PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

20 November 2001

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
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The Hon. D. V. NAPTHINE

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Mr P. J. RYAN

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Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 3 November 1999
[2] Elected 11 December 1999
[3] Resigned 12 April 2000
[4] Elected 13 May 2000

CONTENTS

TUESDAY, 20 NOVEMBER 2001

Tuesday, 20 November 2001

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.05 p.m. and read the prayer.

DISTINGUISHED VISITOR

The SPEAKER — Order! It gives me great pleasure to welcome to our gallery today the Consul General of Uruguay, Señora Ana Estevez. As honourable members know, today is a big day for both Uruguay and Australia.

Honourable members applauded.

QUESTIONS WITHOUT NOTICE

In-vitro fertilisation: access

Dr NAPTHINE (Leader of the Opposition) — I welcome the Consul General for Uruguay, and may I say, 'Australia, 3–0'!

I refer the Premier to his statements that taxpayer-funded in-vitro fertilisation (IVF) programs were not for those making a 'lifestyle choice'. Will the Premier now guarantee that no women claiming to be psychologically infertile are currently being treated in Victoria's IVF programs?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. As the honourable member may or may not be aware, a decision was taken today by the Infertility Treatment Authority not to issue guidelines in respect of the Federal Court ruling on psychological infertility. That means no-one in Victoria will be treated for that condition in the future.

Ford Motor Company of Australia and Pracom Ltd

Mr TREZISE (Geelong) — Will the Premier inform the house on the latest information concerning new major investments for Victoria, particularly in the key car manufacturing and information and communications technology industries?

Mr BRACKS (Premier) — I thank the honourable member for Geelong for his question and in particular for his advocacy for the expansion of the Geelong plant. The honourable member for Geelong and other honourable members from across Victoria will welcome very much the announcement made by Geoff Polites on his return from Ford headquarters last week where $500 billion of new investment was secured from Ford to produce a new vehicle. That is a fantastic announcement and a good one for Victoria. It will involve 420 direct new jobs, 290 at the Campbellfield plant and 130 at the Geelong plant. More importantly for the supply chain — the contractors and the other support services associated with the construction of this new vehicle — it will mean about 10 400 new jobs for Victoria, which is very welcome news. It means that each of the three key car manufacturers in Victoria — Toyota, Holden and Ford — has announced expansions and new job opportunities in Victoria, and they look very secure for the future and I am very pleased about that.

I am also pleased that today with the Minister for State and Regional Development I announced a new expansion of Pracom Ltd which will be setting up a new call centre and speech recognition centre in Melbourne and will be employing another 420 people in Victoria as part of that new centre. That is very good news.

Already Pracom employs some 1000 people around the country, of which 700 are in Melbourne. That shows the faith it has in the information and communications technology (ICT) industry in this state. At a time when internationally we have seen a downturn in information technology, in Victoria we have seen an expansion. We have now increased our share of ICT in this country from 31 per cent to 32 per cent, and we now have the majority of research and development.

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster!

Mr BRACKS — Don't talk down call centre jobs! There are 420 new jobs for Victoria — —

Mr Perton interjected.

The SPEAKER — Order! I ask the honourable member for Doncaster to cease interjecting.

Mr BRACKS — The company director — —

Mr Perton interjected.

The SPEAKER — Order! This is the third time I have called the honourable member for Doncaster. The Chair will not tolerate that sort of behaviour.

Mr BRACKS — In his speech today the company director said that the reason it expanded in Victoria was in large part to do with the skills in the work force, the good education system and also the multicultural nature

of Victoria — which means he will have 40 different languages spoken in his call centre in the future. The skills of the work force, the education system and multiculturalism are the key attributes.

The government welcomes these jobs. In the last week we have seen the creation of up to 1000 new direct jobs and thousands and thousands of indirect jobs. It is good for Victoria, it is good for Melbourne, and it is good for Geelong.

Rail: regional links

Mr RYAN (Leader of the National Party) — I refer the Minister for Transport to the fast rail links project. Is it not the fact that on the government's own figures the target travel times preferred by the four relevant regional communities, and encouraged by the government as actually being delivered by the project, would cost $1.75 billion, more than three times the $550 million the government has allocated to the initiative?

Mr BATCHELOR (Minister for Transport) — Honourable Speaker, we will have to reorganise the order of questions over here. You have will have to give us a bit of time!

The Leader of the National Party continues his attack on the fast rail project, which will deliver huge benefits to regional and country Victoria. Not only will it reduce travel time journeys, but it will bring economic growth, employment, development, future and vision. We now see the National Party, through its leader, driving a dagger into the back of rural Victoria. The Leader of the National Party is a traitor to rural Victoria with the announcement he made yesterday, and what the Nationals are proposing is a disgrace.

The government has put on the table $550 million to upgrade the rail lines to provincial cities. At the beginning of this process we carried out a feasibility study. When we asked for expressions of interest we went to the private sector with the certainty that $550 million would be made available for this project. That $550 million will deliver dramatically reduced travel times: it will deliver between 95 per cent and 100 per cent of the travel time savings that were identified in the feasibility study. For example, an express train to Ballarat will take 64 minutes; to Bendigo, 84 minutes; to Traralgon, 95 minutes; and to Geelong, 45 minutes. So the government is delivering on the proposal outlined by the Premier and identified in the expressions of interest, and it will do that by applying $550 million.

What the Labor Party will do is in absolute stark contrast to what the National Party wants to do. It wants to abandon this project. I am prepared to give, through you, Mr Speaker, an undertaking to rural Victoria: we will not abandon this project because the National Party says so. We will not do it; we will deliver it. The real question is: where does the Liberal Party stand? Is it with the National Party? Does it stand with the National Party side by side or is it supporting this terrific project for regional Victoria?

The SPEAKER — Order! The minister should cease debating the question.

Mr BATCHELOR — This project not only delivers fast rail services and economic growth; it is also one of a number of rail infrastructure projects for regional Victoria.

The report the National Party released yesterday says that according to its new policy it will 'deliberately run down' existing country rail services. It says it will abandon the standardisation program. It says it will redirect funds from the fast rail project to the interstate rail network between Adelaide, Melbourne and Sydney. This is a commonwealth responsibility; the commonwealth is funding it! It also said it will remove double tracks of our rail lines that will severely disadvantage the rail services to Traralgon and Bendigo. And what will it do with the money? It will put it back into a rail project in the heart of Melbourne by providing the Webb Dock rail link — a rail link which the National Party helped dismantle with Jeff Kennett when it was in government!

The Bracks government is turning the tap back on in country Victoria. It is turning it back on by providing important economic infrastructure. The National Party has deserted and betrayed country Victoria.

The SPEAKER — Order! I ask the Minister for Transport to cease debating the question and to come back to answering it.

Mr Ryan interjected.

Mr BATCHELOR — The Leader of the National Party says, 'Let him go; let him go'. I have a lot more to detail to the Parliament and to the people of Victoria. I can assure you, Honourable Speaker, that this government has put $550 million on the table. It will deliver, as it is advised, the travel time savings that were put in at the expressions of interest stage. Through the competitive tendering process that is currently under way we are laying down the challenge to those in the private sector for them to use that money to deliver additional travel time savings to take them towards

those travel time targets that were set in the feasibility study.

We are providing certainty. We will deliver these projects. At the outset we said they would take until 2005 to deliver. They will take that time because it is the biggest infrastructure — —

The SPEAKER — Order! I ask the minister to conclude his answer.

Mr Ryan — On a point of order, Mr Speaker, the question related to preferred target times at a cost of $1.75 billion, as opposed to what we are hearing from the minister. I would ask that you have him stop debating the question and return to it.

The SPEAKER — Order! I have already called the minister to cease debating the question. I now ask him to conclude his answer.

Mr BATCHELOR — Certainly, Honourable Speaker. As I said, the Bracks government has put in the $550 million. It is interesting to reflect upon what the Ballarat *Courier* reported on today. It could not make up its mind about whether the National Party was guilty of betrayal or ignorance, and concluded it was guilty of both!

Public sector: decentralisation

Ms ALLAN (Bendigo East) — Will the Minister for State and Regional Development inform the house of the latest Bracks government initiative to boost Victoria's regions by considering the relocation of government functions, and will he inform the house of how this new initiative follows on from the decentralisation policies pursued by the previous government?

Mr BRUMBY (Minister for State and Regional Development) — I thank the honourable member for Bendigo East for her question. I am delighted to inform honourable members that last week in Bendigo I announced the government's intention to relocate the head office of the Rural Finance Corporation (RFC) to Bendigo. I made that announcement in Bendigo with the honourable member for Bendigo East, the honourable member for Bendigo West, the mayor of Greater Bendigo, Cr Barry Ackerman, and the chairman of the Rural Finance Corporation, Stuart McDonald.

As you can imagine, this decision was extraordinarily well received by the people of Bendigo. Moving the head office functions of the Rural Finance Corporation to Bendigo will involve around 41 net new jobs, but even more significantly it will cement Bendigo's position as Australia's leading regional banking provider. Among the great assets there are the Bendigo Bank, Sandhurst Trustees, the Bendigo Stock Exchange and the business being done through Elders Finance. It has taken a visionary and creative government to look at where the head office of RFC could be located. Putting it in Bendigo will really consolidate those opportunities.

I am delighted to inform the house that on the day of our announcement to relocate the head office of RFC the head of the Bendigo Bank, Mr Rob Hunt, put out a press statement warmly welcoming this initiative of the Bracks government. This follows the government's decision, announced earlier this year, to relocate 40 per cent of the activities of the State Revenue Office to Ballarat. This project is also going extraordinarily well.

I was in Ballarat last week with local members, and I am delighted to say that there are now more than 100 people on the State Revenue Office payroll in Ballarat. The building is ahead of schedule — you can go out to Ballarat University and see it — and it will be opened by the Premier in March next year. That is 200 new jobs for Ballarat, representing something like $100 million of activities in that area over the next six years.

When it comes to looking at opportunities to relocate activities to regional Victoria, the Bracks government is delivering. Compare that with the former Kennett government, or indeed other governments in this state. Today my department provided me with a policy from the archives. It is headed, 'Victoria's new 10 point policy on decentralisation'. The second point says that state government administration will be further decentralised and a plan for the regionalisation of the administration will be drawn up to comply with selected regions.

This document is dated December 1972. It is a statement by the Honourable Murray Byrne, MLC, Minister for State Development and Decentralisation. Do you know what? Here it is, 29 years later, and which government is delivering on that commitment? It is the Bracks government! The Hamer government did not do it, and the Kennett government did not do it. Twenty-nine years later — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. I ask the Treasurer to come back to answering the question.

Mr BRUMBY — The former Cain government established the State Data Centre in Ballarat, but of course the Kennett government wound that back. So here we have the Bracks government doing it when the opposition had 29 years to do something about decentralisation in Victoria and never did it. How could the honourable member for Portland, as a minister representing — —

Honourable members interjecting.

Dr Napthine — On a point of order, Mr Speaker, the minister is now debating the question, and I ask you to bring him back to order. I think he is still hurting because Labor lost the federal election.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order! The latter part of that point of order is clearly out of order. I ask the Treasurer to cease debating the question and come back to answering it.

Mr BRUMBY — You would have to be a dork to say something like that! The 18 to 30-year-olds loved Kennett, but they think Denis is a dork. It is no wonder — —

The SPEAKER — Order! The Chair will not allow the minister to go down that track. I ask him to come back to answering the question.

Mr BRUMBY — The government has announced its intention to relocate the head office of the Rural Finance Corporation of Victoria. It is a very positive initiative and follows on the back of the State Revenue Office relocation. It is 29 years since we saw the Honourable Murray Byrne's plan for Victoria, and the Bracks government is the only government that is delivering and doing something. This lot opposite does nothing in opposition, and it did nothing in government. The Bracks government is delighted with these initiatives.

In-vitro fertilisation: access

Mr DOYLE (Malvern) — I refer the Premier to legal opinion provided to the government by Gavan Griffith, QC, which advised that, despite the Federal Court of Australia decision in the McBain case, no psychologically infertile woman should be given access to in-vitro fertilisation programs. Why did the government publish IVF guidelines which contradicted its own legal advice?

Mr BRACKS (Premier) — I thank the member for his question, but a couple of parts of it are erroneous. First, the legal opinion does not say what the member purports; he is incorrect and erroneous in that matter.

Mr Doyle interjected.

Mr BRACKS — You are erroneous on that matter. What was the second part of his question? I cannot remember.

Honourable members interjecting.

Mr BRACKS — It is clear that the McBain case — —

Mr Maclellan — On a point of order, Mr Speaker, the Premier is making it clear that he did not hear the question. I wonder if you would give the honourable member for Malvern the opportunity to repeat the second part of the question.

The SPEAKER — Order! Did the Premier make such a request?

I do not uphold the point of order.

Mr McArthur — Who's lying now?

Mr BRACKS — Don't be silly. God help us! Given the erroneous nature of the first part of the question, the second part is totally irrelevant.

Workplace safety: penalties

Mr NARDELLA (Melton) — I refer the Attorney-General to community unease about the penalties applied to employers who are responsible for industrial deaths in the workplace. Will the Attorney-General inform the house of new laws to deal with grossly negligent employers who cause death and serious injury?

Mr HULLS (Attorney-General) — When Victorians go to work their loved ones and their families expect them to come home. Last year, unfortunately, 31 Victorians were killed in the workplace. So far this year 25 Victorians have already been killed in the workplace. In Victoria there has only ever been one conviction for corporate manslaughter. The company concerned pleaded guilty to the offence and then went into liquidation to avoid penalty. That is why the Bracks government is introducing legislation targeting unsafe workplaces and rogue operators.

The government believes the legislation meets community expectations and sends a clear message to those who do not take workplace safety seriously. The message is that they will face the full force of the law. We want the safest workplaces in the country. For those

who take safety seriously the legislation will impose no additional burden. The Crimes (Workplace Deaths and Serious Injuries) Bill will allow owners or company directors to be prosecuted for gross negligence even if they liquidate or close down their companies in a bid to avoid being charged. It will make it much easier to prosecute larger businesses whose gross negligence contributes to the death or serious injury of an employee and will increase penalties for breaches of occupational health and safety laws.

For example, corporations found guilty of corporate manslaughter will face fines of up to $5 million for a death and up to $2 million for serious injury. Senior officers found guilty face penalties of up to $180 000 in fines and five years imprisonment for a workplace death and $120 000 and two years imprisonment for serious injury. If an employer has failed to provide a safe workplace, a corporation could be fined $600 000 — up from $250 000 — and an individual could be fined up to $120 000 — up from $50 000.

The government believes the legislation will create a level playing field for small businesses and large corporations. It is the intention of the government to ensure the legislation covers all workplaces, including the public sector. Many government entities are already covered because they are corporate entities, but there is differing legal advice about some government departments and whether they are operating as corporate entities. It is the intention of the government that all workplaces be covered, so it is referring this aspect to the Law Reform Commission to advise the best way of ensuring that all public sector entities are covered. We expect to receive that advice before the legislation is finally debated in this place in the next sittings of the Parliament.

Since beginning last autumn there has been extensive consultation on the legislation. It has included a discussion paper, an exposure draft of the bill and numerous consultations with stakeholders including employer groups. We received a range of submissions on the legislation, but we did not receive one from the opposition — not one submission from the opposition! We understand that opposition rooms are not politically safe places to be working at the moment, but we hope the opposition, like members of the Victorian public, support the legislation because it sends a clear message to rogue operators: the government will not tolerate unsafe workplaces.

In-vitro fertilisation: access

Mr DOYLE (Malvern) — I refer the Premier to his public statements and those of the Minister for Health this week in regard to in-vitro fertilisation (IVF) access guidelines.

If the health minister did not approve wider guidelines for IVF access as he claimed, is it not a fact that clinics and doctors presently treating women claiming to be psychologically infertile are breaking the law?

Mr BRACKS (Premier) — The guidelines mentioned by the honourable member were draft guidelines for consideration which were due to be finalised by December. The Infertility Treatment Authority has today issued a statement saying that consideration of the guidelines will be extended due to legal and other community concerns. Therefore the guidelines will not be issued and there will be a further examination, including the High Court's consideration of the matter.

Sport: major events

Mr LANGUILLER (Sunshine) — Will the Minister for Major Projects and Tourism inform the house of the latest information concerning the impact on the Victorian economy and the tourism industry of major events such as the World Cup qualifier being staged in Melbourne tonight?

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — I thank the honourable member for Sunshine for his question. We are all wondering which team he will be supporting tonight!

Melbourne is known around Australia and overseas as the cultural capital, the sporting capital and the lifestyle capital — and that suits us very well in tourism. Because Victoria is all these things, it is a great destination and has a great culture for holding major events. The government understands the value of major events to Victoria's economy, and that is why it has given a 50 per cent increase in funding on that provided by the previous government.

Some of the major events that have been secured by the government include the Australia versus United States of America basketball challenge, which was held last year just before the Olympic Games, and the FINA (Fédération Internationale de Natation Amateur) World Cup swimming championships, which started last December in Victoria and will be hosted here until 2004. The 2001 Polo World Cup was held at Werribee and was therefore an event outside central Melbourne. The British Lions versus Australia Rugby Union test, which was held this year, had a $70 million impact on Victoria, and we also hosted the IAAF (International Association of Athletics Federations) grand prix final. The 2004 world hot air ballooning championships will

be held in Mildura, and that will be another regional event.

Major events include cultural and not just sporting events. That also highlights the government's strong support for major events, including providing extra resources not only to grow major events in Melbourne, where it is important, but also to give a chance to the outer suburbs and the regions.

The government supports major events because they confirm people's knowledge of Victoria as the cultural, sporting and lifestyle capital. That is what people come to enjoy. They know we run major events well, and they sell Melbourne and Victoria because the events are televised interstate and overseas. The friendly soccer game between Australia and France just over a week ago was televised around Australia and into Europe. It was a great spectacle showing the 'Melbourne' signs right around the Melbourne Cricket Ground. Last week Victoria hosted the AFI (Australian Film Institute) awards at the fantastic Royal Exhibition Building, which looked great and showcased Melbourne's strong focus on the film industry fantastically well.

Tonight there will be a capacity crowd at the World Cup qualifier between Australia and Uruguay. A large Uruguayan community will be there to cheer on their team, which is part of the spectacle of major events. We run them well, but we run them fairly so that our local multicultural communities are involved and everyone goes there to be part of the spectacle.

What does this mean in terms of what visitors to Australia do? Over 4 million domestic overnight visitors travelled around Australia in 2000 just to get to major events, and Victoria picked up a major share of that activity. Domestic events visitors stay for 5.3 nights compared to other visitors, who stay for 3.9 nights. Visitors who come to watch major events stay more nights in Melbourne and the places where the events are and spend more of their dollars. Over half a million international visitors attended events around Australia and, again, Victoria got a great share of the activity.

Ms Asher interjected.

Mr PANDAZOPOULOS — Here we have a former Minister for Tourism — she was not responsible for major events, unlike me — criticising us and talking down these events, again!

Major events brand Victoria; that is what this event is on about tonight. There is no doubt that it will be another great event, which will run well and help us to again secure more major events. Those who run major events know that we run them well in Victoria. We get good crowd attendances, and we can run the events efficiently and effectively. We will do that again tonight.

I thank the honourable member for Sunshine for his question and for his great interest in major events. Whichever team wins tonight — Australia or Uruguay — his team will win, because he was born in Uruguay. It will be a great spectacle. The chant tonight will not be 'Olé! Olé! Olé!', it will be 'Aussie! Aussie! Aussie! — —

Honourable Members — Oi! Oi! Oi!

The SPEAKER — Order! That is not necessary. The house will come to order!

In-vitro fertilisation: access

Mr DOYLE (Malvern) — Can the Minister for Health confirm that he wrote to the Infertility Treatment Authority on 3 September to endorse and approve guidelines for taxpayer-funded in-vitro fertilisation treatment for women considered psychologically infertile?

Mr THWAITES (Minister for Health) — I thank the honourable member for Malvern for his question. One senior Liberal put it very well: 'He may not be a dork, but he's not exactly Bob Hawke!'.

The SPEAKER — Order! The minister should answer the question.

Mr THWAITES — The Premier has made the position very plain already, and the Infertility Treatment Authority made it plain. It put out draft guidelines to consult. That is what was approved. It indicated publicly that what has been approved is draft guidelines, which it has consulted on and said it is now deferring.

Neighbourhood houses: services

Mr HOLDING (Springvale) — Will the Minister for Community Services outline to the house the reasons for the parliamentary inquiry into neighbourhood houses in Victoria and their role in ensuring the concept of one community?

Ms CAMPBELL (Minister for Community Services) — I thank the honourable member for Springvale for his question. The Bracks government has a strong commitment to building better and stronger communities in Victoria and to making sure that everybody gets the benefit of those strong communities.

Neighbourhood houses have an essential role in providing a range of programs to enable people to be active participants in the community and to make sure that there are all sorts of accessible services in this state. We want to make sure that neighbourhood houses provide those services to all people in our community.

The Bracks government delivered funding for the first time to 70 new neighbourhood houses. We made sure that neighbourhood houses in this state were encouraged, promoted and funded to deliver better services across the state. We now have over 339 neighbourhood houses funded by my department.

In our government's view, disability and disadvantage should be no excuse for exclusion from the community. Neighbourhood houses give us a wonderful opportunity to enable people to be active participants. Under the previous government the Association of Neighbourhood Houses and Learning Centres developed a wonderful report that was prepared by Judy Buckingham on inclusive communities. She made sure that neighbourhood houses were mindful of the importance of their role in including all people with disabilities.

This parliamentary inquiry will ensure that the Family and Community Development Committee, led by the honourable member for Clayton, delivers by May a report which outlines models of best practice for inclusion and participation of people with a disability within the neighbourhood house sector. Work has previously been undertaken in that sector with the ambition of having inclusive communities. We want to highlight and showcase where this has occurred. I look forward to the committee's report to ensure that one community is alive and well in Victoria.

The SPEAKER — Order! The time set down for questions without notice has expired and a minimum number of questions have been dealt with.

PETITION

The Clerk — I have received the following petition for presentation to Parliament:

Buses: Portland

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the citizens of Portland and district sheweth the desire for an improved local public transport service through the introduction of a bus service to the people of Heywood, Dutton Way and each area within the city of Portland. Petitioners believe the present service is inadequate to meet their need. Petitioners desire a bus service on an hourly basis from Monday through to noon each Saturday.

Your petitioners therefore pray that extra funding be provided to the Portland Bus Company by the state government to subsidise the transportation needs of the people of Portland and district.

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

By Dr NAPTHINE (Leader of the Opposition) (1088 signatures)

Laid on table.

HEALTH SERVICES COMMISSIONER

Annual report

Mr THWAITES (Minister for Health) — I move:

That there be presented to this house a copy of the report of the Health Services Commissioner for the year 2000–01.

Motion agreed to.

Mr THWAITES (Minister for Health) presented report in compliance with foregoing order.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 13

Ms GILLETT (Werribee) presented *Alert Digest* No. 13 of 2001 on:

Accident Compensation (Amendment) Bill
Animals Legislation (Responsible Ownership) Bill
Audit (Further Amendment) Bill
Fair Trading (Unconscionable Conduct) Bill
Film Bill
House Contracts Guarantee (HIH Further Amendment) Bill
Liquor Control Reform (Prohibited Products) Bill
Marine (Hire and Drive Vessels) Bill
Road Safety (Further Amendment) Bill
Second-Hand Dealers and Pawnbrokers (Amendment) Bill
Sentencing (Emergency Service Costs) Bill
Victorian Institute of Teaching Bill
Wildlife (Amendment) Bill

together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Beechworth Hospital — Report for the year 2000–2001

Djerriwarrh Health Services — Report for the year 2000–2001 (two papers)

Environment Protection Act 1970:

Order varying State Environment Protection Policy (Control of Noise from Commerce, Industrial and Trade) No. N-1 *(Gazette S183, 31 October 2001)*

Order declaring Industrial Waste Management Policy (Protection of the Ozone Layer) *(Gazette No. S193, 5 November 2001)*

Financial Management Act 1994:

Report from the Minister for Environment and Conservation that she had received the 2000–2001 annual report of the Casey's Weir and Major Creek Rural Water Authority

Reports from the Minister for Health that he had received the 2000–2001 annual reports of the:

Alexandra District Hospital

Otway Health and Community Services

Queen Elizabeth Centre

Report from the Premier that he had received the annual report for the year 2000–2001 of the Victorian Interpreting and Translating Services

Financial Management Act 1994:

Budget Sector — Quarterly Financial Report No. 1 for the period ended 30 September 2001

Gippsland Southern Health Service — Report for the year 2000–2001

Hepburn Health Service — Report for the year 2000–2001

Kilmore and District Hospital — Report for the year 2000–2001

Legal Practice Act 1996 — Notice of proposed appointments pursuant to s. 352(4)

Melbourne City Link Act 1995:

Melbourne City Link Fifteenth Amending Deed

City Link and Extension Projects Integration and Facilitation Agreement Seventh Amending Deed

Exhibition Street Extension Fourth Amending Deed

Mental Health Review Board and Psychosurgery Review Board — Report for the year 2000–2001 (two papers)

Numurkah District Health Service — Report for the year 2000–2001

Ombudsman — Report of the Office for the year 2000–2001 — Ordered to be printed

Parliamentary Committees Act 1968:

Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Review of the Theatres Act 1958

Response of the Minister for Finance on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's report on the 1999–2000 Budget Outcome

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Banyule Planning Scheme — No. C16

Boroondara Planning Scheme — No. C15

Brimbank Planning Scheme — No. C37

Cardinia Planning Scheme — No. C21

Corangamite Planning Scheme — No. C1

Darebin Planning Scheme — Nos C29, C34

Greater Geelong Planning Scheme — No. C16

Hobsons Bay Planning Scheme — Nos C12, C14

Kingston Planning Scheme — No. C13

Loddon Planning Scheme — No. C4

Moonee Valley Planning Scheme — No. C24

Mornington Peninsula Planning Scheme — No. C34

Southern Grampians Planning Scheme — No. C1

Stonnington Planning Scheme — No. C19

Wellington Planning Scheme — No. C3

Whittlesea Planning Scheme — No. C3

Seymour District Memorial Hospital — Report for the year 2000–2001

Statutory Rules under the following Acts:

Adoption Act 1984 — SR No. 116

Agricultural Industry Development Act 1990 — SR No. 114

Credit (Administration) Act 1984 — SR No. 117

Environment Protection Act 1970 — SR No. 119

Fisheries Act 1995 — SR No. 118

Patriotic Funds Act 1958 — SR No. 120

Subordinate Legislation Act 1994 — SR No. 115

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No. 115

Ministers' exemption certificates in relation to Statutory Rule Nos 114, 116, 117, 120

The Constitution Act Amendment Act 1958 — Statement of functions conferred on the Electoral Commissioner, dated 7 November 2001

Wimmera Health Care Group — Report for the year 2000–2001

Yarrawonga District Health Service — Report for the year 2000–2001

The following proclamations fixing operative dates were laid upon the table by the Clerk pursuant to an order of the house dated 3 November 1999:

Health Records Act 2001 — Sections 1 to 6, Part 4, and sections 84, 87 (except paragraphs (c) to (j), (l), (p) and (s)), 88, 89, 90, 91, 94, 100, 105 (except paragraphs (a), (b), (e)(ii), (l) and (M)), 107 (except paragraphs (a) and (d)), 111 (2) (except paragraph (b)), 111(3) and 111(5) on 16 November 2001 (*Gazette G46, 15 November 2001*).

Statute Law Amendment (Relationships) Act 2001 — Remaining provisions on 8 November 2001 (*Gazette G45, 8 November 2001*)

ROYAL ASSENT

Message read advising royal assent to Marine Safety Legislation (Lakes Hume and Mulwala) Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Accident Compensation (Amendment) Bill
Animals Legislation Responsible Ownership Bill
Audit (Further Amendment) Bill
Film Bill
House Contracts Guarantee (HIH Further Amendment) Bill
Liquor Control Reform (Prohibited Products) Bill
Marine (Hire and Drive Vessels) Bill
Second-Hand Dealers and Pawnbrokers (Amendment) Bill
Victorian Institute of Teaching Bill

BUSINESS OF THE HOUSE

Standing and sessional orders

Mr BATCHELOR (Minister for Transport) — By leave, I move:

That so much of standing and sessional orders be suspended on Wednesday, 21 November 2001, so as to allow in substitution of a matter of public importance pursuant to sessional order 9, government business to be considered after statements by members.

Motion agreed to.

Program

Mr BATCHELOR (Minister for Transport) — I move:

That pursuant to sessional order 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 22 November 2001:

Sentencing (Emergency Service Costs) Bill

Transport (Alcohol and Drug Controls) Bill

Petroleum (Submerged Lands) (Amendment) Bill

Road Safety (Further Amendment) Bill

Marine (Hire and Drive Vessels) Bill

Animals Legislation (Responsible Ownership) Bill

Victorian Institute of Teaching Bill

Film Bill

Accident Compensation (Amendment) Bill

Mr McARTHUR (Monbulk) — As the Leader of the House has pointed out, there are nine bills in this business program. It seems that we are seeing history repeat itself, despite the government's promises and protestations over recent sittings.

They are doing exactly the same during the spring sittings this year as they did during the autumn sittings this year and the spring sittings of the previous year, and so on and so forth. We are getting towards the last weeks of the year and we are seeing the traditional logjam of legislation being rushed through the house in such a way as to deny many honourable members the opportunity to discuss and debate that legislation.

In raising these issues I need to acknowledge that the government is giving up time to debate its matter of public importance tomorrow in an attempt to get more debating time for this very heavily loaded business program. While I welcome the move to do that in order to give all honourable members a little more time to debate these nine bills, I make the point that this should not be taken as a precedent. This should not set the standard for future sittings of the house, nor should it be expected in the normal course of events. The opposition certainly would not give up its matter of public importance to assist the government to debate its own legislation when it has control of the scheduling of the sittings of the house and the capacity to have the house sit for extra weeks if it needs to do so to get its legislation through and when it controls the arrival of legislation into this house and can therefore better manage its business program.

Let us look at how the government managed it this session. If we go back to the early weeks of these spring sittings we see that in the week of 21 August — the first full week that the house sat — there were five pieces of legislation on the government business program. They were things of such monumental importance as the Public Notaries Bill and the miscellaneous amendments to the community visitors legislation. If we then move to the week of 18 September we see there were four bills on the government business program, including the Commonwealth Games Arrangements Bill, which I think was significant and all honourable members would agree with that. However, there were only four bills for the whole week.

If we go to the following week, the week of 25 September, we see that four bills were initially included in the government business program. However, I point out that one of those was the Commonwealth Powers (Industrial Relations) (Amendment) Bill, and what do we find when we look at the current notice paper? Item 19 on the current notice paper supposedly had to be debated during the week of 25 September and guillotined by 4.00 p.m. on Thursday, 27 September. Sitting on the notice paper for 20 November is nothing other than the Commonwealth Powers (Industrial Relations) (Amendment) Bill! Clearly that one was not quite so urgent as we were told it was on Tuesday, 25 September.

During that week we debated only three bills and were subjected to the absurd spectacle of opposition members completing their contributions to the debate and speaker after speaker from the mushrooms on the government side getting up and parroting the same stuff — 20 minutes per person — in order to fill out the week's business. Why? Not because these were controversial or important issues, but simply because the government could not manage its own business program and had to fill in the week or face the embarrassment of closing Parliament early.

The Leader of the House should certainly fulfil the duty thrust upon him by his role — one for which he receives a healthy stipend — of managing the business program so that Parliament deals with things in a fair and reasonable manner. He should not be managing it so there is nothing to do in the first two or three weeks and then 10 or 12 bills to debate in the last couple of weeks so that honourable members do not get the chance to make a contribution even if they wish to. We should not be forced to deal with bills in haste but enabled to deal with them in a sensible, reasonable fashion. If the honourable member could do that he would indeed deserve the title of Leader of the House. Until he does he deserves the title of Loser of the House.

Mr MAUGHAN (Rodney) — The National Party will not oppose the government's business program, but I support the remarks made by the honourable member for Monbulk about how we are being jammed up at the end of this session by having to debate nine bills this week. I am pleased that the government has been prepared to forgo its matter of public importance, but I pose the question whether it would have been so willing to do so had the Labor Party won the federal election. I rather think it has something to do with the fact that it is denying six members on this side of the house the opportunity to make some comments. The government was very cocky in the week before the federal election; it is not nearly so cocky this week. While I welcome the fact that the government has forgone its motion — —

Ms Allan interjected.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bendigo East!

Mr MAUGHAN — National Party members would have relished the opportunity to get up on the matter of public importance and remind the government of some of the outlandish claims it made prior to the federal election.

The nine pieces of legislation we have to deal with this week include some very important bills. For example, the one dealing with the Victorian Institute of Teaching makes some fairly significant changes, and many honourable members on this side of the house would like to express a view on that piece of legislation. Likewise, the sentencing bill that is coming up this afternoon enjoys bipartisan support, but many honourable members on this side of the house want the opportunity to express a view on hoax calls because of the terrorism on 11 September. Then there is the road safety bill. Members of the National Party certainly want to speak on that, because it affects the licensing of motorcycle riders, and we have some comments to make there. The Accident Compensation (Amendment) Bill is very important, and we want to put forward some amendments to it. So honourable members on this side of the house want the opportunity to speak on several of those bills.

If you look at the time available to do that you see that, even with the government forgoing its matter of public importance, there are only 18 hours in which to debate bills, presuming we do not spend time on other issues, and that is not allowing for second-reading speeches

and so on. That is about 18 hours to deal with nine bills, an average of 2 hours each. I do not think that is adequate to discuss bills of this consequence, and this is the government that used to rail when in opposition about giving opposition members plenty of time to express a view! These are the people who railed against the fact that they did not have time to do so. We are seeing here now exactly the sort of behaviour they railed against previously.

There will be nine bills this week, and as I understand it seven bills remain to be discussed in the last sitting week of the Legislative Assembly. That denies honourable members on this side of the house adequate time to express their views on these important pieces of legislation, but it is the government's business program. It is for the government to decide. It has made its decision, and the National Party will not oppose the motion before the house.

Mr COOPER (Mornington) — So the warnings given to the government over the past two or three sitting weeks about the inadequacy of its legislative program and the huge logjam of legislation that would be presented to the house in the final two weeks with inadequate debating time have come to pass. It has occurred. Here we have nine bills, which clearly the government recognises will need some debating time, so to enable the house to have some additional time to debate the bills it will forgo the matter of public importance debate at the time available on a Wednesday morning. However, a number of these bills require decent scrutiny and appropriate contributions from honourable members.

As the honourable member for Rodney just said, it appears we will not see that. We will see truncated debates, with bills responded to by opposition lead speakers and then no doubt adjourned until a later time — and perhaps some will never come back on for consideration by this house but will be guillotined through at 4 o'clock on Thursday.

I do not agree with the opposition manager of business in his outright condemnation of the Leader of the House. I have some sympathy for the minister.

An Honourable Member — Do you?

Mr COOPER — I do. I am sorry to have to disagree with my colleague, but if the honourable member for Monbulk was a leader of the house and was surrounded by a bunch of incompetent ministers and faced a hopelessly inadequate and badly managed legislative program, he would find himself in exactly the same situation as the Leader of the House finds himself in today. He is trying to do his best, despite the fact that the government benches are inhabited by a pack of idiots. That is really what it boils down to.

The Leader of the House is surrounded by a bunch of ministers who do not know what they are doing. The Premier has no capacity to understand what government is all about. The Deputy Premier is too busy signing letters he has not read to know what it is that he has said, so he is no help at all. The Leader of the House is left to carry the can. It is no wonder this Parliament is in the shambles it is now in!

During this week we will sit late hours trying to deal with nine bills, some of which, as I said, require decent contributions from members right around this chamber. Some honourable members will be denied that opportunity because this government is simply incompetent and does not know how to manage its own business program.

When we look beyond the nine bills listed in the motion to the rest of the legislative program, we start to see some of the problems we will have. For example, when will debate be resumed on the Country Fire Authority (Miscellaneous Amendments) Bill? Many volunteer firefighters around the state want to see that bill debated and then see something happen. When will debate be resumed on the Auction Sales (Repeal) Bill? I am beginning to wonder whether it will ever come back to this house for debate. When will debate resume on the Commonwealth Powers (Industrial Relations) (Amendment) Bill? One would think this Labor government would definitely want to debate industrial relations powers. But no, where has it been put? This bill that was of such importance has been stuck, as the honourable member for Monbulk said, at no. 19 on the notice paper and is unlikely to see the light of day.

I join with the honourable members for Monbulk and Rodney in expressing my discontent at the mishandling of the government business program. I call on this government to do something about it and not just shovel a whole lot of bills in front of us next week. Perhaps the government might consider extending the sittings for an extra couple of weeks so we can deal with legislation properly, rather than trying to force-feed it through the house with this business program and, no doubt, the appalling business program we will be faced with next week.

Mr DELAHUNTY (Wimmera) — I have been in this Parliament only a short time, but I too am disappointed that nine pieces of legislation are to be dealt with this week. There are a couple of important bills for the Wimmera, particularly the Road Safety

(Further Amendment) Bill, and the National Party will have more to say on that when it comes on for debate. As has been highlighted by opposition speakers, the business program is a logjam, and that is disappointing.

I do not know where the Independents are, but they are not in the chamber for this debate. I do not know how such a program relates to their charter, so we will have to drag them back in. They have been given more cash resources, as was highlighted in the *Herald Sun* today, to scrutinise legislation. The National Party has also done that type of work, but we will not have the opportunity to debate some bills because they will be guillotined at 4 o'clock on Thursday as a result of the legislative logjam we face as we get to the end of the sittings.

It is important that honourable members are able to speak on legislation. As the house knows, the lead speakers will cover the general issues across the state, but it is important that other honourable members have the opportunity to raise issues that are important to their electorates.

The industrial manslaughter bill is causing a great deal of concern. Honourable members heard the Attorney-General speak about it today during question time. I have heard industry people from my area say that they do not mind accepting it if the Premier will accept the same thing for his people.

The ministers have done nothing. Property developers are still acting on immoral grounds in western Victoria, and I ask the Minister for Consumer Affairs in the other place to move on that. I know the minister is also three months behind in signing off some grants. It is also important that the Minister for Transport act on the 40-kilometre-per-hour zones around schools in Stawell. As has been highlighted by other honourable members, the government is doing nothing. I ask it to move a bit quicker so that we will not have this logjam.

Motion agreed to.

MEMBERS STATEMENTS

Melbourne International Jazz Festival

Mrs ELLIOTT (Mooroolbark) — In the week after the significant victory of the Howard coalition government it is a matter for considerable regret that the City of Melbourne and Arts Victoria have withdrawn their financial support — $50 000 and $15 000, respectively — for the 2002 Melbourne International Jazz Festival. Last year the festival attracted 27 000 people. There was every possibility, because of world events, that local and interstate jazz lovers who elected not to travel overseas in January would attend the festival in even greater numbers in 2002. The festival organiser, Adrian Jackson, and his team have developed partnerships with the Sydney festival, the Perth festival, promoters, jazz organisations and a range of sponsors to deliver a stronger program for 2002.

Jazz is atmospheric and nostalgic. It lends itself to unusual venues and spaces, and it attracts passionate devotees. Melbourne is a city of streets and lanes, back alleys and pubs; it is a city for jazz. Along with the Victorian Jazz Club, the Melbourne Jazz Cooperative, record companies and a host of jazz musicians and supporters, I urge the Minister for the Arts to seek talks with the City of Melbourne and review the decision made by Arts Victoria in order to save this important festival for the city of Melbourne.

David Lang

Mrs MADDIGAN (Essendon) — On behalf of the members of the Legislative Assembly I express my sadness at the death last Saturday of David Lang. When David retired from Parliament in July this year he was a senior tour guide, having started here as a parliamentary attendant in 1990. I extend our condolences to his wife, Joy, his children, Kim and Robert, his grandchildren, Ashley, Victoria and Grace, his son-in-law, Jeremy, and his brother, Warren.

David was well respected and very well liked, and anybody who had the pleasure to be with him when he was showing people around Parliament House was impressed not only by the pride he showed in doing his job but also by the great knowledge he had of Parliament House. He undertook significant historical research, which he used effectively during the tours. Apart from that, he had a strong character and was known as a numbers man among the attendants, always working on systems for Tattslotto and racing. He managed to run the attendants Tattslotto system for 18 months without requiring additional funds!

David had strong views on the television programs he liked to watch. I understand that during the lunch break *Judge Judy* was always on the television set in the attendants room, and if anyone tried to change the channel David certainly stopped them!

David will be greatly missed by those who knew him and those who very much enjoyed working with him here at Parliament House.

Country Fire Authority: volunteers

Mr KILGOUR (Shepparton) — I support the great service performed in the state of Victoria by the Country Fire Authority volunteers, who provide country Victoria and the outer metropolitan Melbourne area with highly effective emergency and fire services. Last year the volunteers identified the need for a volunteer charter when the CFA and the United Firefighters Union signed the current enterprise bargaining agreement. Included in the enterprise bargaining agreement were issues which directly affected and impacted on volunteers, yet the volunteers were never consulted on those matters by the parties.

The volunteers recognised that a covenant was needed by the volunteers, the Country Fire Authority and the government to ensure that they would never be impacted on like this again. A charter has been adopted by the CFA and the two volunteer associations which represent the firefighters. The charter is currently with the Minister for Police and Emergency Services for adoption by the government.

During its development one of the key principles was that the document must carry the signature of the Premier of Victoria. This would be seen to demonstrate total government support for the charter and for Victoria's volunteer firefighters. It has been indicated that the Premier did not see this as his responsibility, but rather the responsibility of the Minister for Police and Emergency Services. I urge the Premier to become involved in the signing of the critical volunteer charter to ensure that we see the government supports the volunteer firefighters of Victoria.

Mordialloc College

Ms LINDELL (Carrum) — I would like to congratulate the year 8 students from Mordialloc College on their recent sporting success. Honourable members would know that for many years Mordialloc College has offered a comprehensive and very supportive educational environment for students from my local area.

I pay particular tribute today to four year 8 boys: Dale Donkin, Leon Partsi, Nathan Lewis and Adam Lello. These boys have recently been placed third in the state schools year 8 table tennis championships. I would also like to congratulate the members of the year 8 girls hockey team, who yesterday became state champions. This wonderful team of girls — namely, Jasmine Narayan, Elisbeth Buren, Alex Inwood, Caitlin Romeo, Laura O'Callaghan, Alicia Baxter, Natalie Culross, Amy Peck, Cath Twentyman, Allie Nickou, Stacey Fisher, Jessica Lindell, Briony Chapman and Kary Chau — did an excellent job, taking out the state pennant. Their coach, Lum Chau, a year 10 boy from the school, and their assistant coach and official photographer, Scott Walker, gave them great advice and encouragement along the way. Of course this would not have happened without the commitment — —

The SPEAKER — Order! The honourable member's time has expired.

Gannawarra: legal action

Ms BURKE (Prahran) — I would like to start my contribution by congratulating my federal colleagues in the Howard government for a wonderful win 10 days ago.

Now I will start on this government. The legal action that is being pursued by about 300 farmers in the Shire of Gannawarra is continuing to present problems for the council. Because the residents involved in the action will not pay their rates until council agrees to properly assess the matter, rate revenue for the Gannawarra shire is down significantly and is beginning to have an impact on the services provided by the council. The costs of fighting the action will be a further burden on the council and there is an increasing concern that the action may be successful and will call into question all revaluations over the last two years. The implications are enormous. Continued pressure will highlight the inaction and lack of understanding of this matter by the minister, who continues to handball the blame.

The Auditor-General noted in his report on ministerial portfolios that the rating process had failed and a possible technical breach of the Valuation of Land Act 1960 had occurred. The main concern relates to the credibility of the rating system, and its susceptibility to challenge is the worry. Given the situation that has developed, it has become clear that the minister must now take action to find a resolution to this matter before local government in this state is decimated through costly, unproductive and ultimately destructive legal action.

ALP: Ballarat federal member

Ms OVERINGTON (Ballarat West) — I wish to place on the public record my congratulations to Catherine King, MHR, the new federal member for Ballarat. At the recent election Catherine obtained a 5.43 per cent swing to secure the seat for the Labor Party.

Catherine had been out working hard in the electorate for the past 18 months, while the former Liberal member spat the dummy after failing repeatedly to gain a ministry. The Liberal's first choice candidate — the shooter — shot through, and its second candidate, a Napthine right-hand man, tried to throw mud that did not stick.

I extend my congratulations to Catherine's campaign committee, the hundreds of volunteers who assisted, and the wonderful people of the Ballarat electorate who recognised a credible, intelligent and passionate candidate who continued to speak about the important issues — jobs, health and education. Catherine will continue to speak about these issues in Canberra.

Catherine will be a long-serving member for Ballarat who will ensure that Ballarat's needs and views are strongly articulated to the federal government. I would like to say 'well done' to Catherine and her campaign team and also to Ballarat, because Ballarat continues to recognise that the issues are: jobs, health, education — and again: jobs, health and education.

Foxes: control

Mr PATERSON (South Barwon) — Firstly I offer my congratulations to John Howard and Peter Costello on their resounding electoral success.

The fox problem at Barwon Heads is out of control. A few days ago my colleague in another place the Honourable Ian Cover and I visited the Jirrahlinga wildlife sanctuary and witnessed the distressing sight of dead and mutilated birds and animals following vicious fox attacks. There were more attacks on the weekend.

Sanctuary owner, Tehree Gordon, is demanding action to eradicate the fox problem but is receiving confused signals from government. Parks Victoria responded to media coverage and laid 1080 baits in the adjoining Lake Connewarre state reserve, but failed to alert neighbours. In fact, I understand it even failed to post notices warning of the presence of 1080. The government has mishandled this issue and must immediately draw up a comprehensive plan to fix the problem. Birds and animals killed or injured at the sanctuary include Cape Barren geese, New Zealand paradise ducks, swans and their signets, two baby kangaroos, a wallaby, tortoises and a koala.

Tehree Gordon's work with injured and endangered birds and animals is well known throughout Victoria, and right now she needs help. Recently a night patrol sighted 14 foxes in the vicinity of the sanctuary. The government should take urgent action before there is more carnage. The minister should get out of her city office and see the horrendous slaughter for herself.

Victorian Road Accident Support Association

Mr LIM (Clayton) — When Victorians pay their vehicle registration they also pay their transport accident insurance premiums. This insurance coverage by the Transport Accident Commission is compulsory and is designed to provide cover for personal injury in case of a transport accident. However, Victorians are not given a copy of the insurance policy, because it is a 256-page document called the Transport Accident Act 1986. This means the transport accident personal injury system is very complex, and most people do not understand it. Due to the complexity of the system injured people are compelled to engage lawyers, if they can afford them, to ascertain their entitlements, to help them understand the system, and to contest their rights according to Victorian state law.

Most Victorians experience a crisis or two during their lives — be they health, relationship, employment, financial or legal crises. However, the transport accident-injured person is confronted simultaneously with the accident trauma and most or all of the abovementioned crises. This creates enormous stress and burden on injured persons and their families, and they suffer enormously. It is difficult for them to find support and free reliable information to get them through one of the most, if not the most, difficult times in their lives.

It is in this context that I salute the fantastic work of the Victorian Road Accident Support Association in my electorate under the leadership of Cheryl David, a very gutsy lady. The organisation was established to support transport accident-injured Victorians and their families by providing support and free reliable information.

Aged care: supported residential services

Mrs SHARDEY (Caulfield) — I congratulate the Howard government on its magnificent electoral victory.

The Bracks government has gone soft on prosecuting negligent operators of supported residential services (SRS), putting the welfare of elderly and vulnerable Victorians under serious threat. This represents a disastrous failure by the department and the minister responsible, the Minister for Aged Care, to monitor conditions, despite a constant stream of examples of where the basic human rights of SRS residents have been denied.

The *Annual Report of Community Visitors 2001* on the Health Services Act 1988 released last week highlighted the inadequacies of inspections by the Department of Human Services. Community visitors firmly believe the basic standards of hygiene and care should not be compromised under any circumstances. They are of the view that more effort and resources should be allocated to the inspection and regulation of supported residential services. However, in predictable Bracks government fashion, the Minister for Aged Care has done nothing and has ignored both community visitor criticisms and recommendations of reports.

Instead the Minister for Aged Care has released a departmental response to Associate Professor Green's October report on supported residential services — a document that does not address the urgent needs of the elderly and vulnerable but rather focuses on long-term restructuring. The community visitors report makes it clear that the SRS system is in crisis and residents are suffering. I call on the minister to do her job.

Volunteers: charter

Mr HAERMEYER (Minister for Police and Emergency Services) — In his contribution a few minutes ago the honourable member for Shepparton accused the Premier of not wanting to sign and not being interested in signing the volunteers charter.

An honourable member interjected.

Mr HAERMEYER — It is a good question. Where is he? The honourable member has wrongly accused the Premier and has misled the house. I refer him to a letter written by the Premier to Mr Peter Davis, secretary of the Victorian Urban Fire Brigades Association, saying:

> I support the concept of a volunteer charter that sets down principles of consultation between government, the CFA and volunteers.

He goes on to say:

> Once the minister advises me that the content of the charter has been satisfactorily finalised, I would be pleased to be a signatory to this important document.

On behalf of the honourable member for Geelong North I also say, 'Well done, Josip Skoko!'. Josip is playing for Australia tonight in the Australia v. Uruguay soccer match, and I wish him well.

Liberal Party: McEwen federal member

Mrs FYFFE (Evelyn) — I rise to congratulate the honourable member for McEwen, Fran Bailey — —

The SPEAKER — Order! The time set down for members statements has expired.

SENTENCING (EMERGENCY SERVICE COSTS) BILL

Second reading

Debate resumed from 8 November; motion of Mr BRACKS (Premier).

Dr NAPTHINE (Leader of the Opposition) — The opposition does not oppose this legislation. The Parliament, Victoria and the world were shocked by the events of 11 September, when acts of terrorism caused the untimely deaths of thousands of people in New York and Washington, including those in the four aeroplanes involved.

Subsequent to that we have seen anthrax attacks on innocent people, particularly in the United States of America. These acts of terrorism, be they perpetrated by distinct terrorist groups or individuals, are designed to cause anxiety, fear, distress and damage to our community, our society and individuals. They cannot be countenanced in any way, shape or form.

The opposition supports all attempts to deal with acts of terrorism — as well as any hoaxes or so-called pranks, which are innocuous names for actions which can cause such distress in our community. The opposition would support any action the government takes to try to reduce the risk of these events occurring in Victoria.

I congratulate the Howard government on its successful return to office at the recent federal election. I believe that many people who voted for the coalition government voted for Mr Howard and his team because of the strong leadership and strong decision making they have provided in response to the uncertain situation across our world. The decision by Mr Howard to commit Australian troops to the war against terrorism by the coalition of nations was warmly supported by people across Victoria and Australia. I believe this decisive, strong leadership is the sort of thing the free world needs to ensure appropriate action is taken against terrorism and to reduce the risk of such acts taking place anywhere in the world.

The legislation before us deals with responses to deliberate hoaxes, whether they be bomb hoaxes or hoaxes involving the contamination of goods. That includes making threatening or false statements about the contamination of — or actually contaminating — the air and waterways as well as sending through the

post or by courier material that is designed to cause anxiety and fear in the recipients.

These deliberate hoaxes — fortunately there are only a few of them in our community — cause enormous disruption to the lives of many people through fear and major inconvenience. The perpetrators of such hoaxes deserve to have the full extent of the law imposed on them quickly, decisively and firmly. We on this side of the house would support any action the government wishes to take to increase the penalties that apply to the perpetrators. When people undertake these actions they build on fear, disrupt lives and cost our community its peace of mind. They also cost it in a significant financial sense.

While opposition members will not oppose the bill, we seek to draw to the government's attention some areas in which it is inadequate and, therefore, could be improved by being redone. We believe much of this bill is about window-dressing rather than substance. When the provisions of the bill are looked at closely, the flaws become apparent. Rather than using the Sentencing Act to allow the emergency services to apply for compensation, the government has created this cumbersome new provision.

I draw the house's attention to section 86(1) of the Sentencing Act, which reads:

> If a court finds a person guilty of, or convicts a person of, an offence it may, on the application of a person suffering loss or destruction of, or damage to, property as a result of the offence, order the offender to pay any compensation for the loss, destruction or damage (not exceeding the value of the property lost, destroyed or damaged) that the court thinks fit.

It would not be beyond the wit of the government, parliamentary counsel and the Parliament to easily extend that to cover the costs to emergency services involved in dealing with these hoaxes. But instead of a minor amendment to the Sentencing Act, we have a comprehensive bill which we believe does not address the issue as well as it could.

One of the fundamental issues is who benefits from these changes. While the purpose of the bill is to ensure that a financial penalty applies to somebody who is found guilty of perpetrating a hoax or contaminating goods, the reality is that any such penalty goes to consolidated revenue. It does not go to the emergency services — Victoria Police, the State Emergency Service (SES), the Country Fire Authority (CFA) or local councils — that have incurred the cost. There is nothing in the legislation that says those organisations will get their money back.

I seek some guarantee from the government that any costs recovered under this legislation will be given back to the agencies involved so they are not out of pocket. Under the current arrangements the metropolitan fire brigade or Victoria Police may incur thousands of dollars in costs, yet if the perpetrator is caught and convicted in a criminal court and under this legislation a financial penalty is imposed, the money that is collected will go to consolidated revenue, and the Victoria Police, the fire brigade and the SES will still be out of pocket.

One must question the government's motives in this unless it gives a clear commitment in this house today that any revenue obtained through the Sentencing (Emergency Service Costs) Act when it is passed is guaranteed to go back to the agency involved.

I note also that the people to bring forward these applications for cost recovery are the Director of Public Prosecutions, an informant or police prosecutor, not the agencies concerned. Perhaps it would be better if the agencies concerned were able, under the Sentencing Act, to seek recompense of their own costs and deal with the matter in that way. These issues need to be looked at.

Another important thing is there is a significant difference in how this is implemented depending on whether the people who respond to the emergency are full-time, paid employees of an emergency service or volunteers. That is a significant issue. We may get the situation of an anthrax scare or hoax in the central business district being responded to by the metropolitan fire brigade, whose officers are all full-time employees. The full costs of those people would be able to be claimed under this provision and recompense sought. At this stage that recompense would go to consolidated revenue but we hope the government will commit to give it to the fire brigade.

However, if that hoax occurred in an area served by the Country Fire Authority the response would be made largely by CFA volunteers. Those volunteers would leave their jobs at the Mitre 10 store, the local farm or the local supermarket; they would drop everything, leave their workplaces, go to their fire station, put on their uniforms and respond to the bomb hoax or contamination scare. Under this legislation, because they are volunteers their time is deemed to be worthless. That is an anomaly which should be remedied. Those volunteers could spend many hours dealing with that situation, but because they are volunteers the costs incurred by themselves personally and by their employers would not be counted in any way, shape or form in terms of seeking any compensation or recompense under this legislation. The

government should have a long, hard look at that area. The Country Fire Authority and its volunteers would respond to these incidents in regional and rural Victoria and the outer suburbs of Melbourne.

The other emergency service heavily involved in these responses right across Victoria is the State Emergency Service. Again, most of the people involved in the SES are volunteers. If the government is genuine about this issue, it should be looking at ways to get a cost recovery order to compensate the volunteers for any costs incurred by them and any loss-of-opportunity costs. The government should seek through a cost recovery order to compensate the employers who generously allow their employees to contribute to the community through the CFA and the SES. It is very important that we do not ignore, particularly in this the International Year of Volunteers, the enormous contribution that many volunteers make to our emergency service responses in these cases and in the broader sense.

In these cases when we are making cost recovery orders, it seems disappointing that we can allow for the total cost of a CFA officer who is an employee of the CFA but not for the person who is a volunteer but works alongside the paid officer for many hours in response to a hoax call. There is no way to seek cost recovery for that volunteer's personal out-of-pocket expenses and the expenses his employer may have incurred.

I seek the government's response to another issue the opposition raised about bomb hoaxes. In reading the legislation it would seem that one can seek a cost recovery order with regard to contamination whether that be a hoax or an actual contamination of goods. Whether it is an actual event or a hoax, if a person is found guilty of that offence one can seek a cost recovery order. However, with respect to the definition in proposed section 87D it seems that cost recovery orders only apply to a bomb hoax if it is a hoax. If somebody is found guilty of a bomb hoax this legislation can be brought into play, but if there is an actual bomb, a real bomb and not a hoax it would seem that this legislation does not apply. The opposition asked that question in the briefing and did not get an answer. It is the opposition's understanding that if it is a real bomb, cost recovery orders do not apply. If that is not a correct interpretation I ask the government to clarify the situation because it needs to be clarified.

Another area of this legislation that the government should have a look at is the costs that may be incurred by non-government parties — for example, when a letter or parcel is sent to an industry or a business and the people in that business open that letter and feel there has been a potential anthrax contamination and evoke all the appropriate responses from the police and fire brigade. Investigations would be undertaken and if a person were found guilty of perpetrating that hoax, under this legislation one could seek recovery of the costs incurred by the police and other government emergency services but the private company involved would not be able to recover any of the costs incurred by it. I ask the government to respond to that. These issues are fairly important.

I would like to comment on one other area before I move to a specific case in the electorate adjoining mine. It is important to note that proposed section 87J says the court may take the financial circumstances of the offender into account. Fundamentally it says that in making a decision to make a cost recovery order under this legislation the court should take into account the financial circumstances of the person involved. In practical terms many of the potential perpetrators of these hoaxes or contaminations are not likely to have significant financial circumstances. The bottom line is that the legislation we are dealing with may have little or no practical effect.

This is where we say the legislation is more about window-dressing than reality. Firstly, we have the provisions that take into account financial circumstances and mean that very few people will ever be subject to this legislation. Secondly, the bill does not take into account the costs to volunteers. Thirdly, it does not take into account the costs to private individuals and companies. Fourthly, there are other ways to do this with regard to amendments to the Sentencing Act.

Now I would like to go to a case in Warrnambool involving a firm from my electorate. Recently a private courier was asked to deliver parcels from Melbourne to Hamilton. It was originally thought the parcels were to go to the federal member for Wannon, David Hawker, but subsequent investigation suggested the parcels were supposed to go to the Australian Electoral Commission.

The parcels were transported by a private courier company from Melbourne to Hamilton. They travelled from Melbourne to Warrnambool, where they were transferred from one vehicle to another. In that process the persons involved apparently noticed some white powder leaking out of the parcels. They contacted the employer, who said that, given the circumstances and the timing — that is, that the parcels were addressed to either a federal member or the Australian Electoral Commission during an election campaign — in the climate post 11 September and in view of the fact that

similar contaminations in the United States of America involved political figures and those in government, this was not a time to take any chances, it was a time to take appropriate action and call the police.

The police were called and responded quickly and admirably. The police, the Country Fire Authority and the State Emergency Service responded and the parcels were collected. A thorough decontamination process was undertaken which included the employees of the courier company having a strip-down cold shower, in public, in Warrnambool and then being sent off to hospital for tests for anthrax. This is a pretty frightening experience for anybody, and the situation was treated seriously by the police, the CFA and other appropriate authorities in the Warrnambool region.

The owner of the courier company, Mr Leigh Allen from L. and B. Allen Carriers, Princes Highway, Narrawong, contacted the Department of Human Services to seek a response on the matter. Mr Allen was so disgusted with the response he received from the Department of Human Services that he wrote to the Premier, and I quote:

> I am writing to register my absolute disgust at the treatment I have received from a senior bureaucrat within the Department of Human Services.
>
> In particular, my concern is in relation to the appalling reception I received to my inquiries about possible compensation or financial assistance after I provided professional trauma counselling to eight of my employees and one employee's wife after an anthrax alert in Warrnambool this week.

The letter is dated 31 October 2001.

> I am a small business operator who runs a courier service, based in Portland in south-west Victoria. We routinely transport parcels, packages and a variety of items all over country, regional and metropolitan Victoria.
>
> On Tuesday night my employees were involved in the transportation of a number of parcels from Melbourne to the Hamilton office of member for Wannon David Hawker.

Subsequent inquiries suggest they were destined for the Australian Electoral Commission.

> When the parcels reached Warrnambool for further transfer on to Hamilton, my employees noticed white powder leaking out. I was notified and we immediately alerted police and the CFA. All of the necessary steps were taken to decontaminate the area, my employees and their trucks. Several items including the suspect parcels, the employees' clothing, mobile phones and so on were seized for closer examination.
>
> Even though the police and CFA were completely professional about the whole thing and treated my employees with the utmost compassion, respect and understanding, my employees were traumatised by the thought of possibly coming into contact with anthrax and with having to strip down and having to undergo high-pressure, freezing cold showers in the open air in the middle of the night.
>
> I organised trauma counsellors to talk to my employees — at considerable personal cost. In fact, this whole episode has been extremely costly to me in terms of lost time, lost productivity, money spent and the personal impact on my staff.
>
> On Wednesday I contacted the Department of Human Services and spoke to a Mr Paul Van Brynder. This particular individual I found totally unsympathetic and unhelpful.
>
> His attitude was:
>
> > Emergency service workers (police and CFA fire fighters) 'overreacted' and were 'over the top'.
> >
> > The department had received a large number of reports of powder in letters/parcels and all of them had turned out negative.
> >
> > If he were in charge, he would not have travelled to Warrnambool because it would have turned out to be a hoax anyway.
> >
> > He indicated that a lot of reports were coming in which were not worth investigating.
> >
> > The anthrax scare was basically 'bullshit' in Victoria and Australia.
>
> I have not received any indication that compensation or financial assistance is likely to be available to either myself or any other small business operators who might supply counsellors to their employees who are traumatised in this way.

The letter goes on to express Mr Allen's concern about his treatment by the Department of Human Services.

I have previously raised the matter in the Parliament. What has happened subsequently? On 6 November Mr Allen wrote another letter to the Premier, and I will read some of that letter to give an idea of what has happened since.

> Further to my letter to you last week in reference to the shabby response I received from a senior bureaucrat within the Department of Human Services to my call for assistance with trauma counselling for my employees following an anthrax scare, another problem has developed.
>
> You might recall last week a number of my employees were involved in an anthrax alert at the Warrnambool freight depot when white powder was discovered leaking from three parcels bound for Hamilton.
>
> After the decontamination process was completed at the scene, all of my employees who had been involved in the incident were sent to the Warrnambool hospital (South West Healthcare) for check-ups as an added precaution.
>
> I didn't have any problems with this. My first concern was for the welfare of my employees, as you have seen by the fact that I brought in trauma counsellors the following day.

> Following the problems I encountered with the DHS bureaucrat and having sent my letter to you last week, I had thought that the hassles which have arisen out of this incident might have been coming to an end.
>
> I was wrong.
>
> This week I received from South West Healthcare seven separate bills of $50 each, to cover the cost of the PUB99 (whatever *that* is) which was given by the hospital to each of my employees.

The letter then continues.

The employer had an anthrax alert that was treated seriously by the police and the CFA with absolutely no criticism from them. They were full of praise for the way the company responded to the alert. That person sought assistance from the Department of Human Services and was treated with contempt. Then some days later he received a bill for $50 for each employee tested for anthrax by the local hospital. This is the same government that is bringing in this legislation and saying it is treating these matters seriously for the good of Victorians.

In such circumstances the government must make sure that its own departments, staff and health care networks get the message that these things should be treated seriously. People in the community need to be supported in dealing with these hoaxes and anthrax scares, not treated with ridicule and abuse — and certainly employers should not be sent a bill for $50 for each employee who goes and gets checked after an anthrax scare.

Mr Smith — What was the bureaucrat's name?

Dr NAPTHINE — I have named the bureaucrat before. Following further intervention by good local members representing the interests of people in the area, it seems that South West Healthcare has contacted Mr Allen and suggested that the bills need not be paid. But they should never have been sent in the first place, and Mr Allen should not have had to fight for this responsible and sensible outcome.

In conclusion, the opposition does not oppose the legislation, although it could have been done better. It suggests that when these hoaxes occur the government needs to back up its rhetoric with a better response. We need to support people who do the right thing rather than cause them further pain and harassment.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Sentencing (Emergency Service Costs) Bill. One can but reflect on the events of 11 September, when, as the opening of the second-reading speech recites, the world changed forever. Events that have subsequently unfolded bear witness to that fact, given the issues that have flowed from the dreadful things that occurred on 11 September in New York and Washington and at the site of the other aircraft crash. All those issues continue to evolve, and I am sure we will see more with the passage of time. Unfortunately the harsh reality is that changes have already occurred and will continue to occur in the movement of people around the globe, wherever they may be and whatever their way of life is, because of the tragic events that we witnessed on our television screens on 11 September.

It is a commentary on the way things are that this legislation should even be contemplated or regarded as necessary. The notion that there are people in our communities who want to conduct themselves as hoaxers and cause the agony they do to bring about the outcomes that this legislation is intended to deal with is beyond comprehension. It is not enough to simply say that these people are not of sound mind or did not think at the time, because in a variety of ways the law makes provision for people like that. This legislation deals with people who deliberately set out to create the mayhem that their actions are intended to produce. It really is beyond comprehension.

I share the concerns expressed by the Leader of the Opposition about whether we will ever see the legislation enforced. I do not have the information before me, but the minister who responds on behalf of the government might be able to assist by providing a history of the sort of people involved in offences of this nature. One cannot help but think that in reality few will be able to afford to pay the penalties that are contemplated by the legislation.

This goes to the core of any legislation that passes through this Parliament. On the one hand, we all know it is pointless to pass laws which cannot be given effect. On the other hand, for a court the imposition of any sort of punitive measure is always a question of balance that revolves around punishing the crime so that the individual does not do it again. It also revolves around demonstrating to the community that that sort of conduct will not be tolerated while making sure that there is a rehabilitative aspect to the way in which the accused is dealt with, whether it is by way of fine, imprisonment or otherwise. This legislation is an overlay on all that and provides a deterrent in addition to those other factors.

I go back to my earlier comment, that one cannot help but think that anybody who is hell-bent on such a course is not going to be deterred by legislation of this nature. From my experience when I was practising,

people who engage in this sort of activity are convinced in their own mind that they will never be apprehended. Therefore I do not know this can realistically be said to represent any deterrent for people who want to engage in this style of conduct.

Fortunately in Australia such people are few and far between, thank goodness, so cases where this sort of conduct has occurred are somewhat celebrated, particularly regarding the contamination of goods. For all that, I doubt that legislation of this nature will be any sort of deterrent to an individual of this style. We are left with the notion that legislation is there from a punitive perspective and to make the message clear to the public at large that this style of conduct will not be tolerated. With those elements of misgivings, I address the bill itself.

Clause 4 contains various definitions under proposed section 87C including the definition of 'emergency service worker'. As one would anticipate the definition is all encompassing and deals with police, fire brigade, State Emergency Service personnel and many other elements of emergency service providers. The sentiments expressed by the Leader of the Opposition are very true as to the contribution made by volunteers within the different aspects of emergency services. This is the International Year of Volunteers.

Some 1000 people provide volunteer services to the Central Gippsland Health Service. Only a couple of days ago I had great pleasure speaking to a crowd of about 250 people at a forum in Sale, which celebrated these volunteers' annual contributions to the health service assisting people who are unfortunately less able to care for themselves. That particular category of volunteer is not involved here, but the legislation is broad in the sense of capturing various emergency workers who provide their services, as well as the police and others who come under the definition provision.

At the core of the legislation is proposed section 87D, which establishes the mechanism of the cost recovery order. In effect, a court that finds a person guilty or convicts a person of an offence under division 4 of part 1 of the Crimes Act or section 317A of the Crimes Act may, on application, order the offender to pay to the state such amount as the court thinks fit for the cost reasonably incurred by any emergency service agency in providing immediate response to an emergency arising out of the commission of the offence. Proposed section 87E details the process whereby the application can be made. Application must be made within 12 months after the offender is found guilty or convicted of the offence.

Proposed section 87F provides for an extension of that time in certain circumstances. Proposed section 87G provides that the defendant may appear personally or through counsel. Proposed section 87H requires the court to have regard to various relevant facts, which is wide ranging in its content. In essence, the court can hear what it wants to hear in the sense of the issues before it. That includes anything that might be submitted by way of documentary evidence. Proposed section 87I deals specifically with the evidentiary provisions. Proposed section 87J enables the court to take the financial circumstances of the offender into account. Proposed section 87K requires the court to give reasons for its decision.

Proposed section 87L is an interesting provision in all the circumstances, and I ask the government to respond to this because it deals with the actual costs of the proceeding. In effect it says that when an application is made to a court, either by the prosecutor in a Magistrates Court or through the Director of Public Prosecutions in the County or Supreme courts, each party bears his or her own costs.

It strikes me as being an unusual costs provision. The very nature of these applications is that we are bringing before the court people who have been convicted of offences that attract the provisions for which this legislation has been designed. It seems to me therefore to be a complete contradiction in terms that the state should have to bear any financial responsibility for an appearance before the court. If an order has been made against the individual to the effect that an amount of money has to be paid by way of a cost recovery order, as termed under proposed section 87D, why should it not be as a matter of absolute consistency that the costs of the proceeding to do with that application should also be borne by the person who is the subject of the order? If the order, for whatever reason, were to fail, then as a matter of consistency costs should follow the event and the applicant in that instance would have to bear the costs of the defendant. I ask the government to explain why proposed section 87L is drafted in the manner as appears in the bill.

Proposed section 87M confirms that the right to bring civil proceedings is unaffected. An emergency service agency can recover the costs that may not be otherwise recovered under this division. Proposed section 87N deals with enforcement of orders. It confirms that the order ultimately made takes the form of a judgment debt due by the offender to the state and payment of any amount remaining unpaid under the order may be enforced in the court by which it was made. I see the sense in that form of legislation. It is a civil debt, in effect, and all the processes associated with the

recovery of such a debt can be employed for the purpose of its being enforced in this instance. I take the point made by the Leader of the Opposition insofar as the return of the amount that might be recovered to the subject agency. I will return to that issue in a few minutes.

Clause 5 inserts transitional provisions. Clause 6 amends the Summary Offences Act. The first of the amendments to the act is to alter the terms of existing section 53(6A), which at the moment simply refers to the expression 'members of the police force'. It is proposed that those words be replaced with 'any emergency service worker within the meaning of division 2B of part 4 of the Sentencing Act 1991'. The proposed substitution reflects the definition of 'emergency service worker', to which I have already made reference.

As a matter of principle one would think the money should go back to the emergency service provider, and I wonder about the impact of section 53(6B) of the Summary Offences Act, which says:

> Any moneys received by the informant under sub-section (6A) shall be paid by him to the Consolidated Fund.

If I am reading it correctly, the clause suggests that the money recovered by way of a cost recovery order is going to be paid straight into the consolidated fund and will not go to the service provider, even though the whole of this bill is structured around the service provider. If that is the case it seems to be something of a travesty. In the end the agency will have outlaid from its budget the amount reflected by the cost recovery order. On the other hand, if it is recovered it does not go back into the budget of that agency, it goes into the consolidated fund, and that strikes me as a contradiction in terms of the basic intent of this legislation. I ask the government to have regard specifically to the provisions and application of section 53(6B) of the Summary Offences Act. Clause 6 also makes amendments to section 62 of the Summary Offences Act. In effect they are machinery provisions that do not add to the basic intent of the bill.

Clause 7 makes a total of four amendments to the Crimes Act. In effect sections 249, 250 and 251 will have added to them the capacity to implement the provisions relating to cost recovery orders under this bill. Section 249 of the Crimes Act deals with contaminating goods with intent to cause public alarm or economic loss. Section 250 deals with threatening to contaminate goods with intent to cause public alarm or economic loss, and section 251 deals with making false statements concerning contamination of goods with intent to cause public alarm or economic loss. In each instance the cost recovery provisions will apply. The fourth amendment to the Crimes Act relates to section 317A, which deals specifically with bomb hoaxes. Again, cost recovery provisions are to be added to that section and will take effect accordingly.

We have before us a piece of legislation for its time. Tragically, we have seen the events of 11 September unfold, and what we are debating today is one of the sequels of that sort of appalling conduct by people who, for whatever reason, see fit to undertake that action. I hope, though I expect it is a vain hope, that this legislation might represent an impediment to anyone doing these sorts of things. I hope, if it does not fulfil that role, it will serve to enable the recovery of money for the emergency services that respond to hoaxes. Again, there must be serious doubt about that, having regard to the style of individual who is usually involved in this type of activity. For reasons I have already explained, I certainly hope any money that is recovered would go back to the agency that provides the service as opposed to the consolidated fund. With all those hopes in mind, I hope this legislation enjoys a speedy passage.

Mr WYNNE (Richmond) — I rise to support the Sentencing (Emergency Service Costs) Bill and thank the Leader of the Opposition and the Leader of the National Party for their contributions and indications that they support the passage of this important piece of legislation through the Parliament.

We all have memories of the events of 11 September and of our personal experiences on that horrific day. I was woken by my son, who gets up considerably earlier than I do, and he advised me in a somewhat shocked manner that something terrible had happened and, 'some plane, Daddy, has gone into a large building somewhere'. Like everyone else, immediately I saw the news coverage that morning I was absolutely horrified by the dreadful attack in America and the subsequent impacts that have been felt throughout the world.

In this country we are not immune to those impacts. There have been hoaxes reported in this state and across Australia made by individuals who, for whatever reason, would appear to take some prurient pleasure out of enacting such hoaxes upon our community. They stand condemned by this legislation, which provides a clear and unambiguous message to the community that, through legislation, this Parliament seeks to put in place a significant deterrent and send a message that this sort of behaviour is completely unacceptable in a civilised society such as ours. The thrust of this legislation is to

indicate our abhorrence of those acts and to send a clear and unambiguous message that it is unacceptable.

This legislation provides a deterrent. The emergency services in this state have responded promptly and professionally to the hoaxes that have occurred in Victoria since 11 September, and the protection they provide for our community is outstanding and consequently comes at considerable cost to those organisations and to the community generally. Following the first anthrax scare, the Premier pledged to legislate so that anyone who was convicted of such a crime would be required to pay the costs of the emergency services involved. This bill meets that commitment by providing for the recovery of such costs from the offender.

In developing this legislation there has been close consultation with the Office of the Emergency Services Commissioner, who advised that the cost of responding to hoaxes ranges from, at a low point, about $6000 for a minor incident, to in excess of $60 000 for large hoaxes. This bill inserts a new division into the Sentencing Act 1991 to allow the court to make a recovery order and provides for the operation of that order. This new legislation comes in the wake of the anthrax scares committed in Australia and around the world. On 15 October 27 workers were evacuated from two buildings in Melbourne following hoaxes in the form of white powder. Also, the Leader of the Opposition has related some experiences that occurred in his own electorate.

New offences do not need to be created for hoax biological or chemical attacks. Appropriate remedies already exist for offences relating to contamination of goods, bomb hoaxes and making false reports to the police. The contamination of goods offences cover both interfering with goods and making them appear to have been contaminated. There is already on the statute books a maximum penalty for this type of offence of 10 years imprisonment and/or a fine of up to $120 000. Bomb hoax offences are easier to prove than contaminated goods offences because they do not require an intention to cause public anxiety or alarm and accordingly they carry a lower penalty of five years maximum imprisonment and/or a fine of $60 000. A letter containing suspicious white powder could make a person believe the letter or article is likely to discharge a dangerous substance, and this offence applies in those circumstances.

The offence of making false reports to the police can occur when a person creates circumstances that induce another person to make a report to the police. This amounts to a minor summary offence with a maximum penalty of one year's imprisonment and importantly allows a court to order repayment of reasonable police expenses. This bill amends the Summary Offences Act 1966 so that not only the police but any emergency service agency is covered in the offence of making a false report and can have its legitimate expenses repaid. Clause 7 of this bill includes an amendment to the Crimes Act 1958 by inserting a note under the relevant offences so that the cost recovery order provisions in the Sentencing Act will be obvious.

Proposed new section 87D establishes the cost recovery order, which can be made where a person has been convicted of an offence relating to the contamination of goods or a bomb hoax offence, and where an emergency service agency has incurred a cost in providing a response to that emergency. Such costs may include remunerating emergency workers who attend evacuations and check buildings, payment of costs for providing decontamination services, and bringing in special equipment, personnel, medical supplies and testing samples.

The type of costs that can be claimed is not limited, but it must be the costs that were incurred as part of the immediate response to the emergency. The ability of the offender to pay will be considered by the court, which is consistent with the principles of the Sentencing Act 1991. The debt will be treated as a judgment debt owed to the Crown and may be repaid by selling assets or garnisheeing wages as appropriate, and the moneys recoverable will be paid into consolidated revenue.

The current rights of victims of crime to seek compensation from an offender will not be affected by this legislation, and the rights of victims will take priority over the state's claims if the offender does not have the ability to pay both debts.

The definition of 'emergency service worker' is expanded. It lists the categories, as has been indicated in the contributions of previous speakers, as police, firefighters, animal and plant safety workers and any other person who becomes involved in an emergency response.

The cost recovery provisions will be made retrospective, obviously, to 11 September 2001, to allow the state to recover costs for hoaxes which have occurred since that time. It is an obvious and appropriate starting point for this legislation.

The Premier publicly announced these changes very shortly after the first hoax occurred. The retrospectivity allows for persons found guilty of the recent anthrax

hoaxes to be required to meet the costs of those emergency services. These new provisions will therefore be applied to those who capitalised — and one has to wonder what motivates people to undertake this type of activity — on the heightened anxiety which existed in the community post 11 September.

Other jurisdictions are also considering such legislation. Indeed the Prime Minister has announced an amendment that would apply retrospectively and carry a maximum penalty of 10 years imprisonment. Victoria is taking the initiative with this bill, ahead of all other jurisdictions. Extensive consultation has occurred with relevant bodies, including the Emergency Services Commissioner and the Office of Public Prosecutions, and Victoria Police and the Department of Premier and Cabinet have also been heavily involved in the development of the bill. It would be fair to say that this legislation supports the government's commitment to a safer Victoria, and it is intended, as I indicated at the outset, to act as a deterrent to the commission of these types of crimes.

I refer to a couple of matters that the Leader of the Opposition and the Leader of the National Party raised in their contributions. The Leader of the Opposition suggested that an amendment to section 86 of the Sentencing Act relating to compensation may have been a wiser course of action for the government to take. The government has sought to provide a consolidated, clear and precise indication of a way forward in attempting to deal with hoax situations. The Leader of the Opposition did not necessarily argue this, but implied was the notion of hypothecation of funds. This legislation makes it clear that any funds derived from the successful prosecution of offenders and subsequent orders to make compensation would be directed back to consolidated revenue.

The Minister for Police and Emergency Services, who is at the table, is an incredibly strong advocate of the volunteer services, and we all know of the magnificent work they do in this state. There is a suggestion that an anomaly may pertain to the compensation provided for the volunteers who so willingly give of their time in the emergency services area. We all understand the importance of volunteerism in this state, given that this is the year for celebrating volunteers. The government sees no anomaly in the current legislation. Everybody understands the incredibly important role that volunteers play, particularly in the fire and other emergency services, and their contribution is widely acknowledged. A person who is injured in the course of their duties has access to a remedy through the Emergency Management Act.

It was also suggested that there is an anomaly in relation to the question of a bomb hoax versus an actual bomb attack. These are two entirely different sets of circumstances. A person who is charged and subsequently convicted of a bomb attack moves into a different realm of the judicial process and may find himself guilty of manslaughter or murder, so an entirely different judicial cover would apply to him as opposed to a bomb hoaxer. Clearly cost recovery would not be a deterrent in that case.

The Leader of the National Party raised the question of costs. I refer him specifically to section 85K of the Sentencing Act 1991, which states in relation to the matter of costs of proceedings:

> Despite any rule of law or practice to the contrary or any provision to the contrary made by or under any other Act, each party to a proceeding under this subdivision must bear their own costs of the proceeding unless the court otherwise determines.

That is clearly standard in the operation of the Sentencing Act.

I hope that covers the concerns expressed by the Leader of the Opposition and the Leader of the National Party. I believe their support for this bill indicates that Parliament abhors that type of activity. Anyone who seeks to gain prurient pleasure from enacting bomb hoaxes is clearly a sick individual. Individuals who derive comfort from creating anxiety, which has already been heightened following the 11 September attack in the United States, must be deterred.

This legislation is important because it sends a clear signal to the community as a whole that the government is prepared to respond and that it is serious in indicating to those who intend to embark upon such activity — whether it be an anthrax hoax or any other form of hoax — that if they are caught and convicted they will suffer significant penalties. That will include financial penalties to recover the high costs incurred by the emergency services, which do such a magnificent job in protecting our community and which are called out to assist in often traumatic situations.

We as a government respect the work that is done by those emergency services. They play an incredibly important role in our community and it is an extraordinary waste of valuable resources for them to be called out on these hoaxes. Those who seek to undertake this type of hoax activity should bear the brunt of the law and cost recovery, and the odium of the community for such activities.

I thank the Leader of the Opposition and the Leader of the National Party. Clearly the bill enjoys the support of

both sides of the house. On behalf of the government, under the leadership of the Premier in bringing this legislation forward, I wish the bill a speedy passage.

Debate adjourned on motion of Mr LEIGH (Mordialloc).

Debate adjourned until later this day.

TRANSPORT (ALCOHOL AND DRUG CONTROLS) BILL

Second reading

Debate resumed from 18 October; motion of Mr BATCHELOR (Minister for Transport).

Mr LEIGH (Mordialloc) — I rise to put the opposition's point of view in respect of the Transport (Alcohol and Drug Controls) Bill. It is not the opposition's intention to defeat this bill in this house or in another place. It will not oppose this legislation for a number of reasons to which I will refer. The house may be aware that this legislation has come about because of three train smashes that occurred in recent times, certainly since the beginning of the franchising arrangements of Victoria's public transport and rail system. I will briefly refer to the three accidents: one was a goods train accident at Ararat; the second was at Holmesglen; and the third was at Footscray.

The first accident involved a goods train which was part of Freight Australia's operations. An employee of the company thought he was doing the company a service when he participated in pulling a lever. The action resulted in effectively derailing a goods train. What I have to say about the head of Freight Australia is probably a good example of what has happened in the industry since a private company has become involved in it. If it had been the old days of the Public Transport Corporation or V/Line there would have been no decisions for a long time, but there would be monumental inquiries and probably no action. Mr van Onselen is the chief executive officer of Freight Australia and he took an executive decision to remove from the company the individual responsible for that accident, who had been a company employee for some 35 years.

The derailing of that goods train obviously cost millions of dollars and had a substantial effect on the company, particularly I suspect on its insurance arrangements. It was disappointing when the union decided to enter into this by saying that Mr van Onselen had made wrong decisions, that he should not have acted, et cetera. Subsequent inquiries by the government and the company confirmed the decision of the managing director of Freight Australia to take the action. That is probably a good example of the operations of one of those franchises under the current arrangements.

The second accident took place at Holmesglen. For some reason the signalling system tripped a train's security system. The train shut down. The driver subsequently got out of that train at Holmesglen, manually reactivated the train, and proceeded to get back onto the train. There were some protocols in place about what a driver should do when a train is involved in such circumstances and that driver did not follow those arrangements.

Since the election of this government the Minister for Transport and the Premier cannot wait to get in front of the TV cameras to announce they are participants in anything to do with positive actions by companies, but the moment something is not right they have no control over it and it is nothing to do with them. They say, 'Don't talk to us about it'.

I will quote from some documents relating to the Holmesglen accident. I will make copies of the documents available to the house as they are not secret but public information that can be obtained from the library. The documents describe the government's actions after the accident at East Malvern and Holmesglen. A bold statement from the Minister for Transport was reported in both the *Age* and the *Herald Sun* of 28 July 2000. The minister was trying to make it look as if he was doing something constructive.

Under the heading 'Train company warned on crash' — and I will quote from the *Age* article in detail because it demonstrates that the government today controls the franchise system as much as it did when the government ran the totality of the system — the article states:

> Three investigations of a suburban accident are under way.
>
> The private rail operator of two trains involved in a crash in Malvern East could be stripped of its right to run trains if an investigation found the company was at fault, the Victorian government warned yesterday.
>
> Thirteen people were injured, three seriously, when an empty suburban train smashed into the back of a passenger train standing at the Holmesglen station at 2.30 p.m. on Wednesday. Both trains were run by Connex Trains, formerly Hillside.
>
> It is the second serious accident since the public transport system was privatised last August. Two freight trains, run by Freight Australia …

The article then refers to the Ararat collision. It further states:

> The government, Connex and Workcover are holding separate investigations to find the cause of the Holmesglen smash.
>
> Transport minister Peter Batchelor said private transport operators could face serious repercussions if they cut corners on safety and failed to meet government safety standards, which are backed by legislation.
>
> 'If they fail to carry out any of those requirements, the ultimate sanction the government has is that (it) can withdraw their right to their accreditation to provide transport services', he said.
>
> Under their 15-year franchise agreements with the state, the train operators could also be fined up to $1 million if they are found to have breached contractual obligations to run trains safely.
>
> For those punitive fines to be imposed, it had to be clearly established that the company was at fault, Mr Batchelor said. 'We don't know that yet. The investigations have only just started and there will be some time before we are able to answer that'.
>
> The government investigation, which Mr Batchelor said could take months, will examine signal and braking systems, maintenance systems, driver training, rolling stock and operational procedures.
>
> The accident is a blow to Connex, which this week launched a publicity campaign to promote its revamped trains.

The fact is that at the beginning of the investigation the Minister for Transport publicly stated that they were at risk of losing their licences. This is from a minister who consistently says he has no role in anything other than when nice things happen on the public transport system and he and the Premier turn up to the opening and claim credit for it.

This article identifies several things, but most importantly it identifies that the government is as much in control of the system as it ever was. For example, in the last few days wildcat strikes involving M Train have occurred on the public transport system. The Minister for Transport should be held to account for what is going on down there. For a start these are the buddies of the Labor Party, but more importantly, he and the director of public transport have a responsibility under the act and the franchise agreement to operate this system. Let it not be said that the government does not control the system, because it does.

There was a third crash which involved an empty train heading towards Newport crashing into the back of a Williamstown passenger train leaving the Footscray railway station, but as yet I do not know all the facts. The sad fact about what has taken place with accident procedures is that the government has been careful about releasing anything until it has gone through its own processes, particularly those involving the unions representing the staff of the various rail companies.

I believe the issue of safety on the public transport and freight systems is paramount in any consideration of whether the unions or the minister think this is wonderful. Hiding a document, as the minister did for some time with the report of the Holmesglen inquiry, and refusing my request under freedom of information by claiming it was a cabinet document, does not bode well for the government's attempts to improve the confidence of Victorians in public transport, including those who work in the system.

The opposition supports putting in place a regime that enables a train driver or somebody else connected with the rail industry to be drug tested when an accident has occurred. After all, a train driver carries hundreds of people on a train. It could be said that the protocols for dealing with a person driving a train are less strict than those that apply to you and I if while driving we are picked by the police and show a reading of .05. Clearly the opposition supports the aspects of the legislation that enable the government to clearly take control.

Several other things come to mind. I have been given advice that in the area of prescribed drugs the pharmacy industry and those who give out those types of medicine have some concerns about what the government has done and about the lack of direct contact on the issue. I understand that in recent days they have sought to contact the Minister for Transport to discuss the matter.

There is evidence to suggest that after a period of time a person acclimatises to the prescribed drugs they are taking, even though their doctor has prescribed the drugs because they are ill. I do not think the government has clarified some issues about that.

Clause 19, which is headed 'Further condition relating to work safety', inserts proposed section 117(4A), which provides:

> In addition, it is a condition of accreditation that a person who has been accredited must take reasonable steps to ensure that a worker who carries out, or is about to carry out, safety work for that person —
>
> (a) does not have more than the prescribed concentration of alcohol in his or her blood …

The bill then sets out a new offence with a fine of 10 000 penalty points.

This is probably the beginning of the industrial manslaughter legislation that the government proposes to introduce. However, I am not alleging that this

should necessarily be withdrawn from the bill. There is always an onus to do the right thing, whether it applies to individuals such as train drivers or to individuals who are responsible for making sure that people meet the standards they are supposed to meet.

We look like adding to the penalties that could apply to the individuals responsible for accreditation, but there is a balance in this that all of us should be aware of, whether we are on the Labor Party side or on this side of politics. For example, I come from the building industry. I was involved in a very serious industrial accident that impaired my use of one of my arms, and I have a fantastic scar to remember it by. In those days there were no safety cages — no nothing — when we worked up high. In part it may have been my mistake or it may have been the mistake of somebody else, but at the end of the day I was treated and went back to work.

This is a concern both sides should have. After all, if you have a good employee it is most important to retain them and make sure that you and the employee work together, because good employees are hard to get. I have talked about these issues to various people involved with the train companies. Nobody has objected to the legislation itself, although concerns have been expressed to me about aspects of it. I have noted them, and I am sure the government has also noted them.

One of the good aspects of the legislation is that it ensures that inspectors, whether from Connex or M Train, can deal with and test the individuals involved, regardless of whether they themselves are from Connex or M Train. The police can also be involved in the testing.

Once again I say that I am worried about the procedures regarding the unions and the different companies. The house may be aware of the example of Senator Carr's brother being involved in an assault on an inspector. The inspector came from one train company and Senator Carr's brother came from another. Despite the fact there had been a serious assault on an inspector, very little came of it because the person was from another company. That is not the way I believe our public transport system was meant to work. Obviously different companies are involved in this.

I often hear this government criticise the concept of franchised arrangements. However, I point out that the only reason these franchises came into being was the sabotage the transport unions inflicted on the Victorian public during the holding of the grand prix motor race. As a result of that sabotage the then Liberal government decided to franchise the Public Transport Corporation.

The onus is now on the government to run the system — and I note that the parliamentary secretary, the honourable member for Coburg, is in the chamber. In my view it is not good enough for the government to continually say, except when it suits, that it has little or nothing to do with the operations of the system. Along with the shadow Minister for Health I hope that when it lists the prescribed drugs it has concerns about the government will talk to those concerned in the industry. They have made contact with the shadow Minister for Health, who has directed them to contact the Minister for Transport.

I note that the drugs to which the legislation applies include relevant prescription and over-the-counter drugs, which will be specified by the minister by notice in the *Government Gazette*.

From my point of view as the shadow Minister for Transport this is not a piece of legislation that the opposition has a great argument with. The companies have a procedure for sacking the staff concerned. I reiterate that this is the real test for the government, given that it has control of the franchise operations and now that the minister has admitted that he is in control of the system.

The minister picked on Connex and slammed the company. When you read the article it almost makes the company look guilty before it even started. The fact is at the end of the day it was the driver's responsibility. The most worrying thing about all of this, going from that article of 28 July to one of 12 August, the only way the company had some resolve to do anything about this was to leak its own story to the *Age* and *Herald Sun*. The *Age* article was headed, 'Driver error likely cause of crash: Connex'. I do not know about anybody else, but I believe it is inappropriate that rail safety in this state between the minister and the companies is dealt with over the airways, with AAP and the broadcasting companies putting out statements. I read the minister's statement before, so I guess it is only fair that I read the Connex one. It says:

> A railway company rules out problems with trains, rails and signals.
>
> Driver error was a likely cause of the train crash at Malvern East last month that injured 13 people, a preliminary investigation has found.

Connex felt the need to go public in such a manner because obviously there was a great deal of disagreement between the minister and the union. I knew what was going on behind the scenes because people talk to me about these things. The minister had declared the company guilty, said he was potentially

going to remove its licence, and then you get banner headlines like that. The safety of passengers is put at risk. If passengers feel the company that is supposed to deliver them to where they are going to go is not safe, what effect will that have on the company other than it is going to lose people from the transport system. The result of that is there are more people on the roads, Connex is substantially fined because it does not meet its targets and we have a problem. I hope several good things have resulted from these three crashes. The first is that the minister puts a better procedure in place to quickly alert the public as to who or what was responsible and why, so that people feel it is safe to use the public transport system. If people do not think it is safe, they are not going to use it.

In my mind a much more open and transparent mechanism needs to be made available rather than the minister leaving the Holmesglen report sitting on his desk gathering dust for months, as occurred in that instance, and refusing access under freedom of information. Perhaps the minister has to have a better procedural arrangement between himself and the companies. I do not know whether they talk weekly, monthly or yearly, but clearly the government of the day has responsibility for the public transport system. Therefore whether the minister likes the idea of these franchises existing or not, he controls them and he has to make sure he takes the appropriate steps to do so.

From my observations of the public transport system, I believe it probably reached its peak in the way it was operating some few months ago. I think it is starting to slip back. The government and the companies seem to believe simply putting new trains in place is the best mechanism to improve patronage. I have a secret for both of them. I do not believe that is the answer at all. I think it is one of the answers that helps, but clearly we require everything from confidence in the system to a guarantee you are going to be delivered safely home at night. We have seen in recent days that that guarantee no longer exists.

We had the example the other day of the most irresponsible action by union members at M Train where in the middle of delivering children home from school it caused a snap rail strike. There were kids trapped on railway platforms all across the M Train system. I think that is appalling, and it is even more appalling that the minister decided not to intervene or take any action.

Mr Steggall interjected.

Mr LEIGH — He did nothing. He said nothing and did nothing. There was allegedly a safety issue involved in this. That safety issue was about the glass in these trains blowing out. A little birdie, let us say, told me that many months ago M Train sought to install the devices it needed on the glass to ensure that when they blew out they did not blow out on the passengers. But the drivers refused to have them put in. Then the drivers who were before the Australian Industrial Relations Commission decided, 'Oh, we are causing the strike because the trains are now unsafe, and as a result of that the trains are unsafe because M Train or National Express has not introduced the safety arrangements on the trains to stop the blow-outs out of these glass windows, and as a result of that we are going out on strike because the company has not done it'. You cannot have it both ways. The fact is the unions decided they did not want to participate in this and they refused to allow the company to put the glass protectors in. Ridiculous!

Mr Steggall interjected.

Mr LEIGH — No, the minister takes no regard of it. I know the honourable member for Coburg writes to the person in charge of the taxi directorate, and the rest of it. What did the government do about that? Did it involve itself in such a way that it would take action against the unions for doing what they did? No, it did not. It simply sat there and did nothing and pretended it had nothing to do with it. It was only when callers started screaming at radio stations that the Minister for Transport had to rush on the airways to say he was trying to do everything he could. But behind the scenes it did almost nothing.

I have to say in conclusion — and I will be saying it in this house until this Minister for Transport goes — that I simply go back to Labor's old friend, Mr Kenneth Davidson, who said of this minister that he is certainly not in control of his portfolio and he does very little about it. His words expressed it far better than I could when he said, 'He won't be one of the worst ministers for transport in Victoria's history because there's a big queue in front of him, but he'll probably go down as the laziest'. If I ever had the opportunity of being the Minister for Transport I would not like to have that description after my name. I would hope I would have the care and compassion to be an active minister who resolved the problems as they occurred. In rail safety, in anything that happens to the system, it is an ongoing thing. It is a living, breathing thing that continues to proceed. As a result of that the government has control of the system and must take those appropriate actions.

I hope the government has learnt some lessons out of these three accidents and that in the time it has left as the government of this state it learns to improve

procedures to make sure that those people who use our public transport system are the primary ones we should care about first to make sure they feel safe. Month-long investigations with ministers slamming companies on the front pages of our daily papers is not what I regard as the best way for a minister for transport to operate.

The opposition is not opposed to this legislation. Hopefully we do not have to deal with any more train crashes in Victoria. It is not something any of us wants to see, irrespective of the side of politics you participate in. One of the blocks in all of this with the current government is that everything to do with safety has to go through the unions in such a way that they appear to be the arbitrators of all of this. I think they are participants in it, but I do not think they are the deciders of all of this. I believe the minister should be the decider, in conjunction with the companies and their employees, including the unions. I have no problem with that, but I think it is time the minister took control of his portfolio and accepted the responsibility of running the system. As I have demonstrated today, the minister knows he runs it but he does not want to admit it because he does not want to take the blame when things go wrong. It is a two-way street: if you are going to take the credit, you have to take the blame when things occur.

Mr Baillieu — A two-way track?

Mr LEIGH — It is a two-way track — I might say a fast track one way and a slower track the other way. As I said, the opposition does not intend to oppose this legislation. I wish it a speedy passage.

Mr STEGGALL (Swan Hill) — I rise to speak on the Transport (Alcohol and Drug Controls) Bill and I wish to express the same feelings towards it as the honourable member for Mordialloc. The National Party will not be opposing this legislation.

It is an interesting time for the Labor Party when it starts looking at some of the issues like privatisation that it fights, scratches and claws over in some ways. Something many of us here have known for some time is that governments do not have to own something to control it. The government's control of these areas is pointed out by the existence of this legislation which shows that you do not have to own it to control it. We have had that discussion before and we will have it again in this and other parliaments. The Labor Party has never been very keen on acknowledging that fact. This legislation is a bit of a change. Offences and penalties are being introduced and responsibility for the actions of their staff is being placed in a legal sense on the owners and operators of these systems. It will be interesting to see just how this government handles the issue.

The honourable member for Mordialloc mentioned the strikes and the safety issues arising from them. There is a safety issue at a personal level for people trying to use the system; we do not seem to have any way to penalise or even criticise a person who puts the safety of an individual, in this case a passenger, in jeopardy. As it travels this line the government must be very careful that it is seen to be being even handed. The government must be seen to ensure that if it is going to apply penalties to owners in this way in the name of safety, it must take the same approach to unions and union movements which from time to time create safety issues through industrial action. This house has some difficulties in taking an even-handed approach to this because the Labor Party has brought to government its friends in the trade union movement. It is not something I expect to see the government do. However, I make the point that the government should be very careful as it travels along.

Notice was given today of the introduction of industrial manslaughter legislation into this place. There will be an interesting debate and discussion in our community about the ramifications of that legislation, how this community will handle it and what it will mean. Will it have a responsibility for the work force side of business through the union structure and organised labour and the actions they take from time to time which cause problems? Will we get a balance? In the past I have listened to many contributions made by a former honourable member for Springvale about workplace safety and Workcover issues. They were always very good. He always had a very strong belief in safety in the workplace. Are we starting to use that new-found acceptance of safety in the workplace? I think it is good and it is getting better, but is it now starting to get a bit one-sided and give a power advantage to a union structure in certain industries?

That is a little bit of philosophy that honourable members might consider. Those of us who are not part of the Labor Party friendship model of the trade union movement are anxious to see that we have a balanced approach to these areas in legislation and in our courts. For a government to move in one direction and not in another engenders feelings throughout the community which usually lead to a reaction in this place whereby one side will overcook it in one direction and spoil the whole operation and some years later when the other side of politics gets into government it overcooks it the other way. I make that comment because it is interesting in the way governments throughout the world have gone with privatisation that a government

does not have to own an entity to control it but when it is imposing controls a government needs to have an even-handed approach.

The purpose of the bill is to prohibit the carrying out of safety work while impaired by a drug and to make further provision for a condition of accreditation that requires persons accredited by this act to take responsible steps to ensure that workers employed or engaged by them do not carry out safety work after consuming alcohol or while impaired by any other drug. The bill creates a new offence for a failure to comply with a condition of the accreditation I have referred to. The bill places full legislative onus on the accredited persons and the companies for all their safety workers. It underpins that requirement with a new maximum penalty of 2000 penalty units or $200 000: it lines the actions up with a penalty. In a way it is a quality assurance program for workplace practices but instead of having a commercial advantage at the other end it has a penalty and a court process for it. The National Party is not opposing that. I am just pointing out that this society and I believe this Parliament, and certainly from our position as members of Parliament representing country areas, will be pleased to see an even-handed approach to this.

Looking at the summary of this legislation, it will be an offence for a safety worker to perform safety work while impaired by a drug. Unlike the road safety legislation the defence that the employee was acting on medical advice will not be available under these amendments. This difference is considered appropriate by the government because of the substantial public safety aspect of train and tram operations. The National Party does not have any problems with that. The authorised person will be able to require a drug assessment test for a safety worker before they commence safety work, while they are performing the work, for 3 hours after they finish the work and following an accident or incident at their workplace. Interestingly, a police officer will also be able to require a drug assessment test after an accident or, if requested by the rail operator, after an incident. That is all reasonable. I imagine it would have been the case before with alcohol, but now you can go looking for blame in areas beyond the person involved.

This opens up the area where our society gets into trying to sheet home the blame. We are at an interesting stage in many aspects of our society. The Labor Party personifies beautifully the politics of blame. I guess every political party in government does it from time to time, but blame always has to come through and it is always someone else who is to blame for everything. This legislation will deepen that blame beyond the person responsible to the person who employs that person.

The test may only be conducted if there is a belief on reasonable grounds that the worker may be impaired by reason of behaviour or appearance, except that following an accident a test may be conducted in every case. That is what I believe will be the case. It will become a condition of accreditation that an operator must ensure that their employees comply with the drug and alcohol safety management systems, and it will be an offence for the operator to breach this condition. It will also be an offence against the company involved if an accident occurs as a result of its failing to comply with the new conditions. The procedure for performing tests will be specified by the Secretary of the Department of Infrastructure. We are not sure what the procedures will be yet, but that is not unreasonable.

The drugs to which the legislation applies will include relevant prescription and over-the-counter drugs, which will be specified by the minister by notice in the *Government Gazette.* The legislation covers not just illicit drugs but a range of drugs which can and will from time to time impair people in various ways. The courts will have an interesting time working out which drugs impair different people, because our bodies are all different and the reaction to various drugs, particularly prescription drugs, will vary from person to person.

It will be an offence to refuse to undergo a drug assessment test or to refuse to supply a blood or urine sample where the sample can be requested. As with the road safety legislation, the video recording of drug assessment tests will be necessary for prosecution, and the videotapes must be destroyed when no longer needed.

The evidentiary provisions are similar to those in the road safety legislation with respect to expert testing and evidence. The act will also be amended to allow the secretary to authorise officers to conduct tests anywhere in the tram or train system, not just within the company nominating them. A limit is imposed on legal action against the person taking blood or urine samples for the purposes of the act.

The National Party had difficulties with some areas, and a colleague in another place, the Honourable Barry Bishop, participated in consultations on the legislation. Our concerns revolved around three areas, one being the role of authorised officers. There is some nervousness out there as to how the authorised officers will operate, particularly as they go to various

companies, so we put a request to the minister. I will read his response to the query on authorised officers:

> You asked about those authorised officers to conduct drug tests. First, let me state that it is intended to rely primarily on authorised persons employed by the rail operators to conduct any necessary drug tests. This is consistent with current arrangements whereby the prime day to day responsibility of the implementation of drug and alcohol controls rests with the rail operators. The bill provides for the authorisation of officers employed by the Department of Infrastructure to conduct tests. It is anticipated that departmental officers would only be conducting tests in exceptional circumstances.

Being a newly privatised industry there is a shortage of trust and understanding between the parties involved, and I hope that will improve. The minister's response continues:

> You raise an important point about the potential for a number of authorised officers to attend an accident location and the need to minimise any potential clash of roles. That issue will be borne in mind when the drug testing procedures are designed.

So we have to wait for that. If we get a series of authorised officers from various places attending an accident, the procedures are to be determined by the secretary and gazetted under proposed section 96A(7). They will be developed in the period prior to the act coming into force on 1 July next year.

> Consultation will take place with all the relevant parties including unions represented in the industry, accredited operators, Victoria Police, Vicroads and health professionals when preparing the testing procedures.

We look forward to a clarity of approach in all that.

On the issue of rail operators taking reasonable steps to ensure compliance with drug and alcohol systems, the chief aim of the bill, according to the minister, is the prevention of accidents and not the prosecution of workers or rail operators. Only in extreme circumstances would a rail operator face prosecution. We should reflect on that and remember that that is what the bill is about if the unions start demanding or threatening, as we see happening in so many matters now. The notice today of the introduction of the industrial manslaughter legislation makes you wonder whether this legislation is going that way. I am trying to get through to the parliamentary secretary that there are some doubts about the direction the government is taking and its power and influence with its friends in this regard. It is not easy.

The words from the minister are good, but we need action to balance that, so it will be interesting to see how the process proceeds. To continue with the minister's response:

> The bill imposes a statutory duty on rail operators to take reasonable steps to ensure that their safety workers comply with the drug and alcohol provisions of the Transport Act. This is to ensure that responsibility for compliance with drug and alcohol controls is shared between safety workers and rail operators and reflects the public safety importance of these provisions.

Once again we are moving that responsibility — or perhaps the responsibility is not moving but a penalty is being put in place, with the responsibility on the employer. Maybe that is where we start to test out the goodwill that might or might not exist in certain pressure points, and in industrial relations in this area those pressure points usually arise with the rail and tram accidents that occur from time to time.

The minister goes on to state:

> You correctly point out that under the existing conditions of safety accreditation, rail operators must provide a safety system which controls use of alcohol and illegal drugs. However, the bill extends these requirements to cover over-the-counter drugs and prescription drugs. Prosecutions would only become relevant where a rail operator had not taken reasonable steps to enforce its accredited system for drug and alcohol management.

In the next year or so we will have to work out just what those reasonable steps will be, what is accepted and what the court will accept as the legislation is tested through the courts from time to time.

The minister also states:

> Section 118 of the Transport Act already makes it an offence to fail to comply with a condition of accreditation and imposes a maximum penalty of $20 000. The new offence has a substantially higher maximum penalty of $200 000, which is commensurate with the bonus/penalty regime for on-time running under which public transport train and tram services are provided.

It is an interesting point. I wonder whether the size of the penalty will have a great role. I would hope it does not. I have a great deal of difficulty when people say, 'We are going to have a safer system because we can fine you a greater amount if you fail in some way'. I hope that through the operating procedures and agreements between the government and the rail operators we will see other ways of dealing with safety issues.

I keep coming back to the point I am trying to make, which is that the test is always going to be the penalty. The test for this legislation will be the penalty and the courts, and the belief that safer operations will be enforced by them. Over the years both sides of the house have wrestled with the Workcover system to try to create a balanced approach that will encourage employers to provide safe workplaces and encourage

employees to conduct themselves in a safe manner in their work.

The implementation of the penalty side is always difficult, and the introduction of the offence of industrial manslaughter will put a different emphasis on how we balance the employer–employee relationship. The government will bring forward plenty of arguments about that, and it will be interesting to see how it is able to draw the edges and where the provisions will kick in. In a strange way that comes through in this legislation as well. It is not the general thrust and approach to safety in the operation of our train and tram systems. I believe the goodwill that exists with all operators and employees is vital to the success of their operations, so why on earth would they want to do it? But here we have a government imposing heavier civil sanctions against them.

The other issue raised with the minister was the use of evidence regarding the successful prosecution of a safety worker in the prosecution of a rail operator. The minister states:

> The bill allows evidence that a safety worker has been found guilty of a drug or alcohol offence to be provided to a court hearing a charge against a rail operator. This is an evidentiary provision designed to avoid obstacles normally associated with bringing evidence of another's conviction before a court. It will save court time by allowing a prosecutor to present evidence of a worker's conviction without the need to argue whether or not the evidence is admissible in every case. This provision will not alter the usual onus of proof and will not prevent the defendant from calling evidence as to its policy and usual practices to show that it has taken steps that a reasonable rail operator would take in all the particular circumstances.

Once again the edges are starting to be drawn, and it is the edges of the legislation that are going to give us the anxiety that can be used to disrupt in many ways. I hope that if a union starts using against operators some of the safety procedures this bill introduces the government will take an even-handed and proper approach. The Labor Party is going to be tested now. It has wanted to do some of these things for some time, and now it is introducing this bill and the offence of industrial manslaughter and testing these areas. With goodwill and good faith the legislation before us should be okay, but if the government and its friends decide to use it as a weapon it will be dangerous. I hope and trust that will not happen.

I wanted to read the minister's response into the record. He spells out the broad base of how the legislation is intended to operate, and the opposition hopes that will be the case in practice. The bill brings in a new offence of a safety worker performing safety work while impaired by drugs. It will be an offence for an accredited rail organisation to fail to comply with the rules of this bill against the use of drugs that are to be specified, both illicit and legal and prescription drugs — and we will have to wait for details of those drugs. It complements the existing ability of people to conduct preliminary breath tests in the train and tram industry, and it authorises officers employed by the department to conduct such tests. I hope that the balance is kept between those areas and the set of procedures and that the agreement on the procedures is put in place so that everyone understands the rules and what is expected of them.

I finish where I started: it is proof again that governments do not have to own something to control it. In many ways it is easier for a government to control something that it does not own than something it does. I trust that this legislation will go forward. I hope it does what it sets out to do and it will improve safety. I do not know whether the increasing of penalties and new penalty provisions is a way forward, but that is something that will be tested. The National Party will not be opposing that. We wish the bill a speedy passage.

Mr CARLI (Coburg) — I support the Transport (Alcohol and Drug Controls) Bill. I am pleased to follow the honourable member for Swan Hill and the honourable member for Mordialloc, because they have been extremely constructive in speaking on this bill. That is very much to do with the nature of the bill and the importance of rail and train safety in terms of what is entailed within it.

It is interesting to have this type of bill in the house. It resembles legislation on road safety where there has been an historical bipartisan approach, which seems to be followed in this bill. The comments made in the debate have been very constructive and positive. Obviously some issues have arisen and I will take up some of them in my contribution and see how the practice will alleviate some of the concerns raised by the two previous speakers.

The purpose of the bill is to prohibit a person from carrying out safety work on rail and tram systems while he or she is impaired by a drug. The bill provides for the minister to approve and publish in the *Victoria Government Gazette* a list of drugs to which the legislation will apply. The list will initially be based on those drugs to which the drug testing powers apply in the Road Safety Act. Basically the drugs that have already been identified in the Road Safety Act and have been put in a list on the issue of impairment will appear on the initial list that will be gazetted by the minister. Those drugs will be gazetted because there has already

been extensive consultation about them. The list is widely recognised by the medical profession and will provide rail safety workers and their employers with the necessary consistency to comply with the new provisions.

The government wishes that these provisions only apply where a person is impaired in undertaking safety work. It was certainly pointed out by the two previous speakers, particularly the honourable member for Mordialloc, that there has been some concern within the pharmaceutical and medical industry around the issue of prescribed drugs, in particular their dosage, effect and implications given that a long list will be provided in the gazette. Concerns have been expressed about the people taking prescribed drugs as safety workers, the impact of those drugs, and how people will know that they are not breaching the act.

It is very clear in the legislation that we are only dealing with cases of impairment in undertaking safety work. Provided a listed drug does not impair, that the prescription and the dosage provided by the medical practitioner or in the case of drugs purchased over the counter do not actually affect performance, a safety worker can continue to work while using the drug. The issue is about impairment and the test for impairment will in part be similar to the one in the Road Safety Act, plus there will be other procedures and testing to determine the presence of particular drugs in the bloodstream.

The provisions are not meant to discourage workers from taking appropriate medication when they need it. While a dosage is within a level which does not impair that worker he or she will be able to take that medication. It is not a zero tolerance rule, if you like. It is a rule around the issue of impairment. Although existing legislation requires safety workers to have a zero blood alcohol level, the drug provisions do not refer to a particular level of drug in the body and the drug control regime will only be activated if the listed drug level is such that the worker's ability to perform safety work would be impaired.

Safety workers will need to ensure that if their performance may be impaired by prescription or over-the-counter drugs they report the matter to the supervisor. However, there will not be any requirement that the worker inform the employer as to every drug that is being taken from the gazetted list. There will be no compulsion on the worker to go to their supervisor on the basis that they are taking a particular drug that may be on the list. That will be required only if the worker considers that he or she is being impaired by the effects of the drug. This is an important distinction. We are not dealing with a zero tolerance as we are with alcohol and safety workers, where it clearly is a zero level and there is to be no alcohol in the blood. We are dealing with the issue about whether the prescribed drug or over-the-counter drug is beyond a limit that will impair the worker's performance.

One of the purposes of the bill is to encourage a culture in public transport that recognises that many substances, both legal and illegal, affect a person's ability to perform work. In the context of tram and train operations this is an important safety issue. The government is dealing with the situation of trying to raise awareness. Part of raising awareness is obviously an education role within the industry to ensure that operators, as employers and workers, are very much aware of this bill and the issue of impairment and how drugs may affect their performance. The provisions will foster a greater understanding of the need for those working in areas of public transport, which affect public safety, to ensure that they are aware of the effects that prescription or over-the-counter drugs may have on their ability to perform their work.

The government is keen to ensure that drug testing procedures will be implemented in the act. We certainly want to ensure that workers are not discriminated against in the workplace because they have taken particular medication. We want to ensure that safety workers in the tram and train industries are well prepared for the implementation of this legislation and that the procedures are appropriate and supported by all those involved. To make all this possible there clearly has to be a process of engaging the various stakeholders, including the workers, and of providing a level of education as this legislation is implemented.

It is intended that there will be extensive consultation with the tram and train operators, the unions representing the industry, Victoria Police and Vicroads, as well as the bodies representing the medical professions, which include the Australian Medical Association (AMA). Basically all those parties will be involved in the protocols and the education and training which will support this legislation. The bill is part of a greater process being undertaken by this government, with the support of the Parliament, to raise awareness of workplace safety as it is affected by drugs, whether legal or illegal.

Clearly legislation itself is not enough, as was pointed out by earlier speakers. The operators and the workers, represented by the unions, will play a major part in the process by which the bill is implemented, as will the AMA, the pharmacy industry and various other players.

In implementing this legislation we are looking at involving all those affected.

The aim of the bill is the prevention of accidents; it is not the prosecution of workers or their employers. I accept the concerns of the honourable member for Swan Hill, who fears that this legislation will be used to attack workers or employers. That is not the intent. Instead the intent is obviously to change the culture of the workplace, and it is only in extreme circumstances that a rail operator will be prosecuted. Prosecutions will become relevant only where rail operators have not taken reasonable steps to enforce the accreditation system for drug and alcohol management. It is not intended that the maximum fine of $200 000 will be used frequently or like a big stick. We will have an accreditation system for operators for the management of alcohol and drug use by all safety workers. We intend to use fines only where reasonable steps have not been taken. Only where there has been a complete conflict with the accreditation system will we possibly use the fine system.

The honourable member for Swan Hill should have no concern. I note that he found the comments of the minister, in reply to correspondence from the Honourable Barry Bishop in another place, very reassuring. They were 'good words', in his terms. And they are good words, because the intent of this legislation is not to attack the operators. It is about cultural change and about ensuring that the operators and line managers, if you like, recognise that they have an accredited system in place and that it should operate effectively.

The honourable member for Swan Hill also raised the issue of authorised officers. We are still developing the procedures and the protocols, but there will be authorised officers for the simple reason that the operators are the main people responsible for ensuring that safety workers are aware of their obligations relating to drug and alcohol impairment. The operators will have accredited officers who will be responsible for regular testing, on-the-spot testing and testing after accidents.

I suppose that is part and parcel of the fact that the state government and governments in general no longer have a complete command or control system in place. The government is no longer the employer. The railways are private franchises, but they are contractually responsible for having an accredited system in place for the management of drugs and alcohol. They have a clear responsibility to have the authorised officers who will be responsible. However, in cases where there may be prosecutions the responsibility will rest with the police force, which continues to have a major role with any prosecutions that may arise.

The honourable member for Swan Hill raised a concern about rail operators being victimised. He was reassured by the good words of the minister, and I can only repeat that the government is not seeking to attack operators through this legislation. It becomes a question only if reasonable steps are not undertaken by operators to ensure that their accredited systems are functioning. As I said, the honourable member for Swan Hill seemed reassured by that terminology and those words. I repeat that that is the intent of the legislation, and that will be the intent as we move towards setting in place procedures and practices that will assist in the implementation of this legislation.

The third point raised by the honourable member for Swan Hill was the use of evidence and the possibility of a reverse onus of proof because evidence used to prosecute a worker can be used in a case against an operator. Again the honourable member for Swan Hill seemed reassured by the fact that this is only an evidentiary provision designed to avoid obstacles in bringing evidence of another conviction before a court. It needs to be said that that is also the advice given by legal experts within the Department of Infrastructure and is also the advice given by parliamentary counsel.

It seems quite clear that there is no reverse onus of proof. The reason the government is seeking to provide the ability for evidence to be brought before a court is to make it unnecessary for evidence to be re-established and re-presented if it has already been presented in a case against a worker, but the rest of the legal procedures remain. The case still has to be built up, and there is no concern that somehow operators will be considered guilty as a result of the prosecution of their workers. Every other element of prosecution and the rules of prosecution remain. This legislation provides an opportunity to remove certain obstacles that currently could exist in certain circumstances.

As I said, that is a concern that was raised by the honourable member for Swan Hill. There is no reverse onus of proof, which this legislation makes fairly clear. That point has been made very clear in the replies given by the minister to the matters raised by the Honourable Barry Bishop in another place.

It is good to see this Parliament rising as one on the issue of the safety of our train and tram systems. It is necessary that we ensure that we have a decent structure in place and that there are reasonable protocols and accredited systems. This legislation also provides a big stick, and will prohibit workers from

performing safety work if they are impaired by drugs, which might be legal or illegal.

The issue of rail safety also came up. The honourable member for Mordialloc expressed concern that the government does not do enough about rail safety. All I can say is that it is a priority issue for the Bracks government, which is committed to protecting and improving rail safety. The government is the regulator for safety and rail in this state and, as was pointed out by previous speakers, has a major role to play.

The government has provided strong and transparent investigation of rail accidents. The honourable member for Mordialloc mentioned three accidents. The reports on those accidents have been very detailed. The Australian Transport Safety Bureau has undertaken the role of accident investigator. As a result of those accidents the government has acted and strengthened the power of rail acts and investigators, and it has made changes to the Transport Act. A policy of releasing the findings of investigations to the public has been adopted. The government has implemented major recommendations stemming from those investigations. For example, the report into the Holmesglen accident recommended addressing the use of prescription and over-the-counter drugs. The recommendations from the Holmesglen accident have been picked up in this piece of legislation, which demonstrates that not only is the government transparent in dealing with those accidents but also is prepared to act quickly on the recommendations that have come out of the investigations.

The government has undertaken a whole-of-system hazard analysis to look at various areas of concern within Victoria's rail system. That followed a recommendation by the Australian Transport Safety Bureau following the investigation of the 1999 accident in Ararat. The Department of Infrastructure has overseen the safety accreditation system for the franchisees, with the rail operators conducting regular audits. A series of spot audits are also undertaken to ensure that transport operators meet their obligations under the rail safety accreditation process.

Also, a series of safety-related works have been undertaken by the government. One of these has been a study of rail pedestrian crossings, which was conducted to look at again prioritising those rail crossings that need to be fixed up. Safety works were identified by the Ararat inquiry. The government has commissioned safety-related works to improve the main interstate line by reducing risks associated with human error. The government has also established a code of practice for the defined interstate network to ensure that there is a common code for all interstate rail systems. It has also established and convened a safety forum, the Victorian Industries Rail Operations Group, which represents a lot of parties who are interested in this state's rail safety and which will look at issues of rail safety, system compatibility and standards.

Safety has been of paramount importance to this government. We are very proud of its response to the unfortunate and tragic accidents that have occurred in our rail system. We are seeking to act very quickly so that we not only fulfil our role as a rail and tram regulator in ensuring that the various systems and operators have accredited systems in place but that we provide the legislative framework to ensure that we have and continue to have some of the highest safety standards not only in Australia but in the world. I am pleased that debate on the bill has been constructive. I wish it a speedy passage. It is important that it has bipartisan support.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until later this day.

PERSONAL EXPLANATION

Mr WYNNE (Richmond) — In my contribution to the debate on the Sentencing (Emergency Service Costs) Bill I stated that this legislation was retrospective to 11 September 2001. That is not the case. The legislation will take effect from the date of the passage through Parliament and its subsequent royal assent. I take the opportunity to correct the record at the earliest opportunity.

PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL

Second reading

Debate resumed from 18 October; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr PLOWMAN (Benambra) — It is with pleasure that I speak on the Petroleum (Submerged Lands) (Amendment) Bill. The petroleum industry has created a great deal of wealth for Victoria and it has brought a great deal of certainty to Victorian industry by the development of the offshore fields off Gippsland of which we are all aware. We all tend to underestimate how important this has been to Victoria and to its development over the past 30 or 40 years. Any

legislation that improves the industry's opportunity to continue to develop and to explore and the state's opportunity to benefit from that is of great advantage to the state.

The opposition supports the legislation because it provides a better framework within which the industry can further its advancement in the development of and research into improved processes and into the exploration of existing and potential oil fields. Based on our communication with people in the industry, the bill has the industry's support, which highlights the opposition's reason for supporting the legislation.

The federal government's responsibility to monitor exploration and extraction outside the area of the state's responsibility is being mirrored for that area for which the state is responsible, which is 3 nautical miles off the coastline. The bill covers activities such as exploration, extraction, pipelines, the infrastructure — rigs, wellheads, et cetera. It is comprehensive in its approach to the current situation.

As I said, the purpose of the bill is to give status to the Victorian legislation to mirror the commonwealth act, and that is to accord with the Offshore Constitutional Settlement of 1967. Certainly it is important to have a single process for the exploration for and extraction of oil and gas from petroleum resources of all submerged lands either under the control of Victoria or the commonwealth. The Victorian bill applies to territorial water, which is 3 nautical miles off the coastline, and to commonwealth responsibilities for the area outside territorial water. The bill mirrors the existing legislation and therefore achieves common principles, rules, regulations and practices for those people involved in the industry for both the exploration for and extraction of petroleum resources.

Interestingly enough Victoria administers both sets of waters. It has responsibility for the administration of that contiguous area under the control of both the commonwealth and the state. The main objective is to facilitate a level of certainty which in turn minimises any regulatory compliance and therefore reduces regulatory costs. As well as clearly limiting the costs to both governments by having a single administration, the cost to each government is lessened.

It has also been considered that smaller players in the industry would find it harder to comply with two sets of requirements, therefore having the state determine both federal and Victorian compliance reduces any impediment to the smaller players who might have difficulty in meeting legal obligations or the costs of regulatory compliance. It is of interest to note that the legislation mirrors the seven amendments made to the 1967 commonwealth act since 1994.

It is fair to say that activity in Victorian waters has been relatively limited. One well was drilled in 1967 and there was a small gas discovery, but mostly this legislation covers access of pipelines in Victorian waters, particularly across the Victorian basin for Esso BHP, and the transportation of oil and gas across the Gippsland basin is to ensure that compliance for those pipelines is uniform for both sets of waters.

I understand there are currently no exploration permits for Victorian coastal waters, but there has been an enormous upsurge of interest in waters off Victoria. Undoubtedly with that upsurge of interest there will be greater exploration and greater finds, and with that the need for more pipelines to transport gas and oil from the new fields to the onshore facilities. There have been cases where a single facility has been required for a number of smaller fields, and production licence areas certainly will allow that to occur. Such a facility will be allowed to continue after production has ceased. The retention of those production facilities through infrastructure licences is an important improvement.

Another improvement introduced by the bill is the provision which will allow companies to bid for guaranteed work programs in exploration areas. Instead of putting the capital forward, they will be judged on the bids they make for the work programs. That in turn will free up their own capital for development. This obviously gives those companies wanting to explore for oil and gas resources the opportunity to utilise their financial resources rather than tie them up in bids for areas for which they are interested in getting exploration licences. Work program bidding is certainly a means of ensuring the maximum use of available capital.

Bids for exploration acreage are often taken up by joint ventures. The bill allows for the continuation of an application for an exploration licence if one of the joint venture partners withdraws from the consortium. Another provision in the bill covers groups that withdraw from applying. That can occur without the necessity of restarting the process. So if there is more than one bidder in an application for an area, the process will not have to be restarted by way of readvertising and so on. It will enable an alternate bidder to be successful.

The bill limits the number of renewals of exploration permits. That provides an opportunity for more operators in the industry to carry out exploration. In the initial term the acreage will be granted for a period of

six years. After that six-year period the amount of area that has been applied for successfully will be reduced by 50 per cent. After each five years that will be reduced by an additional 50 per cent, until the area gets down to four blocks. Once the area gets down to the size of four blocks the permit will be surrendered. So after each five-year period the area taken up by a company with an exploration licence is made available to other applicants. That is a valuable inclusion in the bill. However, when a discovery is made the exploration licence can be transferred to a retention licence. That permit may then be continued once the find is actually located — and until the minister decides whether it will revert to an extraction licence.

I am a little concerned, because the bill suggests that if it is in the interests of the state, a permit or lease might be suspended where a person or a company has discovered petroleum. I am not sure what is involved in that decision. What determines the interests of the state that would warrant a permit or lease being suspended? The opposition is concerned about that aspect of the bill, although there have not been any concerns registered by industry. I think it takes what the government says in good faith. It would be of value to opposition members to know what contributes to something being of such importance to the state that a permit or lease might be suspended. I hope the minister gives that information to the opposition in her closing statement.

The minister must grant a production licence if petroleum is discovered. The minister has the right to refuse that application only if written reasons for that decision are given — and there would need to be an absolute justification for that. Again there is concern as to why, under any circumstance, a minister might decline that licence, because if a company has put the money forward for the exploration and then discovered a petroleum product, I cannot see any justification for refusing that extraction licence.

The bill clarifies issues concerning pipelines and pipeline licences being held by non-owners of production licences. The second-reading speech refers to the Tasmanian pipeline, where Duke Energy is not a production licence-holder, and gives the reason for that being included in the bill. It also provides that if a petroleum product originates well outside the area in which the production licence occurs, a pipeline can go through an area over which there is no production licence. That is absolutely justified.

An area of concern for industry is where a pipeline or a proposed pipeline is to go through another company's production area. Sensibly that requires consent because of the danger of putting a pipeline through another production area. Any uncertainty as to where that pipeline is could lead to an accident, and that accident could be of enormous consequence. That is a good inclusion in the bill, but I note that water pipelines and other secondary lines will no longer be required to have pipeline licences. It is of interest to note that the term of pipeline licences will be extended from the existing 21 years to an indefinite term, which means that as long as the field is productive the pipeline would be allowed to continue. In the case of a small field being located it is important that that does not mean the exploration of a whole area is not available to the industry. The five-year minimum licence will mean that companies cannot prevent others from gaining access.

Although I would like to say a lot more on the bill, time is running short. I will finish by saying that the industry has created enormous benefit for Victoria. Clearly when the Kennett government was in power a lot of work was done to promote development in this area to increase the competitive market in the exploration of petroleum products. We are now benefiting from the exploration that occurred during those years.

The bill purely mirrors the federal legislation, it will make it easier for industry, and it will give greater certainty for investment. On behalf of the opposition I support and commend the bill to the house.

Mr KILGOUR (Shepparton) — I rise to speak on the Petroleum (Submerged Lands) (Amendment) Bill, which is a very important bill considering the importance of petroleum to our way of life in Australia. As the house will break at 6.15 p.m. so honourable members can attend a function in Queen's Hall to celebrate 150 years of the upper house, I will be brief in saying on behalf of the National Party that we will not be opposing the bill. This is a sensible bill which will bring the act into line with commonwealth legislation.

Petroleum exploration is very important to the future of this country. We in country areas are very concerned about the price we pay each day for petrol compared to the price paid in Melbourne. It seems that something happens as you cross the Divide; whether you are in Wodonga or in Shepparton, the price of petroleum you pay in those places compared to the discounted prices in Melbourne means that it costs you a lot more money to run a business. Whether you are running a marine supply business in Shepparton, are driving a four-wheel-drive gold fossicking and enjoying yourself for the weekend, or running motor boats, it is a very expensive exercise in country Victoria because of the price of petrol. As far as we are concerned petrol

exploration is a very important part of what might happen in the future with the price of petrol.

This hinges around the Offshore Constitutional Settlement of 1967, when the Australian states reached an agreement with the commonwealth on the exploration for and exploitation of the petroleum resources of submerged lands adjacent to the Australian coast. It was agreed then to submit to the respective parliaments legislation relating to both the continental shelf and the seabed and subsoil beneath territorial waters and to cooperate in the administration of that legislation. As part of the Offshore Constitutional Settlement the commonwealth passed the Petroleum (Submerged Lands) Act 1967. The states then challenged the commonwealth's assertion of sovereignty under the Seas and Submerged Lands Act 1973 over the then 3-nautical mile territorial sea.

The High Court upheld the commonwealth's assertion of sovereignty and arrangements were then made and collectively known as the Offshore Constitutional Settlement. The states and the Northern Territory were given title to an area called 'coastal waters' consisting of all waters landward of the 3-nautical mile limit. In relation to petroleum each state passed legislation to give effect to the agreement — the Petroleum (Submerged Land) Act of 1982 of each state.

The preamble to the commonwealth and state acts reflects the agreement. In particular it was agreed that the commonwealth and states should endeavour to maintain, as far as practicable, common principles, rules and practices in the regulation and control of the exploration for and the exploitation of the petroleum resources in submerged lands, commonly referred to as mirror legislation. So what we are seeing now is mirror legislation as far as the commonwealth and other state acts are concerned.

The Victorian act has been amended a number of times since its commencement to reflect the changes in the commonwealth act. The last change to the Victorian act was in 1993. Since that time there have been seven relevant amendments to the commonwealth act. This amendment to the Victorian act will bring it mirror status.

As I see it, it is certainly desirable to have identical language and corresponding numbering of provisions in both the commonwealth and state provisions. It is proposed to complement certain amendments to the commonwealth petroleum act. I am sure that as we see through this legislation we will see that we are speaking in the same language as the federal Parliament.

The National Party made contact with the Australia Petroleum Production and Exploration Association. It wrote back, saying:

> APPEA supports the Petroleum (Submerged Lands) (Amendment) Bill since it brings the Victorian act into line with amendments already made to the commonwealth act. We regard this consistency as important.

The bill provides for a number of things, including the strengthening of the current work program bidding process. It limits the number of renewals of exploration permits. This will provide for greater turnover in acreage and access to that acreage for more players. Permits will be granted for an initial term of six years. At the end of that time there will be a relinquishment of 50 per cent and the remainder will be renewed for a further five years.

The bill also clarifies that pipeline licences can be held by non-holders of production licences. It also makes it clear that the petroleum within the pipeline can originate from outside of the adjacent area. This will provide for a more certain title for pipelines such as the Tasmanian pipeline, where Duke Energy is not a production licence-holder but runs a pipeline. There are of course a number of pipelines under the sea, particularly in Bass Strait. A pipeline proposed to run through another person's production licence area will require the consent of the production licence-holder and will require ministerial override.

The bill creates a new offence of intentionally or recklessly interfering with or damaging pipeline operations. The maximum penalty for that offence is 10 years imprisonment. That reflects the potential risk that such an action could bring, particularly of the damaging of a pipeline — and we know what could happen if oil were allowed to flow into the sea.

The bill revises the cash bidding arrangements for surrendered areas in which petroleum has been discovered. There will be great economic benefit to the petroleum industry, and this bill certainly supports that. The current work program bidding process will be strengthened, so that rather than bidding cash for areas companies will bid a guaranteed work program that they will undertake. This makes capital available to undertake exploration rather than having acreage tied up as real estate. So looking at the pros and cons of the bill, the National Party has no concerns about it and hopes it has a speedy passage through the house.

Sitting suspended 6.15 p.m. until 8.02 p.m.

Mr HOWARD (Ballarat East) — It is with great pleasure that I enter the debate on the Petroleum

(Submerged Lands) (Amendment) Bill, which is a significant piece of legislation brought forward by this government.

As a background to the bill I inform the house that the government is keen to promote and encourage ongoing exploration for gas and oil in this state as part of an overall strategy to further expand the state's supply of energy and to expand our options in that area. This government has committed an additional $7.5 million to petroleum industry development and regulation over four years, and over the last year we have had an unprecedented level of exploration for gas and oil. Onshore, via Santos and Beach exploration, there have been five discoveries of natural gas in the past six months. Offshore extensive work has been done in the Gippsland Basin and the Otway Basin with very encouraging results.

This legislation mirrors the federal government's legislation on petroleum and submerged lands over recent years, recognising that the state's boundaries go 3 nautical miles beyond the shoreline, where federal government territory begins. However, the state enacts for exploration and production licences beyond the 3-nautical mile limit on behalf of the federal government. This government wants to encourage further exploration and, although not a lot of work has been done within the 3-nautical mile limit, it wants to ensure that the state legislation mirrors the federal legislation so there will be no complications if companies wish to carry out exploration and eventually production within the 3-nautical mile coastline zone.

This legislation reflects common principles with the federal legislation and ensures that any company that is looking to explore for oil or natural gas off our coastline is in no doubt about where it would stand in regard to permits and being secure about any finances it invests in these areas.

The legislation relates to a number of new areas which I would like to talk about. I will not go into all of them, but it creates infrastructure licences, for example, separate from the existing production licences to enable production facilities to be built under separate licences. That ensures security of tenure and greater flexibility in the way the industry can operate.

It also strengthens the legislative framework for what we have called the work program bidding system, under which companies that wish to take explore particular areas bid by stating effectively what their work program would be for that area. This helps to ensure that companies do not simply take out exploration licences to hold on to an exploration area right without perhaps carrying out work on that area. Strengthening the work program bidding system will ensure that companies have committed to undertake various exploration works when they take out exploration permits. That then links into the latter part of the bill, which says that production licences can be taken on as of right should commercial quantities of gas or oil be discovered, providing the company has followed through with its commitments to the work program. It gives an increased incentive to ensure that any companies undertaking exploration are challenged to present a work program and to follow through with it if they want to be assured of being able to go ahead with production should they be successful with exploration in those areas.

The bill also provides further incentives to companies to ensure they are making use of exploration leases by limiting the number of renewals of exploration permits. Permits will be granted for a six-year term, and at the end of that period the company will be able to extend the exploration permit over only 50 per cent of that land for another five years. That puts the obligation on the companies. If they are serious about taking out exploration permits for exploration purposes, they must do that or other companies can come in and take on those exploration permits at the end of that period.

As I have already said in regard to discovery, if the titleholder has complied with the conditions of the permit by carrying out the work it put forward in the work program bidding process and has provided appropriate information to the minister about its discoveries and production program, it can be assured of gaining a production licence. However, if the minister is not satisfied that the appropriate information has been provided, the minister can withhold a production licence. Under this new legislation the minister is required, if she is not going to grant a production licence, to provide her reasons for that refusal in writing.

The bill also looks at issues regarding pipeline ownership and the provision of pipeline licences. This again makes arrangements within the industry more flexible: pipeline licences will not need to be owned by those with production licences but will be able to be owned by separate companies. In addition, they will not need to be associated with particular production licences, and pipelines will be able to go through land held by people with other production licences by agreement with those production licence holders. If that agreement is not forthcoming, the Minister for Energy and Resources may be able to provide the right for a company to take out a pipeline licence and go through other leasehold areas. The minister will be able to

provide the company with security of tenure, as it were, in that regard.

Changes have been made to extend the term of a production licence from 21 years to an indefinite period, but if the production works stop that licence will expire after five years. That changes the nature of the licence arrangements. It secures the tenure of the licence and provides security for those companies which have put money into the infrastructure development of their production licences.

The bill declares new offences to cover people who intentionally and recklessly interfere with or damage pipelines and production platforms and so on. The maximum penalty is 10 years imprisonment for recklessly or intentionally causing damage to mining company property. This recognises that serious damage could be done to the environment if such activity takes place. The bill also clarifies issues to do with the confidentiality of the licences that are made available.

The bottom line with this is that the government undertook extensive consultation with people inside and outside the industry before bringing the bill before the house. The legislation has gained support, and the government is confident that it will move forward with the confidence of those involved in the exploration and production of oil and petroleum. There are a number of companies in the field, so there are exciting prospects for this state with the opening of oil wells and natural gas fields. I look forward to that happening across the state.

The honourable member for Benambra referred to the part of the legislation which talks about the interests of the state and the way they relate to production licences. The aim of this part of the bill is to recognise the circumstances where, for reasons beyond its control, a company may not be able to undertake its work program. It provides the minister with the ability to suspend the permit while enabling the state to allow that permit to continue in good standing at the end of that suspension period. It is not designed to disadvantage the company but to recognise issues which may be beyond the company's control and provide it with an opportunity to continue its operations.

As I have said, this bill has been well developed by this minister through an extensive consultation process. It will stand the state in very good stead. The intention of the bill is to maximise the state's capacity to develop its gas and oil fields, to expand opportunities for overall energy development in the state, to provide lots of flexibility for economic development and to ensure continuity with the federal government's legislation. I am pleased to support this bill, and I look forward to its moving through this house and beyond to ensure that this state has a vibrant gas and oil exploration and production industry.

Debate adjourned on motion of Ms BURKE (Prahran).

Debate adjourned until later this day.

ROAD SAFETY (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 1 November; motion of Mr BATCHELOR (Minister for Transport).

Government amendment circulated by Mr HAMILTON (Minister for Agriculture) pursuant to sessional orders.

National Party amendments circulated by Mr STEGGALL (Swan Hill) pursuant to sessional orders.

The ACTING SPEAKER (Mr Seitz) — Order! The speakers can now address the bill and the amendments at the same time.

Mr LEIGH (Mordialloc) — It is not the opposition's intention to oppose the Road Safety (Further Amendment) Bill, but a few things ought to be said about the current direction of road safety in Victoria. Part of the policy platform on which the Bracks Labor government was elected was a substantial reduction of road deaths in the state. However, in the past two years we have seen the exact opposite, and that has come about for a number of reasons. In talking on the bill it is incumbent on me to put the state opposition's position on where we are currently going on road safety issues.

As a matter of principle, generally speaking road safety has always had bipartisan support. However, given the current arrangements under this minister deep concerns about road safety are becoming increasingly evident. That is partially because of the complications the government has caused for people driving vehicles. We should remember that not everybody who drives a vehicle is a rocket scientist. Unfortunately some of the people who produce the Transport Accident Commission (TAC) advertisements and come up with the policy ideas seem to think that everybody in the community is brilliant.

Over the past couple of years we have had the introduction of the 50-kilometre-per-hour speed limit,

which even the *Age* said had been botched by the Minister for Transport. It was not the concept but the implementation by the minister that was wrong, in that he took a decision too late in the piece. The net effect was that the minister introduced it in such a way that the community was not involved and the councils were not aware. People are looking at their speedometers and worrying about whether the speed limit is 60 kilometres per hour or 50 kilometres per hour when they should be looking at the road. Linked to that is the Wipe Out 5 campaign. Some of the billboards have 60-kilometre signs on them, which adds to the confusion in respect of road safety issues.

As a result of the government's program over the past two years we have seen an increase in deaths on the road. It also has to be said — and part of the bill involves this — that the government program to double the number of speed cameras on Victoria's roads is sadly nothing other than a revenue-raising measure and has little to do with road safety. When governments are in trouble and have few or no ideas, they resort to using such mechanisms to protect themselves.

Measures such as the digital cameras mentioned in the legislation are normally the responsibility of the police. It is their responsibility to identify and place cameras in black spots on Victorian roads. We will simply get the installation of speed cameras all over the place — and I am dismayed about this — just to collect revenue for the state.

If you are going to criticise the policy direction of a government it is incumbent on you to have some other policy. I would like to see more police vehicles out on the road — in other words, a greater police visibility. If that is done motorists will slow down, because they know the police are out there. If they do not slow down they often get booked by another officer not far away. So if you are really interested in road safety the visibility of police becomes more important than using cameras as cash registers. That is what the state is resorting to.

For example, the community may not be aware that 72 500 infringement notices have been issued to offending motorists going through the digital speed cameras on City Link, even though glaring signs show that the cameras are there. Part of the problem is that the speed signs have been changed on various occasions. The net result is that some motorists have been booked as a result of the speed limit going from 80 kilometres per hour to 60 or 40 kilometres per hour. The legislation puts in place an arrangement requiring the speed limit to be more clearly identified.

In excess of $7.2 million has gone to the government's cash registers — that is where the money goes, not to City Link — from the tunnels. I do not see that as a successful road safety policy; I see that as a failure of a principle.

I will return to some of the issues the opposition raised with the minister as I go through the legislation. That includes what are known as write-offs, where vehicles cost more to repair than they are worth. There are two types of these vehicles: statutory write-offs and repairable write-offs — that is, ones that could be repaired. It is also true that because of arrangements with New South Wales and South Australia — and this is something the opposition supports — we will potentially be better able to police the stolen car rackets currently going on in Victoria.

Sadly, what may change is what the thieves do with the stolen vehicles. More than a few vehicles wind up at the bottom of the Yarra, the Maribyrnong or the Murray, with all the contaminants that go with them. They put plates on the back; the police go down; they take the back plates off. The car goes interstate and is sold to somebody. If it is ever identified then the person who bought the vehicle stands to lose the $10 000 or the $20 000 they may have spent purchasing it. Clearly the identification of stolen vehicles between the states has to help us.

What will change with this legislation is that more vehicles will wind up in the parts market than on the road. The bill will not change much and is another example of the Bracks government's legislative program. The government has not much to do in general, so it puts bits and pieces together to keep us all entertained for a while, and hopefully we talk among ourselves. That is what happens when a government does not have a legislative agenda or a direction in which to go.

The solution is a bit more complicated, but it is true to say that you can spray a microdot onto a vehicle so that if a car part winds up in a car yard somewhere — for example, a mudguard from a Holden Commodore — it can be identified by the microdot. BMW has pioneered that technology, and the sooner we introduce technology like it into the Australian motor industry the better we will be at dealing with the stolen car issue.

Sadly, most people are not aware that the current model Commodores and Falcons, which are supposed to be a lot more thief proof than previous vehicles, are not so thief proof. There are devices available that mean a car thief can sit in a car near yours and when you press your buzzer they pick up the frequency. Then after you

leave they turn up at your car, use the frequency from the device and there goes your car. That is not general knowledge — —

Mr Steggall — It is now!

Mr LEIGH — The fact that car thieves are using it suggests that any professional car thief knows about this technology. It has been taken from Holden and Ford for quite some time — —

Mr Steggall — And the honourable thief will be reading *Hansard* as well!

Mr LEIGH — I am sure they may. The opposition would support any move to clamp down on the misuse of that sort of technology so that the people who use it can be dealt with.

This legislation is the first step in dealing with write-offs and part of what is known as rebirthing.

Mr Steggall — Re-what?

Mr LEIGH — It is called the rebirthing of the car.

The ACTING SPEAKER (Mr Seitz) — Order! Interjections are disorderly, and the honourable member should ignore them.

Mr Steggall — We are just having a chat amongst ourselves. There is no-one else here.

The ACTING SPEAKER (Mr Seitz) — Order! I ask the honourable member for Mordialloc to address the Chair and not the Deputy Leader of the National Party.

Mr LEIGH — Given that this is another exciting piece of legislation from the Bracks government, the house is obviously full!

Other provisions of this legislation relate to alcohol and drugs. I do not want to get into the opposition's drug policy, and the laws that are increasingly being policed on motorists who use alcohol are fine, but when you look at the people who are smoking marijuana you realise that the regulatory regime that has now been put in place by the Bracks government is clearly not working. You can be a heroin addict and smoking dope but unless the police pick you up and walk you down the white line no-one is going to bother with you. Clearly a motorist who is drinking alcohol is more likely to be caught than a motorist who is using drugs. That is disappointing, because someone who is on drugs may, as well as having an impaired ability to drive, be using an illegal substance.

Under this legislation the government has decided to act in respect to what happens in a Magistrates Court concerning the cancellation of licences when the blood alcohol concentration is .05, .07 or more. For a government that suggests it does not want to interfere in the processes of the courts, this amendment is an example of where it is taking the step of saying that a court has no option but to remove a person's licence. The opposition is not arguing against that, but I make the point that when the Premier or any other minister says they do not want to interfere in the justice system, they are already doing so in the area of road safety and alcohol, because a driver who has a blood alcohol concentration of .07 will automatically have their drivers licence cancelled in the Magistrates Court. That may well be a good thing, but the government has decided to follow a path which is different from what it has said in many other areas.

The legislation deals with breath testing in places other than a police station or booze bus. It must be difficult, particularly for country police, when they pick up a motorist they believe is over .05 to have to take them to a police station to process the blood-alcohol arrangements. This amendment allows the police to use some place other than a police station to take the sample. It is clearly a good idea to give police officers who are at a greater distance from police stations the ability to take a sample. Otherwise it can take up to 3 or 4 hours for a police officer to take the necessary readings.

In respect of the 10 demerit points, drivers with good records — approximately 80 per cent — will not lose their licences but will be warned that they may be suspended if they reach 12 points in the next three years. Those with bad records may incur suspensions, but they can opt for double or nothing. By that I mean that if you incur a five-month suspension but are not caught with a point over the next period of time, you will get off. However, if you are caught then you will lose your licence for double the period of time.

The bill also requires a person steering a towed vehicle to comply with the road laws for holding a licence and not drink and drive. If you are driving a towed vehicle — in other words, if the vehicle itself is not under power and a tow rope connects it to the forward vehicle — in effect you cannot be charged with drink-driving. Rearranging that does not seem to me to be unfair. That person has at least the same capacity to kill someone as anybody else.

This morning we heard about a driver who ran into the back of a taxi and killed a person. The individual concerned, whom I am not going to name — although I

know their name — has prior convictions for drink-driving yet received two and a half years of a possible five-year sentence.

I was very disappointed with the Premier's attitude on 3AW this morning. When he was asked about his approach to this matter he said it was up to the Director of Public Prosecutions to make a decision. He said that people could complain to the DPP, but he was not going to interfere and do that.

It is not fair when someone who has prior convictions and who has killed someone will be out in two and a half years. Clearly they have an alcohol problem, which is separate from what occurred. The magistrate erred in favour of the individual concerned because she has young children. I would have thought that the Premier would have shown a bit more compassion for the family of the person who was killed and taken a stand on this issue. If you had listened to the radio interview this morning you would have felt like saying, 'Mr Bracks, take a stand. Stand up and say that it's not right that this has happened. Somebody should challenge it. Perhaps you as Premier could write to the DPP, as you have a right to do, and ask that this matter be reinvestigated to see whether the sentence can be changed'.

It is no different to what has occurred with the change in the law in respect of blood alcohol content, where magistrates have lost their discretion with readings over .07. That is fine; there is no disagreement about that. On the other hand the Premier says, 'I'm not going to interfere in this'. From the community's point I was disappointed that he, as a citizen in our community, decided that he was not going to take a stand. There are times when you take a stand of behalf of taxpayers and the Victorian community.

In relation to numberplates, at present the legal responsibilities of vehicle owners do not extend to the owners of the plates displayed on the wrong vehicles. This allows the evasion of traffic camera fines, parking fines, tolling fines and the duty to assist police and identify hit-and-run cases. It is interesting that the government wants to cover tolling fines, given its attitude. This will put the law in place in respect of hit-and-run accidents, where you will be required to identify that the plates concerned are yours, and it will be your responsibility to tell police if you have any knowledge of where those plates went to. If your plates have gone missing and you can help the police with at least some information, then it is not unreasonable for the police to expect you to identify them and explain what you know. This says that the person who owns or holds numberplates wrongly displayed on the vehicle will incur the same liabilities and responsibilities as its owner. But there is no owner-onus liability when the plates are stolen, as is the case with stolen cars. The opposition does not think that is unreasonable either, and it is not opposed to that.

In relation to the age limits for motorcycle learners permits, if you are aged 17 years and 9 months the legislation allows you 3 months practice before a licence test. The proposal is to raise the age limit to 18 years. The reasons for this are that unlike car learner permits motorcycle learner permits allow for independent travel, which in turn encourages the use of motorcycles. Statistics show high accident rates for this age. The minister in his second-reading speech said that in urban environments motorcyclists have a risk of injury per kilometres travelled that is about 17 times the risk for car drivers. My understanding was that the figure was lower than that — that is, about eight times — —

Mr Steggall interjected.

Mr LEIGH — In urban areas. There is clearly an issue surrounding inexperienced motorbike riders. I have noticed in recent times that there seem to be more people in their 40s and 50s who have taken to riding motorcycles as a new experience and who have got themselves into serious difficulties. Perhaps more often than not it is because they have driven cars for many years and believe they can impart that confidence and experience to their motorcycle riding. Having ridden motorcycles in the past, let me assure the house that venturing out on a motorcycle is entirely different from driving a car, particularly in the city, where you have things like tram tracks and a whole range of other things.

The bill also introduces arrangements for heavy vehicles. It enables infringement notices to be used in administering registration suspension schemes for heavy vehicles that are repeatedly used in speeding offences. It enables Vicroads to require speed limiters to be fitted and existing ones to be tested. As the shadow Minister for Transport, and as somebody who drives all over this state, I often get passed by trucks carrying signs that say 'This truck is speed limited to 100 kph', even though I am travelling at 100 kilometres per hour.

Mr Steggall — It's never happened to me, and I'm on country roads every week.

Mr LEIGH — It has never happened to you? Well it has definitely happened to me. The policing of that is something that needs to be looked at and improved.

The bill introduces new arrangements relating to City Link. It has been introduced in part to deal with, I think, five people who went to court. The opposition asked some questions of the minister's advisers and, given its concerns, it is worth reading two letters into *Hansard*. One is from the president of the Law Institute of Victoria, John Corcoran, who wrote to the Minister for Transport on 15 November about the Road Safety Act amendments. The letter states:

> The institute supports measures that reduce the number of accidents relating to 'drink driving' and result in safer roads. However, the institute's criminal law section requests that the debate and passage of this bill be deferred to enable full consultation and consideration of the sentencing implications of several provisions of the bill.
>
> Members note that fundamental changes to drink-driving offences are proposed which will affect the following:
>
> (a) The penalty structure is being significantly altered;
>
> (b) The threshold for loss of licence is being lowered;
>
> (c) The discretion of the court to consider the individual circumstances of an alleged offence and the impact of a penalty on the offender is being diminished;
>
> (d) Mandatory sentencing is being expanded without sufficient debate and consideration of the implications of this.
>
> The criminal law section is particularly concerned about clauses 12, 14 and 25. The section asks that the bill be deferred to further consider these provisions.

A copy of the letter was also sent to the Attorney-General — Mr I'm Against Mandatory Sentences — the former shadow Attorney-General. When the Northern Territory was introducing mandatory sentences, rightly or wrongly, in respect of other issues, this man ran up and down the country expressing his opposition to mandatory sentences. Yet this letter from the Law Institute of Victoria states that this bill, introduced by a government of which the Attorney-General is a member, is instituting mandatory sentences. If we are getting into mandatory sentences the law institute is correct in saying that a wider debate on this issue has to be held. The tragedy is that there is no wider debate in this government at all. There is no debate.

You can see how quickly Labor Party meetings finish. When members opposite walk into the room the minister and his committee have already decided what they are going to do and they do not even debate the issues. At least the Kennett government, with all its flaws, used to have raging debates. Despite the fact that the information never got out, Mr Kennett was often defeated in his party room because people did not agree with him.

Mr Hamilton — I am not surprised at that.

Mr Steggall — It happened in yours.

Mr LEIGH — There is more than ample proof of the amount of debate that went on in the Kennett government in the memos of Ken Baxter, the former head of the Premier's department, whose notes were lost and wound up on the front page of the *Age* prior to an election. One wonders why only one member of the Labor Party is in the chamber tonight. It should be noted that the only member of the Labor Party present is the minister.

Mr Hamilton interjected.

Mr LEIGH — But you are the government.

Members opposite do not want to sit in here because it makes this bunch sick to use the words 'mandatory sentences'.

Mr Steggall interjected.

Mr LEIGH — They are busy trying to get rid of them!

The ACTING SPEAKER (Mr Seitz) — Order! The Chair has allowed some leeway; however, I ask the honourable member to come back to the bill.

Mr LEIGH — I am on the bill!

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member should disregard interjections; they are disorderly.

Mr LEIGH — I am on the bill. I have already quoted from a letter from the Law Institute of Victoria to the Minister for Transport that says this legislation is about mandatory sentencing.

The fact of the matter is that this government is going down the track of an arrangement that it said it would never make. Once again, this situation is a bit like some of the other bills that have section 85 provisions. We all remember the song and dance that used to go on in this place from government members when they were in opposition. They were against section 85s and were at it all the time. The Transport (Alcohol and Drug Controls) Bill, which I debated earlier tonight, had a section 85 provision in it. One has to say that the government is lacking in consistency.

The problem this government has is that when you do not have a vision, a direction and some principles that you follow you are going to get yourself into trouble. The government is in trouble on mandatory sentencing.

Presumably the Attorney-General was at the cabinet meeting — and I am sure the Minister for Agriculture was also there — when the government decided to institute mandatory sentencing under this arrangement. While the opposition is not going to oppose this legislation and block it in the Legislative Council, the fact is that there are a whole lot of members of the Socialist Left running around the government who are feeling really ill tonight.

Mr Steggall — That's why they're not here!

Mr LEIGH — Probably. They are feeling ill because they have no philosophy; what philosophy they have is coupled with what they think will win an election. That is not what wins elections; consistency and working for your goals does.

The opposition's transport bills committee had concerns about some aspects of this legislation and asked for further information from the minister. It ought to be set out so people can be aware of what those concerns were. I raised these concerns and the Minister for Transport wrote back to me on 15 November and said:

> I refer to the briefing on the Road Safety (Further Amendment) Bill 2001 that was provided to you and other members of the opposition on 7 November.
>
> At the briefing more information was requested on several specific matters concerning the evidentiary provisions relating to the use of digital speed cameras. I have sought information on these matters from Vicroads and Victoria Police and have been advised as follows —

this refers to the clauses in the bill that relate to City Link and the reasons these changes are being put in place —

> 1. How many cases have been before court?
>
> Seven matters have been referred for court hearings by the PERIN Court. These are matters where an unpaid infringement notice was registered with the PERIN Court, but the matter was subsequently referred for a court hearing when the defendant contested the matter. These matters have been adjourned to a date to be fixed pending amendments of the legislation.
>
> I am also advised that, at this point, no speeding offences arising out of the use of digital cameras in City Link tunnels have yet been heard on the court on summons. Again, the prosecution has not proceeded with cases pending the proposed amendment to the legislation.
>
> I am advised that it would be possible for prosecutions to proceed under the existing legislation, but that that process would be costly and cumbersome until the proposed amendments are made. Consequently, court hearings have been adjourned and proceedings on summons have been deferred pending the amendments proposed by the bill.
>
> The proposed amendments will address two procedural problems in bringing prosecutions under the existing law.
>
> First, as the law stands, it would be necessary to call one or more witnesses to testify as to the speed limit at the time and location of the alleged offence. The proposed new section 82(2), to be inserted by clause 20 of the bill, will enable the image and message produced by the digital cameras and related computer systems (the 'prescribed process' in the language of the act) to be used as evidence of the speed limit at the relevant time and place. This is in addition to being used as evidence of the vehicle's speed.
>
> Secondly, the present law would require the calling of a witness to adduce the evidence relating to an alleged speeding offence that has been recorded by the prescribed process. The proposed section 83A to be inserted by clause 21 of the bill, will enable this evidence to be tendered to a court by the production of the image and message produced by the prescribed process if certified by a person authorised for the purpose by the Chief Commissioner of Police. Regulations will be required to prescribe the form of the certificate. This will avoid the need to call a witness as to these matters in every case. This amendment is similar to section 89(4) of the Melbourne City Link Act 1995 in relation to certificates of images and messages produced by digital cameras used in tolling enforcement.
>
> I am advised that, as at August 2001, there were approximately 134 pending cases. This number is expected to increase as the Police Traffic Camera Office is now processing cases that were the subject of industrial bans.

Mr Steggall — Not that! Anything but that! Mandatory sentencing and that in the same bill!

Mr LEIGH — The letter continues:

> 2. How many infringement notices have been issued?
>
> I am advised that since the inception of the digital speed cameras in the City Link tunnels, the Police Traffic Camera Office has issued approximately 72 500 infringement notices.

An Honourable Member — How many?

Mr LEIGH — Approximately 72 500! I know one or two people who have been caught. I might add that I am not one of them!

> 3. How many cases have been successful/lost?
>
> I am advised that, as no cases have yet been determined for the reasons given above, no prosecutions have been lost.

That is very clever; they have not had any prosecutions, so no prosecutions have been lost.

> A typographical error has been found in clause 10 of the bill and the government will propose a house amendment to correct the error. In paragraph (a)(ii) of the definition of 'statutory write-off', the reference to 'cabin floor plan' should read 'cabin floor pan'.

Mr Steggall — That's too deep for me!

Mr LEIGH — This is very deep legislation from the Bracks Labor government.

The ACTING SPEAKER (Mr Seitz) — Order! I ask the honourable member to disregard interjections because it makes it very difficult for Hansard to record a speech accurately.

Mr LEIGH — Thank you once again for your protection, Mr Acting Speaker. I need it.

The change of policy that was effectively announced today about the ever-expanding use of speed cameras applies to just the tunnel. If Victorians thought the previous government made money out of the casino, they should understand that this bunch is now making more money out of it. The Bracks government was supposedly going to reduce the incidence of gambling, but under this government the incidence of gambling is going up. If people thought gambling was going to make this government money, let them see what happens in Victoria with speed cameras, because currently speed cameras go only to defined black spots where the police say they ought to go. The government is proposing to double the number of speed cameras, and let me assure honourable members that by doing that the government will get into revenue raising to an extent that no-one in Victoria has seen before.

One of the problems with roads and speeds is that if people think they are on a 60-kilometres-per-hour road, they drive at 60 kilometres per hour. If they think they are on a 70-kilometres-per-hour road, they drive at 70 kilometres per hour. Only two people need to do it for the rest to follow, and that is how over the next few years large amounts of revenue will be raised on behalf of the Bracks Labor government. Given the present government's economic record and its behaviour as a government so far, God knows it will need that extra revenue.

Members of the opposition want to see a comprehensive statement on road safety from the Bracks Labor government, but as of today there has been no comprehensive road safety package. The government put out a set of draft road safety standards which I have not been able to get because it is supposedly a cabinet document, but it was sent out as a draft to some people and I have seen part of it. Most people were numb with fright when they saw some of the things that were in the draft document.

I can say to the Minister for Agriculture, who is at the table and who I understand is close to 65 years of age, that part of the Labor government's draft policy is to retest motorists as they get older. That may or may not be a good thing, but to secretly put out to a handful of organisations a draft as to what the government may or may not think is not the way I would go about preparing a road safety strategy. When I asked the government for a copy of it, I was told I could not have it because it is a cabinet document, but I know of at least three organisations, which I will not name here tonight — —

Honourable members interjecting.

Mr LEIGH — No, I cannot. I have seen it, but people have not given it to me because they are on their honour not to hand it to anybody else — and I appreciate that, they are being honest and trustworthy. However, the government is going down this path on road safety because it does not have a policy. It has nothing. The Bracks Labor government does not have a road safety policy to put out to the Victorian community.

Mr Langdon — That is not true. You are telling fibs there!

Mr LEIGH — No, your government does not have a policy. It has a draft.

The ACTING SPEAKER (Mr Seitz) — Order! Interjections are disorderly!

Mr LEIGH — I am thrilled that the honourable member has entered the chamber. If one person in Parliament was entitled to accuse people of telling fibs, he would not be the one. I know who has a record in this place and it ain't me, so let me assure the minister that I know about his draft road safety strategy. I know that most people out there who saw it said, 'Sink it, shred it, do whatever you like but come up with an idea'. The minister went around to various organisations, pleading with them to write it for him so he would have a policy for the next election. He wants to use state taxpayers' money to come up with a road safety policy because he does not have one. What Victorians expect from their government is a comprehensive — —

An honourable member interjected.

Mr LEIGH — The honourable member for Narracan should not make light of road safety when people from his community may well be killed. His community expects him to go back to the minister who is responsible for this and say, 'Look, Minister, what are you doing?'.

An honourable member interjected.

Mr LEIGH — Indeed, but I could be fired up. From my perspective — —

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member, without assistance. He is quite capable of presenting his own speech.

Mr LEIGH — Thank you, George!

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member will use proper titles in the house.

Mr LEIGH — Thank you, Mr Acting Speaker. It is now time for the Bracks government to come clean. If it wants some of my policy on road safety I am happy to give it. This government has already pinched my Scoresby policies. The government is announcing my rail plans for the extension of the Box Hill tramline, a former Liberal government policy. The government has grabbed that and taken credit for it.

An honourable member interjected.

Mr LEIGH — Have I a Mildura policy? I am certainly going to put more chauffer-driven limousines up in Mildura to improve road safety!

The Bracks Labor government does not have a substantive road safety policy that it can put to the Victorian community, and that is a tragedy because under the former coalition government Victoria had the second lowest rate of road deaths per 1000 vehicles in Australia. The best was the Australian Capital Territory. We all know where our money goes in the ACT; we are all paying for the fabulous circle roads and the rest of it. One should not be surprised that it has better road safety standards than the rest of us, but the former Liberal government left this state in this government's care with a road toll that was effectively going down, and under this government we have a road toll that is going up. The house has a right to expect from this government something other than poky bits of amendments; it has a right to expect a comprehensive road safety strategy so we can lead Victoria forward.

Honourable members might have seen tonight the government's latest Traffic Accident Commission advertisement. The Chief Commissioner of Police is presumably a film star; she is featured in the advertisement.

This is a government that has $240 million for black spot funding arrangements. The TAC report tabled in this chamber just over a week ago showed that the government, which was going to spend $40 million this year on black spot funding arrangements, has spent $23 million. It could not find enough small projects around for the minister to be photographed with his mate Mr Sandon, the former Guilty Party police minister who is in charge of this one.

An honourable member interjected.

Mr LEIGH — They gave him a job. Some $23 million dollars out of a budget of $40 million was spent.

The ACTING SPEAKER (Ms Davies) — Order! On the bill.

Mr LEIGH — I am on the bill. It is a road safety amendment, thank you. The fact is that the Bracks government is dead in the water on the road safety issues in this state. The people who support the government are dead in the water because the government has no concept of where road safety is going. We are not all rocket scientists when it comes to driving motor vehicles. When you go to the Royal Automobile Club of Victoria (RACV) and you ask — —

An honourable member interjected.

Mr LEIGH — I know who should be wound up, and she is sitting on the other side of the table. The arrogance of the Minister for Education!

By putting forward this set of amendments, the government is simply saying, 'We have nothing else to do, so let us put this up. It looks like we are doing something. It is bits and pieces and so forth'. The opposition wants a comprehensive strategy.

Before I was so rudely interrupted by members on the other side of the chamber I was going to make the point that this year the government has spent $23 million on TAC funding. According to the RACV, the no. 1 black spot in this state is none other than the Springvale Road–Princes Highway intersection.

Three honourable members from this chamber put in applications for that. I expect the government to take no notice of me because I am a member of the opposition, but the honourable members for Dandenong North and Springvale put in for it. They went public in their communities and spouted about how they would solve this problem and fix road safety in their communities. What happened? They got knocked back.

All the design works for this proposal were done by the former administration. It is all ready to be done. I even have copies of what the design looks like, so when the honourable members announced it I released all the

plans for them because I had a copy. What has happened to it? It has sunk. It is not on the list of what the government says is worth doing. That is a sad reflection of the direction of road safety in this state.

As I said, deaths from motor accidents are increasing in Victoria, which is a great tragedy not only for the families who are affected but for many people who know the victims, and those statistics leave aside the many people who are seriously hurt in accidents.

I refer to the Vicroads Crashstats data on motorcycle crashes. For the South Gippsland Shire Council, the column headed 'Number in age group 16–17 years' shows that 1 person was killed, 1 person was seriously injured or killed, and 1 person was killed or injured in any way. The column headed 'Number in all age groups' lists 4 people killed, 35 people seriously injured or killed and 72 killed or injured in any way. The column headed '16–17 year group as a percentage of all age groups' lists 25 per cent killed, 3 per cent seriously injured or killed, and 1 per cent killed or injured in any way.

When you go through the statistics, whether they are for motorcycles, cars or trucks, you realise that the tragedy is far wider than just the individual who suffers the consequences. It may not even have been their fault, as we saw with the case in which the Premier did not want to interfere today.

Tonight the opposition seeks from the Bracks Labor government the beginnings of some form of comprehensive strategy that can resolve this problem. As I said, it is not simply a matter of putting clicking camera machines out there. The issue we face is that we could have a totally lawless, free society in respect of everything. We could put cameras on every street corner or on everything, and someone, maybe a police officer, could be watching all over the place. There may never be a crime committed again, because all the offenders may be caught!

Ms Delahunty interjected.

Mr LEIGH — The minister shakes her head. That is interesting, and it shows the different direction the Labor Party has taken. The minister is a member of the party that in 1982, under then Premier Cain, pulled the Commonwealth Heads of Government Meeting cameras off the roof of this building because the Premier thought it was a civil liberties issue. Do honourable members know where all those CHOGM cameras are? You can look through them at Vicroads, because they put them out on the roads. The minister may shake her head over this, but I reckon I am more in touch with many sections of the Labor Party than she is. After all, she is not really a member of the Labor Party. She was a TV star who was picked for the job!

The ACTING SPEAKER (Ms Davies) — Order! On the bill.

Mr LEIGH — The fact is that there are many Labor Party members who say this government, whether it be on road safety or whatever, is not standing by the principles Labor Party members believe in.

Ms Lindell interjected.

Mr LEIGH — The honourable member for Carrum laughs. What were the swings in your seat last week?

Ms Lindell — Very nice.

Mr LEIGH — I love that. Look at the figures again!

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Mordialloc, on the bill, and without assistance from the honourable member for Carrum.

Ms Lindell — You're gone!

Mr LEIGH — I don't think so. The fact of the matter is that it is time the government came up with what it believes is its philosophy. My challenge to the minister is for him to release the road strategy he has been hiding for two years. Do not hide it, put out the draft! Let everyone know what you stand for. Will you release it?

Mr Batchelor — What?

Mr LEIGH — The draft document.

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member for Mordialloc to speak through the Chair and to ignore the interjections from the Minister for Transport.

Mr LEIGH — The minister was interjecting, and I was simply asking him if he will make it available. Given we have no debate in this chamber any longer and we cut off all the bills because the three Independent members have decided — —

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member for Mordialloc to speak through the Chair and on the bill.

Mr LEIGH — I am speaking through the Chair.

The ACTING SPEAKER (Ms Davies) — Order! On the bill.

Mr LEIGH — I am speaking through the Chair on the bill. We are talking about debate on legislation. I am simply asking, 'Where is the debate?'. In times past the minister would sit at the table, the opposition would raise points over the legislation and the minister would be here to answer them. Where is he? He is not here. He will never be here. He is not interested in participating. Yet this government and the charter were going to give us a new, open democracy where the government was more accountable to the community. It is not more accountable; it is less.

If it were more accountable the Minister for Transport would be sitting on the other side of this chamber and we would be debating the clauses of the legislation from 'plan' to 'pan'. The bill would proceed to the committee stage and the minister would have to explain himself. Instead of that we will next have the honourable member for Coburg, the minister's assistant, giving the ministerial speech and we will never hear of this bill again.

I do not see how that leads to good legislation. I see that as the bad workings of Parliament. I go back to what someone told me a long time ago when I first came into this place. The honourable member said: 'Who is the enemy of democracy? The enemy of democracy is the executive. Why? Because they know all, and as a result you have no choice'. Before government members laugh, the person who said that was the Minister for Local Government in the Cain government, the Honourable Frank Wilkes.

Ms Asher — Worthy of mention.

Mr LEIGH — A worthy Minister for Local Government. It is just a pity his standards are not applicable in this chamber today. There is no debate about this legislation. It will disappear tonight. There will be the National Party speech — —

Ms Asher — That will be a good speech.

Mr LEIGH — It will be a brilliant speech. There will be the minister's response, which presumably the minister or the department official has written for him.

Ms Asher — The lackey.

Mr LEIGH — The honourable member for Brighton interjects 'The lackey', but I will be more generous. Then we will get the response, and that will be it. We will get to Thursday, and bang, the guillotine! Where is the democracy in that? Madam Acting Speaker, am I on the bill? Do you think I am on the bill?

Sadly, we will not get good debate out of this. When you do not get good debate you do not get good laws, because in the interchange that takes place across this chamber over legislation, mistakes made by a government have often been picked up by an opposition member or a government member, and you get better legislation out of that.

Sadly, Parliament is moving away from those sorts of arrangements. If I thought it had moved away from those arrangements during the seven years of the former Kennett government, I can see it has moved a damned sight further away from it since the Bracks Labor government was elected because there is more bureaucracy and less involvement of the people of this chamber in what happens in legislation. That is why we get to entertain members of Parliament, which is what this bill is — bits and pieces, and no strategy.

In conclusion, the opposition is not opposed to this legislation. It wants to see a defined strategy put out by the Bracks Labor government that lives up to what it said it would do, and that was to reduce the road toll in Victoria. We know what is going on. There has not been a reduction but an increase. It is a tragedy, a travesty and an indictment of the current Labor government, which has no policies in this area and needs all the help it can get from as many people as possible.

Mr STEGGALL (Swan Hill) — In rising to continue the debate on the Road Safety (Further Amendment) Bill I must say that although many of the points raised by the honourable member for Mordialloc were sneered at by government members, gee whiz he hit a few home truths — and those home truths are hard for people to admit to.

The Labor Party has moved away from those great things it spoke about when it formed government with the three Independents, and the three Independents have just given in and waltzed with the government down the track. It is rather sad that the great concepts and ideals that were talked about at the time of the last election are now dead.

For most of the time there have been more people listening to the speeches tonight in the gallery than in the chamber. Now there are only two opposition members plus one minister in the chamber. For most of the last hour and a quarter only one minister has been here. Sometimes one wonders about the legislative program and the bills being presented to us now,

because we do not get debate by or even the attendance of ministers in this place when their bills are being debated.

I have been here since 1983, and this is the first government that has not had its ministers in Parliament on a regular basis for debate on their own bills. That is something on which this government is very different from others. No matter how many criticisms there have been, the Cain and Kirner Labor governments always had their ministers here, and the Kennett government had its ministers here on most occasions, but this government makes a point of not having its ministers here. That is one of the things that makes those of us on this side of the house a little wild.

The bill has a series of purposes. It provides for the establishment of a Register of Written-off Vehicles, it makes changes to the penalties for drink-driving offences, it enables a breath sample to be furnished for analysis in any place or vehicle, it defines circumstances where a person is to be taken to be driving or in charge of a motor vehicle and imposes new duties on the person in charge, it provides for the seizure of numberplates in certain circumstances and makes other miscellaneous amendments to the act.

It is interesting that at the briefing on the bill the honourable member for Mordialloc picked up the issue of mandatory sentencing, and the staff here tonight who were at that briefing will smile when going through the mandatory sentencing factors in this bill. They seem quite strange to someone who has listened to the arguments that have come from ministers of this government against other jurisdictions on the principles of mandatory sentencing. I was interested to hear the honourable member for Mordialloc pick up those very same points.

The other issue I put to the government is consultation. It constantly tells us just how great a consultative government it is. I would question whether the government has ever consulted anyone on this piece of legislation put forward by members of its bills committee or whatever group has put this bill in place, because there are provisions in it which would not have stood up to scrutiny if any consultation had taken place.

Madam Acting Speaker, I say to you that the principles the three Independents put in place at the time of the formation of this government are in tatters as we go into the third year of this Labor ministry. It is rather sad that the principles that were argued and the great themes that were put forward at the last election are now in tatters. It behoves all of us to try to improve that situation somewhat. However, I do not see much light at the end of the tunnel or much desire or demand from Labor ministers or backbenchers or the Independents to try to do anything about it.

I turn to the bill. The bill covers written-off vehicles. A written-off vehicle is one that would cost more to repair than it is worth. There are two types: the statutory write-off, where the vehicle is so badly damaged that it cannot be repaired, and the repairable write-off, where the vehicle can be repaired. The establishment of a Register of Written-off Vehicles is intended to make it harder to trade stolen vehicles — that is, by thieves replacing the vehicle identifiers of stolen cars with those of damaged cars and passing off the stolen vehicles as the repaired vehicles. Vicroads will maintain the register, which will form part of a national network of such registers. New South Wales and South Australia already have registers in place.

Regulations under the bill will also require insurers and motor wreckers to report to Vicroads written-off vehicles less than 15 years old. When it receives a notification Vicroads must list the vehicle's identifier on the register.

Everyone in this place would know and understand the enormity of the industry I am talking about. The stolen vehicle industry in Victoria and in Australia is huge. This is a step in the right direction; it is a move towards what I think will be an improvement. I just wonder why we have not really adopted — and I do not know whether it needs to be legislated — the new technology of the microsticker. As was mentioned by the honourable member for Mordialloc, with the microsticker system a car is sprayed with 10 000-plus so-called data dots, making it very difficult to resell or recycle the vehicle. I am not sure whether legislation would be required to introduce that; I would have thought not. The bill and the minister's second-reading speech do not refer to it. The stolen vehicle industry is huge and is concerning to all. One would hope that the government might do whatever it can to improve and correct the current position. Many people in the car theft industry are still smiling, because governments and police forces are unable to really come to grips with and stop their activities.

The bill also proposes changes to drink-driving and drug laws. Currently the first-time driver with a blood alcohol concentration of over .05 but less than .1 is issued with an infringement notice. An infringement notice involves a fine and licence cancellation for up to six months. The driver can either accept the infringement notice, pay the fine and lose their licence or alternatively elect to go to court within 28 days of the

infringement. Of course any driver with a reading of over .1 receives an automatic loss of licence plus a fine.

Vicroads licensing data for 1999–2000 shows that 59 per cent of drivers who opted to go to court got to keep their licences. The bill seeks to address this by fixing .07 as the reading at which drink-drivers must lose their licences, trying to increase the stigma of drink-driving by the taking of licences for a period of time. All first-time offenders with a reading of .05 to .07 will receive a fine plus 10 demerit points. Drivers with a reading of .07 to .1 will receive an automatic six-month loss of licence plus a fine, and the court will have no discretion to overrule the loss of licence.

That is part of the mandatory sentencing aspect that has been spoken of tonight. That aspect is not one which the opposition, or in our case the National Party, is looking to argue against. However, given the holy rubbish that ministers in this state get involved in from time to time in the public arena, we trust that they practise the same thing with their own legislation, even though it is in a different jurisdiction. The argument about mandatory sentencing is alive and well in the state of Victoria. It is something we see as hypocritical when ministers in this government criticise those in other states who use mandatory sentencing in a different area. We have it here in Victoria!

All second-time offenders will continue to automatically lose their licence, plus receive a fine, which is the same as it is now. A person with a blood alcohol reading over .1 will receive the same penalty as currently exists — that is, loss of licence for at least 10 months, plus a fine. If the 10 demerit points take you over the limit the current rules apply, with a loss of licence for a minimum of three months, depending on the points accrued or the double-or-nothing option. Under this option a driver can apply to Vicroads to keep their licence. However, if the driver commits a single road safety offence in the following 12 months, they will lose their licence for double the initial period. I hope the government explains that to the people of Victoria and that the drink-driving laws are going to change.

I trust this is going to improve the road safety situation, which is deteriorating at the moment. We would not worry so much, and it would not be such a big issue, if we did not have a Premier and a group of ministers who continually gloat about how clever and how smart they are and how different they are from those who have been before them. Those of us in the previous government took these issues extremely seriously and did make a difference.

The number of deaths from road traffic accidents is again on the rise. I appreciate that it is not an easy thing to turn around, but I do not see any minister actually trying. I remember that the Kirner and Cain governments had ministers who got out there and tried to put the issue of drink-driving and road safety into the public arena. We are not seeing that from this government. Ministers are not out there participating in road safety as we were.

The next part of this bill concerns breath tests. Currently the act confers powers enabling police to require a motorist to do a breath test in a police station or a booze bus. This bill will allow breath testing in police cars, public hospitals and community halls, et cetera, to avoid the need to take drivers to police stations. In remote areas this will reduce the detention time for testing and make it a lot easier for the police to carry out what can be a very difficult function.

The bill clarifies the meaning of being in charge of a vehicle. This means that driving instructors and persons steering towed vehicles will be subject to all the duties of drivers — that is, they must comply with the road laws, hold licences and not drink and drive. It is one of those little pick-up amendments that is needed.

Numberplates have always fascinated me. I thought this was part of the act, but I was surprised to learn that it was not. At present the registered owner of a vehicle is liable for a parking, traffic camera or tolling infringement unless they nominated the person who was driving. I think we have all been there and done that, particularly when you are on 10 demerit points!

At present the legal responsibility of a vehicle owner does not extend to the owner of plates displayed on a wrong car. I was quite amazed by that. I would have thought it would be illegal to do that. Under the proposed changes the person who owns or holds numberplates wrongly displayed on a vehicle will have the same responsibility and incur the same liability as the vehicle's owner. I think you could throw the book at both of them and not think anyone would be worried. We hear some funny stories in the country about numberplates being displayed on wrong vehicles, but tonight is probably not the night to go into those.

Mr Richardson interjected.

Mr STEGGALL — No, they would not understand. We have utes that have been booked for being over the limit by about 20 tonnes, but somehow the numberplates were on the wrong vehicle!

The bill proposes to raise the minimum age for obtaining a motorcycle learners permit to 18. Currently

the age is 17 years and 9 months. This amendment brings that into line with the age for obtaining a car learners permit.

The bill will enable infringement notices to be used in the administration of Victorian interstate registration suspension schemes for heavy vehicles that are repeatedly involved in speeding offences. It will also enable Vicroads to require the fitting of speed limiters to vehicles that are meant to have them as well as the testing of existing ones.

Then we go to the gobbledegook of consultation and the desire to consult to make sure the government knows the will of the people. When it comes to the issue of motorcycle permits, I would have thought the government could have gone into country areas and sought some consultation on changing the current situation, which is 17 years and 9 months, allowing three months practice before a licence test. As I said, this legislation changes the minimum age to 18, the argument being that, unlike learner permits, motorcycle permits allow independent travel, which encourages the use of motorcycles.

Statistics show a high accident rate for people of this age. The minister's second-reading speech also talks about the high motorcycle accident rate in urban areas. If the Minister for Transport, who is the minister responsible for the legislation, would one day appear in Parliament when these bills are being debated, it would be a lot better for all of us. Here we have a situation where that is not the case. I cannot expect the Minister for Education to even look at and consider — —

Mr Delahunty interjected.

Mr STEGGALL — I know, she would probably agree with me on this legislation, but in the country the issue is a little different. The statistics for urban areas do not apply in the country. I wonder where the honourable member for Carrum is, because she keeps telling me how consultative this government is. She was here until I stood up to speak, and then she disappeared. The issue is that we do not want or need this amendment.

As has been said, we probably will not have a committee stage, so we in the National Party give notice that in the other house the National Party will be moving an amendment to leave the status quo in place for country areas. The amendment which we have circulated in this place — the Minister for Education might like to pass it on to the Minister for Transport — proposes that we leave the current limit of 17 years and 9 months for all those who reside in the 47 local government areas under the Regional Infrastructure Development Fund Act, so it would be common throughout those areas. The 47 municipalities pick up the country areas in that act. We have chosen that as the one which would leave the status quo. Why would we do that? Consultation has not been all that difficult for some of us.

I have to acknowledge two members — an honourable member for North Western Province in another place, the Honourable Barry Bishop, and the honourable member for Wimmera — who have done most of the work on this. A letter from Peter Walsh of the Victorian Farmers Federation states:

> Thank you for your letter … alerting the VFF to this bill and the proposal to increase the age at which a motorcycle learner permit may be obtained from 17 years and 9 months to 18 years.
>
> The VFF has some concerns about this. Motorcycles provide young people from farming backgrounds with a cheap transport to work or education. Young people in rural areas have often gained experience riding motorcycles on farms from a relatively early age. The VFF therefore supports your proposal to retain the status quo for country-based motorcycle learners.

One of the issues that we face in the country which is a problem for us is students going to TAFE or vocational education and training programs. A letter from Workco Ltd addressed to the honourable member for Wimmera states:

> As a member of the Wimmera Regional Youth Committee, the Wimmera Rural Training Advisory Committee and general manager of Workco Ltd, I would be greatly concerned with any increase in age to obtaining a motorcycle learners permit.
>
> Young people in our region are experiencing difficulty in taking up apprenticeships and traineeships in agriculture due to the lack of transport to and from work and trade school. In the past both these committees have sought a review into the youth driving age to see if it could be reduced similar to other states of Australia. The fact that young people lack transport to take up training positions is causing a skill shortage in agricultural industries that will deteriorate into the future.
>
> I ask the National Party to not only oppose the bill but also strongly push for a more extensive review into reducing the driving licence age in Victoria.

The National Party will not be opposing the legislation but the issue of the driving age in country areas has been a consistent problem. I appreciate and understand the safety, the statistics and the problems that go with it, but had the government done any consultation it would understand that it is an ongoing problem.

Cr Bruce Meyer, mayor of the West Wimmera Shire Council, states in a letter that it:

> … would like to draw your attention to the point of a possible raising of the minimum age to 18 years for motorcycle learner permits. This is contained in the proposed Road Safety (Further Amendment) Bill.
>
> Our council feels strongly that we would like the current status to be maintained. It is our belief that many farm apprentices and students required to travel some distance for further education will be disadvantaged. These young people would be totally reliant on parents or friends to get them to work should there be a change. Many rural areas do not have public transport.

Nearly all country areas do not have public transport.

> We would point out we do not seek an unlimited horsepower for permit riders, nor do we request unlimited use, but simply want to allow young people to have every opportunity to be employed. Being on the border we are in competition with South Australian job seekers who can obtain a full drivers licence at 16 years.
>
> Please bring this matter before your party and the Parliament.

I have similar letters seeking that same continuation from the chief executive officer of the Hindmarsh Shire Council, Kevin Shade, the chief executive officer of the Rural City of Horsham, and Peter Elliot, corporate services manager of the Northern Grampians Shire Council. I suggest to the government that it could simply drop this provision from this legislation and keep the status quo.

It might seem strange that we are talking about three months, but there is an issue with young people in country areas obtaining work and education and getting transport to work and education. This is a beavering away of that and it is a huge issue for the National Party. I do not know about other areas, but from time to time in my area we have had special permits for young people to use motor cars for particular purposes, at times and on routes to be able to fulfil a family need.

The National Party will not be opposing this bill. If it has the opportunity in this place it will move that amendment in the committee stage. If there is no committee stage, the National Party will move the amendment in the other house. I reiterate some of my disappointments about the bill in this debate. The first is the lack of attendance by the minister responsible for the legislation. The second is the lack of the use of technology for motor vehicle thefts. The third is the proof that the government uses mandatory sentences despite its denial that Victoria has mandatory sentencing. And the fourth is the lack of consultation. This government has failed dismally in preparing this legislation.

Mr CARLI (Coburg) — Given the time of evening and the fact that we have another bill to deal with, I wish to make a very short presentation on this bill. However, I intend to pick up on some of the issues raised by the two previous speakers. I accept that the opposition parties are largely supportive of this bill, but their speakers have raised some concerns which are largely red herrings and need to be dealt with.

The position taken by the honourable members for Mordialloc and Swan Hill was that the government needs to be serious about road safety. The government is absolutely committed to road safety, as have been the Parliament and the all-party parliamentary Road Safety Committee. This is not a time to start taking cheap shots at government, given that there has been an increase in the road toll, which is unfortunate. We have to act and act decisively. This is the sort of legislation which allows us to act decisively. We have heard flip-flop arguments from the two previous speakers.

There seems to be some concern about the issue of mandatory sentencing. The opposition has characterised the loss of licence for someone found to have over .07 blood alcohol content as a mandatory sentence and said that somehow that is hypocrisy on the part of the government. It is not a mandatory sentence. The cancellation of a drivers licence does not take away a fundamental right of a person; it takes away the privilege to drive a vehicle because that person has demonstrated that they are unfit to hold that privilege. Those people are clearly unfit because they have allowed themselves to become so intoxicated as to be incredibly dangerous on the road. We know that by the time you get to .07 you are a big danger. The statistics demonstrate that there is an exponential increase in the number of accidents and the likelihood of an accident based on that increase in blood alcohol level.

The government is committed to reducing the road toll by 20 per cent. The toll has gone up this year, and it was also up last year. The government must act, and one of the ways it is acting is to get rid of what is now an anomaly. People are losing their licences in an inconsistent treatment of first offenders. The government wants to make that consistent and to be particularly tough on people found to be .07 and above. It is not a question of mandatory sentencing; it is about acting and acting decisively. When you deal with these issues it is a trade-off all the time between the impact of road accidents and the carnage on our society and the individuals who continue to transgress and drink and drive. That issue needs to be put in its place.

I want to take up an issue raised by the honourable member for Swan Hill. The bill makes a series of amendments to the Road Safety Act, and the honourable member was concerned about the issue of

motorcycle licences and people aged 17 years and 9 months. The intent of the legislation is to increase the age limit so we do not have learner-drivers out there before the age of 18. The issue for the government is one of safety. I appreciate that the honourable member has raised the issue of transport, but the figures from Vicroads for the year to date in non-metropolitan areas show a doubling over the previous 12 months of motorcycle fatalities from 11 to 22. Two learners have died on the roads, which is 9 per cent of all fatalities. The most disturbing figure is the doubling of crashes involving casualties — serious accidents — for drivers under the age of 18 from 11 to 22. So we have a genuine safety issue in non-metropolitan areas.

Metropolitan Melbourne has had a significant reduction in motorcycle deaths and in young people under the age of 18 being involved in serious crashes, whereas the non-metropolitan area has had a significant increase. I appreciate the arguments about the issue of transport, but at the moment we have to tackle the road toll, and there is a clear issue about younger drivers getting killed on the roads on motorcycles through inexperience and because they use motorcycles before cars because they are able to. That is the simple reason: they can drive a motorcycle at 17 years and 9 months versus 18 years for a car licence, so we end up with a serious safety problem.

The other matters raised in the bill include the establishment of a write-off register to combat the rising rate of vehicle theft, which has largely been welcomed by the opposition parties, and I appreciate that. Clearly we have rackets that seem to be centred on Victoria. We have to combat them, and the establishment of a register, which exists in other states, will make it more difficult for stolen vehicles to be theoretically written off and then found to be reregistered.

The tightening of drink-driving laws and making the laws fairer for those over the legal limit has also been largely accepted by the opposition despite the furphy about mandatory sentencing, which does not exist. It is not a fundamental right; it is a privilege, and they have lost that privilege as a result of their recklessness.

The other issues in the bill, such as allowing breath tests to be taken in suitable places including police cars, are clearly important if we are to combat the high carnage on our roads. The bill is part of a larger government strategy. I appreciate the concern of the two previous speakers, but there is an absolute commitment by the Bracks government to reduce the road toll and the carnage on our roads through a multifaceted approach. We will shortly release a strategy paper which will clearly outline the various steps the government will take to reduce the death toll and injury on our roads. I wish the bill a swift passage through the Parliament.

Debate adjourned on motion of Mr SPRY (Bellarine).

Debate adjourned until later this day.

MARINE (HIRE AND DRIVE VESSELS) BILL

Second reading

Debate resumed from 1 November; motion of Mr BATCHELOR (Minister for Transport).

Mr PLOWMAN (Benambra) — I cannot understand why the government cannot get it right. We have now had three bills relating to marine safety, and they all manage to come up with different end results, and they certainly have not come up with an arrangement that allows for the same regulations to apply on either side of the state border. I happen to live on the state border, so I know that people boating on either Lake Hume, Lake Mulwala or any of the other barrages on the Murray or on the Murray itself are beset by this difficulty: if you are in Victorian waters you have one law and if you are in New South Wales waters you have another.

Why is it that with this bill that anomaly has again crept in? Why is it that the government cannot go that step further and ask: what is the relationship between the two states? Can we possibly do something to get this right? It highlights again the fact that the government is not prepared to look past the border of Melbourne at interstate waters and recognise that these laws do not apply just to the bay, to the marine areas on the coast or to the rivers in the south of the state, they actually apply along a state border.

There is a lot of boating on Lake Hume and on Lake Mulwala — which is famous for its speedboat racing. I am quite sure that anyone who is interested in it would have followed it with a degree of passion because speedboat racing in Lake Mulwala is some of the finest boat racing in Australia. Lake Hume is starting to get some of the big boat races.

This bill relates not to speedboat racing or to the irregularities between big and small boats but to hire vessels, and blow me if the government has not got it wrong on hire boats as well! I put it to the government that this is just as important for people in my neck of the woods and all the way along the river as it is for

people on the bay. It seems unbelievable that it is has not given due consideration to that.

Although the opposition supports the legislation, the bill is full of inadequacies that we would sooner the government got right. Sooner or later if the government does not get it right, hopefully we will have the opportunity at the next election to change some of the stupid anomalies that are still not addressed in the bill.

Mr Batchelor interjected.

The ACTING SPEAKER (Ms Davies) — Order! The Minister for Transport is being disorderly! The honourable member for Benambra should continue without assistance from government members.

Mr PLOWMAN — Madam Acting Speaker, might I suggest that the Minister for Transport leave the house? Much as I love applause I am sure that was not — —

The ACTING SPEAKER (Ms Davies) — Order! The Minister for Transport has departed from the house.

Mr PLOWMAN — I am absolutely delighted by that.

What I was about to say before that rather strange interruption occurred is that we should be looking at uniform legislation between the states on all boating issues. Honourable members would recall the strange legislation in which we had to determine where the boundary was in Lake Hume, and instead of saying that all of Lake Hume would be administered under Victorian legislation and regulations, as is the case with fishing licence requirements on Lake Hume, we had the arbitrary border of the Bethanga Bridge being the determinant as to which part was regulated by Victoria and which part by New South Wales.

We need uniformity. It is commonsense when people go out on the water in an area like Lake Hume or Lake Mulwala that they know they need a Victorian fishing licence, a Victorian boat-holders licence and a Victorian licence in respect of hire-and-drive vessels. It makes good sense, and hopefully sooner or later the government will come to that conclusion.

The other point I want to make is that there should be exemptions, and clearly they should include pensioner concessions.

Mr Steggall — You must be feeling your age!

Mr PLOWMAN — Given that I am not as old as the honourable member for Swan Hill, I quite agree with him that those of us who are getting close to that age certainly would respect the fact that a pensioner concession would come in quite handy.

In all seriousness, all the pensioners who like going out onto the water should have that opportunity. It is one of the areas that has been overlooked. It is not something that the government has indicated as being worthy of applying. It applies just as much to marine hire-and-drive vessels as it does to recreational vessels. It is something that the government needs to turn its mind to. It is supposed to be looking after the people, and frankly I think the opposition would do a better job in recognising that pensioner concessions should apply to things like boat licences.

There should definitely be an exemption for a yacht under sail. A yacht under sail should not require a licence, but in fact it does. If you have an outboard motor of any size on board — even if it is a tiny outboard motor that you might have for a dinghy attached to your yacht and have no motor on the yacht that makes it mobile — you have to have a licence, because the requirement is that if a vessel of any sort has the opportunity to be motorised then the operator of the boat requires a licence.

The other exemptions that should be considered are emergency vessels, rescue craft and lifesavers power vessels — the rubber duckies. Why do you need a licence to drive a rubber duckie that is going on lifesaving work? It does not make any sense.

I think I surprised quite a few people when I spoke about lakes Mulwala and Hume on a bill similar to this and said that we have an inland coastguard. A coastguard flotilla is located at Lake Hume, another at Eppalock and a third one inland in Victoria, but I am not sure which body of water it is on. We have been fortunate to be given a powered boat which gives us the opportunity to be far more efficient than ever before. But why do we need a licence to drive it? It does not seem right.

Rescue craft that accompany a fleet of yachts also need a licence. Again I cannot understand why you need a licence under those circumstances. If you are accompanying a vessel with a rowing eight or a rowing four and you have the coach going along in the vessel, why would you need a licence — —

The ACTING SPEAKER (Ms Barker) — Order! The time appointed under sessional orders for me to interrupt the business of the house has arrived.

Sitting continued on motion of Ms DELAHUNTY (Minister for Education).

Mr PLOWMAN (Benambra) — I have very nearly completed my contribution, Madam Acting Speaker. I make the point that there are exemptions that should apply to all vessels. The bill extends the licensing regime to cover operators of hire-and-drive vessels that are able to attain a speed of 10 knots or more and personal water craft.

But again, if you need a licence for a hire-and-drive vessel that can do 10 knots or more, why should that not apply to all recreational vessels, as it does in New South Wales? It highlights the fact that for someone over the age of 16 years there is no licence required to drive a boat that happens to be a hire-and-drive vessel. Why is it that the operator of a boat that is exactly the same but is not a hire-and-drive vessel requires a licence? I do not understand what the safety difference is, and I cannot appreciate why with one boat you need a licence and with the other, which is not hire and drive and which you own and probably know more about and whose safety requirements you are more familiar with, you need a licence. I find it very strange; it just does not make sense.

I conclude by saying that the other morning while driving somewhere I was listening to Ben Knight on 3LO.

Mr Delahunty interjected.

Mr PLOWMAN — It is a good program, and it goes around regional Victoria, as the honourable member for Wimmera knows. I too appreciate the same program. Ben Knight was talking about boat licences, and a listener rang in and said, 'I've gotta tell you that I'm a semitrailer driver, and I also have a little tinnie that I go fishing in. The little tinnie has a 3-horsepower motor on it. It can't possibly go 10 knots, but I still have to have a licence, which costs me $25'. Twenty-five dollars to drive a little tinnie that will not go more than about 5 knots an hour! Guess what the licence cost him to drive his semitrailer? Ten dollars! It cost him $10 for his semitrailer licence, with all the risks and responsibilities associated with driving it, but to drive his little tinnie out on Lake Hume to go fishing he has to pay $25. It does not make sense!

Mr STEGGALL (Swan Hill) — The Marine (Hire and Drive Vessels) Bill is one of those pieces of legislation that makes us wonder how we ever got into the issues that give us a lot of problems, particularly along our borders.

I thought I would run through the purposes of the bill and some of the issues and concerns relating to it. The purpose of the bill is to require the operators of some hire-and-drive vessels to hold an operators licence and to provide specific regulation-making powers in relation to the operation and use of those vessels. In 2000 legislation was passed that introduced a recreation vessel licensing regime into Victoria. Hire-and-drive vessels, even though largely used for recreational purposes, are classified as commercial vessels and were not covered in the licensing arrangements at that time.

The bill extends the licensing regime established by the act to operators of hire-and-drive personal watercraft — that is, jet skis; operators of mechanically powered hire-and-drive vessels capable of 10 knots or more; operators of prescribed classes of hire-and-drive vessels; and young persons aged between 12 and 16 years who hire mechanically powered vessels. By way of example, a tourist or holiday-maker who wishes to hire a jet ski or vessel capable of 10 knots or more will be required to have a licence. The proposals seek to build on existing regulations for the instruction to operators of hire-and-drive vessels by requiring the vessel owners to provide more comprehensive pre-trip safety briefings and safety checklists.

The biggest issue the National Party has with this bill is that it now creates another class of boat user by exempting an operator utilising a hire-and-drive vessel from licensing, provided the motor-powered vessel cannot exceed 10 knots. I will go through that again: the biggest issue we have with the bill is that it now creates another class of boat user by exempting an operator utilising a hire-and-drive vessel from licensing, provided the motor-powered vessel cannot exceed 10 knots.

During the initial debate in November 2000 the National Party wrote to the minister in another place on this issue, looking to insert these provisions into the previous bill across recreational users. They were subsequently rejected. At that stage we had not received any support from the boating industry. With hindsight we are at last seeing some support. In his submission on the Marine (Amendment) Regulations 2001 Lindsay Grenfell of the Boating Industry Association came out in support of our stance on the exemption of vessels under 10 knots. This was not the association's stance when we approached it regarding the legislation back in November 2000.

Tonight is probably one of those nights when the Parliament might consider correcting an anomaly which it has created in its previous legislation and which it extends in this legislation. We have a situation

whereby if you own or operate any vessel in the state of Victoria, you need a licence. But if you hire a vessel that travels at less than 10 knots you do not need to have a licence.

Where I come from, the seat of Swan Hill in northern Victoria, sitting on the Murray River, or the River Murray, as we like to call it — —

An honourable member interjected.

Mr STEGGALL — Yes, a lovely spot, with a good golf course. The situation is that our silly little law is out of kilter with New South Wales. As the honourable member for Benambra said — and he and I have not been on the same side in recent debates — —

Mr Thompson — On a point of order, Madam Acting Speaker, the honourable member for Swan Hill has alluded to honourable members not being on the same side. One matter which was alluded to in the chamber earlier today and which would place all of us on the same side is the Australia–Uruguay game. Australia has just won the game 1–0.

Honourable members applauded.

The ACTING SPEAKER (Ms Barker) — Order! While there is no point of order, I welcome the information from the honourable member for Sandringham.

Mr STEGGALL — Thank goodness someone in this place was going to tell us. As you would appreciate, Madam Acting Speaker, we were all very keen to find out what had happened tonight so I thank the honourable member for his excellent point of order. May the team go well in Montevideo next week.

Because we have these anomalies and a mess on our boundaries, and because those of us who live in the northern areas and on the borders spend a lot of time dealing with border anomalies, the National Party intends to move a reasoned amendment with the hope and desire that the government will pick it up. I therefore move:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this bill be withdrawn and redrafted to provide for a powerboat licence to only be required when operating a vessel that is propelled by mechanical power capable of producing a speed of at least 10 knots, and to resolve the present border anomaly which exists with New South Wales'.

As members of Parliament representing border electorates we spend a lot of time dealing with border anomalies. In Swan Hill we have a committee comprising representatives of the Shire of Wakool and the Rural City of Swan Hill — and including the honourable member for Murray in New South Wales and myself — that is trying to sort out the many anomalies in our legislation. Here is a pretty simple little case and one which I plead with the government to correct while the bill is between here and another place. It is a simple little thing that needs to be picked up.

The honourable member for Benambra talked about those vessels that create the anomaly — anything that travels at less than 10 knots. In New South Wales no licence is required until a vessel is capable of more than 10 knots. The waters of New South Wales lap on the Victorian side of the Murray, yet we have this ridiculous situation. In South Australia, which borders my colleague's seat of Wimmera, they have a similar registration requirement, which lasts for life. However, there is no registration required for a vehicle that travels at less than 10 knots.

The debate gives us the opportunity to try to correct not only the anomaly we created in 2000 but also the anomaly the government wishes to add to tonight. How stupid can you get, particularly when a bill has a licence requirement for everyone who drives a motor-powered vessel? Now we are telling these people that they will be exempted if the vessel is hired. If they hire a vehicle of less than 10 knots capacity, they will not require a licence, but everyone else will. I do not know whether this government is at all serious when it comes to debates in the Parliament — honestly, I don't. I would be very keen to know whether the government would be in the least bit interested in picking up this anomaly. The National Party and the opposition are fed up to the back teeth with stupid border anomalies. This one happens to be one of the most stupid, and it needs to be changed.

The wording of the reasoned amendment is taken from the regulations under the New South Wales act, which refers to every vessel that is propelled by mechanical power capable of producing a speed of at least 10 knots. I ask the parliamentary secretary, the only member on the government's side of the house who is interested in this issue, to give it consideration. The current situation is a pain in the neck. The River Murray is not just the trunk of the Murray; there are billabongs and creeks in the Murray. At Swan Hill, for example, there is a distributary called the Little Murray or the Marraboor River, which joins the Murray at Swan Hill.

Currently a person travelling on the River Murray, who has no need for a licence and who may be in a small, tinnie craft, upon entering the Little Murray at Swan Hill — bingo! — has suddenly broken the law and is in

strife whether he or she is from New South Wales or wherever. That is absolute nonsense.

When the legislation was in the other place we pleaded with the minister not to do what she eventually did, which was to introduce licences for all vessels. We asked her to exempt vessels that travelled at speeds of 10 knots or less. She refused to do so. I would suggest that the next week or so of the parliamentary sittings is probably a good time for the Labor Party to consider this amendment.

Earlier today in debate on another bill that was before the chamber I mentioned the lack of consultation, despite all this government has said about its great consultative program. It is disappointing that the minister is not here; ministers do not seem to be at all interested in their own legislation in this place. As the honourable member for Mordialloc said earlier, we do not get any proper debate because the person responsible for the legislation refuses to attend the chamber or to participate in the debate. If the bill ever gets to a second-reading vote the minister will walk in here at the end of the debate and make some type of speech to sum up. However, she will not participate in the debate on the legislation on its way through.

As I said earlier, the Independents really need to have a look at this situation. It was interesting to hear how life was going to change and how democracy was going to be enhanced under this government. The Independents' foray into that has taken us back and is now becoming a joke far worse than was the case under the Kennett government even when it was most criticised. At least our ministers participated in debates, took the brunt of criticism and answered their accusers. In the Cain and Kirner years ministers did the same thing; however, this government's ministers do not.

I ask honourable members to consider the reasoned amendment. We will not have the opportunity to amend this legislation. We have sought advice and would have liked to amend the legislation to achieve what I have sought by way of reasoned amendment, but we cannot do so without following a process which is long and drawn out and which I am sure will not be agreed to by the government.

So, for this little tiddler of a bill that has occupied this chamber for a whole hour of its life, I ask that the minister and the parliamentary secretary take this bill away and have a look at it or instigate an amendment to correct this silly anomaly. While in Melbourne there are 3.5 million people who could not give a continental about this issue and to whom it means nothing, in border areas and areas where people utilise and share New South Wales waters this is one of those annoying, silly little problems. I ask honourable members to heed what we are asking tonight and to take the amendment forward. We hope the minister will correct the anomaly while the bill is between here and another place. There is no hassle concerning any great plan or philosophy, but we ask the minister to please take this legislation aside, bring in the amendments that are necessary and let us clean up the mess of licensing provisions for small vessels on our waterways that travel at speeds of less than 10 knots.

Mr CARLI (Coburg) — I rise in support of this bill. Much was made by the previous two speakers from the opposition parties about the anomaly between New South Wales and Victoria. The reasoned amendment suggests that this bill should be withdrawn until we resolve that anomaly. It seems to me that it is not a case of Victoria having to meet the requirements of New South Wales but of New South Wales meeting the requirements of the bill to ensure that we have the national principles that New South Wales agreed to.

Victoria is now leading the other states in these changes. New South Wales has agreed to the national principles that involve the regulation of vessels and in future will follow the Victorian requirements, so there is no anomaly. As is often the case, we are leading Australia in introducing this amendment, as we have led in the making of regulations regarding the licensing of marine vessels.

The bill is about licences and the licensing requirements for various operators of hire-and-drive vessels. It has an extraordinary amount of support from the industry — that is, from the operators of such vessels. It will ensure that the operators of hire-and-drive personal watercraft — the so-called jet skis — will hold an operator licence. We have agreement on that. The argument is that the operators of mechanically powered hire-and-drive vessels that are capable of 10 knots or more should hold an operator licence and that young persons aged between 12 and 16 years of age who hire such mechanically powered vehicles should be licensed. That is the sum total of what the bill provides. It is to do with safety, taking out the high-risk areas and ensuring we have a viable hire-and-drive industry.

Craft capable of less than 10 knots are not included, because to do so would take in a whole raft of vessels, including all sorts of recreation vessels. The government does not want the net to be so wide that it will destroy the hire-and-drive industry. Clearly we are aiming to provide licensing in those areas where operators need to be licensed for safety reasons — that is, where there is obviously a high risk because of the

involvement of young persons or because of the speed of the vessels, such as jet skis. We know jet skis are not only capable of very high speeds but can also be dangerous in the hands of unlicensed people. That is the simple basis of the legislation.

It seems to me that the National Party wants to continue a previous debate on legislation this house has passed. The bill supplements that previous legislation. The government wants the legislation to be in place for the coming summer because it picks up those high risk areas — that is, vessels that are capable of over 10 knots and younger persons operating them. There seems to me to be an immediate need to pass this legislation because with summer coming up we want to make sure we have the highest safety requirements possible.

The honourable member for Swan Hill made a number of comments tonight attacking the government's commitment to consultation. Certainly the government is pleased with the consultations so far. They have been strong and profound. The industry said, 'We do not want a blanket licensing approach'. The operators agreed that it should affect only vehicles with speeds of greater than 10 knots. The bill has strong support from the industry and from the general public.

The government seeks to regulate this sector, because it regards it as important to ensuring safety on Victoria's waterways. We are leading New South Wales. There is no anomaly; New South Wales will follow us because there has been national agreement around the basic principles on which this legislation is established. They have agreed to it; they will follow our lead, and as usual Victoria leads the way.

The honourable member for Swan Hill wants us to go backwards, against the demands of the industry and against our consultations. He basically wants to ensure that this summer we do not have the protection on our waterways that we require, and that the industry and the general public would like. We have done the consultation and we have been responsible in not providing a blanket approach. We have looked at the areas of most danger, where we have to ensure there are safety requirements. We want to have those measures through this house so that we have a regulated, safe industry.

We are also committed, as the honourable member for Swan Hill knows, to a major publicity and educational campaign as has occurred with the licensing in the first place. We have been committed to putting in place a fund to improve the waterways, to improve facilities for people in the boating industry and for recreational users. We are basically acting on behalf of the industry and the general public. We are pleased and proud to do that. We want the bill to get through Parliament and we do not want to muck around with the sorts of amendments the honourable member for Swan Hill wants, which would simply ensure that we do not get the bill through the spring sittings. He does not want us to ensure there is safety on our waterways, but we will continue to fight for the legislation. It is important. I fully support it, as do all government members, industry and the general public.

Debate adjourned on motion of Mr SPRY (Bellarine).

Debate adjourned until next day.

Remaining business postponed on motion of Ms KOSKY (Minister for Post Compulsory Education, Training and Employment).

ADJOURNMENT

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I move:

That the house do now adjourn.

Disability services: wheelchair ramp

Mr LUPTON (Knox) — I raise with the Minister for Community Services a matter relating to a Mr Doug Shepherd of Wantirna South. Mr Shepherd suffered a stroke on 12 February this year. He spent three and a half weeks at the Mitcham Private Hospital and was then transferred to the Angliss Hospital. He came home on 30 May. At that time an application was made to PADP, the Program of Aids for Disabled People — which is now called Victorian Aids and Equipment Services — for a ramp to be built at his home so that he could move in and out of his home.

The disappointing fact about the matter is that on three occasions these plans have had to go to an architect to be drawn up. Surely to God in this state we can find an architect who can draw up plans for a ramp for a person in a wheelchair. It has gone to three different architects for that to occur! Apparently they have now agreed that the plan can be drawn and a ramp built at his house, but there will be a three-month delay before funding is provided to have the ramp built. This gentleman came out of hospital on 30 May. It is now 20 November. In that time he has been a prisoner in his own home.

He has not been able to leave his home because he cannot get a ramp built. The Minister for Community Services is supposed to be running a department that

looks after people with disabilities, yet on three occasions plans for the ramp have been taken to architects to be built but have not passed the various tests. Either some bureaucrat is dreaming or surely to God there is somebody in this state who can build a ramp. This gentleman has difficulty in speaking. I have tried to speak to him on two occasions, but his wife has had to come to the phone. He is a prisoner in his own home.

I want the minister, with all her powers, to get some semblance of action going on having a ramp built at this gentleman's home so he can get in and out in his wheelchair. I do not think that is asking too much. As I said, after six months this poor gentleman is still a prisoner in his own home. It is a waste of time writing to the minister, because I will not get a reply for six months. All I am asking is that a ramp be built at his home in Wantirna South so that this gentleman, who has suffered a stroke, can get out and experience a bit of pleasure and then come back via the ramp. Surely that is not too much to ask.

Rail: Connex land maintenance

Mr LEIGHTON (Preston) — I refer the Minister for Transport to a matter involving some land along the Epping railway line, which runs through the City of Darebin. I ask that the minister have his department, through Victrack, require the lessee of the land, Connex, to properly maintain it. The City of Darebin has two railway lines — Epping and Hurstbridge — running through the municipality. There is about 14 kilometres of railway track that cuts through high-profile public open space and residential areas.

The state of the land is an absolute disgrace. Much of it is overgrown with long grass and dense vegetation. That is particularly evident around the Regent railway station and also further to the north at the Reservoir and Ruthven railway stations. As well as the overgrown grass the dumping of rubbish and heavy littering is such that council officers believe it affects the vision of cars and endangers the safety of commuters and pedestrians.

In the absence of Connex meeting its responsibilities, the council has been forced to undertake the maintenance at 16 sites along the railway lines, including basic grass cutting, which costs the council around $30 000 per year. The council has also been working with local community groups and residents on the expensive beautification of six railway land sites, with works including site preparation, vegetation, planting, gardening and mulching.

I am aware that the council has received many complaints from residents and has consistently and persistently tried to have Connex meet its responsibilities, which it will not. Connex leases the railway land from Victrack and is clearly responsible for its maintenance. Connex in turn contracts the maintenance of the land to Alstom Melbourne Transport, which in turn subcontracts the work to Flask Gardening and Maintenance. In my view Connex cannot simply seek to rely on the subcontractors not meeting their responsibilities. If those subcontractors are not meeting their responsibilities they ought to be sacked. Connex is a bad corporate citizen in sitting back and having the local community pay for its responsibilities. This is clearly the ugly side of the privatisation that occurred under the Kennett government.

Parks Victoria: road maintenance

Mr DELAHUNTY (Wimmera) — I raise for the attention of the Minister for Environment and Conservation a matter about road surface conditions at Mount Arapiles in particular and the roads under the control of Parks Victoria in general. I ask the minister to take action by providing increased support and assistance to address the concerns raised by Mr Gilbert Ampt of Gymbowen and the Horsham Rural City Council to repair the road networks under the control of Parks Victoria. In a letter Mr Ampt states:

> Mount Arapiles in the heart of the Wimmera electorate, well known as one of the five best rock climbing venues in the world, and certainly the best in Australia …

He raises concerns about the roadways, the parking area and particularly the surface around the Major Mitchell information plaque.

The chief executive officer of the Horsham Rural City Council also wrote me a letter. The council compliments Parks Victoria in some areas, but the letter states:

> … to our knowledge there has been little or no maintenance undertaken on the road system at Mount Arapiles for some time …
>
> This council remains ready at any time to assist Parks Victoria in the maintenance of the network to ensure that the full potential of Mount Arapiles is available for all users.
>
> We would greatly appreciate any assistance that you could provide … and I would take this opportunity of further drawing to your attention similar concerns that will be shortly presented to you on road maintenance and construction deficiencies within the Grampians National Park.

As honourable members know, the Grampians National Park is the second most visited tourist attraction in

Victoria and Mount Arapiles is a world-renowned rock climbing venue. I asked the parliamentary library to do a bit of research for me and it has gone through the annual reports of Parks Victoria. In 1997–98 Parks Victoria received funding of $350 000 from Vicroads to construct, improve and maintain roads leading to or through national parks. I cannot get the details from then until 2000–01. There is a lot of information there, but we cannot get the actual amount that has been spent on improving and maintaining the road network in the areas under the control of Parks Victoria.

As I said, the Grampians and Mount Arapiles are important areas that must be maintained. As Mr Ampt highlighted in his letter, the road network is below par and there is inadequate parking, particularly near the plaque honouring that great explorer, Major Mitchell.

I call on the minister to take action and address the issue of concern not only in the Mount Arapiles area and the Grampians, which, as I have highlighted, is an important park, but across Victoria. I have been hearing concerns about the standard of the road network. In country Victoria we rely on the road network to get tourists and others into the areas. It is important that Parks Victoria maintain the roads.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member's time has expired.

Housing: western suburbs homeless

Mr SEITZ (Keilor) — The matter I raise is for the attention of the Minister for Housing. During the adjournment debate on 18 September the minister updated the house on the western region crisis accommodation initiative, which is a proper plan and program that has been put together by the Bracks government to meet the need for public housing and accommodation in the western region, of which Keilor forms a part. I ask the minister to take further action to ensure that the plan is developed so that as soon as possible extra accommodation can be made available to people who are homeless and need public housing and other services. Although the government is trying to provide accommodation for the various groups that need public housing and accommodation facilities, unfortunately at the same time some local people are opposing the building of such facilities next door to them, even if they are on new blocks of land and out in paddocks.

I hope the minister will take appropriate action on those issues, steer the plan through with the community and stop those anarchists who are trying to stir people up against these developments, even against the Minister for Community Services, who is providing more accommodation for children at risk and community residential units which are desperately needed. The community wants to get the programs off the ground and start construction work and the modification of existing buildings in the area that are suitable for those purposes. I urge the minister to pursue the matter with great vigour.

Defence forces: land acquisition

Mr DIXON (Dromana) — I raise with the Minister for Housing a matter regarding the Housing Act 1983 — and she is very excited. I ask the minister to amend the act to prevent the compulsory acquisition from serving soldiers or other service personnel of land that they own. I have raised this matter in this chamber before on behalf of a constituent, Mr Reg Mounsey, who, while serving overseas during World War II, owned a block of land at Highett. He returned from the war to find that the land had been compulsorily acquired — which was legal — and he was reimbursed the £40 he had paid for that block.

The minister replied then that it was not necessary to amend the act because this part of the act would never be used. Mr Mounsey has asked me to raise this, not for him, because he has got his answer from the minister, but so it will not happen again. My argument and Mr Mounsey's argument is that because that section is still in the act and theoretically could still be used, that part of the act should be repealed.

At the moment it is very relevant because Victorian personnel from all the services are serving overseas in Afghanistan and in East Timor. Theoretically this could still happen to them, because this part of the Land Act is still there and therefore could be used. It affected Mr Mounsey greatly. In a very unselfish way he has asked me to raise the matter so that the same thing does not happen to anyone else.

The minister wrote to me in June this year and said that that section of the act would never be used. But it begs the question: if it will not be used, why not repeal it? It is either redundant or it is there for a reason. I ask the minister to give this very important and relevant matter her consideration.

Clarinda Retirement Village

Mr LIM (Clayton) — The matter I raise is for the attention of the Minister for Aged Care. I seek her assistance with the settlement of a dispute at the Clarinda Retirement Village in Bourke Road, Clayton South, in my electorate.

A number of relatives of residents of the Clarinda Retirement Village have contacted my office regarding a dispute between residents and Kotel Pty Ltd and Marcando Pty Ltd. After this initial contact, on a couple of occasions I met with residents of the village and received correspondence from the lawyer acting on their behalf.

The frail and elderly residents are highly distressed and agitated by this ongoing dispute. The correspondence they received from the lawyers acting on behalf of the owner demanded, in some cases, payment of over $3000 and threatened to take action in the Supreme Court against the residents if they did not make such payments. The intimidating correspondence seems strange, as I have been advised that the costs involved in any Supreme Court action would be greater than the amounts sought in the threatened legal action, making such a course of action pointless.

I am deeply concerned by the ongoing distress and trauma this dispute is causing the elderly residents. It is my understanding that the Minister for Aged Care has some responsibility under the Retirement Villages Act 1986 for the resolution of such disputes.

I ask the minister to investigate what power she has under the Retirement Villages Act 1986 to assist with the resolution of this dispute which is causing significant emotional trauma to the elderly residents of the village, and to take the appropriate action to assist with the resolution of this unwelcome and unnecessary situation.

Mosquitoes: Bellarine Peninsula

Mr SPRY (Bellarine) — I raise with the Minister for Environment and Conservation an issue of great concern to my constituents. The issue is that of mosquitoes on the salt marsh environs of the Bellarine Peninsula, especially around the lower bluff area of St Leonards adjacent to the Edward Point nature reserve. This year mosquitoes, some of which are bigger than wedge-tailed eagles, are in plague proportions and are tormenting residents and visitors alike and making life a misery.

The mosquito common to this area belongs to the *Aëdes* genus and can carry life-threatening diseases such as Ross River fever and Murray Valley encephalitis. The situation is beyond a joke.

The City of Greater Geelong, which is responsible for mosquito control, is getting plenty of criticism for its handling of this issue, which was initially brought to my attention by a resident of St Leonards by the name of John Hodgkinson. However, the problem is the pig-headed refusal of Department of Natural Resources and Environment senior policy advisers — and I mention in particular a gentleman by the name of Mr Gary Niewand — to understand the misery caused to residents by these tormenting creatures.

I am advised that Mr Niewand insists mosquitoes are natural fauna and therefore should be left alone. David Renton from Ocean Grove is a respected mosquito control expert with over 25 years of experience in the field. He uses biological controls including a product called Vectobac BTI, or *bacillus thuringiensis israelensis*, in a mist application with a maximum residual effect of 24 hours, so there is absolutely minimal harm to the environment.

I ask the minister to intervene and instruct her department, and Mr Niewand in particular, to cooperate with the environmental health officers from the City of Greater Geelong, who are concerned about the potential threat to human health as a result of the current mosquito infestation. In addition, I ask the minister to take action to ensure that a comprehensive spraying program is devised immediately to deal with the problem before any serious health consequences eventuate in that area.

Aged care: fall prevention

Ms ALLAN (Bendigo East) — I ask the Minister for Aged Care to investigate the number of injuries incurred by the frail and elderly members of the Bendigo community that are caused by falls. I also ask that she provide some assistance in this area for not only the elderly people in my electorate of Bendigo East but for elderly people throughout central Victoria.

As many honourable members are aware, injuries caused by falls are a significant health issue, and an increasing number of incidents are being reported to the health system. It has been identified by the Bracks government as an area of concern in which significant work can be undertaken to reduce the incidence of falls and to develop some way of preventing falls amongst the people who already have these injuries. I am certainly concerned about the issue in my electorate of Bendigo East, because falls cause serious personal injuries to the elderly and great distress for their families, who have to assist their elderly relatives with care arrangements.

Many older people experience falls in their own homes. Surveys have shown that 49 per cent of falls among the elderly happen in their own homes and that the majority of other falls occur in hospitals and in open public spaces when, for example, people go shopping. A fall

can have a seriously debilitating effect on an older person, which can in turn lead to hospitalisation, home care or, in the most serious of cases, long-term residential care. Even if a person is not seriously injured by a fall they will certainly suffer increased anxiety and loss of confidence when they go out to places like the shops. In the long term that anxiety can lead to increased dependence on community services.

As honourable members will be aware, I am particularly concerned about this issue because the federal election result — the win by the Howard government only two short weeks ago — was not because of the federal government's achievements in aged care. Victoria continues to have serious problems in aged care, and a shortage of 5000 beds in its aged care system remains. The Howard government did not promise one new bed for Victoria during the federal election campaign. I know the Victorian minister has a strong commitment to the provision of services — —

The ACTING SPEAKER (Ms Barker) — Order! The honourable member's time has expired.

Workcover: premiums

Mr WELLS (Wantirna) — I agree with the honourable member for Bendigo East that the victory at the last federal election was magnificent!

I draw the attention of the Minister for Police and Emergency Services to the annual report of the Metropolitan Fire and Emergency Services Board which was tabled in this house a couple of weeks ago and ask him to take immediate action to recompense the MFESB for the massive blow-out in Workcover payments. The board's annual report for the previous financial year shows its Workcover bill was $2.2 million, whereas according to the report just tabled the bill for 2001 is $3 million, an increase of 31 per cent, or $720 000, in one financial year.

The minister probably will not have a clear understanding of this and will claim there has been a massive increase in the number of employees for the fire service. But when you look at it you find the number of employees at the fire service went from 1729 in 2000 to 1756 this financial year. That is an increase of only 1.56 per cent, so how can the minister justify a $720 000 increase in Workcover costs?

If the minister is not prepared to recompense the fire service for its $720 000, will he outline to the house what part of the budget will be slashed to make up this $720 000 shortfall? This comes on the heels of the Country Fire Authority Workcover blow-out, details of which were tabled in the house a couple of weeks ago showing a Workcover cost increase of 111 per cent. It jumped from $775 000 in one financial year to $1.63 million. You would think that at a time of high alert when people in the community are feeling a certain amount of uncertainty because of what happened in New York on 11 September we would have a committed minister to make sure the metropolitan fire service is fully funded and resourced to ensure that if there is any crisis or emergency we have a well-trained, well-resourced and well-financed fire service. As I said, the government simply cannot blame it on the number of employees. We have seen a massive increase of $720 000 and we want the minister to recompense the service. If not we want him to outline what budget areas will be slashed.

Nunawading Primary School

Mr ROBINSON (Mitcham) — What a great result in the soccer tonight — 1–0. Fantastic!

An honourable member interjected.

Mr ROBINSON — I think we did better than most in Deakin. Very good!

I raise for the attention of the Minister for Education a request for a review of maintenance funding at Nunawading Primary School, especially for its roof. Representations were made to the minister in recent weeks for a review of the maintenance funding provided as a consequence of the physical resources management system (PRMS) audit conducted earlier this year. I seek the minister's response to those representations at the earliest possible opportunity.

The Nunawading Primary School is one of the smallest in the electorate and because of its smaller enrolments it has limited funding opportunities. It is also located on the very busy Springvale Road, which acts as a natural barrier. However, the community is probably the most ethnically diverse of any school in the eastern suburbs and does a great job in providing a fantastic curriculum and opportunities for that diverse student population.

The school has been at a disadvantage over the past summer, and I suspect this situation applies to a number of schools where the PRMS audit was commenced under one principal and concluded under a new principal. That puts the school at something of a disadvantage, because the findings of the maintenance auditor cannot be challenged as they might be if the same principal were there right through the process. Some $24 000 was allocated for the roof maintenance project, but that was considered grossly inadequate by the new principal and the school community. It is an

unsightly roof full of patched-up pieces and repairs — a most unsatisfactory state of affairs.

The principal of the school, Glenda Gauntlett, in her first year is doing a fantastic job with the assistance of a very active school council. The school has taken the unusual step, although in this case a very constructive step, of having Cr Kaele Way from the City of Whitehorse as a school council member. Her contribution has been most appreciated.

The minister's response to the school community to the request for a review of the funding allocation for the roof would be appreciated by the school representatives as they prepare to get on with redeveloping the school and making it an even more attractive place for families in the Nunawading area to send their children. It is a great school doing a great job. It celebrated its 75th anniversary not so long ago. With the Labor government's help, we hope it will be in business for another 75 years.

Frankston–Flinders, Dandenong–Hastings and Denham road intersection: safety

Mr COOPER (Mornington) — I raise a matter for the attention of the Minister for Transport. I seek his action in improving the safety of the intersection of Frankston–Flinders Road, Dandenong–Hastings Road and Denham Road, Tyabb. I have been drawing this matter to the minister's attention since January 2000.

Ms Pike interjected.

Mr COOPER — No, I was not, you dumb person. I was Minister for Transport, not minister for roads — get it right! I have raised the matter three times in the adjournment debate this year. I have presented petitions containing 600 signatures to Parliament over the last 12 months, and I have written to the minister three times since January 2000. On 29 May, when I last raised the matter in the adjournment debate, the minister said Vicroads was investigating and he would advise me when it had finished its investigations. I wrote to the minister on 28 August but have not had a response.

On 4 October there was another accident at the intersection, when three people were taken to hospital. As I have told the house previously, the intersection has 200 gas tanker movements, 100 petrol tanker movements and 200 large steel truck movements daily, plus a large number of industry-related truck movements and cars used by a large number of workers, particularly the 1500 workers at BHP-Billiton, as well as a lot of local and tourist traffic.

In the past 12 months there have been 12 calls after serious accidents at the intersection, 5 of which have involved vehicles driving through the intersection and ending up in a ditch on the other side of the Frankston–Flinders Road. Two of those involved tankers carrying liquefied petroleum gas. Since December 2000 there have been two four-vehicle collisions with at least one injury, one three-vehicle collision involving two cars and a gas tanker, with one person injured, and a single-vehicle accident, with the car going through the intersection and ending up in the ditch opposite.

It is a particularly busy and hazardous intersection. It carries a huge amount of heavy vehicular traffic, which, as I have told the house, principally involves the transport of LPG and petrol, as well as a large volume of other traffic. It needs some work done on it. A lot of people have been injured. So far, or certainly since the start of 2000, no-one has been killed, but it is simply a matter of time before somebody is.

As a minimum this intersection needs major works, including hazard warning signs — that is, flashing lights — and advance flashing warnings. It also needs a permanent solution. I want the minister to come down there to look at the intersection. I have asked him previously, and again I ask him to take some action before somebody dies there.

Responses

Ms DELAHUNTY (Minister for Education) — The honourable member for Mitcham raised an issue about Nunawading Primary School, which is a terrific school that has operated for 75 years. It does a great job with a small enrolment, as the honourable member said, and is quite ethnically diverse. It also provides some challenges for the teachers. The school has a great principal, Glenda Gauntlett, and a hardworking school council.

The honourable member for Mitcham has made extensive representations to the department and our office regarding the primary school's maintenance allocation. He is a persuasive local member and knows his schools and their details well. As a result of his representations I have agreed to review the maintenance allocation, because I understand that Nunawading Primary School has had some extenuating circumstances. I understand that the former principal departed after the maintenance audit process had begun and that the new principal was presented with details of that audit, in which some anomalies were identified.

I am delighted to advise the honourable member — and through him, Nunawading Primary School — that the matters he has raised have been considered, particularly the representations about the roofing. The department has agreed to increase the allocation from $24 000 to $110 000, which will cover the issues raised so eloquently by the local member.

The good news continues. As a result of the honourable member for Mitcham's representations to Vicroads, Nunawading Primary School has been able to reach an agreement for some landscaping preparation work to be undertaken in front of the school. I think that will alleviate some of the problems that have been raised. This shows the value of a good local member.

With my portfolio responsibility for the arts and fancying myself as a bit of a gourmet, I congratulate the school on planning a food and music festival for March next year. I hope it goes ahead and I wish the school the greatest success in it.

Ms PIKE (Minister for Housing) — The honourable member for Keilor raised with me the matter of the western supported accommodation assistance program, which provides crisis support services in the western suburbs. The government has allocated $475 000 to this program. That funding is to support people who are homeless or at risk of homelessness and will be complemented by an allocation of 19 Office of Housing properties to be used as transitional or crisis accommodation services. I am pleased to advise the member that the western crisis accommodation working group is a collaborative group of agencies in that region which offers its particular expertise to the broader service delivery in that community. A separate proposal has been developed in that area to provide programs for single women over 25 years of age who are at risk.

Members can understand that people in that community are using innovative and creative methods of cooperation and collaboration to address homelessness. The Victorian homelessness strategy is using these programs as a model in its action plan to tackle homelessness right across the Victorian community.

The honourable member for Dromana raised with me the issue of some potential problems with the Housing Act which may have a detrimental effect on land owned by returned servicemen. I will revisit this matter and advise the member of an appropriate response.

The honourable member for Clayton raised with me the matter of the Clarinda Retirement Village in Clayton South. He identified the fact that the residents at Clarinda are elderly people who are either on pensions or have very limited incomes. They are very concerned about their ongoing welfare. I commend the honourable member for Clayton for his determination to address this issue and work very hard to alleviate the anxiety felt by residents at Clarinda because of the uncertainty about their future accommodation.

The matter raised by the honourable member for Clayton appears to relate to a contract dispute between the village operator and the unit trust holders. As such, this matter is subject to normal commercial law. I am advised that section 35 of the existing Retirement Villages Act allows for arbitration where there is a dispute or a difference between residents and the management if there is no other mechanism available. That mechanism will be available to residents at the Clarinda Retirement Village. I am happy to provide advice to those residents. Organisations like the Public Interest Law Clearing House, the Law Institute of Victoria, community legal centres, legal aid officers, and the Dispute Settlement Centre of Victoria may be able to assist. I reiterate that the honourable member for Clayton is working very hard and my department will support him in whatever way is appropriate.

Finally, the honourable member for Bendigo East raised with me the very significant cost of falls among older people, particularly in her area. She identified that falls are a serious public health issue with older people and that if we do not address preventable falls we face an enormous cost to our health system and the unnecessary and untimely admission into public hospitals, particularly in the aged care system.

I am pleased to advise the honourable member that the Bracks government has provided $3.27 million broadly into the falls prevention program, and recently an additional $200 000 to help older patients avoid injury while in public hospitals. I also advise the honourable member that $50 000 will be provided as a grant to the Bendigo health care group innovative falls prevention program.

I assure the honourable member that the government recognises the enormous cost that falls cause to our broader community and that it is doing everything it can to address the issue of falls prevention and is enhancing a very important program.

Ms CAMPBELL (Minister for Community Services) — The honourable member for Knox referred to one of his constituents, Mr Shepherd, who is very keen to get out of his house with the assistance of a ramp. I will follow up that matter tomorrow and ensure there is an immediate response to Mr Shepherd.

I will refer the matters raised by other honourable members to the appropriate ministers. The honourable member for Preston raised for the Minister for Transport the need to have Epping railway land properly maintained by Connex, which leases the land from Victrack. I will pass that on to the minister.

The honourable member for Wimmera raised a matter for the Minister for Environment and Conservation regarding the Grampians and Mount Arapiles; the honourable member for Bellarine also raised for the Minister for Environment and Conservation the need for comprehensive spraying programs; the honourable member for Wantirna raised for the Minister for Police and Emergency Services an issue regarding Workcover and the Metropolitan Fire and Emergency Services Board; and the honourable member for Mornington raised for the Minister for Transport safety on the Frankston-Flinders Road and a particular hazardous section. I am sure the minister will act far more promptly on that matter than the previous Minister for Transport.

Motion agreed to.

House adjourned 11.08 p.m.