they will become legally binding and ultimately the balance will be struck by the courts.

Parliament today needs to be under no illusions that it is making the decision. I am not arguing that this is wrong, but I am arguing that Parliament needs to be under no illusions that it is actually enshrining this set of principles and that ultimately the balance between the principles will be struck by the courts. As it goes forward, in the early years case law will be very unclear. Perhaps previous case law will be of significance, but ultimately it will not be of significance.

For the benefit of those in the chamber who are following this, I am referring to page 20 of the bill. Clause 5 outlines the principle of evidence-based decision making. I affirm my strong support for the

incorporation of this principle in the bill. It is an important step to focus public health decisions on the available evidence and use that as guidance in the decision making of ministers and chief health officers — and secondary officers as well. In health care generally, evidence-based medicine is one of the guiding lights of improvement of standards and focus on what does and does not work. I welcome the incorporation of this important principle.

Clause 6 is headed ‘Precautionary principle’. I will come back to that later, because I think it is the most controversial of all the principles incorporated here.

Clause 7 is headed ‘Principle of primacy of prevention’, and provides that:

The prevention of disease, illness, injury, disability or premature death is preferable to remedial measures.

I think that is a very important principle. Subclause (2) states:

For that purpose, capacity building and other health-promotion activities are central to reducing differences in health status and promoting the health and wellbeing of the people of Victoria.

Can I just say to the Parliament and to the people of Victoria that I welcome the government’s incorporation of a principle of primacy of prevention. This is a very important step that is long overdue. I believe that in the 1980s, increasingly in the 1990s and on, it was recognised that preventive medicine and health care is an important primary objective and a preferable objective to dealing with conditions as they develop.

The principle of accountability is outlined in clause 8. Nobody can have a concern about the idea that the principle of accountability is incorporated in the bill. That is defined as:

Persons who are engaged in the administration of this Act should as far as is practicable ensure that decisions are transparent, systematic and appropriate.

Subclause (2) provides that:

Members of the public should therefore be given —

- (a) access to reliable information in appropriate forms to facilitate a good understanding of public health issues; and
- (b) opportunities to participate in policy and program development.

These principles are important, but I want to point to the deeper issue. These principles being legally binding is both a strength and a weakness, because the courts will decide what these words actually mean. The term

‘reliable information in appropriate forms to facilitate a good understanding’ has a bit of a nanny state ring about it. Who decides what is reliable? Who decides what an appropriate form is? Who decides what a good understanding of public health issues is? These are all essentially political judgements that in my view will be cloaked in some legal understanding.

Will this potentially give someone a legal head of power to get access to important health information? Yes, it will — and I welcome that opportunity. I think that will be a powerful point under this central legislation that will govern health care in Victoria. I think that will be a valuable step. Having said that, I ask: who will interpret that? How will it be decided? In the end, administrative law will decide that. We understand that, whether it is the Freedom of Information Act or whatever other act, there are restrictions. I have some concerns about the guarded nature of these words, the weasel words, such as ‘reliable information in appropriate forms’, that are in here.

Clause 9 outlines the principle of proportionality. In the abstract that is a very reasonable statement, and I agree with it. It states:

Decisions made and actions taken in the administration of this Act —

- (a) should be proportionate to the public health risk sought to be prevented, minimised or controlled; and
- (b) should not be made or taken in an arbitrary manner.

There is no doubt there is full support for the concept that decisions:

... should be proportionate to the public health risk sought to be prevented, minimised or controlled.

This may be a significant protection on some occasions from disproportionate action and unreasonable actions taken by health administrators or decision-makers in certain contexts.

Clause 10 refers to the principle of collaboration and states:

Public health and wellbeing, in Victoria and at a national and international level, can be enhanced through collaboration between all levels of government and industry, business, communities and individuals.

Crikey! I must say that, whilst in the abstract, everyone would agree with the principle of collaboration. No-one is in favour of combat. Everyone thinks collaboration is a good thing. There is an inherent naivety in these sorts of statements that will have legally binding effects. What on earth does that mean? Will it provide a head of

power for the federal government? I am not sure. Or for local governments? It is very unclear to me what that will in the end mean, despite the welcome and high-sounding words.

Clause 11 refers to the principles applying to part 8 and states:

Section 111 specifies the principles that are to apply for the purposes of the application, operation and interpretation of —

the act. I will leave that.

Clause 12 refers to the application of part 6 to areas outside a municipal district and talks about the details of geographic application.

I want to return to clause 6, which refers to the precautionary principle which may well on certain public health aspects be the most controversial when applied in an unknown future legal context. It says:

If a public health risk poses a serious threat, lack of full scientific certainty should not be used as a reason for postponing measures to prevent or control a public health risk.

I agree with the precautionary principle when in the abstract like that, but let us unpack this and try to work out precisely what it actually means. If it means that public health officials may need to act on certain occasions to head off public health risks, I agree with that. If it means they may need to act in points or occasions where uncertainty and a lack of full or complete evidence exists, I agree with that. But what legal leverage could this sort of precautionary principle be given? Does this mean that a health official can act in a way to demand that a public health intervention should occur? If that is about preventing ill-health, I can see good reason for that.

I place on the record my thanks for the lengthy briefing that was provided by the minister and the department, and the long hours that were spent with not just me but with the opposition's shadow Minister for Health, the member for Caulfield in the Assembly, Helen Shardey, and a number of other members of the opposition. I freely and openly place on record my thanks for the time spent. At that briefing it was advanced that this precautionary principle would apply where a government official sought to close down a shonky food premise. I agree that a lack of complete information should not prevent a government official closing down a food premise that may on reasonable examination lead to a risk to public health, and that a public health official should on many occasions when confronted with incomplete but persuasive evidence step forward and prevent a risk to public health.

But the precautionary principle could equally mean that people could be compulsorily vaccinated, or other steps could be imposed on the community, in the interests of precautionary steps. These will ultimately be decisions that are made by courts on the basis of legal actions. It is my unease with the change in this bill that, whilst most of these principles I agree with in the abstract, the balance and the weight that is accorded to these principles will ultimately now not be the decision of the Parliament or the people of Victoria. It will be the decision of a series of court cases that lay out case law in the future. I am not convinced that the courts always get the balance right in these sensitive matters. Of course the decision whether to intervene or to not intervene in a public health matter is not only a matter of evidence and public health decision making but also in some contexts a political decision as well. It is that level of concern I have about the bill.

It is with mixed feelings that I indicate the opposition will not oppose the bill. There are many worthy and encouraging aspects of the bill that I personally strongly support and of which the opposition is strongly supportive. There are, however, aspects that would cause a reasonable person to think carefully about handing over the balance of powers outlined in this bill. As I said, it is an important bill. I am, as I have indicated before, disappointed that the government has not given a proper and full opportunity for the broadest public disclosure.

A government member recently said to me, 'There will be plenty of time'. I said to that person, who shall remain nameless because they are well intentioned, 'Very few people in my electorate of Southern Metropolitan Region know or understand this bill. Very few health providers, very few people in public hospitals, very few people in primary health care and very few people at the community or environmental medicine level have an understanding of what this bill will do'.

Ultimately the consultation on the details of the bill has been within a very narrow band. I am always concerned when the consultation on what I call foundational change, which is what this bill proposes, has not elicited broad community support and understanding of what the bill will actually do.

With those comments I indicate again that the opposition will not oppose the bill. There is much in the bill that is worthy. It is a process that began under the former Kennett government through the then health minister, the Honourable Rob Knowles. The process has gone through several layers of consultation, but in

my view the government has erred in not fully consulting the community on the final form of the bill.

**Mr SCHEFFER** (Eastern Victoria) — I rise to speak in support of the Public Health and Wellbeing Bill. The purpose of the bill is to put in place new and updated legislation that promotes the public health and wellbeing in Victoria. The bill amends eight acts and involves consequential amendments to some 25 other acts.

As Mr David Davis said, the bill was developed against a background of work presented in the 2004 discussion paper and the 2005 policy paper, both entitled *Review of the Health Act 1958*, and the resulting consultations. The extensive research and discussion aimed to develop a public health act that was modern and that could provide a legal framework for a health system that was capable of providing and developing health in the community.

The bill deals with a large number of issues that relate to governance, powers and responsibilities of various authorities, the management and control of public health risks and the health impacts of certain services. The bill is an update of the 50-year-old Health Act, and a number of the provisions in the bill are a re-enactment of the previous legislation, but there is also a significant refocus and the introduction of a range of new measures.

Health is one of the Brumby government's top priorities, which is why in the 2006 state elections we committed to invest in rural and regional hospitals and to recruit and train more doctors in country Victoria. I remind the house that over the last year or so some three more doctors have been placed at the Wonthaggi Hospital in my own electorate of Eastern Victoria Region. We committed to invest in country health services — \$21 million was provided for the Latrobe Community Health Service — and we committed to expand rural ambulance services. Warrigal and Wonthaggi are two examples of where that has happened in recent times.

The minister's second-reading speech states that for the first time in Victoria's history the bill enshrines the state's role in protecting public health and wellbeing. This is set out in part 2 of the bill, which deals with the general objectives, principles and application of the legislation. Clause 4 states that in passing the bill the Parliament recognises that the state has a significant role in promoting and protecting the public health and wellbeing of all Victorians, and that this involves taking action to improve health and reduce inequalities, to reduce the incidence of disease, illness, injury and

disability, premature death and to improve the general health of the community.

Clause 4 sets out seven guiding principles that need to be taken into account by authorities in administering the health system. These are to make decisions on the basis of evidence that in the face of serious risk to public health, authorities should always act to protect the public even when there is not full scientific information available. It is always better to prevent diseases, injuries or disabilities from occurring rather than taking remedial measures after the fact. Authorities should always make sure that their decisions are transparent and that there is opportunity for the public and for professions to scrutinise decisions and to have access to information. Authorities should make sure that the actions they take to protect public health are in proportion to the risk they are trying to manage or ameliorate, and they should always work collaboratively with government departments, industry, business, communities and individuals.

Part 3 of the bill covers the responsibilities of the secretary of the department, the responsibilities of the chief health officer and the functions of local municipal councils. Under this legislation councils continue to carry out a wide range of responsibilities to maintain public health standards such as immunisation programs and putting together public health and wellbeing plans.

Under part 4 of the bill, the minister is empowered to establish consultative councils. These are made up of experts in particular areas the minister thinks need to be looked into. Consultative councils are created with a particular investigative brief or prescribed function.

Section 44 of division 3 of the bill provides for the establishment of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity to inquire into Victoria's maternal deaths, stillbirths and the deaths of children, as well as into the incidence and causes of obstetric and paediatric morbidity.

Part 5 of the bill requires the minister to prepare a public health statement every four years, and the first of these is to be ready by 1 September 2011. The plan needs to identify the public health and wellbeing needs of Victorians and to contain an examination of data that shows the health status and wellbeing of the community. The plan also needs to present the objectives and policy priorities for the health and wellbeing of Victorians. This part of the bill empowers the minister to conduct public inquiries and impact assessments, and it spells out the details of how this needs to be done.

Part 6 of the bill makes local councils responsible for addressing local health and wellbeing problems in the community in relation to things like water policy and management, animals, rubbish, noise and suchlike. Where a community member lodges a complaint, the council must follow up and take appropriate action. If it does not do that, the complainant is able to have the matter heard in the Magistrates Court. Under this part of the bill councils are also responsible for addressing nuisance issues arising from land not properly managed and also for registering certain kinds of businesses that may pose a community health risk. Those businesses are listed and recorded in the legislation itself.

Part 7 of the bill relates to the regulation of cooling towers, and I think members will remember how the issue of cooling towers and the outbreak of legionella some years ago was a major public health issue in Victoria. It took considerable effort on the part of health authorities to get on top of that problem. The section of the bill that deals with cooling towers is extensive, and it covers the full range of issues: registration, renewal and the development of risk management plans, safety reviews and audits. While these are all of a very technical nature and are spelt out in the bill, they are very important — as Victoria learnt some years ago. Part 7 also deals with the regulation and control of the use of pesticides and the issuing of pest control licences.

Part 8 of the bill is concerned with the management and control of infectious diseases, and this part sets out the guiding principles that underpin the state's approach to these complex and dangerous issues. I recall that the house debated these matters in relation to other legislation some weeks ago. Certain responsibilities are given to the chief health officer to enable him or her to instigate examinations and testing of persons suspected of having contracted an infectious disease. Part 8 also regulates the process to be followed when examinations or tests are carried out on individuals and details what is expected of a person who is suspected of having contracted an infectious disease or who has been in contact with people who have an infectious disease.

This part of the bill gives the chief health officer the power to make a public health order where he or she decides that the health condition of an individual could lead to a public health risk. It is to the credit of the Minister for Health that this part of the legislation protects the rights of individuals who are under this kind of examination, and it gives them the right to appeal certain decisions. A separate section in the bill deals with people whom a doctor believes may be HIV-positive and permits the doctor to order tests to be done in those cases. This part also sets out a range of

obligations for medical practitioners to observe in order to protect the rights of patients in those situations.

The remaining parts 9, 10, 11 and 12 of the bill deal with the powers of local government officers and of the chief health officer to respond to risks to public health and with various provisions relating to the powers of authorised officers regarding review and appeals relating to offences and legal matters.

As I said at the outset, this bill updates and modernises Victoria's legislative health regime. It emanates from a model that emphasises the treating of illness through prevention and the protection of people's wellbeing before they become ill. This is sound and well-timed legislation, and I commend it to the house.

**Mrs PETROVICH** (Northern Victoria) — I state from the outset that the coalition does not oppose this legislation, but it does have some reservations and concerns.

This bill seeks to replace and update the Health Act 1958 which has been in place for over 50 years and has served our community well. It relates to public health and safety in particular. The bill attempts to strengthen the legal framework by providing a contemporary approach to public health and safety matters, in particular strengthening Victoria's capacity to respond to a medical health emergency. It also attempts to provide a mechanism for a decisive and quick response to an emerging health crisis while protecting and safeguarding the rights of individuals who may be affected.

An initial discussion paper reviewing the act was originally released in 1998 in the context of a national competition policy comprehensive regulation review process. As a result some fairly significant amendments have been made to the act. In 2004 the current government released a discussion paper and called for public submissions. A number of submissions were made, mainly from local government and health organisations.

This led to a draft policy paper being released in September 2005 which outlined the government's general approach to this new policy. Contained in this policy are 240 recommendations — so it is a considerable rewrite of serious complexity — which are to be considered in the drafting of this new legislation. Several dozen responses and submissions in relation to the recommendations were made early in 2006. Nearly two and a half years later we have a new piece of legislation before us which has appeared, unfortunately I believe, without any further consultation

and without the benefit of a draft to be considered by those who will actually be working in the field and implementing the provisions in this bill. Those who have made submissions to the policy paper have had no real opportunity to have further input or to seek to make amendments to the bill before us today.

This bill incorporates much of the current Health Act, but it seeks to rewrite and contemporise it, which is not a bad thing. After all, in 1958 the AIDS virus had not emerged as a health issue — it became the issue that it is today in the 1980s. The bill attempts to modernise the act in a number of ways by making it relevant to contemporary needs and practices, including changing the name of the act to the Public Health and Wellbeing Act as opposed to the Health Act. The ‘wellbeing’ part of the bill’s title appears to be an attempt by this Labor government to jazz up the title with jargon.

**Mrs Peulich** — To make it funky.

**Mrs PETROVICH** — It may well be doing that, Mrs Peulich. In practice the bill contributes very little to the wellness aspect alluded to in the title. If anything, it relates more to the preventive measures.

A significant public health issue that affects us all is the importance of health inspections and proper hygiene standards for cafes, takeaway food providers, fast-food outlets and restaurants. The public has a right to feel comfortable that the proper vigilance and appropriate checks are in place. When we go out to these places we should have surety that a high standard of hygiene and health is afforded to us all.

The bill is about ensuring that these measures are in place, and it also relates to the more serious issues surrounding epidemics, pandemics and possible biosecurity issues. Councils have played an important role in this for many years by developing municipal health plans which relate to local legal issues, health services provided by councils, monitoring of food handling, immunisation services provided by community health services and a plethora of other services. It is only appropriate that the legislation be updated to have sufficient procedures and powers to enable us to act in an emergency — to have the capacity to react quickly and appropriately when circumstances require.

We do not oppose the new powers. It is important to note that there are sufficient powers to deal with cases such as that which occurred in 2007, when the chief health officer, Dr Robert Hall, was sacked in part because of poor judgement in withholding information which could have prevented further transmission of the

AIDS virus by a HIV-positive person who was deliberately transmitting the disease. As a result of this case and directly relating to the provisions in the proposed legislation, another review was undertaken which dissected the way the Department of Human Services dealt with HIV-infected people who put others at risk. This review concluded in February 2008, and I believe it was considered in finalising this bill.

The commencement provision allows the bill to be implemented over a period of time with the possibility of sections being proclaimed before the default commencement date of 1 January 2010. There is a significant time period before this bill will be implemented, and I believe there will be a staged approach. This would enable us to have additional and adequate time for the remaking and remodelling of regulations, should this be required. If it is necessary to do some remodelling because of the lack of consultation we have experienced, we will have the capacity to do that. Additional work may also be required to develop protocols between agencies involved in the application and enforcement of the new legislation, councils and Victoria Police; these are examples to be considered.

The second-reading speech describes the bill as providing a:

... population health framework that is focused on prevention and is sufficiently flexible to enable swift and effective responses to emerging new threats to public health, as well as well-known risks to public health.

For all its bells and whistles, this is an update of the Health Act, and it only deals with public health issues in traditional health areas. The general purpose of the bill is that of modernising the Health Act and bringing it into the 21st century.

When forming policy it is important to look at the big picture, and the needs and welfare of the broader community should always be considered. I believe it is important not to lose sight of the rights of the individual. Civil liberties should be protected and maintained. It is not always the case that more and more regulation being imposed on communities is an improvement; sometimes simple is better. In this case the implementation of further regulation will not necessarily assure us that the right decisions are being made. I think this is especially the case if there are not processes and checks to ensure that the Victorian community is protected against infectious disease and that the rights of the individual are upheld.

I am personally concerned that because of the apparent lag time between the inception of this bill, which goes

back nearly 10 years now, the consultation and the bill being introduced, councils — particularly country councils — will not be prepared for the bill and will not have the required budgets. Some of them may not even have the required staff. Councils, the Municipal Association of Victoria and the Victorian Local Governance Association should all have been given an up-to-date briefing and another opportunity to comment. Two years is too long between consultations.

I also have concerns about the great expansion of the power of an unelected public official, the chief health officer. In some cases there may be a restriction of civil liberties. The balance in all things must be achieved, and this bill needs careful scrutiny to make sure that this occurs. The rights of the individual should be protected, as should the civil liberties of all members of the community.

Part 8 of the bill provides for compulsory testing orders by the chief health officer under clauses 113(2)(f), 117 and 123; the detention of people believed to be a public risk; the use of police and the justice system to enforce orders under clause 134(3); and the conferring right to access private health and medical records. These matters are of concern to me. It is only too easy to damage a reputation or breach privacy unless all the appropriate checks are in place.

The Victorian AIDS Council argues that the bill goes too far in some areas. It believes things such as sharing of information, state access to medical records and compulsory testing may compromise the charter of human rights and responsibilities.

It is a concern to me when we see how easily lives and outcomes can be impacted upon. An example of this occurred recently when there was contamination in DNA testing which has impacted on a number of criminal cases. There is the potential to impact on individual rights when such contamination occurs. Human error and the sharing of information is a dangerous combination. I hope this is not just another symptom of this Labor government's continued franchising and outsourcing of health services to a range of people other than qualified medical professionals.

Whatever happens nothing will hide the fact that we are short of doctors. GPs are not being trained in sufficient numbers to meet demand. This is becoming increasingly apparent in country Victoria where an ageing and overworked undersupply of rural doctors is facing long working hours and increasing waiting lists. Those who choose to go to the country rapidly find the workload, the diversity of work presented to them and

the isolation pretty tough going. There is no easy fix for this, but over a long period of time not enough money has been put into the training of and support for doctors. Greater support needs to be afforded to these vital members of country communities.

Whilst I have no real objection to the modernisation of the Health Act, it does nothing to address the issues of doctor shortage. It does nothing to address the lack of emergency facilities in many country hospitals and nothing to address overcrowding and the waiting lists behind the waiting lists. Maternity facilities crucial to country families and facilities teeter on the brink and are relying on the goodwill of country doctors to keep them running. Closures put pressure on the next provider, the next hospital down the line, which has to pick up the fallout. It seems to be just a shuffling of deckchairs. While we say one hospital provides an emergency service and the next one down the line provides maternity services, there does not seem to be any real gain in service provision.

This bill does nothing to address these issues or issues such as ambulance response times. There simply are not enough ambulances in country Victoria and response times are getting up there. Communities are relying on those ambulances because they do not have any emergency departments in close proximity. I could elaborate on the problems of hospitals and their facilities all night, but I will not.

However, I will say that we have overcrowding and professional services being offered out of portable buildings in hospital grounds in Bendigo. We need a new hospital there. The hospital is a great tribute to the early part of the century, but it will not be able to continue to serve a population which has now hit 100 000 people. On weekends, the emergency department is like a war zone. Families and alcohol and drug-affected people being mixed in together is a recipe for disaster. The maternity facilities are at capacity. The oncology unit has a number of chairs. It is great that we have an oncology unit in a regional centre like that, but there is simply no room in that facility for relatives or those people waiting alongside loved ones who need support during their treatment. There are some real issues.

Super-clinics have been promised amongst much fanfare. I would like to note two in particular. The one in Wallan has no foreseeable starting date and a significantly underfunded budget. It has been funded with \$1 million — that will not even buy the block of land we have to put it on. The Sunbury super-clinic has been superseded by the Goonawarra Medical Centre, a privately run facility. The super-clinic has not started

yet and already another facility has taken over its role. The clinic is also significantly underfunded, by at least \$2 million.

There are examples of great communities working together to make sure they have their hospitals in place. The Mansfield District Hospital provides maternity services to that community as well as a range of other services. It has recently fundraised and replaced the hospital roof. This is the hospital that provides maternity services for both Alexandra and Mansfield. These are just a few brief examples of areas of real need not being addressed. I could go on.

Whilst I do not oppose the bill, I would like to acknowledge that there is a huge area of need which is currently not being addressed. There is a demonstrated need to contemporise the Health Act in ways that have been highlighted here tonight by other people. On that basis I will not oppose this legislation. I would once again like to reiterate that there has not been enough timely consultation done on this bill. I fear for those who will be impacted by the changes and those who have to implement the legislation. In closing I would like to compliment the shadow Minister for Health and member for Caulfield in the Assembly, Helen Shardey, for her research and the work done on this extensive bill in a very short time frame.

**Ms TIERNEY** (Western Victoria) — I rise to make a contribution in support of the Public Health and Wellbeing Bill 2008. It is a thorough review of the Health Act. If this bill is passed, it will replace an act that is now 50 years old. I take this opportunity to congratulate the Minister for Health, Daniel Andrews, and his staff for the drive they brought to this exercise to bring about a greater modernisation of public views of how public health needs to be contextualised.

For the first time we are enshrining in Victorian health legislation the state's role in promoting and protecting public health and wellbeing while continuing to prevent the spread of infectious diseases. The bill contains a number of new powers to promote health and wellbeing in Victoria, such as requiring the preparation of state public health and wellbeing plans every four years, with the first plan to be produced by 1 September 2011. Secondly, the bill enables the Secretary of the Department of Human Services to conduct a public inquiry into any serious public health matter. Thirdly, it enables the minister to direct that a health impact assessment be carried out of the public health and wellbeing impact on the importance of health proposals. That in itself is an important initiative.

The essence of the bill essentially refocuses the health system to one that puts a lot more importance on preventive measures. It focuses on the wellbeing of individuals but at the same time contextualises health and wellbeing within our community. This will be done through the promotion of primary health care and reorientating the health system so it is more robust and can face ongoing and increasing challenges. All of this will be evident in the local area health agreement plans.

I would argue that this positions the health system to meet the key new challenges it is facing. These include issues in health that go to the matter of ageing and the pressure all the ageing issues have on the health system. Other health issues that are not age specific include chronic diseases such as diabetes. We have also seen an increasing incidence of obesity, and within the younger ranks of our community as well. We are also seeing skill shortages within the health professions area. None of this is new, but this reorientation will provide greater flexibility, I would argue, to meet those challenges, as well as an ability to face the ongoing funding pressures that the health system is constantly under.

This focus the government has is not new. In fact it was stipulated in the Premier's statement of legislative intent earlier this year. The statement was quite specific in mentioning the promotion of public health and wellbeing and the preventive element of it, whether it be a quantitative shift or a qualitative shift. All of this requires a new mindset to be adopted by all of those who are connected with the health system, whether they be doctors, nurses or aides. Whilst many in that category already understand it, we also need to have administrators providing a supportive framework to the professional health carers who have guiding principles that will enable them to make decisions more precisely in a well-thought-out process that will follow the primary objectives of the act. It also goes to the need to reorientate the focus of general community members, whether they be patients or members of families of patients, and a preventive and primary care mindset that is supported by a team-based framework and, as I said, administratively supportive.

This approach to health and wellbeing is a philosophy, but it is also underpinned by a number of vital Brumby Labor government initiatives — things like the Premier's Active Families Challenge, which I have had a personal involvement in at the Port Fairy Consolidated School and the Colac Primary School. The children understand not just the intent of the challenge but also the process surrounding it. Families get involved, not just students, and there are competitions within families to ensure that they have a

common goal to improve their family's physical and mental health.

Over the years we have seen the Go for Your Life programs and their success in a number of areas of our communities. It is also important to mention the recently announced \$600 million work health initiative, which is about educating, screening, discussing, sorting out early intervention and getting people to seriously sit down and not just talk about health in the workplace but to be actively involved in looking at and working on their health. It is not just about talking about fads, it is about long-term education to assist people in assessing their health and also developing healthy habits. This program will be rolled out over the next few years, and it is set to reach close to 3 million workers here in Victoria.

The bill also contains a regime for vaccination in which preventable disease management is highlighted. For example, the introduction of immunisation status certificates for primary-aged schoolchildren will be issued so that parents and medical providers have evidence of where a child is up to in the immunisation cycle.

It is not my intention to go to the specifics, as Johan Scheffer went thoroughly and eloquently through the specific parts of the huge bill before us, but in summing up I would like to say that the bill represents a significant review of the current act. One could argue that it is more than just a major rewrite, it is a massive intervention in the philosophy of how we perceive health and wellbeing in this state. It is a rewrite and a reorientation that meets the challenges of the public health system now and into the future, and it recognises the new challenges and new approaches necessary to bring about better health and wellbeing for all Victorians. I commend the bill to the house.

**Mrs KRONBERG** (Eastern Metropolitan) —

Whilst I will not be opposing this bill, as I set out to make some comment on the major reforms I will also highlight a number of concerns. The bill endeavours to replace and update the Health Act 1958, particularly in relation to public health and safety matters, be they small scale — such as the health inspections conducted in cafes, restaurants and shopping malls — or right through to large-scale health events in response to biosecurity matters and massive epidemics.

The bill is commendable, because it is essential that Victoria's public health framework has the capacity to respond to the health problems of this century alongside the traditional types of responses to public health issues,

such as public hygiene and issues such as responses to outbreaks of legionnaire's disease.

During the development of this legislation the government released a series of discussion papers; in turn it received submissions and released a draft policy paper. However, things were derailed because we found there was lack of clarity in the role of the chief health officer. A calamitous situation arose because the chief health officer, Dr Robert Hall, unfortunately withheld information, which ultimately led to his sacking. The public, through this process, was at great risk because of the withholding of the information that could have prevented the deliberate transmission of HIV infection by an HIV-positive person. If I had the time, there is much that I could draw into this subject that was covered in lurid detail in the press. This incident led to the key provisions of the legislation before us. Central to this legislation is the review that examines the processes that are in place in the Department of Human Services in its dealings with HIV-positive people who place others at risk. It is a relief to see this review taking place.

However, whilst the bill's title does encompass the concept of wellbeing, for me it is far removed from what I would see as a holistic response to the wellbeing of a population from a preventive medicine perspective. In fact it is disappointing and clearly it is something that is just put in to appease certain sensitivities from certain groups.

Collectively, however, we are concerned that this bill will mean that the powers of unelected public health officials are expanded; and because we have an abiding concern about the role of the chief health officer, it could also lead to intrusion into people's lives and the potential to trammel the rights of individuals. This is uppermost in the raft of concerns that we, as Liberals, have and these values that we hold dear.

On the question as to whether the government has got this delicate balance of public good and civil liberties right, the jury is still out. We hope the government is responsive to making refinements as this legislative program and its regulatory framework is introduced. We believe the minister, not unelected officials, should assume the responsibility for public health emergencies, and clearly this is a little bit of duckshoving, to use the vernacular. It is a classic example of wanting to be a few steps removed from where accountability lies, and that is characteristic of this government.

One aspect of this bill that does need highlighting is the specific power of the chief health officer to confer rights of access to private health and medical records

and to allow the resultant sharing of this information with both state and commonwealth authorities. If something goes wrong on a very small scale it has the possibility to expand and possibly get out of control. People's information could be distributed nationally — never to be able to be brought back under control or guidance. My concern here is that if the empowered, non-elected decision-maker equipped with these new powers gets it wrong, this bill absolves them of the consequences of their poor judgement, albeit that that poor judgement might have been exercised during a medical emergency. People might make poor decisions when under a lot of pressure; however, I think it should be enshrined in this legislation that the accountability does prevail.

Furthermore, there is nothing in this bill that protects Victorians from the dangers of an incompetent appointee in the future. The Liberal view is that a statutory appointment of such importance to public health in this state should be endorsed by cabinet and not be delegated to the head of the Department of Human Services. Unfortunately, the massive tome that is this 264-page bill was not released for proper consultation prior to its introduction. This is a really unfortunate move on behalf of the government and something that I think it will regret.

In closing my contribution I would like to say that members of the opposition are really fortunate to have a shadow minister of the calibre of Mrs Helen Shardey, the member for Caulfield in the other place. I congratulate her on the work she has done in dealing with this voluminous bill and the degree of consultation that she has undertaken.

It is probably a worthy point at this time to introduce some of the guidelines that actually prevail in other jurisdictions, and I draw the attention of members to some material which was taken from the internet on 25 June. It points to the management of legionella bacteria in other jurisdictions. I refer to some of the guidance and regulations provided in this information by the government of the United Kingdom through its Health and Safety Executive that the government might look to as it starts its regulatory framework, and in particular to one example which goes to the extent of saying:

... that microbiological monitoring for wet cooling systems —

those sorts of cooling towers that we see extending from the tops of buildings —

using a dip slide, should be performed weekly. The guidance now also recommends that routine testing for legionella

bacteria in wet cooling systems be carried out at least quarterly —

optimally, weekly, but at least quarterly —

and more frequently when a system is being commissioned, or if the bacteria has been identified ...

It might be useful as we move through this debate to introduce some of the comments that were made about the man on a mission to spread HIV, and I refer to a report by Sarah-Jane Collins in the *Age* of 20 June 2008. She talks about a man whose name I will withhold who faced — and this is part of the problem where the chief health officer got things wrong and these are the consequences — and, extraordinarily, pleaded not guilty to 34 charges, including deliberately infecting a person with HIV, attempting to infect a person with HIV, and rape. It says:

In his opening address —

the prosecutor —

Mr Rochford detailed —

this man's —

alleged sexual behaviour, painting a picture of a man on a mission to infect others with HIV. He told the jury that —

this man —

met many of his sexual partners through gay websites and organised 'conversion parties' to make HIV negative men positive.

The rationale for people with this mindset was that they would have a larger pool of people to draw upon to engage in relationships with. Against a background like that, I hope the government remains vigilant and takes up some of the recommendations offered after massive research on behalf of the opposition, especially the shadow minister. I commend the bill to the house.

## ADJOURNMENT

**The PRESIDENT** — Order! The question is:

That the house do now adjourn.

### **Water: irrigators**

**Ms LOVELL** (Northern Victoria) — I wish to raise a matter for the Minister for Water regarding fixed water charges tied to unallocated irrigation entitlements in northern Victoria. My request is for the minister to waive fixed fees on infrastructure and storage for all undelivered irrigation water entitlements in the 2008–09 season.

This is a matter of urgency given that allocations in northern Victoria's Goulburn, Murray, Loddon, Campaspe and Broken irrigation systems remain at 0 per cent, which is a worse predicament than experienced at this time last year. As at 15 August 2007 Goulburn system irrigators were allocated 15 per cent of their high-reliability water shares, while the Murray system had a bridging allocation of 5 per cent of high-reliability water shares. The outlook then was for a 50 per cent allocation in the Goulburn system by 15 February 2008 if conditions remained dry, and a 15 per cent allocation in the Murray system by 15 February 2008 if conditions remained dry. Currently for the 2008–09 season all northern Victorian irrigators have zero allocation and Goulburn-Murray Water is predicting an allocation of only 17 per cent for the Goulburn system by 15 February 2009 if conditions remain dry, and an allocation of just 3 per cent for the Murray system by 15 February if conditions remain dry.

The situation now is clearly worse than it was this time last year, and irrigators who have been ground down financially, mentally and emotionally by almost a decade of drought simply cannot afford to pay fees for unallocated water. In addition to this year's water fees and charges, irrigators will also be required to pay back 25 per cent of the water charges that were deferred in the 2006–07 season. While they are facing a zero allocation, at this stage the government will require them to pay for 125 per cent of their fixed fees and charges. This is made up of 100 per cent of this year's fixed fees and charges and 25 per cent of the deferred debt from 2006–07.

Last year the state government granted irrigators some respite with the announcement that it would pay up to the first \$1000 of water bills for all irrigators and stock and domestic farmers who received less than 40 per cent of their water entitlements as at 1 December 2007, and an additional 50 per cent rebate on the balance of bills above \$1000.

The expense of paying fees for unallocated water is something that has the potential to significantly undermine the health and wellbeing of many farmers and their families because of the intolerable financial pressures many would be facing. Given the severity of the ongoing drought and the abysmal outlook for the upcoming season, the Brumby government must expand the level of assistance provided to Victoria's drought-affected irrigators and agree to waive all fixed fees on infrastructure and storage for the undelivered portion of irrigators' entitlements for the 2008–09 season.

### **National parks: prospecting**

**Mr HALL** (Eastern Victoria) — Tonight I wish to raise a matter for the attention of the Minister for Environment and Climate Change. It concerns prospecting in parks around different parts of the state.

By way of background to this, when this house debated the box-ironbark national park legislation there was an amendment to that particular bill which allowed for prospecting in some of the box-ironbark national parks subject to management planning. The Prospectors and Miners Association of Victoria has been seeking to have a meeting with the Minister for Environment and Climate Change to talk about the possibility of putting into place provisions for those particular national parks which are the same as are in place for the box-ironbark parks.

The Prospectors and Miners Association of Victoria has been continually frustrated by the Minister for Environment and Climate Change misunderstanding the intentions of its efforts. What it wants to do is sit down face to face with the minister and talk through some of these issues. It has mentioned particularly that prospecting would be desirable in the Grampians, the Alpine and Yarra Ranges national parks and Lerderderg State Park, believing those particular parks hold some prospects for prospectors in terms of their search for valuable minerals.

My request for action tonight for the Minister for Environment and Climate Change is for him to give an undertaking to meet with the Prospectors and Miners Association of Victoria to further explore the possibility of prospecting in some of these national parks, subject to appropriate management plans.

### **Apollo Bay P–12 College: funding**

**Ms TIERNEY** (Western Victoria) — My adjournment matter is for the Minister for Education, and it relates to the Apollo Bay P–12 College. The Apollo Bay P–12 school has 275 students, obviously ranging from those attending their very first days of school right through to those completing their Victorian certificate of education. The school offers its students a very high level of teacher access, particularly in the senior years with its smaller class sizes and fantastic staff.

In the 2004–05 state budget this government invested heavily in the school with the modernisation of its facilities, including art, information technology, music and science rooms and materials, which provide an

excellent learning environment for the students. I opened those facilities late last year.

However, there are a number of existing buildings, including the library, that require attention. I am aware that the school has identified the need for a second stage of modernisation, for which I believe assistance from the minister would be helpful. I ask that the minister attend the Apollo Bay P-12 school or ask the Parliamentary Secretary for Education to attend the school and meet with its principal to assess the needs of the school for the future.

### **Dingley bypass: future**

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Roads and Ports, Mr Pallas. It is in relation to an issue I have raised on several occasions in the Parliament to do with the failure by the government to build all stages of the Dingley bypass or the Dingley arterial, in particular the problems caused by the South Road extension, which has pumped an enormous amount of traffic onto Old Dandenong Road, which is unsuited to carrying high volumes of traffic and large trucks.

I have mentioned before that the road is a single lane in each direction, has unsealed shoulders, undulating curves and lots of tips. The surface of the road is covered in dirt, and if you get a bit of drizzle, it is an absolute disaster waiting to happen. It services agricultural and horticultural land and market garden areas. Locals have put together a petition. Unfortunately it is not worded in a way that enabled me to table it, but basically it says:

We, the residents, business owners, employees, customers, suppliers, friends and families of Old Dandenong Road between Kingston Road and Boundary Road would like to submit a petition to VicRoads and the City of Kingston —

and I will be forwarding it to them —

to have this section of Old Dandenong Road reduced in speed from the current 70 kilometres an hour to 50 kilometres an hour.

This is predominantly a rural stretch of road surrounded by farms and horticultural activities. The road itself —

and it goes on to explain what I have just summarised earlier.

In particular Ms Kell Savage outlines the number of accidents involving residents and people who run these farms on a daily basis. Coincidentally, two days after I went to pick up the 250 signatures on this petition from Ms Savage, whose family owns one of the market gardens, she emailed me to say that her 12-year-old son

had been knocked from his bike. Although it was not serious, he was certainly not going to be riding his bike any time soon.

This problem can perhaps be remedied through some diversion of traffic, but the only real solution is to build all stages of the Dingley bypass or the Dingley arterial. This road is not designed for the purpose that it is currently being used for. I presume VicRoads, in conjunction with the local council, has tried to use streetsweepers. You cannot do that in an area that is predominantly agricultural and horticultural and has tips and unsealed shoulders.

I have this issue raised with me time and again. If there is a fatality — and there are accidents virtually on a daily basis — the government will have blood on its hands. I ask it to please do something before an innocent life is lost.

I call on the minister to commit to building all stages of the Dingley bypass. Ms Munt and Mr Hudson — the members for the two adjoining seats of Mordialloc and Bentleigh in another place — have been able to boast of the achievements of the government, but the South Road extension is a total bungle that is causing horticulturalists and market gardeners significant stress and cost on a daily basis and placing many lives in danger. I call on the minister to do something before it is too late.

### **Gaming: smoking ban**

**Ms HARTLAND** (Western Metropolitan) — I raise a matter for the attention of the Minister for Gaming. Anybody who has listened to debates in this Parliament or to members of this government would think that Victoria has a ban on smoking in gambling venues. Throughout his speeches the Premier often mentions the ban on smoking in pokies venues. He is pretty sure of himself and makes bold statements such as ‘We have banned smoking in gaming machine areas’, and the gambling minister has echoed the Premier’s assurances on this fictitious ban to legislate to ban pokies in outdoor areas where smoking may occur. He has actually described it as:

... a proactive measure to ensure that gaming venue operators and the casino operator are not able to reduce the effectiveness of smoking bans that have been introduced in Victoria by locating gaming machines in outside areas.

Unfortunately the smoking ban has many holes in it. New smoking areas are being approved in pokies venues, including one in Moonee Valley. There is nothing that local councils can do about this, and the

Victorian Civil and Administrative Tribunal is ruling in favour of them.

I would like to draw the minister's attention to a recent VCAT decision, *Truill v. Moonee Valley City Council*, which was handed down on 17 July this year. The decision gives the Moonee Valley Racing Club permission to build a smoking area inside a gaming area. There is no confusion about the location of the new smoking room; the decision describes the terrace as being:

... within an area currently used as part of the gaming lounge of the building. The terrace would be located internal to the existing building —

the word 'internal' is underlined and in bold, so it is quite clear; and —

this area would have direct access from the gaming lounge ...

The VCAT ruling explains that:

Part of the roof above would be removed to create an opening to the sky —

to get around the laws on indoor smoking. It also notes the 'clear views from the gaming area'. This accords with the Moonee Valley council officer's report that noted:

The applicant has indicated that this courtyard ... includes windows facing the gaming machine room to enable patrons to watch the gaming machines whilst enjoying a cigarette.

Moonee Valley council considered the application, but was not able to find sufficient reason to refuse it, because the smoking bans are so weak as to be ineffective. Rose Iser, who is a Greens councillor at Moonee Valley, voted against this application, but unfortunately she was in the minority.

The point of banning smoking in pokies venues is to make the gambler walk away. The action I ask of the minister is to create an effective ban on smoking in gaming venues.

### **Consumer affairs: retail refund policies**

**Ms DARVENIZA** (Northern Victoria) — I raise a matter for the attention of the Minister for Consumer Affairs. The matter concerns refund rights on goods that are purchased. Refunds are a major issue, both for customers as well as businesses, especially during busy shopping periods such as the one we are experiencing at the moment with the end-of-season sales as well as during stocktaking and Christmas sales. I understand that Consumer Affairs Victoria has received more than

6500 refund inquiries and complaints in the last financial year.

Many shoppers are not aware of their right to a refund when they make a purchase. They really need to be on the lookout and on the watch for retailers who may not have legitimate refund policies — for example, it is illegal for a shop to display a sign saying 'No refund on sale items', or to print that sort of message on a sales receipt. Some retailers presume that sale items are of a lesser quality than full-priced items, which is not true. It is very important that retailers understand that sale items need to be treated in the same way as other items that are purchased at other times.

Consumers have the right to return faulty items if the buyer did not know they were faulty at the time they were purchased, if the items do not do the job the buyer believed they would do, or if the items do not match the description of the sample the buyer was shown at the time they purchased the item. I know that Consumer Affairs has taken the refund policy seriously and that its inspectors can conduct unannounced inspections.

The specific action I seek from the minister is that he extend the Roadshow trial that Consumer Affairs Victoria conducted on refund rights in rural Victoria. I ask that that trial be rolled out more broadly, specifically to rural and regional Victoria and particularly in my electorate of Northern Victoria Region. That program should incorporate a very strong message about consumers' rights in relation to refunds for goods that have been purchased and that people in businesses be made aware of their responsibilities in relation to goods sold during sales.

### **Public transport: Bentleigh and Prahran electorates**

**Mrs COOTE** (Southern Metropolitan) — The matter I raise for the attention of the Minister for Public Transport concerns public transport funding in the lower-house electorates of Bentleigh and Prahran. Recently in Bentleigh I held a very successful forum on public transport. What was most surprising to me was how unsafe people feel when travelling on public transport. In particular they said that there are not sufficient straps to help support them when standing within train carriages, and both men and women said how uncomfortable they felt when they were tossed around within these carriages. People said that they did not like being pushed up against members of the opposite sex. Safety was an issue according to everybody who attended the forum, and many of them expressed concern about the level of overcrowding,

particularly on the Bentleigh line, and about the lateness and tardiness of trains.

I welcome Connex's \$10 million pledge to address problems throughout Victoria, but I do not think enough has been allocated to services in Bentleigh and Prahran. Connex has acknowledged that the state of public transport in the Bentleigh and Prahran electorates is unacceptable, but just acknowledging that there is a problem is not sufficient; these issues of concern need to be addressed properly.

In May Connex announced its pledge of \$10 million to fix problems, but our residents are still experiencing substandard services. The lateness of trains not only means that people do not get to their workplaces on time but more importantly it also means that when they are coming home from work the lateness of the trains encroaches on their family life. This is resulting in significant stress. At the public transport forum people mentioned that they were particularly concerned about this. The people in Prahran, particularly those who use the South Yarra station, have a major problem with express trains. One in four trains is supposed to be express, but in reality three out of four are express, because they are too full to be able to stop. Connex is cognisant of this, but something needs to be done about it. The action I seek is that, as a matter of urgency, the minister reveal how much funding has been allocated to improve public transport in the electorates of Bentleigh and Prahran and exactly what that money is being spent on.

### **Woori Yallock Creek: stream flow management**

**Mr O'DONOHUE** (Eastern Victoria) — I raise a matter for the attention of the Minister for Environment and Climate Change. Access to water and finding the balance between urban, agricultural and environmental requirements and uses is difficult. I have been contacted by nursery owners and other holders of water diversion licences from the Monbulk area. These licence-holders draw their water mainly from the Woori Yallock Creek, which forms part of the Yarra River catchment.

The licence-holders I have met with are concerned that their interests, and by consequence the businesses they operate and the communities they support, have been compromised for the benefit of Melbourne's urban water requirements and environmental flows, leaving them behind in third position.

Stream flow management committees with representatives from different stakeholders, including the growers, are supposed to manage water resources in

an equitable and sustainable manner. However, Melbourne Water has put in place stream flow triggers whereby water can and cannot be taken from the Woori Yallock Creek by licence-holders. Melbourne Water says the trigger levels have been set using historical stream flow data from both the implementation and subsequent lifting of bans on the taking and use of water. There is no reference to consideration of the additional water that Melbourne Water has drawn from the Yarra catchments in recent times to top up Melbourne's supply and how that decision was made or to the stream flow management committee.

The licence-holders tell me that they do not consider their concerns about access to water have been adequately considered. One way to alleviate this concern would be to expedite the establishment of the stream flow management committee for the Woori Yallock catchment. This would give licence-holders a seat at the table and an input into the debate about water allocation from the catchment.

The growers and nurseries of Monbulk and the broader area contribute significantly to the employment in and the economic activity of the area. They take their obligations to the broader catchment seriously and deserve to have input into decisions that affect their businesses and livelihoods. We have a farcical situation where these growers have not been permitted, in recent times at least, to draw water from the Woori Yallock catchment, but that catchment helps to provide water to Melbourne. If these growers had their properties linked to the Melbourne Water supply system they would have better access to water than they do now, even though currently the river goes right through their backyards. As I said, that is a farcical situation.

I ask the minister to expedite the establishment of the stream flow management committee for the Woori Yallock catchment.

### **VicForests: harvesting and haulage contracts**

**Mr P. DAVIS** (Eastern Victoria) — I raise a matter for the attention of the Treasurer. This week one of two green timber sawmills operated by Hallmark Oaks Pty Ltd at Cann River has been forced to stop production because VicForests has cut off its wood supply. Proprietor Bob Humphreys has put the nine employees at the mill on cleaning-up work until the end of the week; then they will be out of jobs until the mill is able to secure a supply of wood. The second Hallmark Oaks mill has about a week's supply of wood before it faces the prospect of ceasing operations, with more job losses. Cann River's mainstay employment is in fact sawmilling. This is a devastation for the town — not

just those employees but all those who depend on them and also the small businesses there in the town.

The reason for this happening is that the second round of tendering for timber harvesting and haulage contracts is still proceeding — as a result of VicForests having made a hash of the tender process — with VicForests holding a gun at the heads of the contractors. In July VicForests withheld awarding 35 per cent of the contracts on offer and has put them up for tender again, with a closing date in mid-September. While the tenders remain open, clearly there is a threat hanging over the contractors.

VicForests is making the most of its advantage, forcing the contractors to meet its commitment — that is, the VicForests commitment — to deliver wood to mills over the border at Eden. This wood, harvested from Victorian forests, is a Victorian resource bypassing mills on the Victorian side of the border in East Gippsland. Bob Humphreys has watched in disbelief the spectacle of truckloads of wood rumbling through Cann River on the way to Eden as the timber supply to his mill has run out.

That is typical of the mismanagement of VicForests and its patently arrogant and shabby treatment of the timber industry in Victoria. It is a situation the government apparently endorses, to the detriment of a mainstay industry in East Gippsland.

I therefore ask the Treasurer, who in fact is responsible for VicForests, which is apparently operating without proper ministerial oversight or accountability, to act on the question of wood supply to the Cann River mills to enable full production to resume and to reinstate the jobs of people in the timber industry at Cann River.

### **Ambulance services: Beaufort**

**Mr KOCH** (Western Victoria) — My adjournment matter is for the Minister for Health and concerns calls to improve the Beaufort ambulance service. Beaufort has about 1100 residents and is one of numerous country towns with a sizeable population that have no permanent ambulance officers. Volunteers who operate the ambulance service at Beaufort have basic first aid training and in times of medical emergencies and under sometimes very difficult circumstances put in a tremendous effort.

The Beaufort ambulance was called out 188 times last year, including for 176 medical and accident emergencies. When the volunteer service is unavailable, Beaufort residents must rely on an ambulance coming from Ararat, Ballarat or Avoca —

all at least 45 kilometres from Beaufort, or at least half an hour away. Ambulance and paramedic shortages in Ballarat and Ararat mean that patients can be forced to endure lengthy life-threatening delays before an ambulance can attend. There are many elderly residents in the Beaufort district, and it is critical that they have access to a quick-response ambulance when needed. Beaufort is also a high accident zone where the north–south Skipton–Lexton road crosses the Western Highway. In the event of a road accident, time-critical ambulance retrieval and first aid is a priority in minimising serious injury or saving lives.

The shortage of ambulance officers across the state means paramedics in regional centres are working excessive and dangerously high levels of overtime, causing unprecedented reports of fatigue and stress in overworked paramedics. In a recent survey ambulance officers said they had been so physically exhausted that they had fallen asleep at the wheel, and others have made errors with patients' treatment and medication. Provision was made in the May budget for 100 new paramedics, well short of the 350 needed to address two statewide shortages. The Grampians region has been allocated 11 of these positions, 5 each for Ararat and Stawell and 1 for Horsham, but there are none for Beaufort.

Beaufort needs two of the newly created positions so that its ambulance service can help meet the growing demand for local emergency retrieval along the Western Highway and ease the excessive workloads in Ballarat and Ararat. Although recruitment is under way, not enough trained paramedics are willing to work under current wages and conditions, and just one position has been filled in the Grampians region. Even if the 100 new positions are filled, that will be of little relief to overworked paramedics as the Brumby government fails to adequately address wages and working conditions.

My request is for the minister to recognise the need to upgrade the Beaufort ambulance service by providing two permanent paramedics and to fully address the statewide shortages of paramedics.

### **Housing: Croydon**

**Mrs KRONBERG** (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Community Services. I heard the story of Malcolm from a member of a group of Christian volunteers who serve a real need in the pleasant and affluent suburb of Croydon. Every night they run a soup kitchen for homeless people like Malcolm.

Malcolm, who suffered from a mental illness, was forced to live in his car in the car park adjacent to St Paul's Anglican Church, where the soup kitchen operates from. Tragically, on 28 June Malcolm was found in his car and it is assumed that he died during the preceding night. Because that was his permanent abode, Malcolm had set up a system of lighting and heating to run off a portable gas cylinder. Apparently the flame went out and that resulted in Malcolm being gassed in the confined space of his car. In memory of the man known as Malcolm, and also as Adam, it needs to be stressed that he always put others ahead of himself, considering that they were worse off than he was. What a cruel irony, then, that he has succumbed to an effect of his plight of homelessness!

Of course the suffering of Malcolm is repeated across this city and state every night. What makes his story and subsequent tragic, lonely death so disturbing is that it was entirely preventable. Because they are homeless, such individuals have no voice during elections. Tonight I am his voice. For far too long this government has failed to adequately address the needs of people like Malcolm. This government has dillydallied around and still resists applying an appropriate funding regime — first, to identify such people, and second, to provide emergency housing for them in the first instance and affordable housing for them in the longer term.

The shortage of crisis accommodation in Melbourne's east is extreme. Rooming houses, devoid of accountability and awash with their inherent problems that result principally from the mentally ill having to deal with the trauma of cohabiting with people often freshly released from the criminal justice system, are not the answer either. Therefore I ask that, after undertaking an immediate and thorough review of the circumstances that led to the death of Malcolm, the minister provide emergency funding for victims of seemingly perpetual bureaucratic oversight to ensure that others who are currently at extreme risk survive this winter.

#### **Werribee research station: future**

**Mr FINN** (Western Metropolitan) — I raise a matter for the attention of the Minister for Agriculture that concerns the future of the state research farm at Werribee. I am sure the house is aware of the wonderful history of the state research farm and the great contribution it has made to Victoria — in particular to agriculture in Victoria.

At the present time the future of the state research farm would appear at the very least to be somewhat up in the

air. Concern was raised some weeks ago when calls were made to staff late one afternoon asking them to a meeting the next day at 11.00 a.m., and that is when the axe started to fall. It was announced that the piggery would close at the earliest opportunity and experiments and research were to be curtailed. As a result of that, jobs would be lost.

At the state chemistry laboratory it was a major shock when they were told they would be relocated to Tatura. While I am sure that Tatura is a delightful place, we would have to agree that it is fair hike from Werribee and would be very upsetting for those staff who have made their homes in that general vicinity.

The agricultural and science activities are to be curtailed, and the staff face redundancy. There is one chap I have been made aware of who has been working there for 35 years and who finds himself perhaps to be thrown on the scrapheap. At the moment the situation is that morale is at rock bottom. Some of the management have called in counsellors to help staff face the difficulties they are currently going through. We hope that the land the state research farm is currently on is not bound for subdivision, as it would be a tragedy if this great Victorian icon was lost for the sake of a few dollars.

I ask the minister to review current management practices at the state research farm and to ensure that it has a strong future in Werribee and continues to make a strong contribution to Victoria for many years to come.

#### **Toolangi research station: future**

**Mrs PETROVICH** (Northern Victoria) — My adjournment matter is for the Minister for Agriculture and concerns the humble potato, which has become the latest victim of the Brumby government's knee-jerk politics.

Many Victorians probably do not know about the Toolangi potato research station, but it has single-handedly changed the way we eat potatoes. The potato is Australia's largest vegetable crop, accounting for just under 20 per cent of our vegetable production and worth almost half a billion dollars a year. The annual per capita consumption of potatoes is 62 kilograms a year. For those of us who do the shopping we know that the humble potato has spread its wings, and we are now able to choose from a large variety of potatoes depending on how we are going to cook them.

It all started in the 1990s when, along with food guru Stephanie Alexander and Rita Erlich from *The Age*

*Good Food Guide*, the research station hosted a statewide potato day which received international media coverage and launched a whole new image for the potato. Today some of the most popular fresh market varieties of potatoes include sebago, coliban, nadine and desiree potatoes. For the processed frozen market — primarily frozen chips — there are russet burbank, ranger russet, kennebec and shepody, and for packet chips mainly atlantic, denali and trent are used.

What many of us probably do not know is that the Toolangi potato research station is responsible for introducing these different varieties into our current market. But unfortunately the chips are down for this internationally acclaimed research branch.

**Ms Pulford** — It is appalling.

**Mrs PETROVICH** — It is appalling, Ms Pulford. The Brumby government announced two weeks ago that this important potato-breeding operation will be moved to Knoxfield. The Parliamentary Secretary for Agriculture and local member, the member for Seymour, Mr Hardman, deserves to be roasted at 200 degrees for allowing this to happen in his own backyard.

According to my discussions with the industry, Knoxfield is totally inappropriate. One of the key benefits of Toolangi is its high altitude, which keeps many insects away and allows it to be isolated from disease and infection. On the other hand, Knoxfield is a research centre for disease. Surely even Mr Potato Head can work out that the two should not be mashed together. The risk of cross-contamination is huge, and it is a risk that just should not be taken. According to this government's spin, this decision was made in consultation with the industry. My sources say: not true. They do not know anyone who was consulted.

In the International Year of the Potato, I ask the minister as a matter of urgency to actually listen to our potato growers, to preserve the important role of the Toolangi potato research station, and to overturn this ludicrous and ill-thought-out decision.

### Responses

**Hon. J. M. MADDEN** (Minister for Planning) — I have 34 written responses to the adjournment debate matters raised between 12 March and 31 July by: Mr Dalla-Riva on 12 March, Mr Atkinson on 8 April, Mr Rich-Phillips on 10 April, Mr D. Davis on 15 April, Ms Lovell on 15 April, Mr Rich-Phillips on 16 April, Ms Hartland on 17 April, Mr O'Donohue on 17 April, Mr Hall on 7 May, Mr Leane on 8 May, Mrs Petrovich

on 27 May, Mr Drum on 27 May, Mr Rich-Phillips on 28 May, Mr Thornley on 29 May, Ms Lovell on 29 May, Mrs Kronberg on 29 May, Ms Lovell on 10 June, Mr Pakula on 10 June, Mrs Petrovich on 11 June, Mr Hall on 11 June, Mr Guy on 12 June, Mr Koch on 24 June, Mrs Peulich on 24 June, Ms Tierney on 24 June, Mr Drum on 24 June, Mr Pakula on 24 June, Mr Finn on 24 June, Ms Tierney on 25 June, Ms Darveniza on 25 June, Ms Hartland on 25 June, Mr Rich-Phillips on 25 June, Mrs Coote on 26 June, Mr Somyurek on 30 July and Mr Kavanagh on 31 July.

In relation to the first matter raised by Wendy Lovell for the Minister for Water relating to irrigators and fixed fees and charges, I will refer that to the Minister for Water.

Peter Hall raised a matter of prospecting in parks around the state, and I will refer that to the Minister for Environment and Climate Change.

Gayle Tierney raised the matter of the Apollo Bay P-12 school and the modernisation of its facilities and some other needs, and I am happy to refer that to the Minister for Education.

Inga Peulich raised the matter of the upgrade of roads around the Dingley area and Old Dandenong Road, and I will refer that to the Minister for Roads and Ports.

Colleen Hartland raised the matter of smoking bans in gaming venues, and I will refer that to the Minister for Gaming.

Kaye Darveniza raised the matter of refund rights and inquiries around that by consumers, and I will refer that to the Minister for Consumer Affairs.

Andrea Coote raised the matter of public transport in the Bentleigh and Prahran areas, and I will refer that to the Minister for Public Transport.

Edward O'Donohue raised the matter of water use by licence-holders in the Woori Yallock Creek area. I will refer that to the Minister for Environment and Climate Change.

Philip Davis raised the matter of the Cann River mill and its relevant wood supply. I will refer that to the Treasurer.

David Koch raised the matter of the Beaufort ambulance service. I will refer that to the Minister for Health.

Jan Kronberg raised the matter of Malcolm and the soup kitchen in Croydon. I will refer that to the Minister for Community Services.

Bernie Finn raised the matter of the state research farm in Werribee. I will refer that to the Minister for Agriculture.

Donna Petrovich raised the matter of the Toolangi potato research station. I will refer that to the Minister for Agriculture.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 10:35 p.m.**

