PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

29 May 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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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

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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

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TUESDAY, 29 MAY 2001

Tuesday, 29 May 2001

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

QUESTIONS WITHOUT NOTICE

Marine parks: establishment

Dr NAPTHINE (Leader of the Opposition) — Will the Minister for Environment and Conservation guarantee that not one job will be lost nor one commercial fishing operation forced to close or to move interstate as a result of the Bracks government's marine parks proposal?

Ms GARBUTT (Minister for Environment and Conservation) — I can assure the opposition that if it supports marine national parks there will be a jobs boost and job opportunities right throughout coastal communities in Victoria — over 30 jobs in enforcement and park management, and every single one of them in coastal communities. In addition, of course, opportunities will come about in tourism, education and research.

In fact, the marine education centre at Cape Bridgewater, in the Leader of the Opposition's own electorate, is very enthusiastic about the opportunities that will be provided once the marine national park is in place, if its local member chooses to support it. The opposition is just about the only group that does not recognise these opportunities and, as usual, is talking down rural and regional Victoria.

This is a $39 million package for marine national parks that will be applied to coastal communities. These are opportunities which the opposition is failing to recognise and which it is threatening by its failure to support marine national parks. Other areas have recognised the opportunities. Local government and all the local government associations, the Association of Bayside Municipalities, the Municipal Association of Victoria and the Victorian Local Governance Association — are enthusiastic about the opportunities. In addition, the aquaculture areas alone have the opportunity to provide up to 500 jobs, and many of those will be in the electorate of the Leader of the Opposition because aquaculture zones are proposed for Portland.

The government is very confident of the future of the fishing industry and coastal communities. I am able to announce today a $1.8 million funding proposal for Apollo Bay to rebuild the fishermen's landing there to enable heavy trucks to come onto the landing and take the catch. So the government is very confident of the future of coastal communities.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Polwarth!

Ms GARBUTT — In fact, the main risk is the opposition's attitude.

HIH: government assistance

Mr STENSHOLT (Burwood) — Will the Premier inform the house of the government's response to the trouble that some building practitioners, including some in my electorate, are having in obtaining replacement insurance following the collapse of HIH Insurance?

Mr BRACKS (Premier) — I thank the honourable member for Burwood for his question on an issue that is of great concern to everyone in Australia and certainly to us in Victoria.

Since the collapse of HIH Insurance on 15 March, the Building Control Commission and the government have worked very closely together with the industry associations — the Housing Industry Association and the Master Builders Association — and more broadly with builders and customers to ensure there is minimal disruption in the building industry in Victoria.

Weekly meetings have been held with the Minister for Finance and the key industry bodies to look at the rate of reinsurance provided for former HIH policyholders in the building industry. Unfortunately, although an enormous amount of progress has been made and the overwhelming majority of policyholders have been reinsured, because of a backlog of applications around the country not every builder has received reinsurance.

In response to this enormous logistical problem — the insurance companies are dealing not only with Victorian policyholders but also with policyholders in every other state — the Victorian government is moving on three fronts. Firstly, it has offered to provide accounting assistance for building associations in Victoria whose members are having difficulty complying with the application form requirements for reinsurance. It is happy to provide that service to the building associations so that process can be streamlined. Secondly, the Minister for Finance has arranged to meet with the two major reinsurers in this field — Dexta, and Royal and Sun Alliance — to discuss the handling of applications and any other initiatives that could be undertaken to assist. Thirdly, and most importantly, the government will very

soon — either this week or early next week, depending on the outcome of discussions with the opposition — introduce legislation that will relieve the risk for builders of having their registration suspended.

The bill will contain a provision that allows the Building Practitioners Board not to suspend a practitioner's registration where the builder has made every effort to reinsure. This period of grace will accrue to 31 July, by which time the government expects that all builders who are eligible will have qualified for reinsurance. We will extend the deadline for reinsurance to 31 July so that if every effort is made by builders to reinsure but, because of the backlog of applications, their reinsurance is delayed, they will not be in any disadvantaged position.

I believe these three measures will assist the remaining groups of policyholders requiring reinsurance. It is a difficult time for customers of HIH and for builders, but the government is working effectively and well with the Building Control Commission, the Housing Industry Association and the Master Builders Association to ensure we have the right legislation and the right administrative procedures in place to deal with the situation. I am confident that between now and 31 July, which is when the period of grace ends, we can resolve the outstanding matters.

Marine parks: establishment

Mr RYAN (Leader of the National Party) — Given that 96 per cent of the World Heritage listed Great Barrier Reef Marine Park is open to recreational fishing and approximately 50 per cent is open to commercial operations, will the Minister for Environment and Conservation explain why the government deems it necessary to ban fishing totally in nine of the proposed Victorian marine national parks and to severely curtail it in the other three?

Honourable members interjecting.

The SPEAKER — Order! The Minister for Housing! The Leader of the Opposition!

Ms GARBUTT (Minister for Environment and Conservation) — I remind all honourable members that the government was responding to recommendations of the Environment Conservation Council, which is a body that the former government set up, and a body that made — —

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster!

Ms GARBUTT — Following receipt of — —

Mr Leigh interjected.

The SPEAKER — Order! The honourable member for Mordialloc!

Ms GARBUTT — That report contained 106 recommendations, of which the government has accepted 100. Following consultation with coastal communities and peak groups, the government has proposed setting up protected, no-take areas for just 5 per cent of the coastline. All that can be regarded as an insurance policy for the fishing industry as well as for recreational fishers, because as a result of those marine national parks protecting fish breeding areas, in the future we will see better fishing available for everybody.

An Honourable Member — Bigger fish.

Ms GARBUTT — And bigger fish.

Planning: Rescode

Mr LANGDON (Ivanhoe) — Will the Minister for Planning inform the house of the plans by the government to acknowledge excellence in urban design by the Victorian building industry under the new residential code, Rescode.

Mr THWAITES (Minister for Planning) — Last week I was pleased to release the government's new residential code, Rescode, which will replace the former government's *Good Design Guide* and lift the standard of development around Victoria. Rescode has three main focuses: firstly, to give greater weight to neighbourhood character; secondly, to raise the standard of amenity to protect neighbours; and thirdly, to encourage more environmentally friendly development across the state.

It is fair to say that no residential code will end all planning disputes. Nothing will do that, which demonstrates the passion people have for their streets, their homes and good design. However, it has been widely recognised by all sides that Rescode is a major improvement on the former government's discredited planning policies. There is broad support for Rescode — more good news! The Royal Australian Planning Institute (RAPI) said this about Rescode:

> The government has achieved the best outcome that could be hoped for in balancing residential amenity, urban consolidation and economic growth considerations.

The RAPI went on to say that it:

> … was encouraged by the current government's genuine willingness to listen to the views of all stakeholders and make changes. Aside from the outcomes, this experience has restored a lot of confidence in the planning process.

The Municipal Association of Victoria said that the new Rescode is a very good package for local government. Cr Brad Matheson, the president, said:

> … it was clear the government had listened to local government and had given them the flexibility they requested.

There is more. The Housing Industry Association, not normally regarded as a great supporter of one political party or another, has been entirely independent and balanced in this instance. The HIA said that it:

> … welcomed today's release of the Bracks government's new housing code for the certainty it will give in addressing the controversial issue of neighbourhood character.

Save our Suburbs welcomed the government's new housing design:

> Today marks the demise of the *Good Design Guide* and few will mourn its passing.

I am sure that as she pores over her budget reply — whenever it is to be delivered — even the honourable member for Brighton will be pleased that the Brighton Residents for Urban Protection group has written to say:

> Dear Minister Thwaites,
>
> Our congratulations to you and your staff on Rescode.
>
> We believe that the introduction of Rescode will produce better planning outcomes for our suburbs and prevent much of the inappropriate development that has occurred over the past six years.

The various players in the field have made a major contribution. I acknowledge that there will still be debate and disputes, but we now have a better basis for good planning — and I want to improve it further.

I am pleased to announce that I will initiate ministerial design awards around the state for single dwellings, multi-unit developments and extensions. The awards will acknowledge developers for the work they have done in lifting the standards. They will recognise creative and innovative design, developments that contribute to the character of a neighbourhood and those which are environmentally friendly and energy efficient.

A criticism of Rescode that has been wrongly made came from an architect who had not seen its final form when he said it might inhibit innovation. I emphasise that the guidelines for Rescode specifically promote innovation. The new awards will give an added stimulus to innovation and creativity in Victoria's great housing industry.

Marine parks: establishment

Dr NAPTHINE (Leader of the Opposition) — I refer the Minister for Environment and Conservation to the Bracks government decision to deny commercial fishers access to the courts to compensate them for any losses they may incur as a result of the marine parks proposal. Will the minister inform the house what advice she received prior to making this decision, and will she now table the advice?

The SPEAKER — Order! I ask the Leader of the Opposition to rephrase his question so as to avoid inviting the minister to anticipate debate on the marine parks bill listed on the notice paper.

Dr NAPTHINE — The question asked was: will the minister inform the house what advice she received prior to making this decision, and will she now table the advice?

Mr Holding interjected.

The SPEAKER — Order! The honourable member for Springvale!

Ms GARBUTT (Minister for Environment and Conservation) — The government has made a whole raft of changes to respond to the concerns of the fishing industry, but not to compensation. The changes have included boundary changes, and the house will be aware that they are contained in the bill to be debated, as well as the phasing out of fishing in three of the marine national parks and one of the marine sanctuaries. In addition, transitional assistance will be given to help the industry to relocate to new, under-utilised areas. The government will also provide support for scientific research and monitoring to further assist the industry to make the changes.

As a separate issue the government has taken into account decisions about marine national parks and implemented a move to put rock lobster fisheries — —

Dr Napthine — On a point of order, Mr Speaker, I have been listening very closely to the minister's reply. She is debating the issue rather than addressing the question, which was: what advice had she received prior to denying commercial fishers access to the courts, and will she table it?

The SPEAKER — Order! I am not prepared to uphold the point of order raised by the Leader of the

Opposition. The minister was just beginning her answer, and I ask her to continue.

Ms GARBUTT — Thank you, Honourable Speaker. I was outlining the raft of assistance measures the government is providing to the fishing industry to help it to adjust to the proposals. I was in the process of mentioning that rock lobster fisheries are about to move to quota management, and that will involve a buy-out backed by a $4 million funding allocation. As well as that the government is putting in $14.1 million over four years for enforcement, to cut down on poaching and make those fish available to licensed fishermen.

The government has said that all of those measures will mitigate the impact of marine national parks, therefore it does not believe compensation is appropriate. The opposition needs to examine the whole package, and it will see that the logic is there, showing that there will be minimal impact on the fishing industry. Therefore, no compensation will be provided.

Judge Robert Kent

Mr WYNNE (Richmond) — Will the Attorney-General advise the house what action the government is taking in light of the resignation of Judge Robert Kent from the Victorian County Court?

Mr HULLS (Attorney-General) — Judge Robert Kent resigned from his office as County Court judge, effective 11 June, in the best interests of that court. His resignation shows his regard for the office of the County Court and the need to maintain public confidence in the judicial system.

After the conviction of Judge Kent in the County Court I obtained advice from the Victorian Government Solicitor. Acting on that advice I appointed the Honourable Leonard James King, AC, QC, retired former Chief Justice of the Supreme Court of South Australia, to advise whether the facts, matters and circumstances of Judge Kent's case justified parliamentary consideration of his removal as a judge.

The facts surrounding Judge Kent's conviction raised serious questions as to what is the appropriate process by which the provisions of the County Court Act can be implemented. Although that act states that a judge can be removed by a motion before both houses of Parliament, it is silent on the grounds on which such a motion would be based. The act is also silent on how Parliament would hear such a motion — for instance, whether a joint sitting would be required.

Due to Judge Kent's resignation, Mr King will no longer be providing that advice. However, all the important questions that emerged about judicial conduct, process, procedural fairness and natural justice still need to be examined. Those issues were raised at a meeting of the heads of all jurisdictions in this state on 23 May. The heads have endorsed my proposal to have a review of the legislative provisions that deal with judicial conduct with a view to achieving consistency and clarity.

I have asked Professor Peter Sallmann, Crown Counsel, to conduct this review, which will also examine the merits of establishing a judicial code of conduct and/or a judicial commission. The purpose of the review is to examine whether there is a better way to establish a formal, transparent process for lodging and investigating complaints against judges. In addition, I have revamped the previous government's process for the appointment of judicial officers.

Opposition members interjecting.

The SPEAKER — Order! The Leader of the Opposition shall cease interjecting!

Mr HULLS — As well as subjecting themselves to relevant police checks, and the financial and conflict-of-interest checks, candidates for judicial appointment will also have to fill in a personal declaration that inquires as to breaches of federal taxation laws, bankruptcy proceedings, serious financial difficulties, whether a candidate has ever been charged with an offence and whether there is any other matter that might raise a perception of a conflict of interest or reflect negatively on their capacity to undertake the position.

The judicial system and the people of Victoria have been sorely let down by the opposition during this entire exercise. The shadow Attorney-General was prepared to bypass process, bypass fairness — —

Dr Dean interjected.

The SPEAKER — Order! The honourable member for Berwick!

Mr HULLS — He was prepared to bypass natural justice by trying to have this matter debated in the house last week.

Mr Perton — On a point of order, Mr Speaker, your guidelines require a minister to be succinct and to answer the question. The Attorney-General has been speaking for 5 minutes and is now debating the question. I ask you to order him back to the question before the Chair.

The SPEAKER — Order! I do not uphold the point of order. I am of the opinion that the Attorney-General has not been speaking for an extraordinary amount of time.

Mr HULLS — While I consulted on this issue with several eminent jurists, I would have appreciated the opportunity of consulting with the late Sir Reginald Smithers, the mentor and confidante of the shadow Attorney-General. I did not know Sir Reginald as the shadow Attorney-General did, but I am sure he would have been dismayed, outraged and disappointed — —

Dr Napthine — On a point of order, Mr Speaker, it is clear that the Attorney-General has finished answering the substantive question and is now debating the issue. I ask you to bring him back to the issue before the Chair.

The SPEAKER — Order! I do not uphold the point of order. However, I remind the Attorney-General of his obligation not to debate the question but come back to answering it.

Mr Smith interjected.

The SPEAKER — Order! The honourable member for Glen Waverley!

Mr HULLS — I believe the Parliament has a high duty to ensure the independence of the judiciary. I also believe any member of Parliament, in particular the shadow Attorney-General, who attempts to interfere with the independence of the judiciary will be condemned as a result of his actions.

Prisoners: day release

Mr WELLS (Wantirna) — I refer the Minister for Corrections to community concerns that a convicted police killer was recently given unsupervised day release, and I further refer him to reports that three convicted child sex offenders were released on parole from Langi Kal Kal prison into ministry of housing accommodation directly opposite the Beaufort preschool, in contravention of their parole conditions which stated that those offenders should have no contact with children or young persons. Will the minister confirm those reports; and if so, what action will this incompetent minister take to ensure public safety?

Mr HAERMEYER (Minister for Corrections) — It is good for a change not to have a question about seafood, but nonetheless the question is a fishy one!

Mr Cooper interjected.

The SPEAKER — Order! The honourable member for Mornington!

Mr HAERMEYER — Firstly, I will deal with the issue of the offender let out on day release. I am advised that the prison let him out on educational leave, which does not require approval by the committee that governs community custodial permits.

An honourable member interjected.

Mr HAERMEYER — Unfortunately, the honourable member does not understand that the prisoner on this particular release did not play golf but went to the educational institution to which he was required to go. Nonetheless, it is appropriate, particularly for high-profile prisoners who have committed this type of offence, that close attention be paid to the conditions under which they are given day release and whether it is accompanied or unaccompanied leave. In this circumstance unaccompanied day release was inappropriate. However, the arrangements under which the day release was carried out were the same arrangements that operated under the previous government.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc!

Mr HAERMEYER — The Leader of the Opposition seems to be on something. He is Rocky Mountain high — John Denver's ghost!

I have asked the corrections commissioner to review the arrangements. In future all education leave arrangements will go before the ministerial advisory committee, which governs all sorts of day leave under community correctional permits. The committee has broad representation and includes representatives of victims of crime and the police, among others. I am sure the committee will discharge its responsibilities responsibly.

On the issue of the former inmates who were residing in Beaufort on parole, the Adult Parole Board, an independent statutory authority, governs all decisions about parole. I do not know whether the honourable member for Wantirna is suggesting that I should direct the parole board in this matter. I have expressed my view that it is inappropriate for sex offenders to be living anywhere near a kindergarten or establishment where young people are present. I understand the three former inmates no longer reside in that locality.

Worksafe campaign

Ms BARKER (Oakleigh) — I ask the Minister for Workcover to inform the house of the latest action the government is taking to promote workplace safety?

Mr CAMERON (Minister for Workcover) — A new campaign on the important issue of reducing strains and sprains that occur in the workplace has commenced under the banner of Worksafe. The banner brings together all the occupational health and safety activities of the Victorian Workcover Authority.

The campaign is part of the government's commitment to make workplaces work safe. Honourable members will be aware that over some time the government has increased the Workcover field force and is increasing compliance measures. Yesterday I visited the compliance branch of the Victorian Workcover Authority to see the work its officers are doing, which will be so important as we go forward. The Worksafe banner follows the campaign's aims.

Reducing injuries is important not only for workers but also for employers so that they do not have to find replacement workers and are not faced with the prospect of higher compensation payouts. It is equally important for the Workcover scheme, because it has to deal with the approximately $1 billion of Liberal liabilities.

The campaign follows consultation, and there has been a positive response to the Worksafe banner. The first campaign relates to strains and sprains. It is an important campaign, because 62 per cent of claims relate to strains and sprains. Many people do not give them the attention they deserve, but over half a billion dollars is paid in compensation each year for strains and sprains. Although they may not be news that grabs the headlines, they are important and can be just as devastating for people as many of the headline-grabbing injuries can be.

Throughout Victoria in each of the past five years there have been between 17 000 and 18 000 strain and sprain claims. That is why it is important to deal with this issue. Labor is the party that promotes occupational health and safety. Unfortunately, 10 000 strains and sprains claims come from country Victoria, so country Victorians need to take on board the culture of increased work safety, which the Labor government is promoting because it is the party of country Victoria.

Honourable members interjecting.

Mr CAMERON — There are weeds in country Victoria that are more popular than the Liberal Party, and noxious weeds that are better regarded than the National Party!

Workplace safety must be promoted, and that is what the government wants to do as it goes forward.

Berwick hospital

Mr DOYLE (Malvern) — My question is to the Premier. Given that the government has a commercial arrangement with the Mercy group to run the Werribee public hospital and a commercial arrangement with the Mercy group to build a new hospital on the Austin site, why can it not come to a commercial agreement with the same Mercy group to build a hospital in Berwick?

Mr BRACKS (Premier) — There is a simple answer to the question for the honourable member for Malvern: the Mercy group chose not to go ahead with the particular project. As a consequence the government will seek other expressions of interest to build the Berwick hospital.

Tourism Victoria: chairman

Ms ALLEN (Benalla) — Will the Minister for Major Projects and Tourism inform the house of the new appointment to the board of Tourism Victoria and the reaction of the industry to the appointment?

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — I thank the honourable member for Benalla for her ongoing interest in tourism. I am pleased to announce to the house a major coup for Victoria in securing John Morse, the retiring chief executive of the Australian Tourist Commission, as the new chair of the board of Tourism Victoria. John Morse started his career in north-east Victoria helping to pioneer the growth of ski tourism, high country tourism and wine tourism. He is a fantastic person — the best person to appoint. If you were looking around Australia for somebody to appoint to chair your board it would certainly be John Morse. He has 20 years of experience in the Australian Tourist Commission. He spearheaded the development of the Brand Australia campaign and the Australian response to the tourism opportunities at the Sydney 2000 Olympics. Massive opportunities have been created for Australia and Victoria because of his great work, and that is exactly what the government wanted to harness.

The government believes Victoria has a great tourism product that is worth $10.5 billion of the state's economic activity. Internationally Victoria can fly the flag more than it has and John Morse knows the international market. He has the contacts overseas and he knows what overseas visitors are looking for. He

will work with the government and the new board to steer the new strategic direction of marketing and development for tourism. He will be influential in deciding how the big boost in the state budget of an extra $4 million in international marketing dollars is spent.

I had a great response on the weekend at the Australian Tourism Exchange in Brisbane. All of the Australian tourism industry was represented, including overseas buyers. A great secret cannot be kept for too long in the tourism industry; they all knew about the appointment. The international buyers told me, 'This is fantastic for Victoria. We are looking for more product in Victoria'. People want to know more about Victoria, and John Morse is the bloke who will do that. He is a fantastic catch for us.

I also advise the house of other new appointments to the board. The government has appointed Alla Wolf-Tasker, who will bring to the board considerable experience of regional Victoria and the food and wine sector. Many people would know her as the director, executive chef and co-proprietor of Lake House at Daylesford — a major award winner in tourism in Victoria and interstate.

The board wanted a person with marketing expertise and has appointed Anton Staindl, who has a wealth of experience in marketing, having worked at the Transport Accident Commission. Reappointed to the board is Denise Scrafton, the general manager, international marketing and sales, for Flag Choice Hotels, the majority of which are in country and regional Victoria. It is a fantastic board that knows Victoria and wants to spread the tourism benefit beyond Melbourne into the regions.

I thank the outgoing board headed by former chairman, John Kennedy, who retired for personal, family and business reasons. On behalf of the Victorian government I thank him and retiring board members Graeme McMahon, David Marriner and Peter Gillooly. They have left tourism in a good position from which it will grow even more with the support of John Morse.

PETITIONS

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

St Leonards breakwater

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

The humble petition of the residents and business people of St Leonards, professional fishermen and yachtsmen who have need of safe harbours, and tourists and vacationers who include many recreational anglers sheweth grave concern regarding the inadequacy of the St Leonards breakwater as either a safe anchorage or as a secure and satisfactory vantage point for anglers.

Your petitioners therefore pray that your immediate attention be given to extensive upgrading of the breakwater and jetty to ensure the safety of small craft and pedestrian anglers, thereby enhancing the attractions of this popular resort.

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

By Mr HOWARD (Ballarat East) (399 signatures)

Narre Warren North Road: sound barriers

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the duplication of Narre Warren North Road will create additional noise for residents surrounding Narre Warren North Road resulting in a decreased quality of life for the aforementioned residents.

Your petitioners therefore pray that the Minister for Transport supports the construction of sound barriers along the length of the duplication of Narre Warren North Road to alleviate the effects of the duplication.

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

By Dr DEAN (Berwick) (20 signatures)

Fishing: Port Phillip Bay

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

The humble petition of the undersigned citizens of the state of Victoria sheweth professional fishermen in Port Phillip Bay utilising intense methods of capturing fish including netting, are damaging the fish environment and seriously depleting the bay of its natural resources.

Your petitioners therefore pray that the relevant government authorities take whatever steps are necessary to stop professional fishing in the whole of the bay area.

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

By Mr DIXON (Dromana) (1029 signatures)

Maribyrnong: rates

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

The humble petition of the undersigned citizens of Maribyrnong city sheweth we the undersigned feel that the rate rises are too excessive for our community. We live in a community that has a lot of disadvantaged people such as low income families, fixed income people: e.g. pensioners and disabled people.

We feel that we don't have the infrastructure and services that other communities take for granted. We feel that we are not getting value for money to justify these rate rises.

Your petitioners therefore pray that the authorities concerned act in a reasonable and appropriate manner and move whatever motion is necessary to rectify this.

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

By Ms BURKE (Prahran) (2730 signatures)

Laid on table.

Ordered that petition presented by honourable member for Prahran be considered next day on motion of Ms BURKE (Prahran).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 6

Ms GILLETT (Werribee) presented *Alert Digest* No. 6 of 2001 on:

Agricultural and Veterinary Chemicals (Victoria) (Amendment) Bill
Appropriation (2001/2002) Bill
Appropriation (Parliament 2001/2002) Bill
Constitution (Parliamentary Privilege) Bill
Co-operative Schemes (Administrative Actions) Bill
Corporations (Administrative Actions) Bill
Corporations (Ancillary Provisions) Bill
Corporations (Consequential Amendments) Bill
Duties (Amendment) Bill
National Parks (Marine National Parks and Marine Sanctuaries) Bill
Public Notaries Bill
Racial and Religious Tolerance Bill
State Taxation Acts (Taxation Reform Implementation) Bill

together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Casino (Management Agreement) Act 1993 — Authorised changes to Drawings of the Crown Limited's Second Hotel Tower pursuant to s 16(2) (18 papers)

Financial Management Regulations 1994 — Order in Council pursuant to Regulation 11 — Authorisation of expenditure of a Royal Commission

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

Alpine Planning Scheme — No C3
Baw Baw Planning Scheme — No C14
Brimbank Planning Scheme — Nos C26, C30
Darebin Planning Scheme — Nos C3, C8
Delatite Planning Scheme — No C11
East Gippsland Planning Scheme — No C8
Frankston Planning Scheme — Nos C2, C8
Hepburn Planning Scheme — No C3
Hobsons Bay Planning Scheme — No C9 Part 2
Indigo Planning Scheme — No C5 Part 1
Melbourne Planning Scheme — No C21
Melton Planning Scheme — Nos C12, C13
Moira Planning Scheme — No C8
Moorabool Planning Scheme — No C10
Port Phillip Planning Scheme — Nos C27, C31
Whitehorse Planning Scheme — No C22
Wodonga Planning Scheme — No C7

Residential Tenancies Bond Authority — Report for the year 1999–2000

Statutory Rules under the *Health Act 1958* — SR Nos 40, 41

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

Snowy Hydro Corporatisation Act 1997 — Part 2, Part 3 (except sections 11, 15, 16 and 17), Part 4, and section 30, Schedule 1 and Schedule 2 on 15 May 2001 *(Gazette S71, 15 May 2001).*

ROYAL ASSENT

Messages read advising royal assent to:

22 May

Constitution (Supreme Court) Bill
Electricity Industry Acts (Further Amendment) Bill
Food (Amendment) Bill
Professional Boxing and Martial Arts (Amendment) Bill
Racing and Betting Acts (Amendment) Bill

29 May

Benefit Associations (Repeal) Bill
Health Services (Health Purchasing Victoria) Bill
Judicial and Other Pensions Legislation (Amendment) Bill
Judicial College of Victoria Bill
Liquor Control Reform (Amendment) Bill

Prostitution Control (Proscribed Brothels) Bill
Road Safety (Alcohol and Drugs Enforcement Measures) Bill
State Owned Enterprises (Amendment) Bill
Water (Amendment) Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Duties (Amendment) Bill
National Parks (Marine National Parks and Marine Sanctuaries) Bill
Racial and Religious Tolerance Bill
State Taxation Acts (Taxation Reform Implementation) Bill

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

Concurrent debate

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

That this house authorises and requires Mr Speaker to permit the second reading and subsequent stages of the Gas Industry Bill and the Gas Industry Legislation (Miscellaneous Amendments) Bill to be moved and debated concurrently.

Motion agreed to.

BUSINESS OF THE HOUSE

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, 31 May 2001:

Urban Land Corporation (Amendment) Bill

Gas Industry Legislation (Miscellaneous Amendments) Bill

Gas Industry Bill

Building (Single Dwellings) Bill

Post Compulsory Education Acts (Amendment) Bill

Health (Amendment) Bill

Corrections and Sentencing Acts (Home Detention) Bill

Corrections (Custody) Bill

Racing (Racing Victoria Ltd) Bill

I remind the house that while it is not contained within the government business program, on Thursday the house will commence debate on the Appropriation (2001/2002) Bill. This timing was made by agreement with the opposition in accordance with its wishes. Therefore, while the bill is not contained in this government business program, it will constitute a large part of parliamentary time on Thursday. Arrangements have been entered into to accommodate that and the continuation of the legislative program.

I thank the opposition and the National Party for their cooperation in facilitating this program to meet the legislative requirements and allow the commencement of the appropriation responses.

Mr McARTHUR (Monbulk) — I was amused by the comment of the Leader of the House that the business program was arranged this way because the opposition asked for it. I agree that there has been a good deal of negotiation and discussion about this business program, which the opposition will not be opposing. However, I guess I could describe the opposition's agreement in the sense of people sometimes agreeing to a Mafia take-it-or-leave-it arrangement — that is, 'If you guys want to debate anything, you better accept this proposal'. It was not put in quite those terms, but in the long run the opposition and non-government members of the house have little alternative but to accept the business program.

As I said, there has been some discussion about this. There is a fairly tight schedule, so by arrangement we will have the second-reading responses to these bills and then adjourn them and come back to the major debates later on. That way at least the second-reading responses will be dealt with in the two days available before we start the budget debate on Thursday. However, that will cause some problems for many members. The government has again overloaded the house with a large number of bills at the end of the session and proposed a concurrent budget debate.

In the remaining three sitting weeks the house has some 28 bills to debate, 2 of which are budget bills. The budget debate is the most important debate on the parliamentary calendar. All honourable members should have an opportunity to debate the budget, and almost all members will want to debate it. We are trying to find a solution that will allow all members to make a contribution. Given the government's fairly draconian approach to the business program, that necessarily means curtailed debate on a lot of the other legislation before the house.

We need to recognise that other significant pieces of legislation will be debated in the next three weeks. They include the Corrections and Sentencing Acts (Home Detention) Bill, the National Parks (Marine National Parks and Marine Sanctuaries) Bill and the Racial and Religious Tolerance Bill, as well as other bills to which many honourable members would like to make a contribution.

Those contributions are bound to be curtailed over the next three weeks by dint of the amount of legislation before the house. I hope the government agrees to hold over some of the bills that are currently on the notice paper. I note that the government gave notice of only one first reading today. I was expecting more: I had been advised that more would be given notice of today.

I point out to the house that a by-arrangement process is under negotiation to allow speedy passage of the legislation the Minister for Finance gave notice of today, which is designed to provide protection and support to consumers and members of the building industry affected by the HIH Insurance collapse.

All those measures are good and sensible. They would work better, however, if the government arranged its business schedule more rationally and the Leader of the House and the Premier demanded of their ministers that they have legislation ready for the start of a sitting, not the end of it. The former Premier used to have a program that he rigidly applied to his ministers, and if they did not present their legislation in time they could not get it debated during that sessional period. I suggest to the Leader of the House that he consider imposing that sort of program on his own cabinet. In that way we might have a more rational approach to the seven to nine-week spring sessional period and honourable members might get the chance to debate bills they have an interest in.

Mr RYAN (Leader of the National Party) — As is the wont of the National Party, it is prepared to cooperate fulsomely with the government to see that the program is completed. It is unfortunate, of course, that there is a logjam at the end of the session. Such is life. The National Party agrees to the business program.

Motion agreed to.

MEMBERS STATEMENTS

Jessie Burrow

Mr LUPTON (Knox) — Jessie Burrow is an eight-year-old disabled child who attends Karoo Primary School, in Rowville. He is confined to a wheelchair and recently underwent a spinal fusion operation and experienced other serious complications.

For the past five weeks Jessie has had a permanent booking with Silver Top Taxis for one of those special cabs you can put a wheelchair in. He cannot move around without the aid of a wheelchair. He lives about 2½ kilometres from the school.

Yesterday I had the misfortune of finding out that at 4.30 p.m. Jessie was still waiting at school, despite the fact that a cab had been booked at 12 o'clock. The school had provided him with a snack because he had not expected to wait that long. In the end the teachers wheeled him the 2½ kilometres home. In the meantime his father had left his job on the other side of the city to drive across and pick him up.

This has been going on for five weeks. On Friday of last week the same situation occurred and Jessie was left at the school until 5.30 p.m. I congratulate the teachers of that school who take the time to push that little kid home, because without such assistance he could not travel. I condemn Silver Top Taxis and Black Cabs and show my contempt for their having ignored the child's plight.

National White Wreath Day

Mr LANGDON (Ivanhoe) — I bring to the attention of the house the fact that today is National White Wreath Day, the day on which we remember the victims of suicide. I note that a number of honourable members on this side of the house and the other side are wearing white wreaths in commemoration.

National White Wreath Day was started by a Queensland group and is now observed around Australia. On 7 March the White Wreath Association laid over 4000 wreaths outside the State Library of Victoria. The Deputy Premier, the Leader of the Opposition, the Leader of the National Party, the honourable member for Gippsland West and the secretary of the Trades Hall Council were all there to help get National White Wreath Day off the drawing board. I was lucky enough to also be involved.

This morning at 10.30 a service was held in my electorate to commemorate the day. I understand the honourable member for Geelong was also involved in planning a similar service, which was held at 12 noon — although unfortunately his duties in this house did not allow him to be there.

National White Wreath Day is a very important issue. Statistically, over 4436 people committed suicide in 1999. That compares with just over 2000 people who

died in road accidents. The number of suicides is very substantial, and we should do all we can to bring it to public attention.

AFL: live telecasts

Mr DELAHUNTY (Wimmera) — Victorian country football and country netball are up in arms, as can be seen by articles in the newspaper over the live telecasts of Australian Football League (AFL) matches. Direct telecasts impact on country attendances, reduce gate takings and remove the social interaction between players, supporters and their families. I inform honourable members that the Victorian Country Football League is made up of 85 leagues, more than 68 000 footballers and 30 000 netballers, and last year had an economic impact of $153 million in Victoria.

Last November, 21 out of the 62 players drafted were from the country, and 27 per cent of the 2000 AFL list were from the Victorian Country Football League. A recent decision by the AFL kicked the stuffing right out of country football and is seen as a betrayal by the AFL giant. The Victorian Country Football League wants from 2.00 p.m. to 5.00 p.m. on Saturdays to be free of AFL telecasts.

Country football and netball is something that binds the social fabric of communities together. To survive, country football must have players, supporters, administrators and income to provide the essential part of the rural lifestyle. Football is everyone's game, not just the AFL. I call on the AFL and the government to assist in the development of the growth of country football and netball, and stop being greedy as they are at the moment.

Ballarat: Bridge Mall

Mr HOWARD (Ballarat East) — Last week I was very pleased that the Treasurer visited my electorate to announce $2.7 million in funding for the Bridge Mall development in Ballarat. This mall in Ballarat, which was established about 30 years ago now, is a significant part of our central business district. But clearly it is in need of more refurbishment and, together with funding from the City of Ballarat and the Bridge Mall traders, the $2.7 million from this government will help to revitalise this section of the city, making it much better to use for Ballarat residents and an attractive site for visitors to Ballarat to do their shopping. It works very well in terms of other developments that this government has been supporting in Ballarat's central business area, particularly the arts and cultural precinct in Camp Street, which is getting substantial funding from this government, and it will further fit in with the new works under construction with the Big W development just to the north of this site.

Clearly with the support of this government, the central business area of Ballarat will see substantial improvement. The people, whether they be the retailers in the central business area of Ballarat, the residents or those who are going to gain from tourism, are very much indebted to this government to ensure that we are supporting the great works in the city.

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

One Nation: Senate candidate

Mrs SHARDEY (Caulfield) — I refer the house to the fact that Robyn Spencer, former head of Australians Against Further Immigration, has rejoined One Nation in Victoria and has been invited to head its Victorian Senate ticket despite the fact that the party already has a candidate. Not only that, Ms Spencer will no doubt frame One Nation's immigration policy. Honourable members will remember it was in 1998 that she was exposed as having strong links with the League of Rights, a group it is claimed is highly racist and anti-immigration. In a speech to the League of Rights, Ms Spencer thanked the group for assisting her in a Kooyong by-election. Ms Spencer is reported in last weekend's *Age* to be against multiculturalism and is quoted as saying:

> What we are against is government policies that bring all sorts of people into Australia …

Is she thinking of eminent people such as Sir Gus Nossal, Victor Chang and Sir Arvi Parbo? We are very grateful for their great contributions to this country. I hope the current Premier is as good at opposing One Nation as was the last Premier.

Edenhope Race Club

Mr ROBINSON (Mitcham) — I would like to commend the work of the Edenhope Race Club which last week — —

Honourable members interjecting.

Mr ROBINSON — I backed a couple. Last week the club hosted the successful West Wimmera Cup. I had the pleasure of attending the event, representing the Minister for Racing. I also place on the record congratulations to the Shire of West Wimmera which has for a number of years supported this event.

Edenhope Race Club holds three meetings each year and naturally is keen to hold more. It also hosts the

neighbouring Apsley Racing Club's one meeting of the year — I understand Apsley Racing Club is the oldest racing club in Victoria.

The $12 000 feature event was won by a 5-year-old gelding, Black, ridden by 15-year-old apprentice Michelle Payne, who is, remarkably, the eighth of the Payne children to successfully take up race riding in Victoria.

Racing plays a major role in the life of rural and regional Victoria, and the efforts of the Edenhope Race Club in staging the successful meeting last Monday deserve commendation.

Preschools: funding

Mr PHILLIPS (Eltham) — I refer to the lack of action regarding the concerns of preschool teachers and committees. The Bracks government came to office with a huge community expectation that it would improve hospitals, health care, preschools and all the other social areas over which the Kennett government had attracted criticism for its neglect. I refute the criticism wholeheartedly, because the Kennett government was not in the position the Bracks government finds itself in because of the amount of money it now has to spend. The Kennett government left this government with a large basket of money.

I am disappointed that there is still growing community concern about education and the other areas that are important to the opposition, and certainly to me, particularly the increasing workload being placed on teachers and committees of management.

I have met numerous preschool teachers and committee presidents. Recently I met a large contingent of preschool teachers and committee members who expressed their concerns about the government's lack of action and the low wages being paid to teachers in comparison with other professionals in the education system. The workload on preschools seems to be increasing. The former government gave a commitment that if it were returned to government many of the concerns now being raised would be addressed.

The Kirby report has been prepared but is yet to be released — —

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

Darebin: road safety strategy

Mr LEIGHTON (Preston) — Last Wednesday I attended the launch of the City of Darebin's road safety strategy for 2001–06, at which the keynote speaker was the Minister for Police and Emergency Services. He was well received, and I thank him for his attendance. I am pleased that the City of Darebin is treating road safety seriously, and I congratulate it on working cooperatively with Vicroads and the Transport Accident Commission.

Road safety needs to be taken seriously in Darebin. Each year on average 9 people are killed, 170 are seriously injured and 600 suffer minor injuries. It is worrying that 17 people lost their lives on Darebin roads last year.

Darebin has adopted a seven-point action plan, which I do not have time to canvass now, but it covers road safety issues for children, older people, pedestrians and cyclists. One positive measure taken so far by the council is the installation of illuminated signs to advise of traffic speed being limited in High Street, Preston, during certain hours to 40 kilometres an hour. That was a creative move. Other innovative measures could also be investigated — for example, the evening clearway in High Street, Preston, could be scrapped, because at present it seems to be a signal for motorists to plant their foot.

I congratulate the City of Darebin on a successful road safety launch.

Monterey Secondary College

Ms McCALL (Frankston) — I report to the house the sorry tale of Mr Rotheram. Mr Rotheram, his wife and her son live in the Cranbourne electorate. They have a business in Frankston East, and the son attends Monterey Secondary College, which is also in that electorate.

Poor old Mr Rotheram tried to get some action from the honourable member for Frankston East on the uniform policy of Monterey Secondary College. There was much toing-and-froing, denial of faxes and phone calls not being returned. I understand the honourable member for Frankston East was unavailable to see anyone — whether it be his constituent or a constituent of the honourable member for Cranbourne — for at least six weeks.

Unfortunately, or perhaps fortunately for Mr Rotheram, the staff of the honourable member for Frankston were delighted to help Mr Rotheram, particularly given that one of my electorate officers, who is the president of the Mount Erin school council, is an expert on school uniform policies.

When she had advised Mr Rotheram it would not be appropriate if she helped him directly, she recommended he ring the office of the honourable member for Frankston East for further clarification. The response Mr Rotheram received was, 'Well, if you've given it to McCall to fix, McCall can fix it'.

I am delighted to report to the house that McCall did fix it. My staff were delighted to get onto the regional director of education. We clarified the position and spoke to the school principal. A letter was sent to Mr Rotheram, and although he is not totally satisfied with the response, the honourable member for Frankston was delighted to be able to assist the honourable member for Frankston East.

Tom McKenzie

Mr TREZISE (Geelong) — I put on the record the outstanding service contributed to the Geelong West community over a lifetime by Mr Tom McKenzie, who passed away recently.

While contributions of high-profile citizens are often justifiably recorded publicly, people with lesser profiles in a community are often forgotten. Tom McKenzie was one such person. He contributed significantly to his beloved community of Geelong West, where he was born and spent all his life, except for a lengthy stint of army service during World War II. He was a legend in Geelong West. He was a qualified carpenter and built many homes across the Geelong region, but it is as a sportsman that Tom McKenzie will be remembered in the Geelong West community. He was an opening bowler for the Geelong West Cricket Club, but more markedly, he had an outstanding career as captain and coach of the Geelong West Football Club. Following a football career that spanned more than 20 years, he served as president of the club for more than 35 years.

Tom also contributed to the wider Geelong West community and always looked to help people in need. He was a proud member of the ALP and received a 40-year medallion for membership in December last year. Known by many as The Big Cat, he was a Geelong West icon and will be sadly missed.

The SPEAKER — Order! The honourable member for Evelyn has 10 seconds.

Cath Beech

Mrs FYFFE (Evelyn) — I rise to congratulate Cath Beech from Yarra Glen, who is nearly 80 years of age — she would be comfortable with me disclosing that — and who worked tirelessly this weekend for the Salvation Army.

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

CORPORATIONS (CONSEQUENTIAL AMENDMENTS) BILL

Introduction print

The SPEAKER — Order! I advise the house that since the introduction print of the Corporations Consequential (Amendment) Bill was made available on 17 May it has been discovered that due to a printing error page 65 was omitted in some of the copies circulated. Honourable members may therefore have incorrect versions of this bill. Copies of the correct circulation print of the bill are available and can be obtained from the procedure office.

RACING (RACING VICTORIA LTD) BILL

Second reading

Debate resumed from 3 May: motion of Mr HULLS (Minister for Racing).

Mr MULDER (Polwarth) — I support the Racing (Racing Victoria Ltd) Bill. I endorse the honourable member for Mitcham's comments on the meeting at the Edenhope Race Club, which he attended at the weekend. My recollection of Edenhope is of taking there a horse called Popular Prince. He jumped on the float looking like a million dollars, but after being unloaded he started to kick grass and ran accordingly. However, I thank my colleagues for giving me the opportunity to open the second-reading debate because I have a long history of involvement in the racing industry.

As an owner and owner-trainer of racehorses, I enjoyed on many occasions going to races and racing horses with members of my family and friends. I have also been a committee man of the Colac Turf Club, a role I still hold as chairman of the marketing and sponsorship committee. It has given me the opportunity to work with and enjoy the company of a lot of great racing personalities throughout Victoria, particularly in the Western District — the likes of the chairman of the Colac Turf Club, Frank Gannon, and the chairman of the Camperdown Turf Club, Peter Bourke, who have both been great supporters of racing in the south-western district and have helped to grow the racing industry as a whole.

Many honourable members may be aware of how deep seated the industry is and how strong the passion

is for racing. The industry was brought to this country many years ago by the English and the Irish. The passion for racing has been passed on through their descendants, and subsequently we still have today a very strong racing industry.

I believe Victoria at present lies somewhere in the order of fourth in the world — not Australia, but Victoria in its own right — in relation to the racing industry. It is a great achievement for such a young country to be able to claim it has done such a tremendous job in the promotion of the sport and in support of the industry over such a long period.

The Victoria Racing Club (VRC) was formed in 1864 by the amalgamation of the Melbourne Racing Club, the Victoria Turf Club and the Victoria Jockey Club. The VRC became the trustee of the Flemington racecourse, a venue that had been hosting meetings since the 1850s, and the VRC peak body status was established in the 1880s. It was declared that any racing club conducting a meeting must register the meeting with the VRC and race under its rules, otherwise the horses that competed at unregistered meetings would be disqualified from competing at Flemington.

One can only imagine how difficult it would have been, given the lack of technology and information flow, to be able to control that mechanism and to know and understand what was happening out in the bush with many of the small race meetings. I believe that would have raised some very complicated and difficult scenarios for the stewards of the day to deal with.

In those days, and always, there have been great discussions and stories about skulduggery, painted horses and double-branding — not that I was ever involved in those issues. But certainly back in the very early days all sorts of stories were circulating about and within the racing industry.

It is interesting to note in one of the documents from *Hansard* that at that time the bookmakers were charged a guinea each to bet at a race meeting and each bookmaker had to lodge £25 in cash with the secretary before any of the races commenced. I guess this indicates some of the perhaps intended skulduggery of the day. Perhaps it was not only the horses that bolted if things went wrong! This process would have been put in place to protect the punters on the day should the bookmaker face a huge payout and decide to bolt rather than staying around and carrying out the settlement.

I acknowledge work that was done by the late Bill Doran, who was a Colac historian, in documenting some of the history of race tracks in the Western District. A statement about Bill Doran by Jim O'Brien, who is still a bookmaker in the district, is:

> Bill Doran was special.

In saying that he was quoting from Mr Bruce McAvaney, who always describes people or thoroughbreds within the industry as being special.

Some of the work that the late Bill Doran did has been extraordinary. We as politicians are forever dealing with the issues of rationalisation and regionalisation and we often forget that our forefathers have gone through that process to a large extent in their lives, and it is no different with the racing industry.

In my electorate Camperdown and Colac are the only two remaining race clubs of all the clubs that previously existed — and this information comes from some of that work carried out by the late Bill Doran.

In the very early 1890s there were race clubs at Birregurra, Armytage, Yeomont, Beeac, Cressy, Pirron Yallock, Moonlight Heads, Apollo Bay Beach, Beech Forest, Weeaproinah, Carlisle River, Port Campbell, Scotts Creek and Cobden. They are just a handful of the racing clubs that have been identified by Bill Doran. It is quite extraordinary!

A government member interjected.

Mr MULDER — There wasn't one at Gellibrand, but there was one not far away. You would have had to go to Beech Forest or Weeaproinah.

A government member interjected.

Mr MULDER — There was one there, was there? I have a copy of a photograph of a steeplechase track at Beech Forest that is taken from the work Bill Doran carried out. The caption says:

> An amazing scene in the horseracing circuit. Steeplechase day at the Beech Forest racecourse, with a track that disappeared around the crown of a hill. The world-famous grandstand, perched atop a massive tree stump, can be clearly seen on the right, and another group similarly located to the left. The races were held annually from 1894 till 1907, on John Gardner's property, with a special train from Colac after the line went through in 1902. The large crowd attests to the popularity of the meeting.

It is an extraordinary photograph of that grandstand, perched at the top of a very large tree at Beech Forest racecourse.

I have another quote relating to racing at Beech Forest:

> The first organised sporting event at Beech Forest was the Beech Forest Turf Club meeting held in 1894. John Gardner

arranged the feature and was responsible for laying out the racecourse on his land with help from John Cockerill and others. The meeting proved to be successful and became a regular feature each year until 1907.

Gardner managed to interest the Western District squattocracy in the Beech Forest races, and each year a prestigious clientele journeyed into the forest to participate in the festivities. In 1895 the Governor of Victoria, Lord Hopetoun, attended the races as guest of the Manifold family, at whose estate he was holidaying. Gardner excelled himself in treating the Governor to a sumptuous luncheon held on the levelled-off stump of a gigantic tree at the racecourse. Railings and a fern roof enclosed the stump. That evening a ball was held in the hotel, with the Governor as guest of honour.

The first couple of meetings saw some amusing antics, as the saddling paddock opened out onto the straight and several riders nearly lost races when their mounts stopped dead adjacent to the paddock and attempted to turn into it. This problem was remedied in time for the 1896 meeting. Mr R. S. Murray, of Wool Wool Station, was a keen supporter of the Beech Forest Turf Club, and as a token of appreciation in 1898 the club presented him with a walking stick mounted with gold found at Beech Forest.

The race meeting proved popular with Colac and district residents, and these patrons made the journey by horse or dray. Quite a few camped overnight. After the railway opened, the turf club ran a special train from Colac to each annual meeting.

The land on which the racecourse was sited increased in value as the township developed, so in 1908 John Gardner subdivided it for sale and thus ended the Beech Forest Turf Club.

The settlers at Weeaproinah also built themselves a proper racecourse on McInnes' property and conducted social meetings until at least the early 1920s. Novelty events such as draughthorse races were popular attractions.

Another quote relates to the Carlisle River Race Club, which was founded in 1909:

… amongst the earliest names associated with it were Mr Perce Clingin, Mr Bill Cannan, Mr Joe Knox, Mr Jack Holmes, and Mr S. Alexander. A big race meeting would be held annually and halfway round the course horses would disappear from view as they descended into a deep ravine, reappearing as they approached the judge's box. This gully in the track gave jockeys an excellent opportunity for interference, and many took advantage of it. The jockeys' dress did not consist of silk shirt and breeches, and some mounted their horses in weird and wonderful attirement. The club ceased to operate in 1924.

I have other quotes relating to the history of some of the racing clubs in the district. However, I will not read them because I have been handed a short note saying that as honourable members wish to finish off this debate I should not go too hard and too long. As everyone who knows my passion for racing will understand, I could go on talking about it forever.

In 1929 the government granted the Victoria Racing Club legislative recognition as the controlling body of the thoroughbred code, primarily to enforce a new prohibition of proprietary racing. In 1996 the VRC delineated its role between the responsibilities of its club and those of industry control. The VRC racing issues are addressed by only 10 members of the committee, and 13 members make up the committee of Racing Victoria, the VRC industry arm when industry issues are discussed.

The following process established the racing industry's governance functions. In October 1999 the VRC announced its intention to transfer its industry governance function to a new independent body. The change had been under discussion for a few years, mostly involving the concerns about the VRC's conflict of interest in being the peak body as well as the conductor of race meetings at Flemington. That has been a matter of contention for as long as I have been involved in the racing industry, because there were always VRC members who were also associated or affiliated with other clubs. That conflict of interest always surfaced whenever discussions occurred about the allocation of prime race dates, capital works, training centres, closure of tracks and amalgamations of clubs. For many years it caused great concern within the industry.

In May 2000 Racing Victoria presented its preferred model to the government. The recommended model was for governance to be transferred to a not-for-profit company comprising a board of directors appointed by the three metropolitan racing clubs. The industry was aware of the current government's preferred option of a statutory body to run racing, so it was quickly on the front foot. Country racing clubs together with metropolitan clubs put forward their preferred options of the way they believed the racing industry should be run and move forward. Subsequently the recommendations from racing have been adopted by the government with few amendments, which is a great outcome for the industry in its own right.

I will refer to some of the objectives and will make a few points about the new body. The objective of promoting Victoria as a centre of excellence for thoroughbred racing has already started. As I have stated in previous contributions on racing, in the past the metropolitan clubs have been treated well with their access to marketing and marketing dollars throughout the industry. That has been made available only recently to country racing clubs through the Victoria Country Racing Council. As a result country racing has boomed. It has gone ahead in leaps and bounds and will

continue to do so. It will provide enormous focus and economic benefit to country Victoria.

Another objective is to promote probity in the conduct of thoroughbred racing. I refer to a situation where one of my horses at one stage was or was not ridden according to instructions, resulting in my ending up in a lengthy stewards inquiry. That issue will continue to be an ongoing issue in Victorian thoroughbred racing. The Victoria Racing Club stewards do a fantastic job in policing racing. We are credited with having the cleanest racing system in the world. The stewards do a fantastic job, and recognition should be given to Mr Gleeson and his team.

Another objective is to promote the widest possible participation in thoroughbred racing, particularly participation by women and young people. Over the past two or three years the club with which I have been involved has been fortunate to have been able to bring two or three young people on to the committee. We have taken up the issue of women and appointed a female secretary to the club, Judy McCrickard, who has done a terrific job for the Colac Turf Club and will no doubt push it forward into the future.

I cannot go past that objective without recognising the commitment to racing of our elder statesmen. Racing is in the position it is today because of the many gentlemen who have been involved in the industry, in committee work and in the promotion of the industry. We have not got to be fourth in the world without the contribution of our elder statesmen.

Racing is a tremendous interest, particularly for older people. They get much enjoyment out of it. I quote from a saying of my wife's, and I believe she is right; she says that racing keeps men young. Although I may have done the housekeeping only a couple of times, my wife says that racing keeps men young. If anyone wanted evidence to back up that sentiment they would only have to look at what happened at Yarra Glen races last weekend. That marvel Jim Houlihan, who is around 88 years of age, again trained the winner of the steeplechase. In racing there is always next year's winner, next year's foal or the yearling you have just bought. There is always a reason for staying alive and continuing to enjoy racing.

A further objective of the new board will be to promote employment. People look at a racetrack and think about the race meetings held there every two or three months, but they wonder whether the meetings create employment. They forget that the trainers located on the tracks employ a large number of strappers, jockeys and apprentice jockeys coming up through the trade. Vets get a cop out of racing, and racing employs farriers, transport operators, food merchants, groundsmen, secretaries and club administrative staff. Irrespective of where you go you will always find people from all walks of life getting a kick from and doing well out of the racing industry.

Recent surveys indicate that country racing's total economic impact is $532 million per annum. To put the figure in perspective, it exceeds the total value of Australia's live sheep and cattle exports and is worth more each year than Australia's entire potato crop. It is worth more than twice the annual value of Australia's banana industry and, closer to home, six times the annual value of the Victorian seafood industry's output. Racing has an enormous economic impact on a region. It is a great industry, and it will continue to grow.

I refer briefly to the appointment panel, as I have been getting the wind-up for some time.

The ACTING SPEAKER (Mr Richardson) — Order! I would point out that should any honourable member feel intimidated he or she will have the full support and protection of the Chair.

Mr MULDER — Thank you, Mr Acting Speaker. I am not so much being intimidated as being asked to gallop along!

The process of appointment to the panel has been examined thoroughly by the industry, which approves of it. I wish the industry great luck with its selection of appointees from the Australian Jumping Racing Association, the Australian Services Union, the Australian Trainers Association, the Australian Workers Union, the Media and Entertainment Arts Alliance, Thoroughbred Breeders Victoria, the Thoroughbred Racehorse Owners Association, the Victorian Bookmakers Association and the Victorian Jockeys Association. It will hold the board in good stead if those groups can come through the appointment process unscathed.

I could enlarge on a number of racing industry issues, but I will not continue because of the house's busy program. However, should anyone wish to join me afterwards in the dining room I would be only too happy to talk for hours on the subject. I could tell them about the great enjoyment I have had out of the industry. It has some tremendous administrators and great club people. Racing in country Victoria in particular brings people together. The industry is in growth mode and will continue to expand. I congratulate the industry and everybody involved in drawing up this great legislation, which will form a

pathway to promote and grow Racing Victoria. I am honoured to have been given the opportunity to open and contribute to the debate on behalf of the opposition.

Mr MAUGHAN (Rodney) — I am pleased to be able to contribute to the debate. I enjoyed the contribution of the honourable member for Polwarth, who obviously has a deep and abiding knowledge and love of racing. On another occasion I will take him up on his invitation and find out more about the industry. The honourable member is passionate about horseracing.

I reiterate his comments that there are some wonderful characters involved in the racing industry — that is, the trainers, jockeys, owners and punters. I am sure that the honourable member for Polwarth and other honourable members could mention numerous anecdotes about those characters.

The National Party will support the legislation because it believes the racing industry is important for country Victoria; it generates a great deal of employment in rural and regional areas. The legislation has been driven and supported by the industry, and I think all honourable members will support it for that reason. The government is facilitating what the industry wants to do, and it will have the support of both sides of the house.

In essence the legislation amends the Racing Act and other acts to recognise a new governing body for thoroughbred racing in Victoria, to be appropriately called Racing Victoria. Racing is and always has been an important part of the Australian psyche. For example, where else in the world does a whole country come to a shuddering halt for a horserace? Nowhere but here in Australia! The Melbourne Cup is a horserace we are very proud of.

Racing is a fundamental part of life in country Victoria because it is entertainment, a major employer and a tourist attraction. Each year about 100 000 tourists come into Victoria during the Spring Racing Carnival. Picnic race meetings, for example those at Gunbower, Hanging Rock, Balnarring and lots of other places around the state, provide a great deal of enjoyment and entertainment for families and people in those areas. The Gunbower club, with which I have a long association, runs an excellent picnic race meeting each year, which I support. A wide range of people from all over the state come to that meeting and enjoy the spectacle. Many of them are not race enthusiasts and come for an enjoyable day out. Like the honourable member for Polwarth, I could tell some interesting anecdotes — there are many stories and wonderful characters in the racing industry — but I will not go down that track today.

Racing is also for those of us who are on the periphery of the sport. I enjoy going to race meetings, as do many others. Although I have never been an owner of a thoroughbred, I nonetheless enjoy the spectacle of horseracing and its social side. I think we all love horses; I am a horse lover and love to see a good piece of horseflesh. I also enjoy a good race meeting and all the social activities that go with it.

The racing industry is important because it employs about 16 000 people and by any stretch of the imagination is an important contributor to the Victorian economy, injecting $1.2 billion per annum into this state. I represent a country electorate and one of the important things to me is that about two-thirds of those jobs are in regional and rural Victoria, consisting of trainers, agistment providers, breeders and transporters. The jobs also involve feed industry employees, who produce the grains, chaff and hay required for the horses.

As I mentioned earlier, each year the racing industry attracts more than 100 000 tourists to Victoria and adds yet another element to the tourist attractions our state has to offer.

The Spring Racing Carnival is now known worldwide and attracts people from both interstate and other parts of the world. They come to Melbourne and Victoria for the carnival and, we hope, leave many of their dollars behind when they return home! Both the racing industry and racing carnivals are important to Victoria. The Warrnambool racing club readily comes to mind, but many others also provide a great deal of economic activity for their communities and enjoyment for those who follow racing.

It is vital, therefore, that anybody entrusted with the administration of this $1.2 billion per annum industry and the gambling industry associated with it should be beyond reproach; of the highest integrity; independent and accountable; in touch with the industry and totally committed to developing, encouraging, promoting and managing the conduct of the Victorian racing industry. The bill aims to implement changes that will bring about a governing body of the racing industry that satisfies those requirements.

It would be remiss of me if I did not acknowledge the fantastic job carried out by the Victoria Racing Club (VRC) over the past 100 years. It has provided impeccable governance and managed Victorian racing in an excellent manner. The VRC is a prestigious body.

Membership of the VRC and certainly of its committee is much prized by those with an interest in racing. I acknowledge the great work of many of those administrators who have served the VRC over the past 100 years. I mention two in particular with whom I have had the pleasure and privilege of working in the field of agricultural societies.

I refer to two former chairmen of the VRC, the late Peter Ronald and Mr David Bourke, both of whom gave long and dedicated service to the racing industry generally and the VRC in particular. Both of those people made enormous contributions to the racing industry, firstly with the Pakenham Racing Club, the Victorian Country Racing Council, the Victoria Racing Club itself and, as I said, the racing industry as a whole. I worked closely with both of those gentlemen in a previous life and I pay tribute to their contributions to the administration of racing and particularly to racing in country Victoria.

The industry has recognised that the club-based structure that has governed racing for the past 100 years is no longer appropriate for the next century and that it needs to move on. Changes need to be made and it is acknowledged that the administration of racing requires a different structure. It should be acknowledged that the initiative for change was not imposed on the industry but came from the industry itself, which is refreshing. Essential changes often need to be imposed on industries, bodies and organisations because they do not realise or do not have the initiative to move on and develop those changes themselves. In this case the initiative has come from within the racing industry, and the National Party is pleased to acknowledge the initiative taken by the industry in not only talking about change but coming up with an ideal model.

The process started several years ago, but in May 2000 the industry presented the government with its vision — preferred model — for the governance of the industry. The government and the industry set up an advisory panel, which consulted widely with members of the industry and other stakeholders, including members of the public. It evaluated a range of models on the governance of racing in other states and other parts of the world. It examined 78 public submissions and looked carefully at the model proposed by the Victoria Racing Club. After considering all the options, the committee reported back to government on 29 November — some six months ago. The government has been tardy in implementing the recommendations of the advisory committee.

I commend the committee for being so prompt in its deliberations. It has done great work in examining the various models and the submissions and in reporting back to the government promptly. In unanimously recommending the establishment of Racing Victoria, the committee put forward some constitutional matters for consideration.

The government and the industry agreed on a preferred constitution, which is set out in schedule 2. The members of Racing Victoria will be the Victoria Racing Club, the Victoria Amateur Turf Club, the Moonee Valley Racing Club, and the Victorian Country Racing Council.

The first objective of Racing Victoria is to promote Victoria as a centre of thoroughbred racing excellence, which it is already acknowledged for. The second objective is to promote probity in the conduct of thoroughbred racing, which I mentioned earlier. It is most important that the industry is beyond reproach and that people have confidence in the administration of racing, not just because we want it to be fair and equitable to ensure that people have a fair chance but because to some degree the gambling industry hangs off the racing industry. Probity is therefore critically important.

A third objective is to promote the economic benefits of thoroughbred racing to the state, to the participants and stakeholders in the industry and to the communities in which thoroughbred racing operates. Earlier I referred to the economic benefits racing has in country Victoria. That is an important objective.

Further important objectives are to promote employment in the thoroughbred racing industry and to ensure it is independent of and free from improper external commercial influences, particularly in sponsorship agreements and activities.

I note the discussions and the agreement on the composition of the board of directors of the company. The board will comprise five persons appointed by the appointment panel, one person nominated by the Victoria Racing Club, one person nominated by the Victoria Amateur Turf Club, one person nominated by the Moonee Valley Racing Club and two persons nominated by the Victorian Country Racing Council. I am delighted to see that, because country racing is an important part of the industry. The two persons from the country racing council will represent all the country racing clubs in Victoria. The final board member will be the chief executive of the company, appointed by the board.

Clause 5 of schedule 2 refers to the qualifications that directors collectively should have. It states that they

must have knowledge or experience in business, finance, marketing, technology or administration and, of course, the thoroughbred racing industry.

It is most important that the board has that collective expertise. Initially in this country and in the United Kingdom the industry was controlled by people whose backgrounds were in racing — they were experts in racing. However, as the industry has become bigger it has required more skilled administration, and it has become more important that the industry is controlled by people with business, finance, legal and public relations skills to ensure the best administration is provided.

The first chairperson of Racing Victoria will be appointed by the appointment panel from the five directors; subsequent chairpersons will be elected. The appointment panel has an important role to play in selecting the first five directors and then selecting the chairman. I will not go on with the details of the appointment panel, which are set out in schedule 2 of the bill.

Racing Victoria is to be incorporated under the Corporations Law as a company limited by guarantee. As I have already said, the members of Racing Victoria will be the Victoria Racing Club, the Victoria Amateur Turf Club, the Moonee Valley Racing Club and the Victorian Country Racing Council.

Again I make the point about the tardiness of the government in introducing the legislation. The advisory committee undertook its task with commendable diligence. In four months it held its inquiry, came up with its recommendations and, on 29 November last year, reported back to the government, yet six months later the house is debating the legislation. It will be touch and go to get the legislation through both houses and obtain royal assent before the racing season gets under way on 1 August. The new structure needs to be in place before that date.

The bill was not introduced until 3 May, and it will be mid to late June, at the earliest, before it obtains royal assent. There is some urgency about the bill being passed. The government has to set up the appointment panel, which will appoint the first five directors so that Racing Victoria can be up and running before the start of the season.

The legislation is the result of the foresight and initiative of the members of the Victoria Racing Club and the support of the government. The advisory committee exhaustively considered other models and various written propositions put to it and unanimously recommended the establishment of Racing Victoria — essentially, the model put up by the industry.

I express concern at the time the government has taken to get the legislation into Parliament, the short time frame, the need to get the appointment panel in place in order to appoint the directors and to have Racing Victoria up and running before 1 August when the season starts.

In conclusion, I wish Racing Victoria every success in its important task of administering the racing industry in the 21st century.

Debate adjourned on motion of Mr ROBINSON (Mitcham).

Debate adjourned until later this day.

CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL

Second reading

Debate resumed from 3 May; motion of Mr HAERMEYER (Minister for Corrections).

Government amendments circulated by Mr HAERMEYER (Minister for Corrections) pursuant to sessional orders.

National Party amendments circulated by Mr KILGOUR (Shepparton) pursuant to sessional orders.

Mr WELLS (Wantirna) — It gives me great pleasure to contribute to the debate on the bill. Opposition members have a number of concerns about it and, as a consequence, I have a reasoned amendment. Therefore, I move:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until affected community groups have been consulted on the serious community safety issues related to home detention'.

At the outset I thank the minister and his staff for the enormous amount of time they have given opposition members to work through a number of the issues we have raised; government members have been very generous with their time. They have followed up a number of our concerns, and on behalf of the opposition I sincerely thank the minister for allowing that time without restrictions.

Home detention permits an offender to serve part or all of a term of imprisonment in the offender's home under supervision and subject to conditions such as a time curfew. However, home detention is not actually home

detention. There is a misconception in the public arena that home detention means that offenders stay within the confines of their homes. That is not the case. The Victorian proposal is that home detention will involve the use of a wrist or ankle bracelet that remains on the home detainee at all times. The bracelet will be linked to a central computer that will ensure the home detainee is monitored at all times while in their home.

There are two main methods of home detention. The front-end method is used as an alternative to the sentencing arrangements currently in the Sentencing Act. An offender is permitted to serve the full term of his or her imprisonment at home, but for no more than 12 months. The back-end method allows the Adult Parole Board to release offenders from serving their full sentences in prison, and allows them to be detained under home detention orders. An order for back-end home detention is available only after offenders have served a considerable proportion of their sentences. I will return to that point later.

Obviously the time curfews that have been set out in the home detention order must be adhered to. If they are not, after a certain period and a number of breaches, the person can be returned to jail.

After talking to the minister's staff, and after attending a number of briefings, we believe the home detention scheme is based largely on the New South Wales model, which we have continued to investigate. We have been assured by the minister's department that a more intensive assessment process will apply to the Victorian scheme and that there will be tighter eligibility criteria for people being considered for home detention in Victoria.

The Public Correctional Enterprise will administer the home detention scheme, and decisions on the back-end method will be made by the Adult Parole Board in conjunction with Community Correctional Services. It is our understanding that there will be no private sector involvement, except for the purchase or lease of the computer and wrist or ankle bracelets, which is in line with the current government's policies.

The government's plan is for a three-year pilot program, with 80 offenders taking part at any one time. We suspect there will be up to 300 offenders on the program over three years. The government wishes the home detention scheme to start this year. The legislation has a sunset clause, and at the completion of the pilot program an independent assessment will take place and the government will introduce legislation to set up a more permanent home detention program.

The cost of a prisoner on home detention is approximately 40 per cent to 60 per cent of the cost of a minimum security prisoner, which is $51 000 a year. The government is therefore saying there is a potential saving of $20 000 to $30 000 per prisoner per year. Obviously a home detention detainee will have to wear a bracelet at all times. If he removes it or tampers with it, he will be in serious breach of his order and will be sent to jail.

Judges and magistrates will have the option of referring sentenced prisoners for assessment to the home detention unit, which will comprise a group of bureaucrats who will make the decisions. A family will have to agree to accept the home detention detainee into the family home without duress. The legislation makes that clear, although we have grave concerns about that part of it.

An annual report will have to be tabled in Parliament, which will allow us to assess how well the program is going. At the briefing the department made it clear that the proposed pilot scheme will not include sex offenders, violent offenders, people convicted of commercial drug trafficking, people who breach intervention orders, people convicted of firearms offences or stalkers. Program participants will be drawn from two categories — the front end and the back end. Prisoners who have completed two-thirds of their present sentences and are within six months of release will be eligible for the back end, while to be eligible at the front end prisoners must have received sentences of 12 months or less.

The home detention orders that participants will be required to fulfil include abiding by a curfew, wearing an electronic monitoring device, receive regular random visits from a supervising office, abstaining from alcohol and drugs, and attending programs to address their offending behaviour.

On 30 June the minister issued a press release which made clear some of the concerns I will outline in my contribution. As I said, under the pilot program at any one time 80 low-risk offenders will be sentenced to home detention. The pilot scheme will operate for three years to provide for an independent evaluation, the results of which will be reported to Parliament. As members of the opposition we must be assured that it is a genuine independent evaluation. We have read the New South Wales corrective services report, the authors of which produced a research paper that was thorough, open and transparent. We would expect that the government would issue a similar report.

The Minister for Corrections claims that home detention is tough on offenders who are monitored seven days a week, 24 hours a day, by direct supervision or electronic monitoring. The opposition has grave concerns about this. If an offender has an order which requires them to plug in at 10 o'clock at night, it is the opposition's understanding that there will be a series of random checks between 10.00 p.m. and 8.00 a.m. I suspect that some home detainees would think they could get away with 2, 3 or 4 breaches of their conditions before they were sent to jail. They could say a breach was caused by something urgent — that they needed to go to the chemist because their child was sick or for some other reason. However, that would not necessarily have been what happened and that person could have been out committing offences. It is claimed that there will be monitoring of the people on home detention 24 hours a day, but the opposition has grave concerns about the number of random checks that will be made during the day and night.

In his press release the minister says that home detention is part of a balanced approach to corrections and that the government is committed to fighting crime with the creation of 800 new police positions. In numerous press releases the opposition has expressed its concern about the police force which is stretched to the limit. The government has promised 800 new police officers but the figures are not stacking up at this point. Will breaches of home detention mean that the police force is out looking for home detainees who have breached their orders? That is an important concern.

The opposition wants some assurance from the government about whether someone breaching their home detention order will place pressure on already stretched police resources. In one of the departmental briefings honourable members were told that that would be the responsibility of Community Correctional Services and that supervision would mean that this would be pretty much under control. However, every so often one of the people on home detention will escape or shoot through and it will be the police who will be called on to bring them back to the home or the prison — hopefully the prison.

In certain circumstances home detention will allow offenders to undertake paid work and therefore they could be ordered by the courts to make restitution to victims of crime. I believe that is provided for in the amendments circulated by the minister. The opposition had grave concerns about that issue and its clarification in the proposed amendments is appreciated. The minister said in a *Herald Sun* article earlier in May that if a person was put on home detention part of their court order would be that they had to repay the victim, but that was not in the original legislation. I believe the proposed amendments will address that.

In his press release of 30 April the Minister for Corrections states:

> … home detention could be ordered for offenders guilty of offences such as shoplifting, break and enter, credit card and social security fraud, driving while disqualified or breaches of community-based orders.

He also mentioned first-time offenders. The opposition has done some investigating and does not believe someone who has committed one of these offences would go to jail for a first offence anyway. We are not talking about people who have committed petty crimes such as shoplifting or done some sort of graffiti work. It is unlikely that a court would send those people to jail for a first offence. The press release also states:

> The program would not be available to offenders found guilty of … sex offences, violence, breach of intervention orders, drug trafficking, firearms and weapons offences and stalking.

I suspect what the minister meant to put in that press release was that it was not available to commercial drug traffickers rather than just any drug traffickers. I say that because the opposition has another concern — namely, that under the Victorian model drug traffickers will be allowed out on home detention. I will get to that later.

Further on in the press release the government talks about correctional staff undertaking random electronic spot checks of the approved location to check that the offenders are present. That is another matter of concern. The opposition wants to be assured that when honourable members go to investigate home detention over the next few months the right number of members of staff will be found in place. If there is going to be random checking, how often will the checking be done? And how quickly will the corrections staff be able to get around to the house to find out what has gone on when there is a breach?

I know the minister has been very keen on home detention and has spoken about its use to relieve some of the pressure on prisons and police cells. The opposition has raised concerns in that area during most of this year. Police cells are so crowded — because prisons are so crowded — that the opposition questions whether home detention is really the answer.

On 25 January 248 offenders were being held in police cells, of which 109 were sentenced prisoners who should have been returned to a prison but for the logjam of prisoners in the system. Unfortunately police officers were being used as prison warders. According to the

Police Association there is room for about 120 prisoners in Victoria's police cells — yet they contained 248 in January! In February the situation got worse, and the total went from 248 to 326 prisoners, of whom 105 were under sentence. Of those, 90 were in police cells for 10 days or more at a stretch, and it is of real concern that 16 prisoners were in cells for 20 days or more. B-category prisons had to be opened to deal with the overcrowding. Police cells such as those at Keilor Downs, Craigieburn and Narre Warren were used to house prisoners.

Recently, as I informed the Parliament a few weeks ago, I was in Ararat when a prisoner was being held in a B-category police cell. In addition there was the dreadful situation of women being held in police cells, making it very difficult for police officers to provide adequate supervision. Cells in one section had to be shut while the women were treated and showered. The proper handling of male and female prisoners in the same police complex at the one time is very difficult. I believe the situation has now eased somewhat, and members of the opposition are pleased to hear it. They were not happy to hear of the numbers of prisoners being held in country police cells at Ballarat and Ararat. Country police officers do an excellent job but we do not pay them to be prison warders.

In the budget the government has agreed to make some inroads into the issue of overcrowding in police cells and the prison system, and I suspect that home detention will be an important part of that action. However, in May government press releases indicated that the Minister for Police and Emergency Services would have four new prison facilities built. Both the budget papers and the earlier press releases indicate that they will include a 600-bed metropolitan Melbourne remand prison, a 300-bed metropolitan medium security prison and two new minimum-security prisons to be built in rural Victoria, including a 120-bed facility, a 100-bed facility and a 26-bed specialist unit to be built within the existing Ararat prison.

The opposition sincerely welcomed that announcement, because that was 1146 new beds. The opposition had no issue with that: we thought that was a very positive move. But when we read the budget papers we saw that budget paper 2 states at page 111:

> In addition, in order to manage expected long-term growth in the adult prison system, the government will also expand overall permanent capacity by a further 716 beds and redevelop the existing prison system …

So although the first announcement and the budget papers were saying there would be 1146 beds, the actual net increase in the number of new prison beds was only 716. When we looked a little further we saw that budget paper 2 also says:

> The 19th century Bendigo Prison and the minimum security prison farm at Won Wron will be closed. The future role of Beechworth and Langi Kal Kal prisons within the context of the redevelopment of the prison system is currently being considered.

What that means in bureaucratic talk is that they are going to be shut, because if there are 1146 brand-new prison beds and the budget papers say there is going to be a net increase of 716, there is a net loss of 430 prison beds somewhere. When the beds at Langi Kal Kal, Won Wron, Bendigo and Beechworth are included, it comes to 441 prison beds, so I suspect that is where the government gets its net figure of 716.

So while the opposition welcomes the increase of the 1146 prison beds, when we look a little closer at the detail we find that the four prisons I mentioned in country Victoria will be shut down. I hope the government will reconsider shutting down those four prisons because I suspect that, unless they are kept open in addition to the new beds that are going to be provided, as promised in this budget, the present overcrowding of prisons and police cells will continue and become even more serious than it is at the moment.

Budget paper 2 also mentioned at page 108:

> Victoria's total prison population has significantly increased over recent years, with prisoner numbers reaching or exceeding prison accommodation capacity.

Both sides of Parliament obviously agree with that. One of the minister's advisers was keen to point out that the present overcrowding was actually the Liberal Party's fault because we brought in tougher sentencing for offenders. I am wondering whether the Labor government would be keen to put that statement up as an election issue at the next campaign in 2003–04 or whenever it is. Maybe we can put that question to the people: do we want tougher sentencing on murderers, rapists and child sex offenders, or should we lessen their jail terms to free up our prison systems? Maybe the people of Victoria can decide which way they want to go.

On the same issue, I point out that there is a perception in Victoria that all the previous Kennett government did was lock people up, throw away the key and leave them there. If that were so I would question the article in the *Age* of 18 January this year which said that Victorian prisons are at bursting point.

It goes on to say that there are problems with the prison system at the moment, and the Australian Bureau of

Statistics figures showed that. But the graph shows that Victoria has the lowest incarceration rate of any state in the country. We have 86.1 people in prison per 100 000 head of population. We are only talking about adults here. In Queensland, the figure is 175.5; in New South Wales, 151; South Australia, 112; and Western Australia, 224.2, so the incarceration rate in Western Australia is three times higher than that of Victoria. The figure for Tasmania is 112.8. In the Northern Territory it is 456, but it is not wise to debate why the rate in the Northern Territory is so much higher.

The point I make is that the former government was tough on crime, so if a person committed a serious crime he or she would be sent to prison. The opposition believes that is right; it believes in the adage, 'If you do the crime you have to do the time'. The opposition also believes criminals sentenced to a one-year minimum, two-year maximum jail term must serve at least that one-year minimum without discounts, because that is the will of the judge or magistrate. The separation of powers means a judge or magistrate has the independence to feel free to be able to hand down appropriate sentences.

I argue strongly that judges already have many options for sentencing. Under the model proposed for home detention a judge would consider a particular case and then say that the offender has committed a crime that is so serious that they should be put in jail. However, under this bill the judge can make another recommendation that the offender be referred to the home detention assessment unit. A bunch of bureaucrats will then make a decision on whether they think the offender is suitable for home detention. What happens to the offender in the meantime? As I understand it, the person would be given bail and would be out walking the streets for up to four weeks. That is the advice the opposition has been given: that it would take four weeks for a person to be assessed to establish whether they are eligible for home detention.

The opposition is concerned about the consequences if after four weeks the home detention assessment unit says an offender is not suitable for home detention, despite the fact that the person has been out walking the streets for that time. The advice given to the opposition is that the offender could be put into jail for four weeks while they are being assessed. However, that is a contradiction in terms. If a judge has said the offender should be suitable for home detention but then sends that person to jail because they are a high-risk offender, that person should not have been considered for home detention in the first place.

Division 1 of the Sentencing Act under the heading 'Sentencing orders' already provides 13 or 14 different sentencing options for judges or magistrates without them needing to consider home detention. As I said, it is important that we do not send to jail young people between 17 and 21 years who are found guilty of drawing graffiti or petty theft. Only after they have committed a number of offences should they finally be sent to jail. For example, young people may be convicted and be ordered to serve terms of imprisonment by way of intensive correction orders in the community; they may be ordered to serve terms of imprisonment that are suspended wholly or partly; or, in the case of younger offenders, they may be ordered to be detained in youth training centres. The perception that young offenders will be put into Port Phillip Prison or Fulham Correctional Centre with adult prisoners is wrong.

We are talking only about very serious offences committed by young people. Such offenders are otherwise given suspended sentences, community-based orders, intensive correction orders or are sent to a place like Malmsbury.

Other sentencing orders that could be handed down by a judge include not recording a conviction and ordering the release of the offender on the adjournment of a hearing on conditions, or in some cases the dismissal of the charges. However, a judge or magistrate already has a range of probably 12 or 13 options and the opposition questions why home detention would be needed if a judge can already send an offender home subject to conditions. Such conditions may be that an offender must not go out after dark, must stay at home between 10.00 p.m. and 8.00 a.m. or must attend a school or training college. The only difference is whether the person would abide by the requirement to wear the ankle or wrist bracelet, and it will be necessary to see whether that will work as effectively as possible.

Under the government's planned front-end provisions of the home detention scheme the judiciary will be able only to refer offenders to an administering home detention unit for assessment. Judges will not be able to make orders themselves; they will be able only to make a reference to a group of bureaucrats, who will make the decision on the offender's eligibility and suitability. As I mentioned before, a serious flaw in the legislation is the question of whether the offender is to be placed in jail or let out on bail while that assessment process is taking place.

Of more serious concern to the opposition is back-end detention. To me that will undermine the justice system and the judge's right to impose what he or she sees as

an appropriate sentence. It will again see bureaucrats and members of the proposed responsible body, the Adult Parole Board, making arbitrary decisions to release prisoners before their minimum terms of imprisonment are served. The sentencing judge will not be involved at any time. This will completely undermine the judge's decision at the time of sentencing and the concept of truth in sentencing, and in some cases will threaten community safety. If judges and magistrates sentence criminals to a certain amount of time in jail Victorians know that time will be served; the community and victims know that the judge's integrity will ensure a minimum sentence will be served.

Under this proposed system Victorians will have a situation where victims will not be notified when an offender is released on home detention prior to the completion of their minimum sentence. For example, if a person is sentenced to a minimum of one year in jail for assault, as it stands at the moment the victim knows that the offender will have to serve the one-year minimum. Under this proposal, after eight months the Adult Parole Board can make a decision to release that person into home detention. I cannot imagine the reaction of a victims if they were to see the offender walking down the street or back in work or school when they thought the offender had another four months to serve. In those cases the victim would be completely cut out and there is no assurance the offender would not commit further offences.

The Federation of Community Legal Centres strongly opposes any administrative decision to place a person on home detention. Commentators from the federation state that in its documentation the New South Wales Law Reform Commission expresses the view that any order for back-end detention should be determined by the sentencing court in order to preserve the concept of truth in sentencing.

> The Home Detention Act —

that is, the New South Wales act —

> makes no provision for back-end detention.
>
> … The Department of Corrective Services stated that introduction of a back-end home detention scheme should not proceed before the front-end scheme introduced by the act is properly assessed. Several submissions agreed that the sentencing court should make an order for the back-end home detention so as to preserve truth in sentencing and to be consistent with other non-custodial sentencing.

The report of the New South Wales Law Reform Commission continues:

> The commission has concluded that back-end home detention should not be introduced in New South Wales. In our view, it is not possible to formulate a satisfactory scheme for back-end home detention without compromising the concept of truth in sentencing. We maintain our position that in order to preserve truth in sentencing, any order for back-end home detention must be imposed by the sentencing court at the time of sentencing rather than by an administrative decision after the sentence has been imposed … In our view, the divergence of opinions in the submissions as to the way in which back-end home detention should operate is indicative of the difficulties involved in implementing a satisfactory scheme. We therefore do not recommend the introduction of back-end home detention in New South Wales.

So the New South Wales Law Reform Commission raised very serious concerns about the back-end method of home detention.

In summary, the commission was saying that if you are going to introduce back-end home detention the sentencing court should be making the order that a prisoner is to serve, say, 12 months of the sentence and then go into a home detention program. But there is a big difference between what the New South Wales Law Reform Commission was saying and what this bill proposes.

The bill says the Adult Parole Board will make the decision on who will and who will not be eligible for home detention. That is something about which the opposition has grave concerns. We have made it pretty clear all the way through our conversations that this is a real sticking point for us because it undermines the view of the sentencing judge time. It also undermines what the victim's views were when they were sitting in the courtroom and heard that the offender would get a minimum sentence of one year, so the only thing they needed to worry about was that the person would be out in 12 months. Under the Victorian system proposed by the minister this will not happen, and the opposition has very great concerns about that.

Earlier I mentioned the opposition's concern about the impact of home detention on the police. It is okay for us to be briefed on the point that looking after all the people in home detention will be the domain of the correctional services officers. If we are looking at 80 people being in home detention at any one time, as I mentioned before, we need to know how many staff will be supervising and doing the random checks and what the impact on our police force will be.

The police force is already under enormous pressure. The corrective services people will not be able to come around and sort out any case of a breach of a curfew, domestic violence or any result of a condition not being met. If it is a case of domestic violence and the woman wants to press charges, the police will be involved.

The opposition has made the point that the minister has promised to recruit 800 new police during this term of government. It is also a fact that significant numbers of police are leaving the force — I believe last year some 500 or 600 police left, either through retirement or by quitting. So the opposition still claims that the minister's target will not be reached. In fact, if he reaches 400 of the 800 promised, the opposition would be very surprised because the attrition and training rates are not balancing each other out and there is no net growth in numbers.

The police annual report for 1999–2000 shows that the actual patrol hours were less than the targeted patrol hours. This is an important point, because if something goes wrong with home detention the police need to attend promptly to sort something out.

In Labor's first year in office — 1999–2000 — the total number of targeted patrol hours, which I believe is the figure set by the police, was 2 450 000; however, the actual patrol hours figure was 2 273 350, which is a shortfall of 176 000 hours, or 7.2 per cent.

Most people would see from those figures why the opposition has concerns about home detention. Home detention detainees have to meet a number of conditions, and if something goes wrong and crime is involved police officers will have to be involved, whether they like it or not.

I turn to a number of press clippings dealing with the minister's attempts to reassure the Victorian community that home detention is the be-all and end-all when it comes to prison numbers. The *Herald Sun* of 1 May states:

> Corrections minister André Haermeyer said interstate and overseas experience had shown fewer than 5 per cent of those put on home detention breached their conditions.

In considering this point, members of the opposition looked at the New South Wales figures to find out what they showed, and we found something very different from what the minister was telling us.

We found some interesting facts in the *Review of the NSW Home Detention Scheme*, the report of a study undertaken by the New South Wales Department of Corrective Services, published in February 1999. For example, it said that in relation to home detention there was some confusion over the definition of a less serious offender, but that:

> For the purposes of this study, less serious offenders were interpreted to be offenders convicted of offences warranting a full-time custodial sentence, but with penalties on the lower range of the full-time custodial penalty scale, in this case 18 months or less …

The opposition has learnt that under the Victorian model that period will be 12 months.

The review states further:

> … the most common offences committed by women placed on home detention were fraud related, closely followed by property-related crimes. The most common offences committed by men placed on home detention were driving related, closely followed by property-related crimes.

A total of 510 people were assessed for inclusion in the home detention scheme. Of those, 167 male offenders had served a previous full-time custodial sentence — that is, 40 per cent of males assessed for home detention during the research period had already served time in prison.

The reasons why people were found to be unsuitable for home detention include their unwillingness to remain drug and alcohol free, their unwillingness to submit to electronic monitoring and the unwillingness of the family to consent to participation.

The review also states:

> During the study period, 93 (18 per cent) of the 510 offenders referred for home detention were deemed unsuitable using criteria set down in the home detention act.

The reasons why those offenders were deemed unsuitable include: detected drug and/or alcohol use during assessment period; an unwillingness to attend organised assessment interviews; an unwillingness to submit to electronic monitoring; and an unwillingness to address offending behaviour. The review states further:

> All offenders found unsuitable for home detention were directed to serve their full-time sentence within a correctional centre.

Of the 93 offenders, about 35 per cent were assessed as a potential risk to the community and were therefore found unsuitable for inclusion into the scheme. The most common causes of undue risk were the likelihood of committing further offences, threats or actions of violence towards any member of family or community during the assessment, and drug and/or alcohol use during the assessment. Eleven offenders were unable to acquire suitable accommodation, even with the assistance of the home detention officers, and were hampered by the following factors: some were living in hostels with no private access to a telephone and obviously unable to use their equipment, or they were living with no fixed address and without the support of relatives.

Some 67 female offenders were given a home detention order during the study period. The most common offence committed by those women was fraud related. There were also some property offences — the most common for shoplifting.

Offences for the men placed on home detention included driving in a dangerous manner occasioning death, having a mid-range prescribed concentration of alcohol (PCA) or a high-range PCA, driving while disqualified, and driving in a dangerous manner. Some 90 male offenders, or 30.1 per cent of males placed on home detention, were convicted for property offences, which included robbery, stealing, shoplifting, breaking and entering and larceny.

The opposition is concerned about the results of the review that 18 per cent of males who were placed on home detention were convicted of drug-related crimes. Roughly 18 per cent who were placed on home detention were in possession of a prohibited drug, supplying a prohibited drug, cultivating a prohibited drug or manufacturing a prohibited drug.

When we further examined the home detention research study we found that of the 250 who commenced or completed home detention, either successfully or unsuccessfully, 38.4 per cent of offenders were issued with a total of 158 sanctions. So 38.4 per cent of people on home detention in the New South Wales research period had breached their conditions. The opposition was not expecting the figures to be so high. As part of the home detention conditions the person is asked, 'Do you want to go onto home detention?' If the person says yes, there is an agreement that clearly sets out the conditions the person will have to meet to keep their home detention order in check. Yet in New South Wales 38.4 per cent offenders were issued with a total of 158 sanctions.

I expect that it is not a breach if someone is running 10 minutes or 15 minutes late, but these are far more serious than that. As detailed in the report, the most common breach included drugs and/or alcohol. More than 55.1 per cent of all breaches were drug or alcohol related. Many offenders found it difficult to abstain from drug or alcohol use altogether, particularly if friends and family were consuming in the household of the home detainees. Of those with recognised drug and alcohol-use problems, 58 per cent were sanctioned for drug use during the study period.

Offenders also breached their conditions by failing to return to their residences after organising appointments. Of all breaches 24.7 per cent involved a form of regulation violation and 11.4 per cent of offenders failed to respond to electronic monitoring equipment — for example, some offenders failed to hear the telephone call. If their excuse was used on more than a few occasions — I am not sure how many — equipment was checked for faults. If no faults were detected, the offenders were sanctioned: 3.2 per cent were sanctioned for tampering with equipment and a further 3.2 per cent were sanctioned due to family conflict.

The New South Wales home detention scheme developed a comprehensive process for recommending the official revocation of offenders' orders. The primary reasons for recommending an official revocation were repeat breaches of regulations — and the opposition would like to know how many chances a person gets on home detention before the order is revoked — and absconding from the official residence under the home detention order.

The other more concerning point in the study is that while they were on home detention 4.6 per cent of offenders committed another crime. The offences included driving while disqualified and driving without a licence, but they also included crimes such as breaking, entering and stealing, shoplifting, larceny and receiving stolen property. A couple of people committed armed robbery and robbery. One offence would be bad enough, but the fact that 5 per cent of people on home detention committed further offences shows that the assessment program did not work for those people.

The opposition looked with great interest at the annual report of the New South Wales Department of Corrective Services signed off by the commissioner for that department and handed down on 20 November 2000. The report refers to home detention and says that 385 offenders were admitted to home detention in 1999–2000, which was a 10 per cent increase, of whom 83 per cent were men and 17 per cent were women. The report says that 260 offenders successfully completed their home detention while 96 had their orders revoked — in other words, 27 per cent breached their orders so badly that they had to be sent to prison.

Those figures are reasonably consistent with the research done by the New South Wales department between 1997 and 1998, prior to producing its 1999 report. The earlier figures show that 38 per cent of people in home detention breached their orders. According to the department's annual report for the year ended 30 June 2000, 27 per cent breached their orders so severely that they had to be sent to prison. That fact causes the opposition its greatest concern.

Following questions from the opposition, the *Herald Sun* of 1 May reports the Minister for Police and Emergency Services as having said that breaches of home detention in New South Wales amounted to less than 5 per cent. Having gone through some of the New South Wales results, the opposition finds that it is far more serious than the minister led the Victorian public to believe. More than one-quarter of people on home detention in that state breached their orders so severely that they had to be sent to jail. That is a serious situation and is something that many people in the Victorian community would be most concerned about.

The opposition has heard concerns from general community groups, particularly women's groups. The Federation of Community Legal Centres has contacted the Minister for Police and Emergency Services to say it believes home detention should not proceed because of the effect it would have on families.

A recent submission by the corrections working group of the Federation of Community Legal Centres claims that families should not be expected to be jailers, informers or accomplices. On the proposed legislation and its impact on families it states:

> The role played by the family and the severe impact of a home detention order on parents, partners and children living with a person on home detention can not be justified. This includes the enormous pressure to consent to the order for adults and not even the ability to refuse consent for those under 18.

That is the New South Wales model and I believe the Victorian model has a slightly different twist on children under 18 years of age. The submission continues:

> The potential for coercion of co-residents is great and the ability to determine if it is occurring is impossible. There is also the stress placed on the family for the duration of the order. There is even greater reason for events within the family to stay hidden while the order exists, as the repercussions of revocation are too great. For a child the most likely option is for them to leave home.

The group says this will have an enormous impact on women and children. The submission further states:

> In relation to consent of those living with the offender we believe there ought to be far greater safeguards to ensure that there is full and informed consent by residents, after receiving independent advice and that confidentiality is assured for any of these discussions. We are also concerned that children are not able to withhold consent for the order. It is a gross denial of children's rights and may result in children becoming homeless because of the order … It is not enough that 'due consideration' be given to children's rights in these circumstances and similarly for those deemed incapable of consenting.

The group expresses concern about proposed section 18ZI:

> This section again raises the issues around children being able to consent and therefore being able to withdraw that consent. There are also issues which need to be addressed around the confidentiality of the consent being given and/or withdrawn. It inevitably draws innocent parents, partners and children into the centre of dilemma. It cannot be escaped and is in our view yet another powerful reason against the introduction of home detention.

Some of the discussions the opposition has had with groups such as the federation about the problem with the bill suggest it would be almost impossible without duress for a home detention detainee to get permission from the people who live in the house. For instance, if a husband or a de facto is going to be sentenced to prison and his wife, de facto or partner is asked, 'Do you or do you not want to accept the home detention detainee being part of your family?', and the woman says, 'No', what sort of relationship will there be between the woman and her partner? According to the proposed legislation, if the woman does not want her partner home because of possible violence or drug or alcohol use, that information will be given to the person who is going to be refused home detention access. The relationship between the husband and the wife, or the de facto and the partner, will never recover, because in essence the wife will be saying to her partner, 'No, you're not suitable to be back home and living with our family until you cool down'. I cannot see such a family relationship ever recovering.

Opposition members understand that the information will be given to the person who is about to go to jail. If that is not the interpretation we should have, we would expect the minister to make that point clear to the house during the closing debate. It is our legal advice that the person who is about to go to jail will have to be given information on why he or she is not being accepted into home detention — for example, that their family has said, 'No, you are not allowed to be in the home with your family'. For example, if a man has been refused — if the family has said, 'No, we don't want you in our house' — I would expect that the person being sentenced to prison would ask his wife or spouse, 'Did you say yes or no when you were asked whether I would be acceptable to be living back in my home?'.

If the partner or spouse says, 'Yes, I said you were to come back but there were other reasons', the opposition would expect legal counsel to ascertain the reasons for the offender's refused access to the family home. The opposition would expect family and women's groups to be strongly critical on that point.

The opposition has received information that the level of reported family violence in New South Wales is low for the very reason that if a woman or child in the home setting reports any sort of family violence to police, the male will go to jail. It is a hard call for any wife or child to say, 'I am sorry, domestic violence has taken place and I have telephoned the police', which means that the male would be sent to jail to serve his sentence. My information is that few reports of domestic violence are made in those circumstances in New South Wales because of the family friction that would result from the male being sent to prison.

The opposition is concerned about the types of offenders eligible for home detention. The Victorian proposal allows for a situation where drug traffickers will be allowed to serve home detention. In New South Wales 17 per cent of people on home detention have committed offences including the cultivation and supply of drugs and the manufacture of prohibited drugs. It does not make sense that people who have manufactured prohibited drugs will be eligible for home detention.

Even more disturbing is the situation where a person may be caught up to eight times and may not be sentenced to jail for possession of drugs but can be eligible for home detention. Victims of crime would be upset to know that traffickers who sell drugs to kids would be eligible for home detention. The wording is clear: a person is classified as a commercial drug trafficker if he or she trafficks a minimum of 250 grams of heroin. Some 4233 caps of heroin can be made from 249 grams. Many parents would say that that drug trafficker is a potential mass murderer. Under the bill a person may be caught with 4233 caps of heroin but still be deemed not to be a commercial drug trafficker and be eligible for home detention! That bothers the opposition.

The opposition makes two points about drug traffickers. Firstly, in New South Wales 17 per cent of people on home detention are drug-related offenders, including traffickers or manufacturers of prohibited drugs; and secondly, if somebody who may have been selling drugs to kids for two or three years is caught with only 249 grams in their possession, they will be eligible for home detention.

If people on home detention are not strictly monitored, what is to stop drug traffickers from selling drugs all day and all night? If, by a fluke, they are randomly checked through home detention bracelets and found to have mucked up once, they will not be sent back to jail. Who knows what they have been doing during the day? They may be checked to ensure they are at their place of work, but how often will they be checked?

The opposition has received feedback from the Criminal Bar Association to the effect that it is opposed to home detention because of the risk that detention orders will largely be used only for the privileged, middle-class and white-collar offenders. Concerns have been raised about the scheme widening the net. Many left-wing groups have made the point that some people will receive home detention rather than prison sentences, when previously their sentences may have been suspended.

The opposition received information from Mr Noel McNamara of the Crime Victims Support Association about its concerns that those who commit the crimes should do the time. What happens when a person re-offends or breaches his order? People imprisoned because of persistent drink-driving offences should not be eligible for home detention. They need to be educated through a drug and alcohol rehabilitation program.

The Victoria Police Association has a different view. It says it will adopt a watching brief during the course of the pilot program. I am not sure whether the rank and file will be keen to chase home detention people who have breached their orders rather than sorting out other issues in the general community.

Home detention is totally opposed by the Federation of Community Legal Centres because of women's and children's issues, including the possibility of their being turned into home jailers.

The opposition has thoroughly examined the information it has been given. If the government does not adjourn the debate to allow opposition members to undertake more extensive consultation, we will have no choice but to vote against the bill. The opposition believes strongly in law and order. If you do the crime you should do the time. We do not believe home detention will be seen as a punishment, and we believe victims will again be left in the lurch.

If a person is sentenced to a one-year minimum term of imprisonment, the victim of the crime should know that the person must serve at least that one year, without a discount for good behaviour. It is for that reason and the other reasons I have outlined that the Liberal Party wants to consult further with the police, women's and victims groups, and relevant people in New South Wales. After that consultation, and after airing the concerns I have raised today, the Liberal Party will be

in a better position to determine which way it will go with the bill.

Mr KILGOUR (Shepparton) — The National Party does not support the Corrections and Sentencing Acts (Home Detention) Bill in its current form. I have circulated amendments that illustrate the National Party's concerns.

Although many aspects of the home detention proposal are fine, there are problems with it. The major issue is that if a judge imposes a sentence of imprisonment on a person because that person has committed a crime against society, the community's expectation is that he or she should serve at least the minimum sentence. The judge is aware of all the issues involved when sentencing that person, and if he sets a minimum term of imprisonment his order should be enforced.

The National Party does not have a problem with the home detention scheme, because in some cases it could be useful; but if a person commits the crime he should do the time. That is what the community and victims of crime expect. In fact, a person on home detention who has been sentenced for a crime against his neighbour may be residing next door to his victim.

To have those persons coming home to the community before the minimum sentence has been served is extremely concerning, particularly to the victim.

The National Party does not mind if the program becomes part of the parole set-up. The judge may say, 'I probably normally wouldn't recommend this person be eligible for parole but home detention may help rehabilitate this person better than a prison sentence'. That would be acceptable only after the minimum service has been served.

The New South Wales experience has shown that many breaches of the system occur. Criminals could be on the street when they should still be serving a sentence. They may have breached a home detention and therefore should not be in the community, yet they may have been able to get away with it because of such a system. According to the government home detention will provide a means by which non-violent, low-risk, low-security offenders can serve a period of imprisonment in the community under a highly restrictive and intensely supervised service.

The New South Wales home detention program costs about $65 per offender per day compared to about $120 per offender per day in a minimum security prison. However, although governments should consider the idea to address the cost problem, it will not solve the problem of the number of prisoners in prison.

The proposal is for a trial of a minimum of 80 offenders at any one time, which means about 300 prisoners will take part in the program over the length of the trial period. Prisoners who are within six months of their release date may be able to serve a portion of that sentence in home detention. The National Party has some problems with that area. The government has promoted the idea of a targeted selection of prisoners. There would be intensive supervision, secure and reliable enforcement and rigorous evaluation. The National Party has a slight problem with targeted selection but does not have a problem with the other areas.

The bill clearly specifies who will be excluded from consideration: anyone with a history of violence — and I would certainly expect that domestic violence will be taken into account in that — a history of sex offending; a history of offences involving firearms and prohibited weapons; or a history of commercial drug traffic offences. The National Party disagrees with what the minister proposes in that specific area. Many low-level drug users are committing burglaries — day after day they are committing crimes against the community to feed their habits, yet those people will be able to take part in the home detention program. The National Party has a major problem with that proposal. Finally, anyone with a history of stalking or who has breached an intervention order will not be eligible to be in the program.

There is no doubt that some prisoners consider it a good program to be involved in. When I visited the women's prison at Maldon, I was approached by some of the prisoners asking whether I would support the proposal because women prisoners in particular believe it is important for them to be with their families. I am not sure that women who are partners or wives of some men in prison would say the same thing because of the violence that could occur and because of their concerns about the disruption to the household which would certainly have changed since the partner or husband had been put in jail. If that person returns home earlier than expected problems could be created for some women in the community.

I do not have a problem with the proposals for the supervision that would be provided by the Department of Justice. It is clear the supervised program will provide what is necessary to ensure that most prisoners remain in the system within which they have agreed to work. However, many people have breached those conditions under the New South Wales system.

The curfew will be lifted to allow offenders to engage in activities that have previously been investigated and

approved by the supervising officer. I have no doubt those activities could play an important role in some form of rehabilitation for the offenders, particularly employment, education or training commitments or attending one of the intervention programs that may be conducted.

The government says that if the prisoner breaches the order, either by non-compliance or by reoffending, the response will be swift and decisive. From what I have read about the program I believe there will be an opportunity for quick action to check on a person who has breached the conditions to ensure that they are in the home or wherever they should be.

National Party members do not have a problem with the principle of requiring offenders to wear a device that, through a radio or telephone link to the main sentencing area, will allow prison staff to monitor the whereabouts of the offenders. That system is available, and we do not have a problem with it, providing the person has served the minimum sentence.

There is no doubt that one of the issues that has led to the proposal being brought forward is the overcrowding in prisons. It is believed that in some way the program will alleviate overcrowding in prisons and in police cells. The home detention program would lead to fewer prisoners being detained in prison, so more prison beds would become available. As of January last, Victoria had massive overcrowding in its prisons. For example, Ararat prison held 99 more prisoners than its official holding capacity. In Barwon the figure was 60; in Beechworth, 10; and in Bendigo, 10. Dhurringile, the farming prison in my electorate, held 26 more prisoners than its current holding capacity. The Fulham Correctional Centre, the new prison in Sale, held 39 prisoners above its capacity; Langi Kal Kal held 15 prisoners above its capacity; and Loddon, at Castlemaine, which I visited earlier in the year, held 58 prisoners above capacity.

The January figures indicate that Victoria is lagging behind in providing the necessary new prisons, and it will be a long time before those problems are solved. The Metropolitan Women's Correctional Centre at Deer Park held 37 prisoners more than its holding capacity; the excess number at the Melbourne Assessment Prison was 34; at Port Phillip Prison, 52; at Won Wron, 18; and at Tarrengower, another prison I visited earlier this year, there were 2 more than its official capacity. More prisons are definitely needed in Victoria, and more money should be poured into rehabilitation programs for prisoners. The home detention program may alleviate the situation. It could happen by running the home detention program. We believe this should only be for prisoners who have served their minimum sentence.

A review of the New South Wales system, which has been conducted for some time, shows some interesting aspects which we need to consider. While it has been proposed by some as a panacea and a way to help solve the problems, the New South Wales system clearly shows that certain problems must be overcome which Victoria should take a good look at and be aware of before it institutes a program. The review of the New South Wales system clearly showed that it was apparent the courts are both in principle and in practice reluctant to depart from the use of prison. Imprisonment at home raises fundamental questions about the utility of prison, the role of the family in punishment and the goals of sentencing.

The role of the family in punishment is important. There is no doubt some families will be punished because of this program. Often the children have detested or not liked the person for what he has done either to the family or within the family, or what he has done to the community. In many cases the mother has ensured that the children have an understanding of what the father has done and the perception of the crime in the community, yet the person is allowed to come back into the home, which causes problems.

The review stated a number of things, including:

> The Court of Criminal Appeal's view that home detention is lenient seems to be based on a view that an offender on home detention has the luxury of being at home and that at best the demands of a home detention order are an inconvenience or a minor disruption. The findings of the review of the home detention scheme do not support the view that offenders live in comfortable surroundings, rather that most participants were living in below standard housing and were dependent on social security payments for income. It is certainly more than an inconvenience to be subjected to 24-hour surveillance, to have all social activities outside the house eliminated and to have restrictions on activities within the house.

Under no circumstances do I believe prisoners will find living in the luxury of their homes to be a soft option. In many cases they will not feel good about what they have been asked to do. However, they will get an opportunity to apply for it and to avail themselves of the conditions offered. The conclusion of the review states:

> The review of the first 18 months of home detention has seen a marked reluctance by the courts to use home detention to divert minor offenders from the prison system. The low level of use supports the fear that home detention will only serve to widen the social control net like increasing the number of people, convicted or related to convicted offenders, under its

> control. The scheme appears to be doing little to redress the high rate of incarceration of indigenous Australians.
>
> While the scheme appears to have had positive rehabilitative effects, its justification seems to arise from the substantial cost savings it generates.

While it is good for people who might say, 'This is good for rehabilitation', many people are looking at that and saying, 'This is a cheaper way of keeping our prisoners and it is something that should be done'. We must be aware of that.

The review of the New South Wales prison system refers to David Heilpern, a NSW magistrate, and states:

> He found that one in four prisoners had been sexually assaulted and nearly half had been threatened with sexual assault. More than two-thirds of the surveyed prisoners were fearful of sexual assault. About 50 per cent of those surveyed said that they had been the victim of assault and two-thirds were threatened or fearful of assault.

It is not surprising that people might want to get out of this prison environment and go to a home where they would not be subjected to that sort of thing. We are not talking about prisons as nice places to be. Prison is one of the most awful places for a person to be, but people are not there unless they have committed an offence against society and society has decided that they should pay a penalty for what they have done.

The National Party has talked to some groups and asked about their support or otherwise for this proposal. The Crime Victims Support Association said:

> 1. Should the offender breach the order by reoffending or by non-compliance be returned to prison immediately with a compulsory six months added to the original sentence.
>
> 2. With regards to any criminal who is in for being a violent offender and at the bottom end of their sentence regardless as to having reached minimum status in the custodial system we would be vigorously opposed to a 'revolving door' for murderers or rapists …

The government has said clearly that these are not the sorts of people who will be involved in the program.

The Criminal Bar Association said:

> … the association is opposed to the introduction of a home detention scheme in Victoria at present.
>
> … the money required for a home detention scheme could be better spent on improving existing community-based supervision and support;
>
> … There is a risk that the order will largely be used only for privileged, middle-class, white-collar offenders.

The previous speaker also mentioned that issue. The Liberal Party has some concern about the use of the program.

I saw a copy of a letter sent to the Honourable Hugh Delahunty by a prisoner at the Won Wron prison. He made some interesting comments about how archaic the prison was and about the changes that were needed. He said:

> … I have had the opportunity to study the *Hansard* report of the home detention bill and am very impressed with the proposed changes and the overall package of measures being put forward … The proposals … represent a positive attempt to improve the overall conditions within the criminal justice system. Home detention certainly plays an important role in this regard.

This is a prisoner who quite clearly thinks that this is something he can look forward to. The letter continues:

> … [I] have completed … two-thirds of a three-year custodial sentence and quite frankly feel that I have been punished enough.

It is not surprising that a prisoner would think that way and be proposing this sort of thing.

I noticed a speech the New South Wales opposition spokesman on corrections made to the New South Wales Parliament. He said:

> The initial report provided clear evidence that the home detention scheme has very significant failings and in some respects can be regarded as a flop. It is clear that a large proportion of criminals who are given the option of home detention do not respect the opportunity that has been afforded to them. Approximately half the number of offenders who are given home detention periods are apprehended as a result of being in breach of a home detention order in one form or another.

He referred to the fact that about 20 to 25 per cent of home detention orders are revoked and went on to say:

> It is clear that 30 per cent of the offenders whose home detention orders have been revoked are charged with another crime such as armed robbery, theft, breaking and entering or assault, which indicates that there has either been insufficient supervision or inaccurate identification of the nature of the offender when determining whether the offender is an appropriate person to be given the opportunity of home detention in the first place.

Clearly the New South Wales model has shown that all is not good in the kitchen and we would need to take care of a number of problems if we were looking at bringing in this program.

I thought the executive summary of the New South Wales home detention study was very interesting. The researchers spoke to prison officers, law officers and the prisoners themselves and came up with some very

interesting approaches to home detention. The report represented the findings of the home detention research study requested by the Department of Corrective Services. This legislative evaluation examined the first 18 months of operation of the New South Wales home detention scheme.

During the study period, the home detention order revocation rate was 20.1 per cent, and 4.6 per cent of home detainees were charged with new offences while completing their sentences. The house should remember that those people charged with new offences would normally have been in jail, where the community would have expected them to be. Instead they were out on the streets perpetrating new crimes.

It is interesting to see the new offences that home detainees were charged with: 6.3 per cent were charged with assault; 31 per cent were charged with offences against property; 7 per cent were charged with driving offences; and 12.5 per cent were charged with armed robbery or stealing.

A breakdown of the breaches that occurred during the home detention study period showed that 36 per cent failed the urinalysis test — that is, 36 per cent of those undergoing urinalysis testing had obviously been on drugs. It also showed that another 2.5 per cent failed the breath analysis test, and 7 per cent were found to have tampered with the equipment — that is, they had probably cut the wristband that sends a radio signal as soon as the wearer offends with drugs, so they had to be rounded up.

Family conflict is a very important factor in judging whether home detention is working or not. The New South Wales study showed that 17 per cent of detainees had breached their orders because of family conflict. There were also breaches for failing to respond, failing to observe the curfew and failing to return from appointments.

On the other hand, the review study also showed that, overall, home detention facilitated greater communication between family members. A number of families perceived an increase in lower grade conflict within the home during the home detention period. I mention that because I do not want to be seen as believing that the program is altogether bad. It has some good features which, if run properly, could work reasonably well and help the prisoners. Good things, however, do not always happen.

A member of Parliament was told that detainees entering the system do not necessarily cope well with the pressure-cooker environment of being unable to drink or relax with the family as they previously had. Such pressure could result in detainees taking out their frustrations on the people around them. People coming out of prison enter the home and find that things are different and that home is not like it was before. The detainees cannot go out, see their mates, go to the pub or go to the footy and let their frustrations out by yelling at the referee — or in the case of New South Wales, yelling at Victorian teams playing football in Sydney.

Mr Plowman — And winning!

Mr KILGOUR — And winning, as the honourable member for Benambra rightly points out.

The report says that most families reported an overall decrease in drug or alcohol consumption in the household, which is good. However, as I said, a number of families reported an increase in stress and tension levels during home detention due to the restrictions imposed by the detention regulations.

Some families reported difficulties adapting family activities to minimise the effects of home detention, while others reported an increase in the emotional stability of the children while a parent completed home detention. Another group of families reported an increased awareness by the detainee of the impact criminal activity had had on the wellbeing and future of the family. That is a good aspect. It indicates that detainees can take the opportunity to look at what has been happening to their families while they have been in prison, which may help them to understand that it is time to mend their ways.

One detainee said that home detention had given him a chance not only to see his mistakes and to right them but to make the right choices in life and start afresh, both for himself and for his kids. That obviously has been good for that prisoner. Another prisoner said:

> … I remember one time screaming down the phone to my mum to come and help me deal with the kids. I was going crazy, no drugs, no drink, no time out, the kids were mucking up … Anyway, mum came over and sorted everyone out, including me.

Good old mum — where would we be with without mum! Honourable members should think about how worried that family would have been. The prisoner was going out of his mind because he could not get out of the house and because the kids were mucking up, so he had to ring his mum and say, ‘For heaven’s sake, Mum, I need some help’. Clearly, it is not all easy, and it will not work well for everybody.

One prisoner said:

> I wimped out … I couldn't take the pressure of home detention and stay off heroin at the same time. It's my own fault … I deliberately busted so I would go to jail. I needed time out.

That is another effect home detention could have on a person who has been given the opportunity. It does not always work for everybody. Another prisoner said:

> The program is fine, it's just being phoned up two or three times in the early hours of the morning really upset me. The children were the ones who really suffered because of my mood swings. It's really hard looking after two children when your sleep pattern is thrown into chaos. A person just can't cope when they haven't had the right sleep. For a single person I'd agree with phone calls, no matter how many, but when there's children involved it's different.

That prisoner was clearly saying it causes a problem when there are youngsters in the home and the prisoner is getting phone calls because checks are being made on them.

I conclude my quotes with an important one:

> Being on home detention gave me time to think about my future and future plans. People may think you get those opportunities in prison, but you don't. Prison is about survival, end of story.

That is another important point. It is different for different people: some prisoners and some families would find home detention good, but not everybody.

The proposed system is reasonable, and what is being proposed will work for some people, but the National Party strongly believes it is wrong to the extent that it will give people the opportunity to say that we are going soft on crime and are letting prisoners out before they have served the sentences the public expects them to serve.

The National Party says that if a prisoner is given a sentence, they have to serve that sentence. They have to serve the minimum sentence. If a judge wants to say that the person can go back into the community, not necessarily on parole but under a home detention order, the National Party would be quite happy for that to come into play, but it should not be possible before the minimum sentence has been served.

I was interested in the concerns of the Victorian Federation of Community Legal Centres. It said that internationally there is no evidence that home detention reduces prison numbers. In fact, in New South Wales, Queensland and Western Australia, where home detention is in place, prison numbers continue to spiral. Home detention creates prison space in homes, but it does not empty prisons.

Yes, it will have an impact on families, and some of those families will suffer. The federation further states:

> Family and co-residents become both prisoners and prison officers. Having the offender at home the whole time, unable to leave for everyday tasks, creates enormous tension in families, children can't understand why their mum and dad must always be at home. Children and household members have months of interrupted sleep from phone calls all night.

Clearly, the people in New South Wales are saying the system has major problems and difficulties that need to be overcome.

As to violence and stress on families, the federation says that the New South Wales evaluation revealed four incidents of domestic violence:

> This statistic is completely opposed to all that we know about the prevalence of domestic violence. It confirms that domestic violence is hidden by home detention.

It also says:

> A home should be a place of safety and privacy, a place to enjoy each other. Turning people's homes into prisons has a serious psychological impact on every adult and child in the house.

Families should not have to live with the knowledge that they are living in a prison. Families will be forced to cover up problems they are experiencing, because if they do not they risk their family member going to prison. Some offenders will stand over their families to ensure that does not happen. When prisoners get out of jail they look forward to getting home — if they have one — to a place of refuge, away from the constraints of surveillance and the control of prisons. They live the whole of their lives with the label of former prisoner, and they and their families do not need their homes to be labelled also. That is not just my opinion; it is also the view of the Victorian Federation of Community Legal Centres.

The National Party believes the program is worth a trial, and it supports it. However, in the committee stage of the bill the National Party will move an amendment that prisoners should not be able take the home detention option until after they have served their minimum sentence. The National Party makes no apology for that.

Debate adjourned on motion of Mr WYNNE (Richmond).

Debate adjourned until later this day.

CORRECTIONS (CUSTODY) BILL

Second reading

Debate resumed from 3 May; motion of Mr HAERMEYER (Minister for Corrections).

Mr WELLS (Wantirna) — I am pleased to join the debate on the Corrections (Custody) Bill. The opposition does not oppose the bill. Many of the provisions are commonsense. They should improve the management of prisoners in custody and clarify the powers and responsibilities of those involved in the corrections system.

The bill contains four main sets of amendments to the Corrections Act that are deemed by the government to be necessary to clarify certain areas of responsibility relating to the management of prisoners and to resolve operational problems inherent in the existing legislation. The bill covers a number of areas. It will improve the provisions relating to custody and the status of individual prisoners at any point in the custody chain. It creates and defines the new role of escort officer, and there are new provisions relating to the powers of those people supervising prisoners while in court or during transport. It also clarifies the provisions relating to the transfer and management of prisoners in custody, and there are a number of miscellaneous amendments that will enable the release of information about prisoners to certain victims of crime and the checking of incoming and outgoing prisoner correspondence. There are also consequential amendments to other acts to clarify who has custody of a prisoner or detainee.

I refer to some of the custody issues. Clause 3 of the bill amends the definition of 'prisoner' in section 3 of the Corrections Act to be any person deemed to be in the legal custody of the Secretary to the Department of Justice. The bill inserts into the principal act definitions of 'escort officer', 'supervise' and 'transport' relating to the supervision and transfer of prisoners.

Clause 5 inserts into the principal act new part 1A relating to legal custody. That part contains proposed new section 6A, which specifies when a person is deemed to be in the legal custody of the secretary, and proposed new section 6B, which outlines when custody ceases. The bill also provides details about transfers of custody from the Secretary to the Department of Justice to another person — for example, the Chief Commissioner of Police. The amendments clarify who has legal custody and at what point in time it commences.

Obviously it is logical that the person ultimately responsible should be the Secretary of the Department of Justice so that there is no confusion or ambiguity on the part of officers charged with the line responsibility that affects custody. Because there has been some confusion as to what custody means these amendments should improve the effectiveness of the Corrections Act.

Clause 24 allows the secretary to delegate his or her powers under regulations made under any act and overcomes the anomaly where currently they can be delegated only under the Corrections Act.

Clause 7 makes provisions for the secretary to authorise employees or private contractors to perform the functions of escort officers. Clause 8 amends section 9B(1B) of the principal act and details exactly the powers and procedures for performing the duty of transporting persons. Clause 9 inserts the new role of escort officer into section 9C of the act. That will overcome confusion as to exactly what officers transporting prisoners can and cannot do.

Clause 15 inserts proposed section 55C, which details the functions and powers of escort officers in relation to prisoners. Previously no clearly defined powers were provided to prison officers when escorting prisoners outside a prison facility. The amendments will provide legislative support to those who already perform the duties of escort officers. It must be noted that escort officers will not be trained to the same level as prison officers and in many cases will not be qualified to perform duties inside a prison, although they will have special skills to ensure they are well equipped to transport prisoners. Currently the transportation of prisoners in Victoria is contracted out to Group 4 and Corrections Corporation of Australia (CCA). I understand that persons involved in prisoner transport are trained to a level of proficiency that is termed 'level 3 escort officer' and cannot perform this role until they have received that special training.

The training of escort and prison officers is based on a national set of competencies established for all correctional services personnel. It is reasonable that escort officers are not trained to the full level of competence of a prison officer so long as no substitution is involved due to staff shortages — in other words, if there is a shortage of staff in a particular prison it is not acceptable for an escort officer who does not have proper training to go and work in that prison. It must be ensured that the government has the right number of escort officers who are provided with the appropriate training to carry out the function of transporting prisoners as efficiently and effectively as

possible. Both the community and I would be concerned if the proper training of escort officers to transport prisoners were not given the highest priority.

I note that the bill also provides that escort officers will not be liable for the use of reasonable force in performing their duties. Proposed section 55E intends to alter or vary section 85 of the Constitution Act by seeking to limit the jurisdiction of the Supreme Court in hearing actions against escort officers when they use reasonable force. That is a fair call. Where a prisoner is in the process of escaping, escort officers must be given confidence that under the law they can use reasonable force to contain that prisoner. Similar protection is afforded to police officers and the provision recognises the important role escort officers perform in protecting communities.

Clause 16 streamlines provisions dealing with the transfer of prisoners from one prison to another and also allows the direct transfer of prisoners to hospitals or other institutions rather than to prisons, where that has been deemed necessary. Where a prisoner requires treatment outside a prison a custodial community permit will be issued, which will not be restricted to a three-day period. Proposed new section 56 outlines that the transfer of custody will occur only with appropriate documentation — an instrument of transfer. Proposed new section 56AA provides for the transfer of prisoners to police jails and from police jails to prisons.

Clause 19 provides that a prisoner who has escaped from custody may be taken directly to a prison or police cell without appearing in court. This is a commonsense amendment, because if a prisoner escapes at 4.00 a.m. and is caught it does not make sense to take them to a court.

It makes more sense to take them back to a police cell or a prison, and this amendment corrects that.

The bill also covers the rights of victims of crime. This is very important. I certainly welcome this provision because it allows victims of crime access to information about offenders who are in prison. Under proposed section 30A(2) a primary victim of a prisoner may ask the Secretary of the Department of Justice for details regarding the prisoner, such as:

> … details about the length of the prisoner's sentence for the offence and of any other sentences of imprisonment that the prisoner is liable to serve;
>
> … the date on which, and the circumstances in which, the prisoner was, is to be or is likely to be released for any reason (including release on bail, custodial community permit or parole);
>
> … details of any escape by the prisoner from the legal custody of the Secretary or any other person.

Proposed subsection (3) states:

> The Secretary must not disclose the information if the Secretary reasonably believes the disclosure of the information might endanger the security of any prison or the safe custody and welfare of the prisoner or any other prisoner or the safety or welfare of any other person.

The victims of crime are so often neglected in the justice system, and the opposition welcomes this provision.

Clause 33 outlines procedures of dealing with prisoner mail, in and out. However, it must be noted that prison authorities must ensure that the community and victims are shielded from inappropriate correspondence at all times. At the same time the provisions ensure that prisoners are given access to those who can assist with problems or complaints. I am sure all members of Parliament have received letters from prisoners from time to time, whether it be about unfair treatment or issues regarding health.

The bill also makes miscellaneous amendments to various acts. The amendments in clauses 38 to 44, which relate to the definition of 'custody' under various other acts, are logical and should clear up ambiguities or omissions in specifying who actually has custody of a person under those acts.

The opposition wishes the bill a speedy passage. It is appropriate to talk about some of the escapes that have occurred over the past couple of days, for example, from Langi Kal Kal. I suppose if one of those escapes involved a person being injured, the provisions of the bill would enable that person to be immediately taken to a hospital or to a prison or police cell. That makes more sense, as I said, than the person being taken to a court at, say, 4.00 a.m. or 5.00 a.m. — which makes no sense. Under the proposed legislation the person could be housed, fed and looked after until an appropriate court date could be set.

The opposition does not oppose the bill and wishes it a speedy passage.

Mr KILGOUR (Shepparton) — The National Party does not oppose the bill. It believes it is good that the minister has introduced the bill at this time because it will certainly clarify some of the issues relating to the transfer of prisoners, such as exactly who is in charge of the prisoners. I believe it will also solve problems that have occurred pertaining to escort officers, as they will now be called, if they are subject to harassment from vexatious legal actions.

I thank the minister's staff for the briefings that have been held and also the fact that they have always been available on the telephone to answer any questions National Party members have had.

This is a commonsense bill. It was found that, following the changes to the escort of prisoners subsequent to the privatisation of prisons and so on, there was a need for more clarification.

Proposed section 6A of proposed part 1A makes it quite clear when a person is in the legal custody of the secretary of the department. It states:

> (1) A person is deemed to enter the legal custody of the Secretary when —
>
> (a) an order of imprisonment is made in relation to the person; and
>
> (b) either of the following events occurs —
>
> (i) a person acting under lawful authority on behalf of the Secretary takes physical custody of a person; or
>
> (ii) a person at a prison acting under lawful authority on behalf of the Secretary receives the person into the prison.

The bill makes it clear exactly who is in charge and whether the secretary of the department is still responsible when a person is taken from a court, when a prisoner is transported to a prison, and when someone receives a person into the prison system on behalf of the secretary.

Proposed section 6A provides further that:

> (2) A person who enters the legal custody of the Secretary under sub-section (1) is deemed to remain in that custody until that custody ceases under this Part.

Proposed section 6B provides information about exactly when the legal custody of the secretary ceases, and proposed section 6C deals with persons who are not regarded as being in the secretary's legal custody, such as:

> (a) a person who is on parole;
>
> (b) a person who is serving a combined custody and treatment order and who is in the community under that order;
>
> (c) a person who is serving a sentence of imprisonment by way of intensive correction in the community;
>
> (d) a person who is serving a sentence of imprisonment that was wholly or partly suspended and who is in the community in accordance with that sentence.

People can now see in the legislation what area a prisoner is in and who is in control of the prisoner at that time.

The bill clarifies the concept of custody and the powers and functions of those in charge of prisoners at courts or tribunals and during transportation, which is a very important issue. To achieve those things, the bill establishes a new class of officer. The prison system in Victoria will now have a new class of officer called an escort officer.

I understand from the briefings that many of these people will already be prison officers, but once they leave the prison escorting a prisoner they will officially and legally be escort officers. The escorting of prisoners occurs on many occasions: prisoners are transported to court, to educational facilities, to hospitals, to football matches and so on. For instance, in some country towns people serving custodial sentences in the local prison turn out on a Saturday for the local team.

Mr Doyle interjected.

Mr KILGOUR — That has happened to some VFL footballers, but I will not mention what team it was, which the honourable member for Malvern would like me to mention.

Clarification was needed in some of these areas to determine exactly who was responsible for the safe custody of prisoners.

The term 'custody' will be used only to mean the legal custody of the Secretary to the Department of Justice and therefore the ultimate responsibilities that the Secretary to the Department of Justice has in relation to a prisoner. Other officers will be given specific powers and duties directly, rather than 'legal custody'.

It is good to see that the bill streamlines provisions for the transfer of prisoners because it corrects those technical difficulties that could have arisen in relation to certain transfers and removes some of the powers that the Secretary to the Department of Justice had to transfer individuals where those transfers are dealt with in detail in other legislation.

The bill also provides the secretary with important powers to take a person who is accepted into the secretary's custody directly to hospitals or other institutions, where necessary, rather than back to prison. The bill also contains provisions relating to confidential information.

The bill clarifies the notion of confidential information under the act so that the reforms introduced by the Freedom of Information Act can be adopted.

The bill supports victims of crime by permitting the Secretary of the Department of Justice to release certain confidential information to the victim of an offence for which a prisoner is serving his or her sentence, provided it does not in any way compromise the safe custody or welfare of the prisoner nor the security of the prisons. That is important, because there are times when a victim of crime needs information to run a case or give information to a court.

The bill also introduces a new regime to deal with prisoners' correspondence, which will ensure that prisoners' rights to confidential information are maintained. Also, if prisoners want to write confidential letters, the bill will enable them to do so while ensuring that the safe custody and welfare of all prisoners and the security and good order of the prison are satisfied.

The bill will protect the right of a prisoner to communicate confidentially with his or her lawyer or a member of Parliament. It will also consolidate a range of other legislative rights to confidential communication, including communication with the Ombudsman and the Human Rights Commissioner, et cetera.

The bill will clear up some areas that have not been clear. Escort officers will be able to respond swiftly and decisively to emergency situations as they arise. The bill will ensure that those officers are protected from any vexatious litigation that might be brought against them. They will be able to carry out their roles without the constant fear of having their functions impeded because of legal action by prisoners. It is good that they will have that protection, because it would be inconsistent for escort officers not to have the same immunity as other officers working within the prisons, including police and prison officers.

The bill will be good for all those working in the prison system and transporting prisoners. I do not oppose the bill and wish it a speedy passage.

Debate adjourned on motion of Mr WYNNE (Richmond).

Debate adjourned until later this day.

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

Second reading

Debate resumed from 3 May; motions of Mr BRUMBY (Minister for State and Regional Development) and Mr HAMILTON (Minister for Agriculture).

Mr PLOWMAN (Benambra) — The opposition will not oppose the Gas Industry Bill and the Gas Industry Legislation (Miscellaneous Amendments) Bill. Opposition members support both bills because they represent ongoing ramifications of the changes we introduced while in government. The bills will be debated concurrently as they are conjoint legislation.

As it was with the electricity industry, so it is with the gas industry. The changes in both industries have brought enormous benefits to Victorians, particularly to business and industry. I make that point because too little is made of it. One reads in the budget papers of the success of employment measures, but many of those successes go back to the fact that the cost of the basic power requirements of industry and business have fallen due to the changes the former government introduced into the electricity and the gas industries.

The introduction of competition into the gas market has been significant. Full contestability for customers within the market is a very important part of the changes that have been made. Although they are not yet fully introduced, they are under way. I look forward to the day when total and full competition and contestability is available to customers in the gas market. Privatisation within the industry has also brought about efficiencies, reductions in prices and surety of supply. All of these measures have had a big impact on Victorians but particularly on business and industry.

This brings us to the present situation with the need to simplify the existing legislation and separate the redundant provisions of the Gas Industry Act. The redundant provisions are now encompassed in the Gas Industry (Residual Provisions) Act, which includes the provisions for disaggregation of the industry and the privatisation process. The balance of the Gas Industry Act is transferred into the Gas Industry Bill. About 80 per cent of the bill is lifted from the act. It is really a rewrite of the 1994 Gas Industry Act; fundamentally it is a streamlining of the legislation.

The streamlining of the Electricity Industry Act went through the same changes. I looked at that legislation and it is comparable to the Gas Industry Bill. The

electricity legislation was substantial, and in my contribution to the debate on it I went through it clause by clause to show how the measure covered the changes to the industry. I do not believe that is of use in this case. The changes to the electricity industry could almost be mirrored by those of the gas industry. Therefore it is not a worthwhile process to go through it all again. I am quite sure that almost every honourable member was bored stiff when I went through it last time so I will not try to do the same all over again. However there are provisions in the bill which are worthwhile highlighting, and I will try to do justice to those in my contribution.

The provisions deal with the framework of the contestable market. Clause 27 introduces an exclusive right to a new pipeline under a limited franchise agreement. Clause 30 empowers the Office of the Regulator-General to recover its costs from the industry. It had the power before, but this clause enshrines it in legislation. Clause 34 clarifies the situation of the supplier of last resort. Clauses 46 and 47 introduce deemed contracts for the supply of gas for a new customer. Clause 48 introduces deemed contracts between a consumer and a supplier. Clause 60 sets out facilitation of full retail competition, which is targeted for 1 September 2001. This is an important target for Victoria; I hope that during the debate the government will make clear that it is achievable.

Clauses 62 and 63 deal with the gas market rules. Clause 62 deals with those rules where Vencorp is involved with transmission and distribution companies and those in relation to the Office of the Regulator-General. Clause 63 of the Gas Industry Bill deals with gas market rules and arrangements with separate transmission agencies.

Clause 76 deals with the anticompetitive behaviour of a significant producer. Clause 128 deals with cross-ownership provisions, and clause 129 introduces the use of notifications under the Trade Practices Act. Clause 130 rescinds the Treasurer's power to override the Office of the Regulator-General, which was an important requirement in the transitional period when contestability, privatisation and competition were introduced into the gas industry. I will deal with those clauses separately, but briefly.

Clause 27 gives the Office of the Regulator-General the opportunity to give an operator who is building and introducing a new pipeline exclusive rights to the pipeline to compensate for the cost of introducing it. Under the limited franchise agreement that arrangement will provide a much greater incentive to operators in the industry to look at such opportunities and ask, 'How can we utilise this section of the legislation to increase the coverage of gas throughout Victoria?'. I suggest that that is the most important clause of the bill. Honourable members representing country electorates have areas that are crying out for gas. We have regional centres that could then attract greater residential or industrial developments. Gas supply is an added attraction. The clause will certainly help in that regard.

However, is the provision retrospective? In my electorate the township of Tangambalanga was supplied with natural gas when the Murray Goulburn factory converted its old heating system from briquettes to gas. I would like to know whether the company that provided the gas pipeline could be a beneficiary of that provision. I am sure everyone involved in the Tangambalanga exercise would appreciate it if that were the case. I know that Origin Energy would be most agreeable to that arrangement if retrospectivity were possible.

I also question whether the Office of the Regulator-General is able to ensure that a supplier reduces its tariff after a certain number of years where a franchise has been given to a supplier. On reading the bill I could see no provision enabling the Office of the Regulator-General to bring a tariff back after a period of years set out in an agreement. I wonder whether there is provision elsewhere in the bill for the Office of the Regulator-General to use that price-setting mechanism.

Clause 30 empowers the Office of the Regulator-General to recover costs. As I said earlier, this has been done in the past, but the clause enshrines it in the act. It is interesting that it falls on the minister to approve the fees, but I would like to know whether there is a right of appeal against decisions where the Office of the Regulator-General sets its costs and requests the industry to repay those costs. Despite the fact that the minister has to approve the fees, the industry will know full well whether they are justified. If they believe they are not justified, do they have the power to appeal those decisions?

Clause 34 deals with suppliers of last resort and defines the process for consumers to change suppliers where those suppliers are the suppliers of last resort. Again, it is similar to the electricity industry and is of some concern to the industry. Later I will deal with that issue by referring to a couple of letters.

Clauses 46 and 47 deal with deemed contracts for new customers where new customers are deemed to be customers — as with the electricity industry — even though the contracts have not been signed. The deemed

customers provision requires that the customers look after the equipment provided by the gas company and as part of the agreement the gas company has the responsibility to ensure the supply to the customers. Deemed contracts are non-commercial contracts inasmuch as there are no dollars involved but rather agreements of supply and maintenance of equipment.

Clause 48 deals with the deemed contracts with suppliers. As with the electricity industry it takes away from and bypasses the straight-line contractual agreements. It introduces a level of confusion and I am unsure why this has occurred in both the electricity and gas industries. To date, I have not heard a satisfactory answer from the government as to why the straight-through model of producers through to distributors, through to retailers through to customers is still not the best way to have those contracts rather than bypassing the retailers and going direct to the consumers from the distributors.

Clause 60 deals with the facilitation of full retail competition and the retail gas market rules, including metrology. Again, it is the same with the electricity industry except that the metering of gas can be carried out more simply than the metering of electricity. It also deals with the methods by which consumers may change retailers and the billing systems.

Clause 62 deals with the market rules where Vencorp is involved in the retail supply of gas together with the transmission and distribution companies and the role of the Office of the Regulator-General. The existing pipelines from Longford to the Murray and the south-western pipeline were part of the Gas and Fuel Corporation before it was privatised.

Clause 63 deals with the same areas but includes additional provisions relating to a separate transmission agency such as the supply to Mildura, which will interest you, Mr Acting Speaker — it is probably the only bit of my speech that does interest you — and the eastern gas pipeline.

Clause 78 deals with the anticompetitive conduct of a significant producer, which comes under the Trade Practices Act. If a significant producer feels hard done by because of an anticompetitive determination it can appeal to the Supreme Court.

Clause 128, relating to the cross-ownership provision, has hardly changed. That is similar to the electricity industry legislation. Recent court cases have demonstrated the need to tighten cross-ownership provisions.

Clause 130 refers to the Treasurer's power to override the powers of the Office of the Regulator-General to intervene in a dispute. The office will now have that power rather than the Treasurer. It is important to recognise that the Australian Competition and Consumer Commission (ACCC) will have responsibility for transmission. The Office of the Regulator-General will have responsibility for distribution and the retail side of the industry. A section 85 provision will deal with emergency procedures, and my understanding is that there is justification in this instance for changing the constitution.

I have received copies of two letters from supply companies. The first is from Pulse United Energy in respect of consultations the opposition has had with the industry. It has three concerns. The first involves the introduction of deemed contracts between distributors and customers; the second is that distributors may be appointed to act as suppliers of last resort; and the third is the proposed discretion to be given to Vencorp as to the timing of its recovery of full retail competition costs — an area I referred to earlier.

I will paraphrase the concerns expressed in the letter because of the time limits on the debate. It says that clause 48 provides for the creation of deemed contracts between gas distributors and customers in a manner identical to the proposed section 40A of the Electricity Industry Act. The gas industry structure already includes a distribution tariff agreement between distributors and retailers which addresses the issue of passing through distributor and customer rights. Pulse believes it is an additional and unnecessary level of regulation.

In respect of the supplier of last resort Pulse is concerned that retailers who act as suppliers of last resort may be unable to procure suitable quantities of gas for customers of a defaulting retailer. It suggests that suppliers of last resort should have an option over the gas contracts of a defaulting retailer for as long as they are acting in that statutory role.

In respect of Vencorp cost recovery, Pulse states that clause 69 provides Vencorp with the power to recover its costs arising out of the full retail competition process and that the costs are to be recovered once the full retail competition process has commenced. It says that the costs will be spread across the participants in full retail competition rather than being imposed on incumbent participants. Furthermore, the clause should be amended to link Vencorp's cost recovery to the commencement of full retail competition.

I received a copy of a further letter from Australian Petroleum Production and Exploration Association Ltd, which again I will paraphrase. It states that the bill represents a re-enactment of the regulatory provisions of the Gas Industry Act with the addition of new provisions concerning retail competition. It is concerned at this proposal being implemented without the government first conducting a comprehensive review to examine any problems that may exist.

The legislation was enacted by the previous government in the context of disaggregation, privatisation and the introduction of competition. Victoria has now had seven years experience of the act, during which time significant shortcomings in its operation have come to light. These mainly relate to the market carriage system and the producer provisions.

The problems of the market carriage system are well documented in a report released in March 2001 by the Allen Consulting Group, which states that there are fundamental flaws that must be rectified before the full benefits of deregulation can be realised. The report found that the system is complex and costly and imposes a higher level of risk on users of the network, which discourages new entries into and the growth of the gas market.

The recommendations of the report include: adopting a contract carriage system to bring Victoria into line with other states; providing incentives to minimise operation costs and risks to shippers; returning the operation of the system to the network owner rather than Vencorp; and implementing a commercial spot marker in gas, which is something I have not heard suggested in the past.

The report concludes by saying that the act — and clause 112 of the bill — provides that a review of the operation of the significant producer provisions must be carried out before 30 June 2003. APPEA believes that since the provisions were introduced the market has evolved and that they are now not necessary to ensure competition. According to APPEA the provisions create considerable uncertainty and act as a constraint on the development of the gas market and on the trade in gas into and out of Victoria. A review of the provisions cannot wait until 2003.

I commend the bill to the house. I hope it provides the opportunity to facilitate the connection of natural gas to as many of our country towns as we can provide it to. In the township of Barnawartha in my electorate, the gas main goes right through the town yet there is no provision to tap the line to provide gas to the townspeople. Local residents feel dissatisfied with that situation. The residents of Beechworth, Yackandandah and Tallangatta are also keen to get gas into their townships.

Government amendments to Gas Industry Bill circulated by Mr HAERMEYER (Minister for Police and Emergency Services) pursuant to sessional orders.

Sitting suspended 6.28 p.m. until 8.02 p.m.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on these two important pieces of legislation. I start by saying it is important to make the point that the constant references to it throughout the second-reading speeches and the excellent contribution of the honourable member for Benambra reinforce the fact that the provision of natural gas is an essential service. I have been invited by the opposition benches to be brief. I have said that I am prepared to be brief so long as I am not teased. I see the Minister for Agriculture is leaving the chamber, so that may well advance the situation considerably.

Gas is an essential service, particularly in country areas. People who live in metropolitan areas often overlook the fact that natural gas is not something that just comes with the territory. For the most part people who live in metropolitan regions of the state are completely used to the fact that in the morning or of an evening they can turn a knob and out will come gas to heat water, provide power or do whatever. There is a presumption on the part of Melburnians that natural gas is just one of those things that everybody has available to them. Of course, that is not the case, and it is a point to which I will return in the course of my contribution this evening. However, I want to emphasise that, as is referred to in the second-reading speeches, the provision of natural gas is an essential service, and in this day and age all Victorians, including country Victorians, should have better access to it.

The bills are hailed by the government as being a further step towards competition. It is wonderful to see the Labor government of Victoria so warmly embracing the notion of competition. I think of all the hours we have spent in this place, irrespective of what position we might have occupied on the benches, talking about the notion of competition and everything underpinning it. To see the Labor government so warmly endorsing the notion of competition is a wonderful thing. Indeed, I am aware from my days of biblical studies of the conversion of St Paul on the road to Damascus. Surely the conversion of the Labor Party to the benefits of competition has to rank with that conversion. I am pleased to see that Labor members have endorsed that notion for the purpose of the legislation before us tonight.

The second-reading speeches are redolent with expressions relating to essential services and describe the general effects of these two items of legislation. Rather than cruise through the respective provisions in great detail I defer to the honourable member for Benambra, who gave a very good summary of the mechanics of the two bills and took the house through the essence of those provisions in a manner that explained in considerable detail the import of both bills. By the same token, and to endorse what he said, I was relieved to see he did not take us through the two bills to the same extent he did when the electricity debate was on. Although that was a proper contribution, as he recognised, a reading of the *Hansard* report of his contribution in this debate would nevertheless enable anybody to have a better understanding of how the bills work together.

A neat summary of the impact of the two bills is contained at page 2 of the second-reading speech of the Gas Industry Bill. It states:

> There are thus two bills before the house. This bill, which is the bill for the Gas Industry Act 2001, is the act that contains the provisions required for ongoing regulation of the gas industry. The second bill is the bill for the Gas Industry Legislation (Miscellaneous Amendments) Act 2001. These two bills represent conjoint or cognate legislation.

As I said previously, the essence of the bills is that they are another step along the path of competition in the industry. It is a model similar to that adopted in the electricity industry. We have been along this path before and these items of legislation follow the same way. There are various advantages detailed in the bills and the second-reading speeches, which probably come down primarily to two in number. Firstly, by implementing these bills Victoria is moving to oversight private industry, in particular with regard to the provision of an essential service. Secondly, consistent with the introduction of full retail competition we have the legislation before us today, and in the longer term it will mean the best result for all concerned.

The major bill — the Gas Industry Bill — is essentially a re-enactment of the Gas Industry Act of 1994. There are additions to it but it is a substantial lift of that previous legislation. However, there are two major additions over and above the 1994 act. The first is the introduction of the full competition regime and the second is to do with various miscellaneous provisions, most of which are consequential to the implementation of full gas retail competition.

It is about that aspect that I want to make some points that are pertinent to country Victoria. As I said at the outset, the provision of natural gas is of no less import to country Victoria than it is to metropolitan Melbourne.

Clause 27 of the Gas Industry Bill provides for the granting of a licence for an exclusive franchise. It sets out the circumstances under which the Office of the Regulator-General (ORG), pursuant to clause 26, the preceding clause:

> … may grant an application for a licence —
>
> (a) to provide services by means of a distribution pipeline in a particular area on an exclusive basis; or
>
> (b) to sell gas by retail in a particular area on an exclusive basis.

The rest of that provision sets out the general circumstances. Clause 28 deals with other provisions relating to licences, and clause 29 deals with specific licence conditions, of which there are about 20 in the various subclauses. Suffice it to say that they are broadly drawn and enable the ORG to apply various conditions to the granting of a licence for the provision of gas or the construction of the pipelines to enable its delivery.

Clause 30 allows the minister to determine fees, and clause 31 sets out the conditions specifying industry codes, standards, rules or guidelines. Without going into all of them, they are consequent provisions that relate to the essential aspect of the bill — the capacity of the Office of the Regulator-General to provide licences on what might be described as a discriminatory basis. I use 'discriminatory' because the provision means that where the Office of the Regulator-General deems it appropriate, a licence can be granted that enables a licensee to charge fees at a rate over and above that which would normally apply to the industry at large.

It gives the licensee exclusivity for a particular period and enables it to charge fees under a regime that sets it outside the usual codes of competition. This is very important to us in country Victoria, where natural gas could not be provided on a straight-out commercial basis if we were left with the structure that otherwise applies to the balance of Victoria.

There are instances where there is simply not enough demand to allow a commercial agreement to be entered into based on what might loosely be termed the usual conditions. This provision is crucial to the future of country Victoria because it enables the Office of the Regulator-General to structure an arrangement with the licensee to provide natural gas to a particular region. The point is that natural gas is an essential service. So

often country Victorians are caught in a chicken-and-egg situation. On the one hand it is said that if natural gas is provided they will be able to attract industries to their regions, but on the other hand it is said that industries that require a certain supply of natural gas should be signed up first so they bring the natural gas along with them.

In reality, unless natural gas is supplied industry will not be attracted to a wider area of the state. I have had the same experience in my electorate of Gippsland South. Gippslanders are in the ironic position of being able to stand on the many beautiful beaches along the southern coastal strip — not only those in my electorate but also those in the electorates of the honourable members for Gippsland East and Gippsland West — and see the flares burning on the rigs that produce the natural gas while not having access to a supply of the gas.

In time they will have the added grief of standing on those same beaches and looking out across those same seas knowing that if this government has its way most of those areas will be contained in marine parks and their way of life will have been dealt another blow — but I will leave that for another day.

As I said, the ongoing source of frustration is that South Gippslanders in particular can see where the natural gas is produced in Bass Strait but cannot access it. Some five years ago I was involved in a considerable effort by the community of South Gippsland to have natural gas connected to the region. To do that we would have had to tap into the line in the Latrobe Valley and bring the gas about 40 kilometres or more across the beautiful Strzelecki Ranges and into Leongatha as the first point of dispersal. From the township of Leongatha it could have then gone east and west as needs be.

Interestingly, the main drive for getting it to Leongatha was the prospect of supplying natural gas to the Murray-Goulburn factory. When we did the sums we found that if on day one of the natural gas being connected every business and every household in every town in South Gippsland had turned it on and used it, 87 per cent or thereabouts of the supply would have been consumed by the Murray-Goulburn factory at Leongatha.

It was very clear that Murray Goulburn would be the dominant prospective consumer of the product. That meant that for there to be any chance of getting natural gas across the Strzelecki Ranges and into South Gippsland Murray Goulburn had to be willing to undertake the necessary investment. As it happened, and as was perfectly its right, the company exercised its commercial judgment and decided that it would rather invest in a source of energy that was driven by briquettes, and a co-generation plant was established immediately adjoining the factory. That plant now supplies the energy needs of Murray Goulburn and those of other producers in the area. The net result is that in reality the prospect of getting natural gas in the region has diminished considerably.

This highlights a couple of important points. First, it is timely that the government now conduct an audit across the whole of country Victoria to establish those locations where natural gas has not been provided. This was brought home to me only last week when I was in north-western Victoria. I met with representatives of the Loddon Shire and the Rural City of Swan Hill and with councillors from the municipality of Gannawarra. Those three municipalities are presently engaged in a joint venture to conduct a feasibility study to see if they can attract natural gas to their region.

That will cost them a considerable amount of investment on behalf of their ratepayers, but if they do not do it they will never know. They will have the opportunity of investigating whether there is any prospect of a supplier being located. If such a supplier can be located, the provisions of section 27 of the act to which I have referred can be used to enable an arrangement to be struck and permit that region to be supplied with natural gas on a basis that might not apply if the provision were not there. The point is that it is timely that an audit be taken of regional Victoria to investigate those regions which are in need of natural gas, particularly having regard to my very first point that even this government regards the provision of natural gas as being the provision of an essential service.

The next point is that the provision of natural gas is undoubtedly essential if we are going to see the ongoing expansion of country Victoria and achieve the best outcome by realising the natural attributes of our country regions. The simple fact is that we will not be able to attract industry and enterprise to country areas if natural gas is not available. Those forms of enterprise look first and foremost to regions where they can obtain this cheap, efficient and clean and green energy supply. Obviously in the first instance they are persuaded to go to those areas where it is available. Those locations that suffer the difficulty of natural gas not being available must overcome what is in this day and age a clear impediment to attracting different forms of business.

It is only right and proper that this audit be undertaken because it will enable country Victoria to compete validly with the rest of the state for the purposes of its

future growth. I urge the government to take up that proposal. It is something that National Party members will continue to promote. It is a worthwhile idea that would give relief to our country municipalities, which are anxious to examine this issue. It would be a practical way of providing assistance to them for the future growth of industry and the creation of employment opportunities.

I refer to another element of this whole issue of gas supply because it is pertinent to this legislation. Throughout Victoria we now have the growth, albeit slow, of the gas system. I am pleased to say that that growth extends beyond our borders. Over the past 12 months we have seen the conclusion of a quite remarkable project undertaken by Duke Energy. We are now supplying natural gas through a pipeline from the Bass Strait fields, along the east coast of Australia, over a distance of about 800 kilometres, into Sydney. In the past two or three weeks I have had the pleasure of inspecting the Longford gas plant to get an update on how things are developing at that important location. I understand that we are now supplying an amount of gas along that pipeline that equates to about 20 per cent of Victoria's annual consumption. I have no doubt that that level of consumption will increase with the passage of time and that in times to come this will be a very significant market for the joint venturers Esso-BHP.

In addition, there is now a heads of agreement between Duke Energy, the Tasmanian government and Esso-BHP for the provision of gas across Bass Strait to the fair isle of Tasmania. That in turn will result in an expansion of the supply system nationally. Importantly, it will do much to overcome the problems Tasmania has with its energy supply.

A couple of points should be made in that context. The first is that Esso BHP has recently announced an extension of the existing gas supply by adding a further pipeline at a cost of about $100 million. That significant venture by the company will be a good thing for Victoria and will confirm again the status of Bass Strait as an important gas source, not only for Victoria but nationally. It will also be another inevitable stage in the move from the original function of Bass Strait as a supplier of oil to Australia to its new function as a supplier of gas to Australia.

Production of oil from Bass Strait is now down to about 200 000 barrels a day and there is something of a struggle to continue supplying even at that rate. Many forms of technology are being employed to maintain the flow but it will inevitably decrease. On the other hand the gas resources in Bass Strait are absolutely immense. There is plenty of gas to satisfy current contractual arrangements, and I believe there will be ample available for decades upon decades to come, even before someone goes out and finds more. Bass Strait already has a gas field to the north of the oil fields that were established in the late 1960s. There is the prospect of the further development of that field, and perhaps the establishment of another field near Orbost in East Gippsland.

An essential point is that contracts have been let for gas from Victoria to supply Tasmania, and Bell Bay in particular. Energy will be available to the facilities there at a rate not previously enjoyed, and on a guaranteed basis which the old hydro scheme could never have promised and which current arrangements could never deal with. Gas will be made available to Bell Bay probably within the next couple of years. In addition, according to the web site for that project, there are plans to extend the reticulation system to other parts of Tasmania, and that will further enhance Victoria's position as a supplier of gas.

Something else arises from all this development. The Basslink project is under consideration at the moment, particularly by the Tasmanian government but also by the commonwealth and Victorian governments. Tasmania, which suffers historically from not having a reliable energy supply, is about to go from boiled lollies to chocolates. That state already has the prospect of a new gas supply very much in mind and the proposal to build Basslink is also afoot. One has to wonder how both major projects will survive over time. As I recall it, the Duke Energy project will require some $300 million in investment and the Basslink project will require about $500 million. Either project will be able to supply substantial energy to Tasmania — but is there justification for both?

The Duke Energy project to supply energy to Tasmania will be well advanced by the time Basslink is built, so the Victorian community and the government need to give careful consideration to that question. Our state government must ultimately make a judgment about the Basslink project, and particularly about the dreaded pylons. I make mention in passing of a public protest against Basslink that will take place tomorrow on the steps of Parliament House. Metropolitan-based honourable members will have the opportunity to see sheepdogs in action to demonstrate that Basslink is a mongrel of an idea. There will be all sorts of things going on out there, and I invite all honourable members to come along and see them.

I note that a former resident of Murtoa is in the house — namely, the Minister for Education. She is

already indicating to me that she is sure to be out there witnessing that wonderful event.

Ms Delahunty — I would like to come out and see the sheepdogs rounding up the Nats!

Mr RYAN — There are several difficulties with that. Firstly, the National Party will be there anyway because it is absolutely committed to solving issues to do with Basslink. I assure the minister that unlike Labor parliamentarians — who have skirted around the issue and in ducking their responsibilities have offered a terrible example to the people of Victoria, particularly to country Victorians, on whose behalf they purport to rule the state — National Party members will be out there in force to support the people of Gippsland on that important issue. Secondly, if there were enough Labor Party members prepared to offer their services, I would love to get the dogs out there to try to round them up. Perhaps we could do it on a factional basis. We could start with the extreme right, then move across to the left and see how we went. It will be on tomorrow, and the Minister for Education in particular will be most welcome. We would love to see her out there as a former resident of country Victoria.

The further development of the gas industry in Victoria will bring enormous benefits to the state, but Parliament must ensure that the benefits can be extended to all Victorians, particularly country Victorians. If we cannot do that we will have failed as a Parliament. It is imperative that country Victorians are able to access the natural gas network. I have set out in my contribution a basis on which the issue can be properly explored, and I invite the government to take it up. In the meantime, while the government is considering my reasonable proposal it should have particular regard to clause 27.

The other issue of major interest in the legislation concerns the cross-ownership provisions. They, in essence, line up with the proposals contained in the electricity legislation. The Labor government has embraced that concept warmly. There have been extensive changes in the electricity industry, and I am thrilled that the Labor Party has taken to the notion of competition in that industry like a duck to water.

It has been interesting to see the change that has been effected in the Labor Party's ranks over the past two or three years. It is wonderful to see the conversion, and I am delighted that in the electricity and gas industries the government has so strongly supported the various initiatives that were undertaken by the former government. The cross-ownership provisions mean among other things that, whereas previously consent had to be obtained from the Office of the Regulator-General and the Australian Competition and Consumer Commission with regard to acquisitions and mergers, determinations by the ACCC will be the governing basis. Those determinations are to take effect from 1 July 2002. I look forward to that happening.

I make the final point that the bill, like so many other pieces of legislation introduced by this government, is redolent with section 85 provisions. So many section 85 provisions have been included that if I were to take the house through them all we would be here all night — and that is not something we want to do. The section 85 provisions are thick on the ground, like rabbits in the paddock before the calicivirus came along.

When I think back to many of the debates in this place over the years I cannot help but remark that it is astounding to see the change in the attitude of the Labor Party. Honourable members who now sit on the Treasury benches berated the former government for the use of section 85 provisions. Yet here such provisions are included in vast numbers. Recently I had my staff take out the statistics, but unfortunately I have left them in my office so I cannot go through them now. But on another occasion I certainly will do that, because the list is impressive. The good old section 85 provisions are in this legislation.

I must say, as was always the case with the previous government's application of section 85 provisions, that in this instance they have been applied sensibly. They are here for very good reason, and I commend the government for using them, even if it would never admit that when the former government included provisions of this type in legislation. I am gracious enough to make that admission now, the concept of being gracious about such things, of course, being one of the hallmarks of the contributions I make in this place! I wish the legislation a speedy passage.

Debate adjourned on motion of Mr HOWARD (Ballarat East).

Debate adjourned until later this day.

URBAN LAND CORPORATION (AMENDMENT) BILL

Second reading

Debate resumed from 3 May; motion of Mr THWAITES (Minister for Planning).

Mr CLARK (Box Hill) — This bill makes some limited amendments to the Urban Land Corporation Act. The first of two changes it makes is to alter the title

of the corporation from the Urban Land Corporation (ULC) to the Urban and Regional Land Corporation (URLC). The second is to change the functions of the corporation.

The current functions of the corporation, as set out in section 6, are:

(a) to develop residential land in Victoria; and

(b) to develop other land in Victoria where this is incidental to a residential development; and

(c) to provide consultancy services in relation to the development of land whether within or outside Victoria or outside Australia; and

(d) to carry out any other functions conferred on ULC by this act.

Clause 6 of the bill proposes to replace that list of functions with functions relating to acquiring land:

… in metropolitan and regional areas for development for urban purposes …

(b) to carry out development of land …

(c) to develop land in Victoria for residential and related purposes to provide a competitive market …

(d) to promote best practice in urban and community design and development, having regard to links to transport services and innovations in sustainable development; and

(e) to contribute to improvements in housing affordability in Victoria; and

(f) to provide consultancy services in relation to the development of land …

(g) to carry out any other functions conferred on URLC by —

the act, as amended.

Notwithstanding that there is some overlap between some of the proposed functions, their meaning is fairly clear. The bill will enable the URLC, as it will be known, to continue in many respects in the way the corporation has carried on in the past. It is worth making the point that the ULC — and its predecessor, the Urban Land Authority — has proved to be a very successful organisation.

Tribute needs to be paid to the former Minister for Planning and Local Government and the former Treasurer, particularly after the body became a corporation, for the way in which they built an effective and successful organisation.

It is worth referring to the corporation's 1999 annual report to get a feel for some of the work it has carried out over the years. The corporation summarised its roles under various headings that are set out over a number of pages. Under the heading 'Shaping Melbourne' the report refers to the projects the corporation has undertaken, such as Cathedral Place and the Port Melbourne gasworks clean-up and sale, Mount Cooper and the Range in the middle ring of Melbourne, and developments in growth corridors such as Keilor Downs, Roxburgh Park and Timbarra.

Under the heading 'Green Environments' the report refers to the successes the corporation has achieved at places such as Lynbrook and Cairnlea, and its sponsorship of the Greening Australia tree planting days. Under the heading 'Living Environments' the report refers to the corporation's successes at sites such as Roxburgh Park and the Boardwalk. The corporation also displayed its great skill in reclaiming environments through projects such as the Port Melbourne gasworks, to which I referred earlier, the Hawthorn tram depot and Inkerman Street, St Kilda. They are some of the recent achievements of the ULC.

When we look at these achievements to date it becomes apparent that the bill is in large measure a repackaging or representation of functions already undertaken by the corporation. It is worth making the point that following the change of government there has been no change to the business objectives of the corporation. If one compares the business objectives set out in the 1999 annual report with those in the 2000 report, one sees that they are the same. The aims are to provide a diversity of housing opportunities, to promote innovation in residential development, to add value to difficult and complex sites and to provide sound returns to the shareholder — or using the words of the 2000 report, to 'provide sound returns to Victorians'. It is apparent that there is a high degree of overlap between those business objectives and the functions of the corporation as set out in the bill.

The bill is not necessary to allow the corporation to do things it has tried to do but has not had the power to do. The change of name to include the word 'regional' will not give the corporation the power to do anything that it has been unable to do, because it is already undertaking projects in regional Victoria. For example, the annual report to June 2000 states that the corporation is already undertaking a project at the Horsham saleyards.

The bill shows that this government pays far greater attention to presentation than it does to substance. That is also confirmed by the fact that although the government is making great play of the change of name

to include a reference to 'regional', the minister said nothing in his second-reading speech to indicate what greater emphasis to regional Victoria the corporation would give as a result of the new name. In the briefing it was given the opposition was told that it was impossible to say what greater emphasis would be provided to regional Victorian projects. So it is not as though the government intends to add a great flood of projects to the list to deliver greater benefits to regional Victoria — it is simply engaging in a badging exercise.

In assessing the bill two other preliminary points should be made. Firstly, the corporation retains its status. There was some speculation that the government was contemplating changing it from a corporation to an authority or some other entity, but the government has retained its status as a corporation, which is welcome. It would have been a backward step if the corporation's status had been changed, particularly because it would have damaged the relationship built up between the ULC and the broader development community, including the respect and trust it has managed to gain over past years under the leadership of the current directors and management.

Secondly, although the functions set out in proposed new section 6(1) are amended in the way I described earlier, the qualification in section 6(2) — namely, that the functions must be carried out on a commercial basis — is retained. That is also welcome, for reasons to which I will refer. If the qualification had been removed, it would have raised greater fears that the government might have been intending to send the ULC down a different path from the one it has been on over recent years, which would have been unsatisfactory.

The central question that has to be faced in assessing the bill is whether it is appropriate to broaden and redefine the functions of the corporation in the way the bill proposes. Obviously these enhanced functions are all directed at activities which are welcome and are good things in themselves. The key question to be assessed is how the corporation is going to be directed, encouraged or steered by the government to go about carrying out those functions. In short, it can be said that there is a right way and a wrong way of doing so. In which way will the government steer the Urban and Regional Land Corporation?

In looking at the right way in which these functions can be carried out there needs to be a recognition that the corporation has a considerable body of specialist skills built up over many years. It has expertise in handling difficult and complex redevelopment tasks, in particular those involving environmental clean-up or the redevelopment and conversion to other uses of former government sites. The corporation has also built up considerable expertise in pioneering new forms of broadacre development and has the intrinsic advantage that, being an government agency, it is sometimes in a better position than a private sector entity to interact with other government agencies to achieve changes in the law or gain permissions or approvals for activities that would be hard for private sector entities to achieve.

These are all strengths on which the corporation can properly build to carry out its various new functions in a successful way. It can use those skills to promote best practice in urban and community design and development, to achieve environmentally sustainable and environmentally friendly developments, and to contribute to improvements in housing affordability by showing how such housing can be created in the context of commercial development. It can also continue to make available on a consultancy basis some of the expert skills that it has built up over the years. The corporation can do all of those things by harnessing its expertise and skills, thereby delivering those sorts of projects on a commercial basis and in a way in which organisations in the private sector that do not have those core skills would be unable to deliver them.

The undertaking of these activities by the corporation will have further spin-off benefits for the broader community. For example, if the corporation pioneers the use of grey water recycling in new estates, shows how it should be done, talks through the issues with the Environment Protection Authority and proves that it can work, it will be easier for private sector developers to pick up on what the corporation has done, and the use of grey water recycling can flow through to a far wider range of estates. In other words, the information value of what the corporation does — the knowledge that these techniques are available, successful and commercially viable — is a free good that is available to the whole community, which can pick it up and run with it. Hopefully this will reinforce the successes that the corporation is able to achieve in pioneering new forms of urban development that show the way to environmentally friendly development and how affordable housing can be achieved in commercial developments, et cetera.

It is also worth making the point that in carrying out some of these pioneering activities it will probably make sense for the corporation to perform them on a pilot basis and with a business plan which has been carefully thought through, thus minimising the risk and avoiding undue exposure of taxpayers' money; and when opportunities arise perhaps working in conjunction with the private sector. Over the years

these have been some of the right ways in which the corporation has worked and can continue to work in years to come in carrying out its valuable role.

There are also some wrong ways in which these functions can be carried out, and it is important for the opposition to put on record its concerns about the potential for some of these wrong ways. It does so as a warning signal so that hopefully the government will not be inclined to go down those paths, and also to ensure that in future Victorians can continue to get from the corporation the successes of the past. To summarise concerns about the potential wrong ways in which the corporation could go, it would be wrong if it were directed to head off on all sorts of idealistic projects without regard to the potential cost and risk to the taxpayer, or to the conflicts of interest and the potential for bad planning decisions that may flow from them, or if these were a loss of the openness, transparency and accountability such a corporation should have.

It might be worth referring briefly to the Auditor-General's November 1996 special report no. 45 entitled *Building Better Cities — A Joint Government Approach to Urban Development*. This joint federal–state government program was initiated in 1991 and carried out a range of urban improvement and development activities around the state.

While complimenting the program on some of its successes, the Auditor-General also sounded a couple of salutary warnings. He said at page 3 of his report:

> A distinctive characteristic of the program highlighted in this report was the broadness in both structure and coverage of the program's high-level objectives and outcomes and those specifically formulated for the state's four area strategies. The breadth of coverage was such that any potential project which exhibited some aspect of the program's urban development principles could have been suitable for inclusion within its ambit. This position essentially precluded definitive evaluation of the program's effectiveness in achieving the expected qualitative results earmarked for urban development in the particular areas.
>
> The difficulty associated with measuring the program's effectiveness was accentuated by the fact that very few performance measures established for projects was suitable to monitor the achievement of outcomes.

The report then elaborates on that matter of concern.

The warning this Auditor-General's report sounds is that in embarking on trying to achieve the various functions set out in the bill, the corporation needs to establish clear benchmarks and measures in advance — what will indicate the success or failure of the project, what the project is designed to achieve and what its constraints and costs are — so that after the event the success or otherwise of the project can be properly assessed, benchmarked and judged and the results made available for all to see.

It is also important that the government avoid trying to take advantage of the availability of taxpayer backing for the corporation to undervalue the cost of its capital, particularly in undertaking broadacre projects. The cost of capital to a government-backed entity such as the corporation is nominally the borrowing cost of the government, but in fact the true cost of capital for a taxpayer-backed entity is much higher. Subject to any possible tax effects, it is likely to be best measured by the market rate of interest for a private sector organisation carrying on a comparable activity. The reason that is a true measure of the cost of capital is that when there is a taxpayer guarantee the rate of interest does not take account of the risk of failure and, therefore, the risk of the taxpayer suffering a considerable loss on the project.

It is important that the corporation not be pushed in the direction of undertaking projects that have an unrealistically low rate of return or appear to be viable on paper only if its cost of capital is valued at government borrowing rates.

It is particularly important that the availability of such a low borrowing rate is not seen as giving the corporation a competitive advantage that it can use to win a dominant market share and undercut the private sector. That concern is not primarily because of not wanting the private sector to have a strong and viable competitor; it is primarily because if the corporation competes against the private sector on the basis of an artificially low cost of capital, that is putting taxpayer funds at risk in a way that is not open and accountable.

Similarly it is important that the corporation not use apparent current profits that are generated only because of undervaluing the cost of capital in order to heavily cross-subsidise other activities. Again, that would be breaching the charter of acting in a commercial manner that the corporation continues to have.

It is also important that the Minister for Planning be very cautious about potential conflicts of interest when he makes decisions on planning issues involving the corporation. Honourable members have already seen in recent times that the minister has allowed himself to be put in positions where he has been making decisions on planning appeals that he has called in, where those appeals have been lodged against his own initial decision. We have seen that in relation to the Federation Square car park, where the minister decided to issue a planning permit; residents appealed on that issue to the

Victorian Civil and Administrative Tribunal and then at the last minute the minister called in that appeal against his own decision. We saw with the Queen Victoria hospital site development that the minister locked himself into giving public support to that proposal and then was put in a very awkward position when an appeal was lodged to VCAT against his decision to issue a car park permit and he ended up calling in that appeal.

In relation to the Urban Land Corporation itself, there has been controversy in recent days when the minister threw his public support behind a proposed project at Epping, which may well be an eminently worthwhile and valuable project; but there are people in the local area who argued that there was a panel hearing to hear objections or concerns about the rezoning, the panel hearing was still to take place and report to the minister, and that the minister had jumped the gun by throwing his weight behind the project before the panel had had a chance to report and before the minister was able to make an impartial and dispassionate decision on that panel report.

I might say in addition that the latest annual report of the Urban Land Corporation refers to the St Heliers site in Abbotsford as one of the ULC projects. I do not know whether it is because of a conflict of interest or sheer paralysis and inability to make a decision, but this issue has been with the minister for months now without any indication of what will happen about that project.

All the parties concerned are anxious to get a resolution.

Ms Delahunty interjected.

Mr CLARK — The minister interjects that the project had been before the previous government and that nothing was done. That is absolutely incorrect. The previous government did a great deal to try to work out a solution. Under the current government the most recent report went to the Minister for Planning back in November 2000, if I recall correctly, and we have not heard a squeak from him since about what he intends to do. All the interested parties are keen to know the minister's decision on that point.

These are simply illustrations of the fact that the minister has to take great care when making planning decisions — in which, in many instances, he has to exercise impartiality and independence — to separate those issues from the fact that the corporation, which may be one of the parties to those planning matters, is a government entity in which the minister has an interest. This potential for conflict has existed all along, and it is something successive ministers have had to be very careful about. However, the more the corporation starts to break new ground and get into innovative and different projects, the more the minister of the day has to be careful.

If he or she is not careful, the rights of citizens may suffer and decisions may be made that favour the corporation because it is a government entity, which may result in poor planning outcomes. That is another instance of the wrong way for things to happen, about which the minister must be careful.

My final point relates to the goal of achieving affordable housing, which is worthy but which needs to be pursued in an open and accountable manner so taxpayers know that their funds are being devoted to achieving that goal. The enthusiasm to help people who need affordable housing must not lead the corporation into schemes that, despite all the best intentions, end up being disasters for both the taxpayers and the citizens concerned. Victoria saw examples of that under the previous Labor government, which took many years and a great deal of pain to sort through.

All these things are by way of cautions to the government about the paths it must avoid going down. Victorians do not want to see the Urban and Regional Land Corporation — whether due to inadvertence, maladministration, lack of forethought or a conscious decision by some or all within government — pursuing policy objectives that lead it down the path of the former Victorian Economic Development Corporation, with a great loss of taxpayers' money and a great number of failed projects along the way. The opposition hopes that does not transpire.

We do not oppose the bill. We wish the corporation continued success in advancing the roles it has fulfilled in years past. However, we put the government on notice that we will be scrutinising it to ensure that it delivers in reality and not just with rhetoric on all the fine aspirations it has set for the corporation. We similarly put the government on notice that we will be watching it closely to ensure that the corporation's functions are delivered properly for the benefit of those purposes for which they are intended and not misdirected at the taxpayers' expense.

Mr DELAHUNTY (Wimmera) — I join my colleague the honourable member for Box Hill in speaking on the Urban Land Corporation (Amendment) Bill. It must be riveting stuff. I hear some honourable members calling for a heater. I will try to warm things

up, although there are not too many listening in the chamber.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Wimmera will continue on the bill.

Mr DELAHUNTY — The bill makes many changes to the act. However, the major changes are contained in clause 3, which changes the title of the act to the Urban and Regional Land Corporation Act of 1997; in clause 5, which amends section 4 of the act to rename the Urban Land Corporation as the Urban and Regional Land Corporation, or URLC; in clause 8, which amends the act by inserting section 38, being the necessary transitional provision; and in clause 9, which makes consequential amendments to the Borrowing and Investment Powers Act of 1987. All are important amendments to enable the corporation to proceed.

Honourable members will be aware that the bill puts in place new functions for the URLC. Those new functions, which are in clause 6, include developing Victorian land for residential and related purposes; promoting best practice in urban and community design and development, having regard to links to transport services and innovations in sustainable development; and contributing to improvements in housing affordability.

I thank the government for the briefing given to us by the Department of Infrastructure. In particular, I thank Alison Purser, who is the manager of legislation, and the ministerial adviser, Maria Marshall, for their assistance. I inform the house that the National Party will not be opposing the bill.

One of the things I noted at the briefing was that the Urban Land Corporation has usually operated in growth corridors. The point was also made that Horsham was one of the first of those corridors outside Melbourne, which I will come back to a little later. Staff at the briefing emphasised that the bill does not make many changes to the way the state will operate, although it amends the corporation's name and some of its functions. They also highlighted that the new authority would have a leadership position in the development market and that it would have a range of projects to look at.

It is interesting that the corporate plan has to be approved by the Minister for Planning and the Treasurer and that the corporation has to provide an annual report, which I will also come back to later. The corporation pays an annual dividend to the government, and its operations are audited by the Auditor-General.

The second-reading speech refers to the corporation as a major holder of land. It currently holds in excess of 1000 hectares and has over 12 500 potential residential lots in 12 projects around the metropolitan area. Under its current operations it brings approximately 1500 to 2000 lots onto the housing market each year, which represents about 12 per cent of the Melbourne housing market. It is a major player in the development of residential land in the metropolitan area.

I also note from the second-reading speech that the corporation had an after-tax profit of $20.4 million. It will be interesting to see how that is affected by the new legislation in the next couple of years.

In his second-reading speech the minister said the government does not propose that the corporation become a construction company or housing developer. The Urban Land Corporation plays a significant role in the development of land, but it is not necessary for it to become a construction authority or housing developer. There are plenty of people out there to do that. The new body will suggest new ideas and new methods, but it will not be the only organisation with innovative ideas. There are good people in the private sector who do a lot of that work.

In the past the corporation has successfully introduced many changes such as smaller lot subdivisions, greater diversity of lot size and more recycling of waste water, which is particularly important in the Wimmera. In north-west Victoria water has become a critical issue. It is a finite resource, and we must look for other ways of using that precious resource. Greater recycling of waste water is a good idea and must be implemented widely. The ULC has also looked at better solar orientation of housing lots and the environmental sustainability of some developments. All those changes were welcomed.

The Urban Land Corporation puts a reasonable floor in the market. I note from talking to some of my colleagues that the authority has looked into country centres, particularly Ballarat and Bendigo. At the time it did not feel that it was necessary to go into those areas because adequate private developments were going on at appropriate prices — although that is always a debatable point.

In country towns there is usually plenty of land, but it is important that the land is used wisely, because it, like water, is a finite resource. Once you have taken away rural land it cannot be returned, as we have seen to the east of Melbourne where good agricultural land has been taken over for residential uses. Also, in country towns the markets are generally competitive, therefore land is priced realistically for potential purchasers.

The changes proposed in the bill mean it is important that the new Urban and Regional Land Corporation is aware of country developments and country developers. We do not want a conflict where a government organisation is competing with private developers or making private developers uncompetitive, breaking them in the long term.

As I said, the second-reading speech refers to a $20.4 million profit. Over the next few years we will be watching that profit to ensure the government handles it properly and does not fritter it away on unworthy projects.

Prior to my election to this house I was a member of the Horsham Rural City Council, which decided to relocate the saleyards, which were in the middle of town, to a site outside town. It needed the capital to build the new saleyards, so it had discussions with developers to see whether any of them were prepared to put the money up front. No-one was prepared to do that. Patient capital was needed for the saleyard development.

At the time the council was, and still is, appreciative of the work of our local members — the former honourable member for Wimmera, Bill McGrath, and the honourable members for Western Province in another place, Bruce Chamberlain and particularly Roger Hallam. They were helpful in getting the patient capital and the Urban Land Corporation involved in the saleyard project.

I refer to an article in the *Weekly Advertiser* of 17 May headed 'Proposals tendered for saleyards development':

> Five proposals for a unique redevelopment of the Horsham saleyards have been forwarded for a tender shortlist …
>
> The proposals were formed by local and interstate developers with the assistance of the state's Urban Land Corporation and the Rural City of Horsham.
>
> …
>
> The corporation's manager of government business, Matt Faubel, said …
>
> … the corporation had been working with the Horsham council to put into place planning guidelines for the former saleyards.

Mr Faubel is reported as saying:

> 'We received proposals from local developers, some combining their tenders with Melbourne developers and there have also been responses from interstate'.

As Horsham is Australia's tidiest town, there is a lot of interest in this development. Mr Faubel is further reported as having said:

> 'Any of the developments tabled will be good, but now we need to get to the next stage and make sure the best development is chosen …

Everyone in Horsham supports the comments about getting the best from the development. It is interesting to note that the winning development is planned to be announced in August.

It is an exciting development in Horsham, and I am sure the Acting Speaker is getting warmed up by this presentation. The people of Horsham are really warmed up about it. They are passionate about the development. The saleyards are in the middle of town and it is important for the future development of Horsham and the Wimmera that they be relocated and this project be completed.

I also note that the Urban Land Corporation is working with the Northern Grampians Shire Council, which forms part of my electorate.

Mr Helper — A good shire!

Mr DELAHUNTY — It is a good shire. The honourable member for Ripon also looks after part of the Shire of Northern Grampians, but this development is taking place in the great Wimmera electorate.

The Northern Grampians Shire Council has been helped by the Urban Land Corporation to develop ideas for the former Pleasant Creek Training Centre. The site is on the Western Highway and encompasses a large section of land that is lying idle at the moment. It is important for the future of the Stawell region that this development take place as soon as possible.

We are looking to the Urban Land Corporation to provide some ideas and work with local developers and the council. The mayor of the Shire of Northern Grampians, Colin Hall, is very passionate about the development and is keen to make things happen.

The honourable member for Swan Hill advised me that the Urban Land Authority, as it was known in 1975, was involved in developments in Swan Hill. I thought I would go back through the annual reports, so today with the assistance of parliamentary library staff I tracked down a copy of the 2000 annual report. I could find no mention of the Swan Hill development among the estates and projects listed in the report, but I am sure it was a major development and one of the highlights of the former Urban Land Authority.

The highlights of the 2000 annual report included a net profit after tax of $20.4 million, sales revenue of $141.9 million and return on equity of 11.6 per cent. Industry awards were won for planning, development,

engineering, marketing and public relations. There were new initiatives in regional development, and the redevelopment of the Horsham saleyards site was highlighted. There were also new initiatives in affordable housing and urban renewal. The report contains an activities statement under which was listed at no. 15 the Horsham saleyards project with the objective to:

> Facilitate sale and redevelopment of site in major regional centre.

It missed the fact that Horsham is Australia's tidiest town. It is a 2-hectare site, and the report states that the corporation plans to start in 2000 — it is a little bit behind time now. The completion date is shown as 2002.

One paragraph highlights the purpose of the corporation. It states:

> In the year 2000, the ULC celebrates 25 years of making more Victorians at home. In May 1975, the Premier of Victoria, Rupert Hamer, and the federal Minister for Urban and Regional Development, Tom Uren, announced the establishment of the Urban Land Council. The objective of the council was … 'to assist in the provision of an adequate supply of fully serviced allotments at appropriate locations throughout Victoria at minimum cost and in so doing provide a substantial measure of price stability'.

So it has been going for 25 years. The report also contains a statement of corporate intent. The mission statement states:

> To provide leadership in urban development and sustainable high levels of value to Victorians through operations in the property industry.

Through the work it has done the corporation has shown, particularly in Horsham with the saleyards redevelopment, that it is complying with its mission statement.

I was also interested to read that as at June 2000 the number of employees was 61.9 full-time equivalent. The report states:

> The ULC continues its strategy of locating project teams in dedicated estate offices. The ULC now has six estate offices — open seven days per week.

I did not find out the location of the offices but no doubt they ring Melbourne. The annual report shows that the corporation is doing a lot of good work and is to be congratulated.

In researching my contribution I went through the newspapers, and again I thank the library staff for their support in sourcing this information. An article in the *Age* of 30 March states:

> Demand is exceeding supply on housing estates after the boost to the federal rebate paid to first-time home builders, the head of the Urban Land Corporation said yesterday.
>
> The corporation's managing director, Bryce Moore, said he expected the last of the 2000 lots on its Timbarra estate to sell three months head of schedule. Timbarra, established 10 years ago on Melbourne's outer eastern fringe in Berwick, was one of Melbourne's first experimental housing estates.

One can see the benefits of the federal initiative for first home buyers.

An article in the *Herald Sun* of 28 April headed 'Premier mounts case for Waverley' states:

> Waverley Park is officially on the market and Premier Steve Bracks yesterday said the VFL should move in. Newspaper advertisements announced that expressions of interest would be accepted until June 29 —

very close to a good birthday —

> for the 80-hectare site, which is expected to reap the AFL at least $80 million.

You wonder why it would want live telecasts on Saturday afternoons when it is making so much money from television rights and selling the land. Perhaps it is being too greedy and not looking after grassroots football. The article continues:

> Mr Bracks said he hoped the government could still negotiate with the AFL to keep the stadium for elite sport.

The article continues:

> The *Herald Sun* last week revealed that developers Australand, Delfin, the Urban Land Corporation and Bovis Lend Lease would compete to develop the former Australian rules landmark.

The Urban Land Corporation is getting involved in a lot of projects. An article in the *Australian Financial Review* of 11 May focused on the Urban Land Corporation and states:

> In a bid to reflect its new rural focus, Victorian state agency the Urban Land Corporation has changed its name —

that was at the start of this month; I thought it was waiting for this bill to go through —

> to the Urban and Regional Land Corporation. The URLC is in discussions with a number of regional councils, including Horsham —

Australia's tidiest town —

> Wodonga and Warrnambool, to develop new residential sites.

I am pleased that the corporation is already getting out into rural Victoria to do such good work.

In conclusion, the National Party hopes in its new role the Urban Land Corporation continues with the financial responsibility it has already shown.

The National Party also hopes the proposed Urban and Regional Land Corporation will achieve its listed functions, as covered early in this presentation, particularly in difficult developments such as saleyards — a great job was done in Horsham — contaminated sites and old quarry sites, which are always difficult to develop.

We hope the corporation will also make itself aware of country issues. It is important to recognise that country issues are different from city issues. Looking at the annual report I cannot identify where the board members come from — no doubt they have a lot of experience — but I wonder whether it is important now, and when the opportunity arises, that we get a board member who is located in country Victoria to give a balanced view as a representative of the rural and regional districts.

My colleague in the other place, Jeanette Powell, and I contacted many councils in country Victoria. They raised no concerns about the change, in fact they supported it. The National Party will not oppose the bill.

Debate adjourned on motion of Mr CARLI (Coburg).

Debate adjourned until later this day.

POST COMPULSORY EDUCATION ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 3 May; motion of Ms KOSKY (Minister for Post Compulsory Education, Training and Employment).

Mr BAILLIEU (Hawthorn) — On behalf of the opposition I join the debate on the Post Compulsory Education Acts (Amendment) Bill, which is primarily designed to amend the Tertiary Education Act. However, I regret the truncated nature of the debates we have been having on bills, with all debates being adjourned. I know a number of opposition members wish to speak on this bill. In the event that the debates are resumed I hope we will have the opportunity of again debating this bill. I know the same applies to other bills.

The bill has a relatively narrow application. Essentially it is about higher education, not vocational education or training. It is about higher education in the sense that higher education is all of those things which according to long-established definitions vocational education is not. Basically, higher education goes to the cognitive skills — research, analysis and interpretation and a variety of other aspects. It is largely determined by the definition of 'higher education awards' in accordance with the register of accredited courses and recommended qualifications, which are now the responsibility of the Victorian Qualifications Authority.

For students, higher education is represented by universities, the difference being that vocational education is represented by technical and further education (TAFE) colleges, although the lines are blurring. In this day and age some institutions are dual sector providers and cover both higher education and vocational education.

We also have a range of other providers. We can also make the definition by understanding that universities are basically self-accrediting institutions while the accrediting of courses and standards for other educational providers are set by the minister.

Members of the Liberal Party do not oppose the bill. While the bill has a narrow application, we have some serious concerns about it that run to some curious deletions and inclusions in the criteria applied to the higher education approval processes determined under the Tertiary Education Act. They also go to the definitions of universities and higher education awards, the potential for different governance standards and the procedures for public and other providers of higher education. They go also to the new review powers that will be available to the minister.

Our concerns are also with the implied responsibility of the government to monitor and review university and other courses that are provided in Victoria from all over the world. There is a responsibility that I am not sure the minister has realised she will have. Perhaps our principal concern rests with the authorised officer powers and the provisions that again are new to the Tertiary Education Act. Although they have had some application in other acts their application to universities is of considerable concern.

In briefly outlining those concerns, I note that we have had briefings on the bill from the minister's department. At the first briefing we raised some questions about the authorised officers and the review processes. Late last week, at relatively short notice, we had a second briefing to pursue the concerns further. As a consequence of those expressions, I received a letter today from the minister's office, albeit not signed by the minister but by her senior policy adviser. Later in

my contribution I hope I will have the time to go through the letter in detail because it is an important adjunct to the second-reading speech and the bill in the sense that it does not clarify some of our concerns. Rather, it exacerbates our concerns and those that have been expressed to us by some of the stakeholders.

This bill is not about access to higher education. Essentially, it is about the quality of higher education. The principal purpose of the bill is to raise the standards on quality and to ensure that quality in Victoria specifically is as high as it can be.

However, two miscellaneous clauses in the bill need to be dealt with up front. Clause 11 amends section 5 of the Deakin University Act and removes the obligation for Deakin University — remembering that all Victorian universities are publicly funded and established by their own acts of Parliament — to maintain a campus at Rusden near Monash University. The background to that is that Deakin University has opted to consolidate its resources on the Burwood and other campuses. For some years the Rusden campus has been earmarked for disposal. That move has the support of the Liberal Party and obviously the support of the government.

The second miscellaneous matter that needs to be dealt with is clause 12, which goes to section 23 of the Victorian Qualifications Authority Act, which passed through this house early in this sessional period. It does no more than clarify the fee arrangements regarding approvals so that the authority can require a fee from providers of education not only for accreditation but also for awards. The opposition supports that provision.

The bill is about higher education and equality. In particular it seeks to align Victoria's accreditation and approval processes for higher education with an agreed national framework. Primarily the bill is administrative. The reality is that students — they are ultimately the customers of higher education — will notice little or no change as a consequence of the bill being passed. That is not a bad thing. The opposition hopes the bill will act to ensure and elevate the already high standards in Victorian universities.

The test of students' perspective on any legislation ought to be whether as a consequence of the legislation they are better informed, better prepared and better resourced and whether they have better access to better courses. The bill makes no significant changes so far as students are concerned; it is only about maintaining standards.

The reality is that Victoria has high educational standards and nine excellent universities. The minister's second-reading speech referred to eight publicly funded universities as well as a campus of the national Australian Catholic University. It ought to be acknowledged that the ACU now has two campuses in Victoria.

Victoria's universities are of the highest standard and have the highest reputation. I am fortunate to have the principal campus of Swinburne University in Hawthorn, in my electorate. Its reputation rises constantly, and with its campuses at Prahran, Wantirna and Lilydale that reputation is likely to rise even higher. Swinburne enjoys a well-regarded, strong research base that the opposition hopes will continue. I declare my interest in that I am now a member of the advisory board of the Brain Sciences Institute of Swinburne University, a position that has been formalised in the past few months.

The Liberal Party will continue to support any moves that seek to maintain standards of higher education in Victoria or to protect its universities and students, including overseas students, and the high reputation Victoria enjoys for providing services to overseas students. Anything the Liberal Party can do to advance the quality of offerings among our higher education providers will be supported.

Victoria's higher education providers face new pressures that have been growing for several years and have been recognised. A wider offering of higher education now exists in Australia and worldwide, and there is a greater diversity of institutions and programs as well as an increasing number of universities. Those of us who attended university in the early 1970s know that the choices then were limited to Monash, Melbourne and La Trobe universities, and then Deakin was added. The situation has changed, and now there are several more.

The size of universities has increased, some of them stretching around Australia and around the world. Several delivery modes for higher education have produced their own pressures on Victoria's higher education institutions. Clearly we are now dealing with the availability of online learning, which has been very much embraced by many providers worldwide.

Equally, franchising arrangements, particularly for larger universities, are upon us and need to be dealt with, as do the competitive forces that have emerged as the world has shrunk and the impact of global markets has become apparent. Competitive forces are being faced by both universities and private institutions,

particularly commercial institutions. Pressures have also been imposed by networks such as Universitas 21 that have developed and are continuing to develop around the world, linking universities and offering students options they have never had before. Those options will continue to vary at almost a moment's notice in the life of universities.

Essentially, the bill emerges from a process undertaken by the Ministerial Council on Education Employment Training and Youth Affairs, otherwise known by the acronym MCEETYA. That process began in 1995 when MCEETYA first embraced common standards for higher education. In 1997 a higher education task force sought to advance those common standards, and arrangements and propositions in 1999 led to a ministerial council meeting on 31 March 2000 at which a number of protocols were agreed. Those protocols are now described as the MCEETYA National Protocols for Higher Education Approval Processes.

Five protocols relevant to the legislation are addressed by the bill. In short form the protocols, as shown on the commonwealth Department of Education, Training and Youth Affairs web site, are:

> Protocol 1 — criteria and processes for recognition of universities.
>
> Protocol 2 — overseas higher education institutions seeking to operate in Australia.
>
> Protocol 3 — the accreditation of higher education courses to be offered by non-self-accrediting providers
>
> Protocol 4 — delivery arrangements involving other organisations
>
> Protocol 5 — endorsement of courses for overseas students.

As I said, the bill addresses those protocols.

I note that the MCEETYA process anticipated that all the states would be online with their outcomes by July 2001. The reality is that although that was agreed to on 31 March 2000 and Victoria is already well down the track, it is the first state to make changes.

The briefing with departmental officers revealed that South Australia believes its current legislation is already sufficient, although it is considering the protocols further; New South Wales is in the process of developing draft legislation specific to higher education, but it is not yet addressing the protocols; Queensland believes its current legislation is sufficient, but it is looking at possibly strengthening its legislation; Tasmania has made some changes in anticipation of the protocols, but no further significant changes are likely; Western Australia, with its new government, is reviewing the situation before making any further advances; the Australian Capital Territory has published a regulatory impact statement with a view to developing separate higher education legislation; and the Northern Territory is in the early stages of developing its response to the protocols. It is clear that no-one is in a hurry to deal with this issue, although the MCEETYA agreement intended that it be dealt with by July this year.

One of the forces at work has been the advent of a procedure via the offshore territory of Norfolk Island, whose assembly has seen fit to approve a university — Greenwich University — which has been established through a variety of mutual recognition processes. Continuing questions about satisfactory parallel standards have been raised in that regard, which in itself is a force for the consideration of the protocols.

To understand how the bill applies to current legislation one needs a simple appreciation of the Tertiary Education Act, particularly division 1. The bill deals with five components of that act. They are the definition of universities, with the understanding that they are established by their own acts, and the four we are dealing with in this bill. Section 9 of the principal act refers to the recognition of universities and the definition of higher education, section 10 refers to the approval of universities, and section 11 refers to the accreditation of courses and the authorisation to conduct them. They are the essential components the bill deals with.

I will walk honourable members through each of the changes being made by the bill so they understand their impact. Although division 2 of the Tertiary Education Act sets out the provisions relating to the coordination of higher education, there is no logical sequence in the arrangements, so comparing the bill and the act would not be straightforward. That is why the easiest way to deal with it is, as I said, to walk honourable members through the principal act and note the changes.

Section 6 refers to the endorsement of courses of study for overseas students. The commonwealth arrangement is that a student coming to Australia must have a visa, and they will not get a visa unless they have what is called a CRICOS (commonwealth register of institutions and courses for overseas students) number. A CRICOS number will be granted only if a variety of criteria are met, including having the courses which the student intends studying listed on the register of accredited courses. The bill seeks to amend section 6 in a variety of ways. Proposed new section 6(1) inserted by clause 4 introduces the notion of deemed institutions — that is, the endorsement of courses

offered by deemed institutions is implied as a consequence of the insertion.

Section 6(3) of the principal act sets out the criteria that the minister must have regard to in assessing whether a course of study for overseas students shall be approved. The bill makes a number of deletions from that endorsement process. I note the deletion in section 6(3)(a) of financial planning as a criterion, in section 6(3)(e) of student grievance procedures, and in section 6(3)(f) of welfare services for students. They are interesting deletions. One might have imagined that they would have been replaced, but they have not been. There are further deletions: in section 6(3)(h), the arrival and attendance monitoring of students; in section 6(3)(j), the number of students; in section 6(3)(k), class sizes; in section 6(3)(l), contact hours; and in section 6(3)(i), student selection procedures — but this provision is reinserted word for word.

The amendments include a number of insertions, which I do not intend to go through in detail because the opposition does not have any particular problem with them, other than to note that the deletions are not covered by the insertions.

I also note that the endorsement of courses of study for overseas students deals with protocol 5 of the MCEETYA agreement. If you look at it in detail — for the sake of saving time I do not propose to do it now — protocol 5 in the MCEETYA agreement lists a number of criteria that have not been picked up by the bill, which is curious in its own right.

I move to division 2, on higher education. Clause 5 changes the definition of 'higher education award' by deleting the current definition and reinserting a new one. As I said earlier, at present higher education is defined by awards that include a degree, an associate degree, a higher degree and a range of other degrees awarded in accordance with the Australian qualifications framework. The bill seeks to add to the meaning of 'higher education award' in section 9 of the Tertiary Education Act 1993 the words:

> (c) a diploma or advanced diploma if the course of study relating to that award is classified as higher education in the course descriptions published by the Australian Qualifications Frameworks Advisory Board;'.

Diplomas and advanced diplomas are also offered in the vocational system, so there is room for confusion. The Australian qualifications framework may allow the awarding of higher education diplomas and advanced diplomas, as well as vocational diplomas. However, students will not necessarily be conscious of that, nor will the surveyors of the awards. As I said, the Liberal Party believes there is room for confusion on that matter.

The definition of 'recognised universities' in section 9 is also being changed. I note in particular that clause 6(2), which inserts section 10(1B), refers to the capacity of offshore territories to establish universities, which deals essentially with Greenwich University via Norfolk Island.

Clause 5(2) adds an entirely new aspect to the definition of universities. It picks up the matters I alluded to before in the sense that any university operating in or from Victoria will now be covered by the act where that university operates by means of a variety of telecommunication devices, including computers, televisions, telephones or other electronic devices. In this day and age that is a reasonable expansion of the definition.

Section 10 of the principal act is entitled 'Only approved universities to operate in Victoria'. There is only one such university currently approved, and that is Melbourne University Private. Under clause 6(3), which amends section 10(3), the following will be added to the criteria that the minister may have regard to in establishing a university under the approved university scheme:

> (a) the commitment of the University to research and scholarship and the systematic advancement of knowledge;
>
> (ba) national policies and agreements by Ministers responsible for higher education about governance and other characteristics of Universities in Australia;"

The important point there is 'ministers', plural. I hope no one minister will have the right of approval or revocation and that those provisions will be used wisely.

On the surface the earlier reference to research seems reasonable. Research is an obvious function of universities, but there are systems in other parts of the world under which universities do not necessarily have research facilities. The liberal arts colleges of the United States operate in that way. It is hoped that the proposed section will not be used to rule out any university of stature on the international scene. We will wait to see how that operates.

Clause 6(2), which as I said inserts section 10(1B) into the principal act, also inserts into the approval process the deeming of universities approved by other states and the mainland territories. The amendments to section 10(3) go to the criteria which are applied in the

approval process and to which the minister may have regard. There are some insertions which deal with the commitment to research and national policy, but no criteria have been deleted and no further ones added, except for the insertion of the capacity of the minister to formally review these universities' operations.

Clause 6(4) refers to the minister's capacity to review the universities, but I note there is no obligation on the minister to consider in the same sort of detail the criteria that she is obliged to consider in other aspects of the approvals process.

Proposed section 11A deals with accreditation and authorisation to conduct courses under the principal act. Clause 8 provides essentially for accrediting courses for higher education in the non-university sector and authorising the conduct of those courses. Under section 11(1)(e) they are two different things — accreditation and authorisation.

Currently the second-reading speech on the bill refers to 23 private providers; we are now advised there are some 26 providers. Those providers are various in their current presentation. They include some 10 theological providers, 5 providers of business courses — 2 providers in the information technology and administration areas; 4 specialists — 1 in the farm area; 3 in health; and 1 in the arts field. Those providers offer a range of higher education courses.

I would like to have the time to go through some of those providers because I am familiar with some of them. For example, I am familiar with the Marcus Oldham College for a variety of reasons, both professionally and in my current role. I am also familiar with the Oceania Polytechnic, which is an institution offering a Bachelor of Architecture course. While the course is accredited the institution is in the curious situation of being the only one of the providers with an accredited course where the provider is not and has not been for some time authorised to conduct the course. Many architects in Victoria would probably consider that appropriate, so perhaps that is worthy of a review in itself.

Section 11(3) of the principal act sets out the criteria for accrediting courses. Some criteria have been deleted, which is curious as they include those relating to student selection procedures, the number of students, class sizes, premises, equipment, materials and resources and the qualifications and experience of staff, and some more general provisions have been inserted in their place. As mentioned earlier, we are dealing with criteria in the protocols that by and large have been covered by the insertions, but the deletions are still curious.

Section 11(4) of the principal act goes to authorisation to conduct courses. Again there are deletions in the criteria to which the minister may have regard. The curious deletion is:

> … the views or recommendations of any relevant industrial or professional body about the course of study …

More insertions have been made and again the protocols have been substantially addressed but not all have been addressed. It will be interesting to see how they are managed.

Clause 8 inserts proposed sections 11A to 11D. Proposed section 11A provides for the review of operations of universities, institutions and courses. Subclause (1) provides that:

> The Minister may at any time arrange for a review of the operation of —
>
> (a) a course of study endorsed under section 6 —

which is the overseas students provision —

> (b) a University approved or deemed to be approved …
>
> (c) a course of study accredited under section 11(1)(e)(i) …
>
> (d) an institution authorised to conduct the course of study under section 11(1)(e)(ii).

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The time for government business has now expired. The question is that the house do now adjourn.

Bendigo prison

Mr WELLS (Wantirna) — I raise a matter of concern with the Minister for Corrections and ask him to take immediate action to ensure that one of the two promised rural prisons is allocated to the Bendigo region. In the budget the week before last the minister outlined that there would be a 600-bed maximum security prison, a 300-bed medium security prison and two rural prisons — a 120-bed unit and a 100-bed unit — with 26 beds to be built in the suburbs. That would be a net increase of 1146 beds, but the budget papers indicate a net increase of only 716 beds, which

means that 430 beds in rural Victoria have to be shut, and the Bendigo prison was earmarked for such action.

You would think that if the government shut down a prison in Bendigo it would replace it with one of the proposed new ones to preserve important jobs in the area. The opposition has just discovered that the Minister for Corrections has ruled out Bendigo getting one of the new prisons; he has already told the city it cannot have a new prison.

I refer to the editorial of the *Bendigo Advertiser* of 25 May. The newspaper has run a campaign about the decision by the minister not to allow Bendigo to apply for one of the new prisons because there is some misunderstanding about what he deems to be local jobs. He has said there will be jobs at Castlemaine and Maldon, but the locals say that is not Bendigo. The editorial states:

> We're not sure if the Minister for Corrections has consulted a map of late, but he might find that Castlemaine and Maldon are not Bendigo. It's like saying Geelong is Melbourne.
>
> Is the Minister for Corrections in line for a correction or two of his own?
>
> If Premier Steve Bracks has any feeling about Bendigo, he should now haul his minister in for a please explain, followed by a stint on the back bench.
>
> He is becoming a liability to the Labor government.

We on this side say strongly that we do not want the Premier to move this minister because we are happy with the way he is going — he is giving us phenomenal coverage. Last year he promised the people of Bendigo that the Bendigo prison would not shut — he gave that impression — for 20 years. Now he has shut the prison without consulting. This is the government that said it would be open and transparent and would consult, yet in this example when talking about the Bendigo prison it did not consult with anybody in Bendigo. Quite the opposite is the case — it told the City of Greater Bendigo it would keep the Bendigo prison open, and I have been — —

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

Bridges: Long Waterhole

Mr RYAN (Leader of the National Party) — The matter I raise with the Minister for Transport concerns the Long Waterhole Bridge. Unfortunately this important structure that forms part of the South Gippsland Highway a short distance south of Sale is almost derelict. The minister will be familiar with it, because I recognise that he has a good knowledge of the things that happen in country Victoria for which he has responsibility, but more particularly because I wrote him a letter about it today.

The Long Waterhole Bridge is immediately adjacent to substantial work that is presently being undertaken at the swing bridge. This beautiful structure was built in 1863 and is one of the initial structures of its type in Gippsland. About 20 years ago traffic lights were installed on it because of load limits and it has since carried only a single lane of traffic. I am pleased to say that to overcome the problems presented by its deficiencies I was instrumental in securing funding from the previous government for the provision of alternative bridges to serve the purpose it once served.

I commend the current government for continuing that project. It involves expenses of about $15 million and entails the building of two bridges to bypass the existing 1963 vintage swing bridge. However, even after all this work is completed and this money is spent, the traffic travelling to or from those bridges will still need to cross the Long Waterhole Bridge. This bridge is in a terrible state of disrepair.

The DEPUTY SPEAKER — Order! The honourable member has 1 minute, and I do not believe he has asked for any action.

Mr RYAN — The department announced last week that traffic lights are to be installed on the bridge not only while work is undertaken for this major project immediately adjacent but also perhaps for the longer term. The Long Waterhole Bridge needs to be replaced. I understand that will cost about $700 000. The contractors are on site at the moment building these other two major bridges. This is a low-level bridge across the Long Waterhole; surprisingly, that is why the bridge is called the Long Waterhole Bridge. It is a project that should be undertaken now at a convenient time and minimum expense, given the state of the project at large. If it is not done, it will cause major disruptions to traffic flow on the South Gippsland Highway and detract significantly from what would otherwise be a great outcome when this current project is concluded.

Aradale wine centre

Mr HELPER (Ripon) — I wish to raise a matter, partly about a ripping good budget, with the Minister for Major Projects and Tourism. The action I seek is that the minister reassure people in the wine industry, particularly in the Pyrenees and Grampians areas, that the Bracks government continues to support the growth of this important industry. The industry provides

benefits to my electorate and the other areas in which it operates through the growing of the product and the employment and economic activity that generates in these regional areas. There is a further spin-off in the form of the tourism impact.

The importance of the industry is highlighted by the fact that 15 per cent of the total winery tourism expenditure occurs in western Victoria in areas including the Pyrenees, the Grampians, Maryborough and Ballarat. The figure for the north-east of the state is exactly the same. However, that is compared to 42 per cent in the Yarra Valley, Mornington and Macedon wine areas. Obviously those areas derive a benefit from their proximity to Melbourne as that provides a clear advantage in terms of winery tourism. This develops an argument that the further out regions such as the Grampians and Pyrenees, and indeed the north-east of the state, need to have very close marketing relationships with Melbourne.

I would like to highlight the fact that the ripping good budget brought down the other day by the Treasurer delivered on the government's promise of a wine centre for the disused Aradale site. Members would be aware of the history of the Aradale site, a former psychiatric institution, the development of which has been the subject of a great deal of speculation. I am very proud to have been part of the Labor Party, the then opposition, which had a vision of developing the Aradale site as an Australian college of wine. The government has provided approximately $5 million in the budget for Aradale, as one of three campuses to receive a total of $7.4 million.

Small business: innovation centre

Mr PERTON (Doncaster) — I wish to raise a matter with the Minister for State and Regional Development that arises out of his Connecting Victoria statement of November 1999. On his department's web site Small Business Victoria has a space called 'Showcasing small business', which gives a description of the work of Connecting Victoria and says:

> A key element is the $28 million technology commercialisation program to assist and support innovative start-up and high-technology small businesses.

It goes on to say:

> The Victorian Innovation Centre and the De Bono Centre, both located at 257 Collins Street, will be an innovation hub with cutting-edge business involvement.

Technology commercialisation needs speed to market. Nearly two years have elapsed, however, since the announcement of Connecting Victoria; one year has elapsed since the government agreed to build the innovation centre at 257 Collins Street; and over six months have elapsed since the government became a tenant — and yet there has not even been a fit-out of the centre!

We are talking about the first floor of 257 Collins Street, one of the most prominent buildings in Melbourne, and $125 000 of government funds have gone down the drain while the centre remains unfitted and unstarted. A number of different tenants have gone into the building, including the De Bono Centre, the Information City consortium, the Swish Group and some call centres. As you try to approach those centres, however, you have to cross a vast, empty space, which is the state government's centre for innovation on the first floor.

The international investment community has passed judgment on the government, the only government in the country — —

The DEPUTY SPEAKER — Order! The honourable member has 1 minute and must ask for action.

Mr PERTON — It is the only government in the country that does not have a policy on information technology, and 450 jobs have been lost in the IT and communications sector in this budget month alone. Vectus Pty Ltd has shut up shop, Nokia Broadband research has cast its judgment on the government, and Solectron has moved its employees to Sydney and is making new investments in Singapore.

Mr Brumby interjected.

Mr PERTON — The minister may giggle. That says a lot about him. In the budget statement — —

The DEPUTY SPEAKER — Order! The honourable member must ask for action.

Mr PERTON — The action I seek is for the minister to get off his backside, do some work in this field and get the Victorian innovations centre fitted out so that tenants who have had to go to other places to get facilities to do their work can finally get the premises that the minister promised.

CFA: Nulla Vale brigade

Mr HARDMAN (Seymour) — Through the Minister for State and Regional Development I direct the attention of the Minister for Police and Emergency Services to a letter I received from Roslyn Paterson, who is the secretary of Nulla Vale Rural Fire Brigade.

Roslyn was hoping to obtain some extra funding from the state government for the Nulla Vale fire brigade, whose fire shed the government is intending to rebuild in the near future.

I ask the minister to find some funding for that worthwhile project. It requires a contribution of only $17 000 to fund the building of a meeting room to be attached to the new Nulla Vale fire shed. The addition will provide a small community meeting room. Nearby Glenaroua and Tooborac fire brigades have recently built similar facilities and they are greatly used and appreciated by the local communities.

To set straight the record of my involvement in the issue I will read from a letter I wrote to the Minister for Police and Emergency Services in February:

> Dear Andre
>
> Late last year I received a letter from Roslyn Paterson, secretary of Nulla Vale Rural Fire Brigade. The main thrust of the letter is that Nulla Vale is on the CFA list to have a new fire shed built within the next 12 months and they would like to be able to build a new community meeting room on at the same time. The brigades at Tooborac and Glenaroua have already taken this step and the communities have benefited greatly as a result.
>
> The CFA is asking for a contribution in the vicinity of $17 000, which Roslyn says will be very difficult for such a small community.
>
> Since receiving the letter from Roslyn we have been attempting to source all possible avenues for assistance with this project, but have not been successful to date.
>
> I have spoken to your office recently and was asked to put the request in writing. I hope that you are able to assist the Nulla Vale Rural Fire Brigade proceed with their project.
>
> I look forward to a response at your earliest convenience.

The brigade needs to know fairly urgently whether the Bracks government can chip in towards construction of that worthwhile facility, as a new shed is due to be built within the next 12 months or less and the community is unable to raise the $17 000 on its own.

My office staff and I have made many calls to the Office of Rural Communities seeking funding from the Rural Community Development Fund after writing to the minister in February. The Bracks government has made a huge commitment to the Country Fire Authority (CFA), which obviously must be recognised as a magnificent community organisation. It brings together a lot of people from many different walks of life in rural communities, which is not something a lot of other organisations can say they do.

I see that the minister's department is the best chance for the rural fire brigade at Nulla Vale to gain the funding it needs. The meeting room would obviously be used for meetings of the CFA, Landcare groups and other local community groups, such as small church groups and that type of thing.

Jacaranda House, Bairnsdale

Mr INGRAM (Gippsland East) — I direct my question to the Minister for Aged Care. I desire the minister to address the urgent requirement for the upgrade of an aged care facility, Jacaranda House at Bairnsdale.

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster!

Mr INGRAM — The current facility is managed by the Bairnsdale Regional Health Service and urgently requires upgrading because it will struggle to meet accreditation standards. It has just scraped through accreditation the last couple of times in relation to standards generally and fire safety in particular. The health service board has decided it is basically a waste of money to spend further resources on keeping the facility up to scratch. It is keen to have the facility renovated and replaced in a new location next to the hospital. It has the land and has set aside an amount of money to upgrade the facility. It can potentially borrow half of the money but needs it to be put on the priority list.

East Gippsland has an increasingly large aged population, and in the future there will be a much greater need for aged care facilities. The upgrading of Jacaranda House would meet the aged care requirements of the area and would fit in with the current facility at the Bairnsdale hospital. The hospital board has approached me on the matter.

The minister has inspected the facility and understands the issues surrounding it. I ask her to take action to ensure that this is given the necessary funding.

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster!

Mr INGRAM — I also ask that it be put on the aged care priority list to ensure that it can be upgraded.

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

Mr COOPER (Mornington) — I raise for the attention of the Minister for Transport a dangerous intersection at the corner of Frankston–Flinders Road, Dandenong–Hastings Road and Denham Road in Tyabb. I have drawn this matter to the attention of the minister several times, both in this house and by mail. I do so again.

I ask the minister to take urgent action to at least put in some interim safety measures, such as major hazard warning lights — that is, flashing lights — and advance flashing warning signs, and to start planning for a permanent solution before there is a death at this intersection. The intersection carries an exceptionally high amount of heavy-vehicle traffic each day: there are 200 truck movements of gas tankers, 100 truck movements of petrol tankers and 200 truck movements of large steel trucks going to BHP at Western Port — a total of 500 heavy truck movements through the intersection per day. There are also a large number of industry-related truck movements, cars for 1500 workers at BHP in Western Port alone and local and tourist traffic. That intersection of three roads is particularly hazardous, and it has a bad traffic accident record.

Local fire brigade turnouts to the intersection since March 1999 show that there have been 12 calls to serious accidents, 3 of which have occurred this year. Five of the calls involved vehicles going through the intersection and ending up in a ditch on the other side of the Frankston–Flinders Road and two involved liquefied petroleum gas (LPG) tankers. At least five people were injured or trapped in those 12 incidents.

Since December 2000 there have been two four-car collisions involving at least one injury; one three-car collision involving two cars and a gas tanker, with one person being injured; and one single-car accident involving a vehicle going through the intersection and also ending up in the ditch opposite. As I said, the intersection is particularly hazardous. It carries a huge amount of heavy-vehicle traffic, principally LPG and petrol tankers, and also large volumes of steel trucks.

There is no doubt in the minds of local people that a death at the intersection is inevitable in the near future unless action is taken. I have asked the minister to meet me at the intersection so he can see its peculiar hazards. I have written to him and raised the matter in this house, but I have received no reply whatsoever. The minister has ignored me, and the local community is outraged over this issue. Again I plead with him to do something, particularly to meet me there so he can view — —

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

Food: industry investment

Mr ROBINSON (Mitcham) — I direct to the attention of the Minister for State and Regional Development a matter concerning the food industry in Victoria. I seek the minister's assistance in developing strategies to discourage inappropriate short-term investments in the food industry that are driven only by tax considerations.

Since the change of government I have had some exposure to the food industry through my position as parliamentary secretary. It is a terrific industry that is a huge generator of jobs and wealth for Victoria, especially in regional and rural areas. However, often investment at the lower end of the food industry is particularly difficult because it has to compete with other investments that automatically receive more publicity. That seems to create an environment in which the food industry attracts more than its fair share of fly-by-night operators.

An article in the *Age* of 21 May headed 'Warning on rural schemes', which cites research by Melbourne-headquartered investment monitor Agribusiness Research, shows that of 30 schemes reviewed on a scale of one to five stars, just 1 project had received a four-and-a-half star rating and 6 projects were awarded four stars. The article states:

> Fellow investment-ratings house van Eyk has reportedly concluded that, again, only a handful of almost 80 rural investment scheme prospectuses examined can be recommended as businesses worth investing in.

The article quotes van Eyk Capital managing director, David Marshall, as saying:

> I would say that half were verging towards the shonky in terms of totally unrealistic assumptions or inappropriate people managing them or the wrong site or lack of water.

The difficulties with these short-term, fly-by-night speculative developments are threefold. Firstly, they are a waste of valuable capital. Secondly, their failure rate builds up the premiums payable on future interest rates on food investments of this sort. Thirdly, when they spectacularly collapse, as they sometimes do, they can do enormous damage to small regional and rural communities.

I seek the minister's continuing leadership in ensuring that strategies are designed to discourage investments

that are driven solely by short-term taxation benefits to the detriment of those Victorians who invest their livelihoods in this important industry.

Swimming pools: fencing

Mr LUPTON (Knox) — I raise a matter for the attention of the Minister for Planning. On 5 October last year I raised a matter in a members statement concerning a child who drowned in a swimming pool after the gate to the swimming pool area was left open. A letter to me dated 17 November from the minister indicates that I had proposed that regulations be amended to make it an offence to leave a swimming pool gate open, and states:

> Your suggestion has been referred to Mr Tony Arnel, commissioner, Building Control Commission for consideration as part of this assessment process.

This referred to a working party that had been established to examine the matter. On 13 November I followed up with a letter to the minister, who again advised me:

> I have asked the working party to look at the practicality of a regulation making the leaving of pool and spa gates propped open an offence.

A letter I received from the Building Control Commission indicated that the commission was going to investigate the matter and get back to me. Despite repeated requests to try to find out what is happening, I have had no success in getting an answer from anybody. In the meantime a whole summer season has gone by and there has been no change to regulations about leaving open pool gates.

As late as 23 May this year staff at my office spoke to a lady at the commission to try to find out what the pool gate saga was. At the time I made a note that states 'It appears that the working party is made up of representatives from local government, kids, et cetera'.

The DEPUTY SPEAKER — Order! The honourable member has 1 minute and has to ask for action.

Mr LUPTON — With respect, Madam Deputy Speaker, I referred the matter to the Minister for Planning because nothing has happened. Already a summer season has passed during which nothing has been done. The matter has been referred to the Building Control Commission, yet I cannot get an answer from anybody. I am asking the minister to follow up again because this is beyond a joke! Basically the Building Control Commission has indicated to me that it will not get dragged into an argument as to whether or not it is against the law to prop open a pool gate. The commission claimed that it was a matter for lawyers to determine. I want an answer. This stinks! A whole summer season has gone past and the matter has not been resolved.

Edwardes Lake, Reservoir

Mr LEIGHTON (Preston) — I raise with the Minister for Environment and Conservation the polluted state of Edwardes Lake in Reservoir, which is in my electorate. I request that the minister support the action plan of the City of Darebin and assist with state government funding for work on the lake.

Edwardes Lake Park is a major community facility, with up to 150 000 visits a year. While the gardens are in a magnificent condition the lake is heavily polluted. Outbreaks of botulism have killed many birds, affected fish and proved to be a hazard to humans. The lake has been used by the local community since the late 1800s and the current weir was built by returned servicemen in 1919. There have been problems with the water quality of the lake for over 30 years. The problem occurs because of the stormwater run-off from a 40-square-kilometre area around the lake. What goes into the lake is not only litter but detergents, fertilisers and oil dropped by vehicles on the road, all of which ends up as sediment in the lake. The lake is in my electorate and within the local municipality, but I could say gently to several colleagues to the north that much of the pollution comes from their areas.

Action is required urgently. Some remedial work has been done in the past but a permanent solution is required. I congratulate the City of Darebin for working collaboratively with the Environment Protection Authority and Melbourne Water, and also for committing $1.25 million towards addressing the problem. However, I believe the state government also has a responsibility to assist, particularly because the stormwater run-off is a regional matter. I therefore call on the minister to support the council, especially through the Bracks government's Victorian Stormwater Action program. This is an issue both levels of government need to address if this facility is to be restored as a community asset, so that not only the park but also the lake can be enjoyed by the families who visit it.

Responses

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for

Seymour has written to me about and raised again tonight a matter dealing with the Nulla Vale Rural Fire Brigade, which has recently had a new fire station funded. I am delighted to see that the fire brigade is doing so well out of the strategic initiative that the government announced last year for the Country Fire Authority (CFA). As I understand it, the brigade is seeking a contribution for the construction of a meeting room to be attached to the new fire station. I know the honourable member for Seymour is a great supporter of the CFA. He has certainly not wasted any time in beating a path to my office in seeking to have the interests of CFA brigades in his electorate looked after.

It needs to be understood that the CFA is not just a fire brigade, it is a great community organisation. It is an essential part of the community, so the notion of the CFA station having a meeting room attached to it seems to make some sense. On that basis I am able to inform the honourable member for Seymour that the Nulla Vale Rural Fire Brigade will receive $8000 towards the construction of a community meeting room. Together with an in-kind commitment on the part of the local fire brigade, it will enable the facility to be completed, which will be of enormous benefit to that rural brigade. I congratulate the secretary, Roslyn Paterson, who is a tireless worker for that brigade, and particularly the honourable member for Seymour, who is an excellent representative on its behalf.

The honourable member for Wantirna wants a prison built in Bendigo, and he called for immediate action. He said he wants to save jobs in Bendigo. That is a novelty for members of the opposition because never were more jobs lost in Bendigo than during his party's seven years in office!

The 140-year-old Bendigo prison must be closed because it is an old and outdated facility. But in the process of the closure no jobs will be lost in the area: all the staff will be accommodated within the region. In fact, a new 75-bed facility is being built at the Loddon prison, 25 minutes down the road.

I must say I am a little perplexed, because the honourable member for Wantirna seems to be a little confused and certainly seems to be at loggerheads with his leader. The Leader of the Opposition is reported in the *Ararat Advertiser* of 19 May as having said that there was a sound case for closing the old Bendigo prison. Not only is the honourable member at odds with his leader, he is also at odds with what he has said. He is calling in the same edition of the *Ararat Advertiser* for a new prison to be constructed — not in Bendigo, but in Ararat!

I am absolutely flabbergasted. I find it perplexing that a party that, when in government, built 107 prison beds in the face of over 1000 additional entrants into the prison system, is suddenly promising 18 new prisons across the state!

A Government Member — How many?

Mr HAERMEYER — Eighteen! The Honourable Geoff Craige in another place says we should have prisons in Seymour, Kilmore and Broadford. The honourable member for Seymour might like to tell us whether the people of Seymour, Kilmore or Broadford want a prison in their midst. I wonder!

The honourable member for Warrnambool has joined the leader of the Liberal Party in calling for a prison in Mortlake, which is roundly condemned by members of the Mortlake community. They do not want a prison there! The Leader of the Opposition wants prisons in Hamilton, Portland and Heywood. The Leader of the National Party has called for prisons in Swan Hill and Yarram. Last year he was calling for prisons in Bendigo, Ballarat, Shepparton, the Latrobe Valley and Mildura! The honourable member for Benambra wants a new prison built in Beechworth to replace the old prison there. The Honourable Peter Hall in another place wants a prison somewhere in Gippsland, but not at Yarram. That is 18 new prisons!

Opposition members have to get their act together, because they are sending country communities on a wild-goose chase. The government is not going to build prisons on the basis of creating some wild-goose chase and setting in train some sort of lunatic bidding war, as occurred under the previous government. Honourable members will remember Bendigo having the promise of a prison dangled in front of it under the previous government. Did it get it? No, it did not. The former government had the opportunity, but did it put a prison in Bendigo? No, it did not.

The honourable member for Wantirna has also misled the house by saying I promised that the Bendigo prison would not be shut for 20 years. I would like him to get one person to sign a statutory declaration stating where that was ever said. Someone from the City of Greater Bendigo approached me at a community cabinet meeting last year and said they wanted the Bendigo prison shut. They wanted it shut! Perhaps the honourable member for Wantirna and the National Party, which also seems to be supporting a prison in Bendigo, might like to indicate in what suburb of Bendigo they would like to build it. Strathfieldsaye seems to be the obvious choice!

I find it amazing that honourable members opposite, who presided over the closure of 12 hospitals, 178 schools, 5 rail services and thousands of lost jobs in country Victoria while some $1 billion was being spent on monuments to the former Premier, suddenly come out with a rescue plan for country Victoria that calls for 18 prisons. Shame!

Mr Wells interjected.

The DEPUTY SPEAKER — Order! The honourable member for Wantirna!

Ms PIKE (Minister for Aged Care) — The honourable member for Gippsland East raised with me the very important issue of aged care in his community, and in particular the future of Jacaranda House, which is part of the Bairnsdale Regional Health Service. I had the opportunity of visiting Jacaranda House and looking at the facility. The honourable member is quite correct in identifying the need for significant work at that facility. It will certainly struggle to meet the accreditation standards set by the commonwealth until at least 2008.

Members of the local community told me how important that significant facility and aged care services are to them. They expressed disappointment that the previous government had privatised 100 nursing home beds which were an integral part of the ongoing viability of the Bairnsdale Regional Health Service. The beds were sold off and moved away. The community has been left with a service system that is not fully integrated or entirely comprehensive. Nevertheless, we are committed to working with them on the future of Jacaranda House.

The story of Jacaranda House is replicated across country Victoria. It is a story of chronic underinvestment and of years of neglect by the former Kennett government in not placing the priority on aged care that was demanded and required by the community. That priority is essential to ensure that the older and more vulnerable members of our community have the services they deserve. The implications of the former government's underinvestment are devastating to rural Victoria. As I travel around Victoria and see the parlous and appalling state that many of those facilities are in, I recognise the comprehensive task that lies ahead of the Bracks government. I share the sense of disappointment and abandonment those communities felt under the previous government.

Although we have been in government a short time, last year we put $47.5 million into upgrading aged care facilities across Victoria, and we put in another $44 million this year. The government is committed to working closely with communities, particularly in regional and rural Victoria.

Tomorrow I will meet with the department's Gippsland region manager who will be working closely with the Bairnsdale Regional Health Service on the future of Jacaranda House and who will begin the service planning process so that the members of that community can be assured of the services they need in the future.

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — The honourable member for Ripon raised issues about support for the wine industry and wine tourism. He highlighted the fantastic wineries across country and regional Victoria, particularly in his region in the Grampians and the Pyrenees, as well as other nearby regions such as Ballarat, et cetera.

The government recognises that the majority of tourists visiting country and regional Victoria are Melburnians, and it is keen to get interstate and international visitors into those regions. Often interstate and overseas visitors, and even Melburnians, are not aware of the great wineries in country and regional Victoria. They are aware of those in the close regions of the Yarra Valley and Mornington Peninsula, and they are aware of the larger companies, but they are not aware of the smaller family-owned and boutique wineries. The government recognises that private sector opportunities allow Victorians and visitors to have a wine experience par excellence by accessing a wide variety of wines from across the state.

I am pleased to announce that a fantastic opportunity has recently become available with a tenant at Federation Square. Andrew O'Brien has agreed to open the Victorian wine centre at Federation Square, which will be the busiest tourism attraction in Victoria with more than 6 million visitors passing through every year. It is obviously a wonderful opportunity for tenants. However, we are looking for special tenants. There is a lot of demand to lock away a tenancy but we are looking for something special to add to the uniqueness of Federation Square, which will feature the Australian Centre for the Moving Image, which does not exist anywhere else in Australia, and the gallery of Australian art, the Ian Potter Centre, which also does not exist elsewhere in Australia. The Victorian wine centre will have the largest range of any wine centre and bar in Australia, and probably in the world.

I am pleased to advise the honourable member that there are 250 different wines from across Victoria. They come from large, well-known wineries and from

small boutique wineries and from all the tourism regions across Victoria including great regions like Bendigo, the Mornington Peninsula, Sunbury, the Goulburn Valley and Rutherglen. There will be wines from all regions with their varying climates and soils, wines from the different grape varieties, and wines that range from the major labels to the smallest, artisan-inspired wineries. One could spend weeks in that place learning about the diversity of the wines.

It will be a fantastic selling point for Melburnians and interstate and overseas visitors to let them know about Victoria's wine diversity. It will help to give regional wine companies a bit of a leg up, with 6 million visitors to Federation Square each year. I hope some of the visitors to Andrew O'Brien's wine centre will also check out some of the wineries they do not know much about.

Victoria has 28 per cent of Australia's vineyards. It is the centre of wine tourism in Australia. It is recognised internationally as the wine capital of the world. I thank the honourable member for his interest in winery tourism and wine production. There is no doubt that this centre is excellent news not only for Federation Square but also for the Victorian wine industry.

Mr BATCHELOR (Minister for Transport) — The honourable member for Mornington raised with me the matter of the important Frankston–Flinders Road, Dandenong–Hastings Road and Denham Road intersection in Tyabb. Each of these roads has a series of different and competing complex strategic requirements made even more complicated by the juxtaposition of the Western Port industrial area and access to the other tourist and residential areas nearby.

The honourable member provided information about the number of truck movements and the potential and reality of incidents and accidents in the general area. As he said, he has previously raised this matter in the house, and Vicroads is currently investigating the issues of traffic movement and what needs to be done. When that work has been concluded I will get back to the honourable member for Mornington to see in what time frame it can be put into the budget priorities.

It is not a new intersection; it has been there for some time, and as a former Minister for Transport and having represented the area for some time, the honourable member would recognise that. Nevertheless I will take up the matter in the spirit in which the honourable member has put it forward. The intersection is obviously causing concern in his local area, and when Vicroads has concluded its report I will advise him of the outcome and how the government intends to respond to it.

The Leader of the National Party raised with me the issue of the Long Waterhole Bridge in Longford. It is about 5 kilometres south of the swing bridge that is currently being replaced by the construction of two new bridges over the Thomson and Latrobe rivers. The replacement of the swing bridge will cost about $14 million when the associated roadworks are taken into account. It is currently under contract to Thiess, which is proceeding with the project on site, and is due to finish in the middle of 2002.

In his contribution tonight and in the letter that he wrote to me today, which he also referred to in his contribution, the Leader of the National Party asked me to look at this issue and highlighted the logic of either folding in the replacement of the Long Waterhole Bridge with the current contractors, given that they are on site, or giving some early commitment to it being continued on after the current projects are concluded.

Obviously, this issue cannot be viewed in isolation or separate from the replacement of the swing bridge. The government understands the strategic importance of the Long Waterhole Bridge on the South Gippsland Highway, particularly in relation to the area and the traffic conditions that have been exacerbated over recent times because of the deteriorating nature of the bridge. Traffic lights have had to be put in place to limit the two-way movements of traffic on the bridge because of the deteriorating condition. It will necessitate some remedial work being done in the short term and also the continuation of the traffic lights for safety reasons.

There are two issues at stake: firstly, the short-term safety concerns, which are being addressed; and secondly, and more importantly, the longer term and more expensive decision that needs to be taken about the replacement of the bridge. Vicroads is looking at the matter. I suspect that the work will cost more than the $700 000 mentioned by the Leader of the National Party. However, the primary decision rests on the question of whether the bridge needs to be replaced in the short or long term. Given the conditions that have recently manifested themselves in the area — the need to carry out emergency repair works and the installation of traffic lights to reduce the load limit — the government will examine the matter with some urgency. I will get back to the Leader of the National Party and advise him of the outcome.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Preston

raised with me an issue in his electorate to do with Edwardes Lake Park and the condition of the water in the lake. Edwardes Lake is part of Melbourne's stormwater system. Every bit of pollutant, sediment, litter, detergent and fertiliser from a 40-kilometre radius washes into Edwardes Lake; it has done so for many years. At the same time, it remains a popular spot with wonderful gardens, a great recreational venue — —

An honourable member interjected.

Ms GARBUTT — It is, indeed. The park has become a community focal point. Unfortunately, over the past 30 years the water quality has deteriorated and over the past few years it has experienced significant problems with fish and wildlife kills. The lake cannot be used. A yacht club used to utilise it, but the club is no longer there. Obviously, no-one can swim in the lake. The poor condition of the lake has become a focus of community concern.

The honourable member for Preston has raised this issue with me consistently over recent months, as have councillors from the City of Darebin, whom I met last week to discuss what can be done about it. The council had applied for grants under the Environment Protection Authority (EPA) stormwater action program, which is a program that the government promised as part of its election commitments. The government has allocated $22.5 million to the program, which is about improving the quality of our waterways by improving stormwater drains. My department is committed to doing that. I am pleased to announce that the government has allocated from that program $250 000 to the City of Darebin to improve the quality of water coming into Edwardes Lake Park.

In addition, Melbourne Water, which also has responsibilities in this area, has allocated $180 000. Together with $70 000 contributed by the City of Darebin the value of the total project amounts to $500 000, which can be spent this year on reconstructing wetlands to the north of the lake on Edgars Creek, which will filter out sediment, pollutants and litter travelling into the lake.

I am also able to announce a second allocation of $22 000, under which the EPA will work with small local automotive companies along the Merri and Edgars creeks that feed into the lake. The program will provide information and on-site visits to those small firms to ensure that they improve their management practices and reduce their contributions to stormwater drains that flow into Victoria's waterways, Edwardes Park Lake and eventually into the Yarra River and the bays.

That considerable amount of money through two projects will help improve the water quality of Edwardes Park Lake. The intention is to improve the quality of water coming into the lake on a permanent basis so that when it next rains it will not deteriorate again. The programs are practical and will help improve the health of Victoria's waterways and the quality of urban life that is focused around this community asset in the City of Darebin.

Mr BRUMBY (Minister for State and Regional Development) — The honourable member for Mitcham raised with me an important matter concerning investment in the Victorian food industry. He highlighted the concerns that arise about fly-by-night investment schemes that are totally driven by tax avoidance and other ulterior motives and can sometimes damage small communities and often lead to other than commercial outcomes. He requested that I examine the matter.

I advise the honourable member that I will ask my department — the Department of State and Regional Development — to examine some proactive strategies through Food Victoria and in cooperation with existing forums such as Department of Natural Resources business forums to help strengthen the message against what could be termed snake-oil investments that clearly are designed to achieve little other than tax benefits.

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster!

Mr BRUMBY — I highlight the extraordinary growth in the Victorian food industry, particularly under the 20 months of the Bracks government being in power. Some of the new investments include Murray-Goulburn Cooperative Ltd in Koroit, $50 million; George Weston Foods in Altona, $10 million — —

Mr Mulder interjected.

The DEPUTY SPEAKER — Order! The honourable member for Polwarth shall cease interjecting.

Mr BRUMBY — King Valley Wines, $5 million in what is one of the — —

Mr Mulder interjected.

The DEPUTY SPEAKER — Order! The honourable member for Polwarth shall cease interjecting or leave the chamber.

Mr BRUMBY — That is an investment of $5 million in one of Victoria's outstanding wine-producing areas. Other investments are Flavorite Hydroponic Tomatoes, $1 million and 25 new jobs near Warragul — I visited there with the honourable member; Tatura Milk Industries, $35 million; Terra Harvest Foods near Dandenong, $25 million and 200 new jobs; National Foods at Wodonga, making soy milk, the first time it has been produced in Australia, $25 million and 48 new jobs; Wodonga Rendering, $5.5 million and 60 new jobs; the H. J. Heinz company's baby food centre of excellence at Echuca, $10 million of new investment and 85 new jobs; and Taranto's Ice Cream at Laverton, $6 million of new investment and 100 new jobs.

I was delighted recently to provide a grant of more than $3 million under the Regional Infrastructure Development Fund to bring water and power supplies to a huge investment by Olivecorp Land near Boort in north-central Victoria. This development of 500 hectares, the largest single olive development in Australia, will provide something like 600 jobs over the next five years. It also involves olive processing, which is better still, because it means bringing jobs to an area that has not seen this sort of job growth for many years, if not decades.

There is extraordinary investment in job growth in the food industry.

Honourable members interjecting.

Mr BRUMBY — Despite the interjections of honourable members opposite, the fact is that we are seeing record levels of investment in the food industry, as well as record levels of exports. They are great assets and attributes for the state, but we should be mindful, as the honourable member for Mitcham, the parliamentary secretary, has said, of fly-by-night schemes, which can be damaging and harmful to small country towns. I compliment the honourable member for Mitcham on his support of the food industry.

Mr Holding interjected.

The DEPUTY SPEAKER — Order! The honourable member for Springvale is out of his place, and I suggest that he cease interjecting.

Mr BRUMBY — In representing the interests of the food industry in country Victoria the honourable member visited Edenhope at the weekend and took time to go to the Edenhope racing track and look at the straight six facilities! That shows how in touch the Bracks government is. It is now the party of country Victoria.

Mr Mulder interjected.

The DEPUTY SPEAKER — Order! the honourable member for Polwarth has been warned already. I ask him to cease interjecting. I also warn the honourable member for Mordialloc.

Mr BRUMBY — I now turn to the issue raised by the honourable member for Doncaster regarding his disappointment that there were no latte machines in the foyer of 257 Collins Street.

Mr Perton — On a point of order, Madam Deputy Speaker, I believe the minister must be deaf tonight, because he is having problems hearing honourable members. The matter I raised concerns the Victorian government innovation centre, on the first floor of that building, which remains vacant after six months of tenancy. Perhaps you could ask the minister to refer his answer to that issue.

The DEPUTY SPEAKER — Order! There is no point of order.

Mr BRUMBY — The honourable member raised a number of matters. He referred to the government's technology commercialisation program, a $20 million initiative of the Bracks government over four years. In less than 12 months of operation the program has successfully supported 45 projects across the state. This is about innovation and turning good ideas into good businesses. It has achieved a private sector to public sector funding ratio of better than 20:1, and in the process has picked up in excess of $50 million of venture capital. In other words, in this area the Bracks government is doing what the Kennett government could never do.

The honourable member went on to make a clown of himself again by referring to Solectron Technology. That company closed its factory in Wangaratta for three reasons.

Mr Perton interjected.

Mr BRUMBY — You are making a fool of yourself again.

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The honourable members for Doncaster and Mordialloc are asked to cease interjecting when the Chair asks them to, and I ask members to assist in ensuring we can finish the adjournment debate shortly.

Mr BRUMBY — Solectron is a — —

Mr Mulder — On a point of relevance, Deputy Speaker, the only program the minister has failed to recognise is the Biostarch program in Camperdown. The whole program has his fingerprints right across it: the only program he has attempted to initiate, the program that fell over, the program he initiated in Parliament, was sold. No jobs were delivered — no jobs, nothing for the people of Camperdown — —

The DEPUTY SPEAKER — Order!

Mr Mulder — All the programs you announced are Kennett government programs!

The DEPUTY SPEAKER — Order! The behaviour of the honourable member for Polwarth is unacceptable. Earlier this evening I asked him to behave himself. I will call the Speaker.

Honourable members interjecting.

I have already called the Speaker so I cannot now take a point of order.

The SPEAKER — Order! I ask the Leader of the Opposition and the honourable member for Polwarth to take their seats.

The Deputy Speaker has reported to me that an incident has occurred in the chamber where the honourable member for Polwarth was being disrespectful to the Chair. I ask the honourable member for Polwarth to apologise for his behaviour.

Mr Mulder — I apologise, but I do not understand what the Deputy Speaker refers to as disrespectful behaviour because — —

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member to take his seat. I have on numerous occasions indicated to the house my expectation that when the Speaker or the Chair is on their feet the house will remain silent until the Speaker or the Chair concludes. It was an offence of that nature that occurred while the Deputy Speaker was in the chair. The honourable member for Polwarth refused to sit and allow the Chair to conclude. I ask him to apologise.

Mr Mulder — I was looking across the house to the minister at the table at the time.

Honourable members interjecting.

Mr Mulder — I withdraw. I apologise.

The SPEAKER — Order! I ask the honourable member to withdraw unequivocally, otherwise the Chair will deal with him.

Mr Mulder — I withdraw.

The SPEAKER — Order! I thank the honourable member for Polwarth. The matter is resolved.

Mr BRUMBY — The honourable member for Knox raised a matter for the Minister for Planning. I will refer that matter to the Minister for Planning.

The SPEAKER — Order! The house stands adjourned.

House adjourned 11.10 p.m.